



**Information Privacy and Security Council (IPSC)
Meeting Minutes - DRAFT
December 18, 2019**

Videoconference Centers (VCC)

Kalanimoku Bldg., 1151 Punchbowl St., Basement B-10, Honolulu, HI 96813
 Hilo State Office Bldg., 75 Aupuni St., Basement, Hilo, HI 96720
 Wailuku State Office Bldg., 54 S. High St., 3rd Flr., Wailuku, HI 96793
 Lihue State Office Bldg., 3060 Eiwa St., Basement, Lihue, HI 96766

Members Present

Vince Hoang, Acting Chair	Office of Enterprise Technology Services (ETS)
Robert Strickland (Designee)	Department of Education (DOE), via VCC Maui*
Gino Merez	Department of Health (DOH)
David Keane	Department of Human Resources Development (DHRD)
Lim Yong	Department of Human Services (DHS)
Kevin Thornton	Judiciary
Jodi Ito (Designee)	University of Hawai'i (UH)
Karen Sherman	County of Maui, via VCC*
Nyree Norman	County of Kauai, via VCC*
Jules Ung	County of Hawai'i, via VCC*

* The neighbor island members participated by video and telephone conference.

Members Absent

Stephen Levins	Department of Commerce and Consumer Affairs (DCCA)
Carol Taniguchi	Legislature
Mark Wong	City & County of Honolulu

Other Attendees

Valri Kunimoto	Department of the Attorney General (ATG)
Lori Tanigawa	Department of the Attorney General (ATG)
Kelly McCanlies	Hawaiian Electric Co.
Landon Wong	HPPA

I. Call to Order

Acting Chair Hoang called the meeting to order at 1:11 p.m., at which time quorum was established.

II. Review and Approval of the November 20, 2019 Meeting Minutes

Member Thornton made a motion to approve the November 20, 2019 meeting minutes, which was seconded by Member Keane. A vote was taken and the motion passed unanimously.

III. Public Testimony on Agenda Items

None.

IV. House Concurrent Resolution 225, Twenty-first Century Privacy Law Task Force

The Task Force is considering legislation to revise Chapter 487N, Hawaii Revised Statutes (HRS), concerning the confidentiality of personal information.

Acting Chair Hoang invited Kelly McCanlies, a member of the Task Force, to the meeting. She stated that the Task Force was chaired by Representative Chris Lee and Senator Michelle Kidani. Meetings began in August 2019 and had its last meeting in November. Groups of members worked on ideas that the Task Force wanted to pursue. There are about seven pieces of legislation that were produced by the Task Force but we don't know if all will be introduced. The Task Force's highest priority was revising Chapter 487N, HRS, Security Breach of Personal Information. She shared a draft of the proposed legislation that she will be sending to the Task Force. Most states have updated their laws regarding data breach notification laws, whereas Hawaii has not. She asked the Committee for their input.

Members gave different scenarios asking if the proposed legislation would trigger a data breach. Members questioned whether the definition of an Identifier will erroneously trigger data breach reports. Member Designee Ito felt that the definitions for an Identifier, such as phone number or email address were too broad and most could be considered public information. Ms. McCanlies explained that an Identifier could be used to tie different pieces of information together, which is why its listed that way. She also noted that the current statute also addresses "risk of harm to a person" under the definition of "security breach" so an Identifier with a data element would not automatically be a data breach.

Members subject to HIPAA (Health Insurance Portability and Accountability Act) asked how the proposed changes would affect their reporting when there is a data breach. Ms. McCanlies stated that the current law addresses that issue under Chapter 487N-2(g)2.

Ms. McCanlies stated that about two-thirds of the data breach notification laws have been changed to be more inclusive. Medical identity theft has increased exponentially. The Task Force committee discussed device Identifiers but decided not to include it. It is being considered at the federal level as the Federal Trade Commission stated that device identifiers and especially IP address are now considered personal information.

She plans to submit the proposed draft to the Task Force on Friday. The members can send her an email with their comments before then. Member Thornton recommended changing the last four digits of a Social Security Number to six digits.

V. Good of the Order

- a. Announcements: The IPSC will take a recess in January 2020.
- b. Next meeting: February 19, 2020

VI. Adjournment

At 2:04 p.m., Member Yong made a motion to adjourn, which was seconded by Member Designee Ito. A vote was taken and the motion passed unanimously.

Recorded by: _____
Susan Bannister, ETS

DRAFT