



**Information Privacy and Security Council
Meeting Minutes
August 16, 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	Jurisdiction/Department/Agency
Hoang, Vincent (Designee; Acting Chair)	Office of Enterprise Technology Services (ETS)
Ito, Jodi (Designee)	University of Hawai'i
Keane, David	Department of Human Resources Development
Norman, Nyree	County of Kaua'i
Park-Yamaha, Brandon (Designee)	Department of Health (DOH)
Sherman, Karen	County of Maui
Takeshita, Brian (Designee)	Legislature
Thornton, Kevin	Judiciary
Tong, Lisa (Designee)	Department of Commerce and Consumer Affairs
Ung, Jules	County of Hawai'i
Yong, Lim	Department of Human Services

MEMBERS ABSENT / NOT REPRESENTED	
Member Name	Jurisdiction/Department/Agency
Chee, Jonathan	Department of Education
Wong, Mark	City and County of Honolulu

MEMBERS OF THE PUBLIC OR INVITED STAFF	
Name	Affiliation
DeMello, Keith	ETS
Kunimoto, Valri	Department of the Attorney General
McCanlies, Kelly	Hawaiian Electric
Wong, Landon	Hawai'i Public Policy Advocates LLP

I. Call to Order

Acting Chair Hoang called the meeting of the Information Privacy and Security Council (IPSC) to order at 1:03 p.m. Quorum was established with eleven members/designees present.

Notice was received prior to the meeting that DOH Program Specialist Brandon Park will represent the department as its IPSC member designee (replacing Wilfred Tungol), with DOH Privacy Officer Gino Merez continuing to serve as DOH's primary member.

II. Review and Approval of Previous Meeting Minutes

Member Yong moved for the IPSC to approve the July 2017 meeting minutes, and Member Thornton seconded the motion. In discussion, it was noted that Member Ito's first name should be corrected. The IPSC adopted the minutes, as amended, by unanimous consent.

III. Public Testimony on Agenda Items

None.

IV. Status Report on the Collection of State and County Agencies' Submission of Personal Information (PI) System Annual Reports, Pursuant to Section 487N-7, Hawai'i Revised Statutes (HRS)

Member Keane moved for the IPSC to approve the draft memorandum to agency privacy designees and the draft Privacy Impact Assessment (PIA) form, and Member Tong seconded the motion. In discussion, it was noted the draft memorandum should be amended to reflect updates to the titles of Members Merez (Privacy Officer) and Yong (Compliance Manager). The memo was approved, as amended, and the PIA form was approved, without amendments, by unanimous consent.

In summary, any government agency that maintains one or more PI systems must 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. Agencies may choose to submit reports in a format of their choosing as long as reports contained all required elements, but the IPSC provides the PIA form as a courtesy. The PIA form not only fulfills agencies' reporting requirement, it also has been aligned with federal terminology and requirements, and facilitates the IPSC's review of the submitted reports so that the council may more effectively and efficiently identify significant trends and develop recommendations to protect PI maintained by government agencies. In addition, for the first time, all agencies this year may use a "paperless" version of the PIA form this year.

ETS will distribute the memo before the end of the month so that agency privacy designees have at least one month's reminder of the annual reporting deadline of September 30. The PIA form (online and fillable PDF versions) are accessible on the IPSC website (ipsc.hawaii.gov).

V. Status Report on the Department of Public Safety (PSD) Hawai'i Correctional Industries' Digital Scanning and Archival Services

The PSD Hawai'i Correctional Industries in 2017 launched a program providing digital scanning and archival services. Information about the program is available at:
<http://hawaiiici.org/Site/catalogs/scanning/scanning.htm>

As previously reported, ETS has received a preliminary briefing from the department affirming that processes are in place to safeguard information. A follow-up site visit is being scheduled to provide an opportunity to evaluate those processes. Member Keane expressed interest in participating.

VI. Status Report on the European Union General Data Protection Regulation

This item is on the agenda to provide the opportunity to discuss the GDPR, a regulation by which the European Parliament, the Council of the European Union, and the European Commission intend to strengthen and unify data protection for all individuals within the European Union. The GDPR also addresses the export of personal data outside the EU. It goes into effect May 25, 2018. More information is available at: <http://www.eugdpr.org>

No significant updates were reported. ETS will continue to monitor the issue and forward developments to IPSC members.

VII. Relating to the Duty and Right of Finders

In preparation for the 2018 legislative session, IPSC members reviewed its previously approved recommendations for amending HRS sections 52D-14 and 261-17.7, statutes that currently do not appear to address electronic devices and the information they may contain. The purpose of the amendments is to allow for unclaimed property to first be sanitized and/or destroyed in accordance with guidance provided by the IPSC. The amendment recommendations were approved by the IPSC in its February 2017 meeting, subject to review by the Attorney General's (AG) office.

The intent is for the IPSC to post on its website National Institute of Standards and Technology (NIST) Special Publication 800-88 as guidance to agencies for sanitizing and/or destroying devices. Member

Sherman stated that it is important for the IPSC to provide clear guidance, rather than leaving “shall be sanitized” up to interpretation. (Note: Alternatively, including a specific reference to the federal NIST publication directly in statute would be an inappropriate delegation of authority.)

Since there were no further updates to the recommended amendments by the IPSC, the recommendation stands for ETS to submit the amendments in the form of a legislative proposal for consideration as part of the governor’s legislative package.

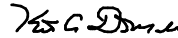
VIII. Good of the Order

Next Meeting Date: Wednesday, September 20, 2017, 1 p.m. It was noted that the VCC is scheduled for renovations later in year, which may require an alternative meeting venue. Should this be necessary, an alternative venue will be announced in conjunction with filing of meeting agendas.

IX. Adjournment

Member Thornton moved to adjourn, and Member Designee Ito seconded the motion. The motion passed unanimously, and the meeting adjourned at 1:25 p.m.

Respectfully Submitted,



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

Oct 12, 2017

Date