



**Information Privacy and Security Council
Meeting Minutes
February 15, 2017**

Kalanimoku Bldg.
Basement VCC
1151 Punchbowl St.
Honolulu, HI 96813

Wailuku State Office Bldg.
Third Floor VCC
54 South High St.
Wailuku, HI 96793

Lihu'e State Office Bldg.
Basement VCC
3060 'Eiwa St.
Lihu'e, HI 96766

Hilo State Office Bldg.
Basement VCC
75 Aupuni St.
Hilo, HI 96720

MEMBERS / DESIGNEES PRESENT	
Member Name	Department
Hoang, Vincent (Designee; Acting Chair)	Office of Enterprise Technology Services (ETS)
Ho, Keith (Designee)	City and County of Honolulu
Ito, Jody (Designee)	University of Hawai'i
Keane, David	Department of Human Resources Development (DHRD)
Swanson, Mandi (Designee)	County of Kaua'i
Tachikawa, Joanne	Department of Education
Tungol, Wilfredo (Designee)	Department of Health
Tong, Lisa (Designee)	Department of Commerce and Consumer Affairs (DCCA)
Yong, Lim	Department of Human Services

MEMBERS ABSENT / NOT REPRESENTED	
Member Name	Department
Sherman, Karen	County of Maui
Taniguchi, Carol	Legislature
Thornton, Kevin	Judiciary
Ung, Jules	County of Hawai'i

MEMBERS OF THE PUBLIC OR INVITED STAFF	
Name	Department
DeMello, Keith	ETS

I. Call to Order

On behalf of Chair Nacapuy, Member Designee Vince Hoang, ETS Chief Information Security Officer, called the February 2017 meeting of the Information Privacy and Security Council (IPSC) to order at 1:13 p.m. Quorum was established with nine members/designees present.

All in attendance introduced themselves. It was noted that Chair Todd Nacapuy has designated Mr. Hoang as his designee, effective January 18, 2017.

II. Review and Approval of Previous Meeting Minutes

Member Yong moved for the IPSC to approve the December 21, 2016, meeting minutes, and Member Keane seconded the motion. The IPSC adopted the minutes by unanimous consent.

III. Public Testimony on Agenda Items

None.

IV. Guidelines Addressing Found Media Sanitation

The council discussed the recommendations regarding found media sanitation in the IPSC's 2016 Annual Summary Report to the Legislature (available at <http://ipsc.hawaii.gov>).

Under HRS section 487N-5(d), the IPSC's report was submitted on December 29, 2016, and included recommendations for amending HRS sections 52D-14 and 261-17.7, subject to review by the Attorney General's (AG) office. The statutes currently do not appear to address electronic devices and the information they may contain, and the IPSC's recommendation was to amend the statutes to allow for unclaimed property to first be sanitized and/or destroyed in accordance with national standards. However, the AG's office found that including a specific reference to the National Institute of Standards and Technology (NIST) could be an inappropriate delegation of the Legislature's authority if placed into law.

Member Yong moved to replace the reference to NIST standards guidelines with guidance provided by the IPSC. Member Designee Tong seconded the motion.

In discussion, council members arrived at a consensus on the following proposed amendments to HRS sections 52D-14 and 261-17.7:

[§52D-14] Duty and right of finders. (a) Except as provided in section 261-17.7, all money or property found shall be reported or delivered by the finder to the chief of police of the county. When so delivered, it shall be held by the chief of police for forty-five days or until claimed by some person who establishes title or right of custody thereto to the satisfaction of the chief of police. If title or right of custody is established, the money or property shall be delivered to the claimant by the chief of police.

(b) If no claim is made or no such right is established within the forty-five days, the money or property shall be returned to the person who delivered it to the chief of police, except as provided in subsection (c); provided that if the person who delivered it to the chief of police fails to claim the money or property within thirty days after being notified by the chief of police that the person is entitled to possession, the chief of police shall dispose of the money or property in accordance with the procedures established in section 52D-10. For the purpose of this section, notice by regular mail to the person's last known address shall be sufficient.

(c) Prior to being returned to the finder, an electronic device that allows for storage of personal information, as defined by section 487N-1, shall be sanitized in accordance with guidance provided by the information and privacy security council to ensure removal of personal information prior to returning the device to the finder. If removal of personal information is not possible or cannot be verified without unreasonable expense, the device shall be destroyed in a manner sufficient to eliminate the information, prior to disposal or recycling. The chief of police shall notify the finder that the device was destroyed and disposed of or recycled because personal information could not be removed.

§261-17.7 Lost and found money or property at airports. (a) All money or property found at an airport owned or controlled by the department shall be reported or delivered by the finder to the airport lost and found, and when so delivered shall be held by the department for forty-five days or until claimed by some person who establishes title or right of custody thereto to the satisfaction of the department. In the event of the establishment of title or right of custody, the money or property shall be delivered to the claimant by the director or the director's agent. If within forty-five days no claimant establishes a right to the money or property, the money or property, except as provided in subsection (d) with regard to electronic devices, shall be returned to the person who

delivered it to the airport lost and found; provided that if the person who delivered it to the airport lost and found fails to claim the money or property within thirty days after being notified by the director, the director shall deposit the money into the state treasury to the credit of the airport revenue fund or shall dispose of the property by public auction.

(b) At least once annually, the director shall give public notice giving details as to time and place of the auction and giving notice to all persons interested or claiming the property that unless claims are made by persons who can provide satisfactory proof of ownership before a specified date, the property will be sold at public auction to the highest bidder. On the day and at the place specified in the notice, all property for which no satisfactory proof of ownership is made shall be sold by auction by or under the direction of the director.

If any property which is of a perishable nature or unreasonably expensive to keep or safeguard remains unclaimed at the airport, the director may sell that property at public auction, at a time and after notice that is reasonable under the circumstances. The director shall immediately after the sale of any property pay to the airport revenue fund all moneys received by the director upon sale.

(c) For the purpose of this section, notice by regular mail to the last known address of the person who delivered the money or property to the airport lost and found shall be deemed sufficient.

(d) Prior to disposal of the property by public auction or other means, an electronic device that allows for storage of personal information, as defined by section 487N-1, shall be sanitized by the director or the director's agent in accordance with guidance provided by the information and privacy security council to ensure removal of personal information prior to returning the device to the finder. If removal of personal information is not possible or cannot be verified without unreasonable expense, the device shall be destroyed in a manner sufficient to eliminate the information, prior to disposal or recycling. The director or the director's agent shall notify the finder that the device was destroyed and disposed of or recycled because personal information could not be removed.

The motion passed with eight members voting aye and Member Designee Tong abstaining.

V. Internal Handling of Employee Personally Identifiable Information (PII)

The council reviewed the draft memorandum to the Department of Human Resources Development, attached to the agenda, to convey the recommendations of the IPSC regarding the internal handling of PII by government agencies.

Member Yong moved to approve the memo for transmission to the DHRD Director, and Member Keane seconded the motion. In discussion, members amended the draft language to:

- emphasize that the memo addresses hard-copy documents only, as an IPSC Permitted Interaction Group continues to deliberate on the matter of PII contained on electronic devices; and
- add that the IPSC council includes representatives of the Departments of Health and Human Services.

The motion passed unanimously.

VI. Status Update from the Permitted Interaction Group on the Handling PII on Mobile Devices

It was reported that the Permitted Interaction Group held an initial meeting on February 6, 2017, and continues to deliberate on the matter. A report will be provided at a future meeting.

VII. Good of the Order

The next IPSC meeting is scheduled on Wednesday, March 15, 2017, 1 p.m.

VII. Adjournment

Member Designee Ito moved to adjourn, and Member Yong seconded the motion. The motion passed unanimously, and the meeting adjourned at 1:44 p.m.

Respectfully Submitted,



Mar 15, 2017

Date

Keith A. DeMello
Senior Communications Manager
Office of Enterprise Technology Services
State of Hawai'i