



**INFORMATION AND PRIVACY SECURITY COUNCIL**

**ANNUAL SUMMARY REPORT**

**DECEMBER 29, 2016**

**SUBMITTED TO**

**THE TWENTY-NINTH STATE LEGISLATURE**

## **Information Privacy and Security Council Annual Summary Report**

The Information Privacy and Security Council (IPSC) submits the following summary report on the existence and character of government agencies' personal information (PI) systems, pursuant to Hawai'i Revised Statutes (HRS) section 487N-5(d).

The IPSC has received the individual annual reports submitted by government agencies, pursuant to section 487N-7, and enclosed are the council's findings, significant trends, and recommendations to protect PI used by government agencies.

### **Compliance**

Any government agency that maintains one or more personal information systems is required under HRS section 487N-7 to submit to the IPSC an annual report on the existence and character of each PI system added or eliminated since the agency's previous annual report. A summary of the compliance of State and county government agencies is contained in Exhibit A.

The summary notes the status of each agency privacy designee as well as whether the agency has:

- Submitted Confirmation to IPSC that Agency Does Maintain PI System(s);
- Submitted Confirmation to IPSC that Agency Does Not Maintain PI Systems; or
- Did Not Submit PI Report Confirmation

The IPSC has invested significant time and effort in outreach to facilitate awareness of the law and compliance. On Aug. 25, 2016, a memorandum was distributed by the IPSC chair to all agency privacy designees on file and copied to jurisdictional leadership. The IPSC also leveraged the representative makeup of the council to enhance outreach to the counties, and email and phone correspondence was utilized as needed.

In addition, State executive branch agencies for the first time could submit their reports "paperless" through the IPSC's new secure online form. Initially, this option was only available to agencies on the executive branch Active Directory (AD), which includes most departments except the Department of Education, Department of Taxation, University of Hawai'i, and some attached agencies. Seven agencies reported on 12 systems through this online option.

It is the IPSC's intent to make the online form available to all departments and jurisdictions in 2017. In the meantime, other agencies submitted their reports as usual via email or U.S. Postal Service.

The rate of reporting has significantly improved since the passage of Act 10 of 2008, which established the reporting requirement. In addition, the continued reporting of agencies that "no longer maintain PI systems" is encouraging, as it reduces overall risk.

The IPSC received confirmation from a total of **96** agencies that maintain PI systems. This year, **31** agencies notified the council that they no longer maintain PI systems.

### **Significant Trends**

Overall, IPSC has observed a low rate of breaches among State and county agencies in recent years. No State or local government agencies within Hawai'i reported security breaches involving 1,000 or more Hawai'i residents. Agencies are required to report breaches at or above this threshold to the Department of Commerce and Consumer Affairs' Office of Consumer Protection (OCP), pursuant to HRS section 487N-2(f).

Last year, the IPSC recommended to OCP the posting on a central website information about breaches available to potentially impacted individuals who may not be easily reached due to change of address or other reasons. OCP had confirmed that individuals typically check with OCP or the entity involved, and counties, if contacted, tend to refer inquires to OCP.

The IPSC acknowledges OCP's quick action is posting its "Security Breach Notices" website last January. The site categorizes security breaches by type (in order of frequency): Hackers/Unauthorized Access; Stolen Laptops, Computers & Equipment; Release/Display of Information; Data Theft by Employee or Contractor; Lost in Transit; and Phishing. OCP continues to maintain this website at: <http://cca.hawaii.gov/ocp/security-breach-notice/>

Likewise, the IPSC continues to maintain on its website ([ipsc.hawaii.gov](http://ipsc.hawaii.gov)) various documents that provide guidelines for agencies to use toward minimizing security breaches, protecting personal data, and securely using portable devices.

### **Recommendations to Protect PI Used by Government Agencies**

In its June 2016 meeting, the IPSC formed a permitted interaction group to provide recommendations on guidelines for media sanitation with regard to HRS section 52D-14, Duty and Right of Finders. The current statute does not appear to address electronic devices and the personally identifiable information (PII) they may contain. Instead, it requires law enforcement to provide any unclaimed property to the finder if the owner has not been located.

Given that cell phones, computers and other such devices may contain PII, in order to protect that data the statute should be modified to require such unclaimed property to be destroyed in accordance with media sanitization guidelines in National Institute of Standards and Technology Special Publication 800-88.

The IPSC recommends the following amendments to HRS sections 52D-14 and related statutes:

**[INSERT AMENDMENTS, IF APPROVED BY IPSC AT DECEMBER MEETING]**

# Exhibit A

[ATTACH FINAL STATUS OF STATE AND COUNTY AGENCY PI SYSTEM ANNUAL REPORT SUBMISSIONS]

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Information Privacy and Security Council, State of Hawaii  
Annual Summary Report (2016)

	Department/Division/Board/Commission/Office	Br/Dept/County	Agency Privacy Designee Status	Maintains PI System(s)		
				Submitted Confirmation to IPSC that Agency Does Maintain PI System(s)	Submitted Confirmation to IPSC that Agency Does Not Maintain PI Systems	Did Not Submit PI Report Confirmation to IPSC
<b>Legislative Branch</b>						
	The Senate	LEG	Compliant	Compliant		
	The House of Representatives	LEG	Compliant	Compliant		
	Apportionment Advisory Councils	LEG		Inactive		
<b>Legislative Service Agencies</b>						
	Office of the Auditor	AUD	Compliant	Compliant		
	Hawai'i State Ethics Commission	AUD	Compliant	Compliant		
	Legislative Reference Bureau	LEG	Compliant	Compliant		
	Ombudsman	LEG	Not Compliant			Not Compliant
<b>Executive Branch</b>						
	Office of the Governor	Gov	Compliant		Compliant	
	Office of the Lieutenant Governor	Lt. Gov	Compliant	Compliant		
	Department of Accounting and General Services	DAGS	Compliant	Compliant		
	Department of Agriculture	DOA	Compliant	Compliant		
	Department of the Attorney General	AG	Compliant	Compliant		
	Department of Budget and Finance	B&F	Compliant	Compliant		
	Department of Business, Economic Development and Tourism	DBEDT	Compliant	Compliant		
	Hawaii Housing Finance and Development Corporation	HHFDC	Compliant	Compliant		
	Department of Commerce and Consumer Affairs	DCCA	Compliant	Compliant		
	Department of Defense	DOD	Compliant			Not Compliant
	Department of Education	DOE	Compliant	Compliant		
	State Public Charter School Commission	DOE	Compliant	Compliant		
	Hawaii Teacher Standards Board	DOE	Compliant	Compliant		
	Department of Hawaiian Home Lands	DHHL	Compliant	Compliant		
	Department of Health	DOH	Compliant	Compliant		
	Executive Office on Aging		Compliant	Compliant		
	Department of Human Resources Development	DHRD	Compliant	Compliant		
	Department of Human Services	DHS	Compliant	Compliant		
	Department of Labor and Industrial Relations	DLIR	Compliant	Compliant		
	Department of Land and Natural Resources	DLNR	Compliant	Compliant		
	Department of Public Safety	PSD	Compliant	Compliant		
	Department of Taxation	TAX	Compliant	Compliant		
	Department of Transportation	DOT	Compliant		Compliant	
	Oahu Metropolitan Planning Organization	OahuMPO	Compliant	Compliant		
	University of Hawaii	UH	Compliant	Compliant		
<b>Judicial Branch</b>						
	Office of Hawaiian Affairs	OHA	Compliant	Compliant		
<b>Other</b>						
	Hawaii Council for the Humanities		Not Compliant			Not Compliant

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Department of the Prosecuting Attorney	CC HON	Compliant	Compliant		
<b>Legislative</b>					
City Council	CC HON	Compliant	Compliant		
City Clerk	CC HON	Compliant	Compliant		
Office of Council Services	CC HON	Compliant	Compliant		
Office of the City Auditor	CC HON	Compliant	Compliant		
<b>Executive</b>					
Mayor	CC HON	Compliant		Compliant	
Board of Water Supply	CC HON	Compliant	Compliant	Compliant	
Department of the Corporation Counsel	CC HON	Compliant	Compliant		
Department of Budget and Fiscal Services	CC HON	Compliant	Compliant		
Liquor Commission	CC HON	Compliant	Compliant		
Department of Community Services	CC HON	Compliant	Compliant		
Department of Customer Services	CC HON	Compliant	Compliant		
Department of Design and Construction	CC HON	Compliant		Compliant	
Department of Emergency Management	CC HON	Compliant	Compliant		
Honolulu Emergency Services Department	CC HON	Compliant			
Department of Enterprise Services	CC HON	Compliant	Compliant		
Department of Environmental Services	CC HON	Compliant	Compliant		
Ethics Commission	CC HON	Compliant	Compliant		
Department of Facility Maintenance	CC HON	Compliant	Compliant		
Honolulu Fire Department	CC HON	Compliant	Compliant		
Department of Human Resources	CC HON	Compliant	Compliant		
Department of Information Technology	CC HON	Compliant	Compliant		
Department of the Medical Examiner	CC HON	Compliant	Compliant		
Department of Parks and Recreation	CC HON	Compliant	Compliant		
Department of Planning and Permitting	CC HON	Compliant	Compliant		
Honolulu Police Department	CC HON	Compliant			Not Compliant
Department of Transportation Services	CC HON	Compliant	Compliant		
Royal Hawaiian Band	CC HON	Compliant			Not Compliant
Mayor's Office of Culture and the Arts (MOCA)	CC HON				Not Compliant
Managing Director's Office	CC HON	Compliant		Compliant	
Neighborhood Commission Office	CC HON	Compliant			Not Compliant
Honolulu Authority for Rapid Transit	CC HON	Compliant	Compliant		

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Prosecuting Attorney – Committee on the Status of Women	Hawaii	Compliant		Compliant	
<b>Legislative</b>					
Hawaii County Council and Office of the County Clerk	Hawaii	Compliant	Compliant		
County of Hawaii Charter Commission	Hawaii	INACTIVE			
County of Hawaii Redistricting Commission	Hawaii	INACTIVE			
Office of the Legislative Auditor	Hawaii	Compliant	Compliant		
<b>Executive</b>					
Office of the Mayor/Managing Director	Hawaii	Compliant	Compliant		
Office of Aging - Committee on People with Disabilities	Hawaii	Compliant		Compliant	
Office of Aging - Committee on Aging	Hawaii	Compliant		Compliant	
Civil Defense Agency	Hawaii	Not Compliant			Not Compliant
Office of Corporation Counsel	Hawaii	Compliant	Compliant		
Department of Environmental Management	Hawaii	Compliant	Compliant		
Environmental Management Commission	Hawaii	Compliant		Compliant	
Department of Finance	Hawaii	Compliant	Compliant		
Standardization Committee	Hawaii	Compliant		Compliant	
Real Property Tax Board of Review	Hawaii	Compliant		Compliant	
Pension Board	Hawaii	Compliant		Compliant	
Public Access, Open Space and Natural Resources Preservation Commission	Hawaii	Compliant			Not Compliant
Fire Department	Hawaii	Compliant	Compliant		
Fire Commission	Hawaii	Compliant		Compliant	
Office of Housing & Community Development	Hawaii	Compliant			Not Compliant
Hawaii County Housing Agency	Hawaii	Compliant			Not Compliant
Workforce Investment Board	Hawaii	Compliant			Not Compliant
Department of Human Resources	Hawaii	Compliant	Compliant		
Merit Appeals Board	Hawaii	Compliant		Compliant	
Salary Commission	Hawaii	Compliant		Compliant	
Department of Liquor Control - Investigators	Hawaii	Compliant	Compliant		
Department of Liquor Control - Licensee Files	Hawaii	Compliant	Compliant		
Department of Liquor Control - Personnel Files	Hawaii	Compliant	Compliant		
Liquor Commission	Hawaii	Compliant			Not Compliant
Liquor Control Adjudication Board	Hawaii	Compliant			Not Compliant
Mass Transit Agency / Transportation Commission	Hawaii	Compliant	Compliant		
Department of Parks and Recreation (multiple agencies)	Hawaii	Compliant	Compliant		
Veterans Advisory Committee	Hawaii	Not Compliant			Not Compliant
Department of Planning	Hawaii	Compliant	Compliant		
Planning Commission	Hawaii	Compliant			Not Compliant
Board of Appeals	Hawaii	Compliant			Not Compliant
Kailua Village Design Commission	Hawaii	Compliant			Not Compliant
Police Department	Hawaii	Compliant	Compliant		
Police Commission	Hawaii	Compliant		Compliant	
Department of Public Works (multiple systems)	Hawaii	Compliant	Compliant		
Department of Research and Development - Commissions	Hawaii	Compliant	Compliant		
Department of Research and Development - Personnel	Hawaii	Compliant	Compliant		
Agriculture Commission	Hawaii	Compliant	Compliant		
Energy Commission	Hawaii	Compliant	Compliant		
Department of Water Supply	Hawaii	Compliant	Compliant		
Department of Public Works - Traffic Division	Hawaii	Compliant	Compliant		

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County Council	Maui	Not Compliant			Not Compliant
Office of the County Clerk	Maui	Not Compliant			Not Compliant
Office of Council Services	Maui	Not Compliant			Not Compliant
<b>Executive</b>					
Mayor's Office					
Committee on the Status of Women	Maui	Compliant			Not Compliant
Cost of Government Commission	Maui	Compliant			Not Compliant
Kula Agricultural Park Committee	Maui	Compliant			Not Compliant
Salary Commission	Maui	Compliant			Not Compliant
Civil Defense Agency	Maui	Compliant			Not Compliant
Department of Management/Managing Director	Maui	Compliant			Not Compliant
Department of the Corporation Counsel	Maui	Compliant			Not Compliant
Board of Ethics	Maui	Compliant			Not Compliant
Charter Commission	Maui	Compliant			Not Compliant
Department of Finance - Real Property Ta270- Review Board	Maui	Compliant		Compliant	
Department of Public Works	Maui	Compliant			Not Compliant
Board of Code Appeals	Maui	Compliant			Not Compliant
Commission on Naming Streets, Parks, & Facilities	Maui	Compliant			Not Compliant
Maui County Outdoor Lighting Standards Committee	Maui	Compliant			Not Compliant
Subdivision Engineering Standards Committee	Maui	Compliant			Not Compliant
Traffic Safety Council	Maui	Compliant			Not Compliant
Department of Parks and Recreation	Maui	Not Compliant			Not Compliant
Maui County Arborist Committee	Maui	Not Compliant			Not Compliant
Department of Fire and Public Safety	Maui	Compliant			Not Compliant
Fire & Public Safety Commission	Maui	Compliant			Not Compliant
Department of Planning	Maui	Not Compliant			Not Compliant
Board of Variances and Appeals	Maui	Not Compliant			Not Compliant
Cultural Resources Commission	Maui	Not Compliant			Not Compliant
Hana Advisory Committee to Maui Planning Commission	Maui	Not Compliant			Not Compliant
Maui Redevelopment Agency	Maui	Not Compliant			Not Compliant
Maui Planning Commission	Maui	Not Compliant			Not Compliant
Lanai Planning Commission	Maui	Not Compliant			Not Compliant
Molokai Planning Commission	Maui	Not Compliant			Not Compliant
Urban Design Review Board	Maui	Not Compliant			Not Compliant
Department of Personnel Services	Maui	Compliant	Compliant		
Affirmative Action Advisory Council	Maui	Compliant			Not Compliant
Civil Service Commission	Maui	Compliant			Not Compliant
Department of Housing and Human Concerns	Maui	Compliant			Not Compliant
Animal Control Board	Maui	Compliant			Not Compliant
Commission on Children & Youth	Maui	Compliant			Not Compliant
Commission on Culture and the Arts	Maui	Compliant			Not Compliant
Commission on Persons with Disabilities	Maui	Compliant			Not Compliant
Council on Aging	Maui	Compliant			Not Compliant
Grants Review Committee	Maui	Compliant			Not Compliant
Department of Water Supply	Maui	Compliant			Not Compliant
Board of Water Supply	Maui	Compliant			Not Compliant
Department of Police	Maui	Compliant			Not Compliant
Police Commission	Maui	Compliant			Not Compliant
Department of Liquor Control	Maui	Compliant			Not Compliant
Liquor Control Adjudication Board	Maui	Compliant			Not Compliant
Liquor Control Commission	Maui	Compliant			Not Compliant
Department of the Prosecuting Attorney	Maui	Compliant			Not Compliant
Department of Transportation	Maui	Compliant			Not Compliant
Department of Environmental Management	Maui	Compliant			Not Compliant
Solid Waste Research & Advisory Committee	Maui	Compliant			Not Compliant



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County Council	Kauai	Compliant	Compliant		
County Clerk	Kauai	Compliant	Compliant		
<b>Executive</b>					
Mayor	Kauai	Compliant	Compliant		
Office of Boards & Commissions	Kauai	Compliant		Compliant	
Board of Ethics	Kauai	Compliant		Compliant	
Charter Commission	Kauai	Compliant		Compliant	
Cost Control Commission	Kauai	Compliant		Compliant	
Fire Commission	Kauai	Compliant		Compliant	
Police Commission	Kauai	Compliant		Compliant	
Salary Commission	Kauai	Compliant		Compliant	
Agency on Elderly Affairs	Kauai	Compliant	Compliant		
Agency on Housing	Kauai	Compliant	Compliant		
Agency on Transportation	Kauai	Compliant	Compliant		
ADA Coordinator	Kauai	Compliant		Compliant	
Civil Defense Agency	Kauai	Compliant	Compliant		
Office of Economic Development	Kauai	Compliant	Compliant		
County Attorney	Kauai	Compliant	Compliant		
Department of Finance	Kauai	Compliant	Compliant		
Department of Liquor Control	Kauai	Compliant	Compliant		
Liquor Control Commission	Kauai	Compliant	Compliant		
Department of Parks and Recreation	Kauai	Compliant	Compliant		
Department of Human Resources	Kauai	Compliant	Compliant		
Civil Service Commission/Merit Appeals Board	Kauai	Compliant		Compliant	
Police Department	Kauai	Compliant	Compliant		
Department of the Prosecuting Attorney	Kauai	Compliant	Compliant		
Department of Public Works	Kauai	Compliant	Compliant		
Department of Water	Kauai	Compliant	Compliant		
Board of Water Supply	Kauai	Compliant		Compliant	
Fire Department	Kauai	Compliant	Compliant		
Planning Department	Kauai	Compliant	Compliant		
Planning Commission	Kauai	Compliant		Compliant	
Kauai Historic Preservation Review Commission	Kauai	Compliant		Compliant	
Public Access, Open Space & Natural Resources Preservation Fund Commission	Kauai	Compliant		Compliant	