



## Information Privacy and Security Council

### Meeting Agenda

December 18, 2019

1:00 p.m.

#### **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., 3<sup>rd</sup> Flr., Wailuku, HI 96793

Lihue State Office Bldg., 3060 Eiwa St., Basement, Lihue, HI 96766

- I. Call to Order
- II. Review and Approval of the November 20, 2019 Meeting Minutes
- III. Public Testimony on Agenda Items  
  
*Interested persons may submit testimony on any agenda item in writing submitted in advance to Information Privacy and Security Council (IPSC), 1151 Punchbowl St., Room B-10, Honolulu, HI 96813; or email [ETS@hawaii.gov](mailto:ETS@hawaii.gov), Subject: IPSC Testimony. Each individual or representative of an organization is allotted three minutes for testimony.*
- IV. House Concurrent Resolution 225, Twenty-first Century Privacy Law Task Force (attached); Discussion and Appropriate Action
- V. Good of the Order
  - a. Announcements
  - b. Next meeting: January 2020 meeting date to be determined.
- VI. Adjournment

Individuals who require special needs accommodation are invited to call (808) 586-6000 at least three working days in advance of the meeting.



**Information Privacy and Security Council (IPSC)**  
**Meeting Minutes - DRAFT**  
November 20, 2019

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**Members Present**

Vince Hoang, Acting Chair	Office of Enterprise Technology Services (ETS)
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 telephone conference, because the video conference equipment was unavailable.

**Members Absent**

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

**Other Attendees**

Valri Kunimoto	Department of the Attorney General (ATG), via teleconference
Robert Strickland	Department of Education (DOE), via VCC Maui

I. Call to Order

Acting Chair Hoang called the meeting to order at 1:07 p.m., at which time quorum was established.

II. Review and Approval of the October 16, 2019 Meeting Minutes

Member Designee Ito made a motion to approve the October 16, 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. Draft of Annual Summary Report to the Legislature

Acting Chair Hoang presented a draft of the Annual Summary Report relating to the Privacy Impact Assessment reports submitted by State and County government agencies. The Judiciary is included with the state agencies. The general findings include number of reports received from agencies, overview of the type of information, and number of systems that contained personal information. Member Thornton recommended the report include the current definition of personal information and reference the appropriate statute. Member Merez stated that he will submit the Department of Health's (DOH) report to ETS by this Friday.

Hoang made a motion to approve the draft to include the revisions to reference the applicable chapter, Hawaii Revised Statutes (HRS) Chapter 487N, and the current definition of personal information and the DOH records. Further discussion ensued. Member Designee Ito noted that reference to the statute is already included in the summary under the Background section. She recommended that the report specifically reference HRS §487N-1 to ensure that the part of the statute that defines the elements is referenced as well as the statute that mandates reporting.

Hoang made a new motion to approve and finalize the draft report to include HRS §487N-1, and to include the DOH's reported information, which was seconded by Member Yong. Member Thornton read HRS §487N-5(d) where the Council shall review the annual reports submitted by government agencies and noted that there is some duplication in HRS §487N-7. Hoang stated that one requires having the IPSC review the reports and the other one requires agencies to submit their reports to IPSC. He noted that ETS has been reviewing and compiling the information. If committee members are interested in reviewing their portions of their reports and providing feedback, ETS can move the kickoff memo to agencies soon after the end of the fiscal year. This will give IPSC more time to review the submittals. A vote was taken and the motion passed unanimously.

V. Good of the Order

a. Announcements

Acting Chair Hoang reported that the Twenty-first Century Privacy Law Task Force formed by House Concurrent Resolution (HCR) 225 will be meeting again in preparation of submitting legislation. Hoang will send members the link to the meeting minutes, which are published on the Capitol website. They should direct any questions to the Task Force.

b. Next meeting: December 18, 2019

VI. Adjournment

At 1:29 p.m., Member Thornton made a motion to adjourn, which was seconded by Member Yong. A vote was taken and the motion passed unanimously.

## Hawaii (HRS 487-N)

### **Current**

"Personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:

- (1) Social security number;
  - (2) Driver's license number or Hawaii identification card number; or
  - (3) Account number, credit or debit card number, access code, or password that would permit access to an individual's financial account.
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### **Proposed**

Created from examples from 11 state laws (below).

"Personal information" means an Identifier in combination with one or more Specified Data Elements.

- (i) An Identifier is a common piece of information related specifically to the individual, which is used to identify that individual, such as first name/initial and last name, a user name for an online account, a phone number, or email address.
  - (ii) "Specified Data Element" means any of the following:
    - (a) An individual's social security number, either in its entirety or **the last four digits**. (See **notes from November 15 meeting**)
    - (b) Driver's license number, federal or state identification card number, or passport number.
    - (c) An individual's federal or State of Hawaii **taxpayer identification number**. (See **notes from November 15 meeting**)
    - (d) An individual's financial account number or credit or debit card number.
    - (e) A security code, access code, PIN, or password that would allow access to an individual's account.
    - (f) Health insurance policy number, subscriber identification number, or any other unique number used by a health insurer to identify the person.
    - (g) Medical history, medical treatment by a health-care professional, diagnosis of mental or physical condition by a health care professional, or deoxyribonucleic acid profile.
    - (h) Unique biometric data generated from a measurement or analysis of human body characteristics used for authentication purposes, such as a fingerprint, voice print, retina or iris image, or other unique physical or digital representation of biometric data.
    - (i) A **digital signature** or private key that is unique to an individual and that is used to authenticate or sign an electronic record. (See **notes from November 15 meeting**)
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# State Comprehensive-Privacy Law Comparison

State	Legislative Process	Statute/Bill (Hyperlinks)	Common Name	Consumer Rights							Business Obligations							
				To Access to Collected	To Access to Shared	To Rectification	To Deletion	To Restriction	To Portability	To Opt-Out	Against Solely Automated Decision Making	Private Right of Action	Strict Age-based Opt-In	Notice/Transparency Requirement	Data Breach Notification	Risk Assessment	Prohibition on Discrimination	Purpose Limitation
California		<a href="#">Ca. Civ. Code §§ 1798.100 - .199</a>	California Consumer Privacy Act	x	x	x	x	x	x	s	16	x	x	x				
<del>Connecticut</del>		<del><a href="#">RB 1108/SB 1108</a></del>																
Hawaii		<a href="#">SB 418<sup>I</sup></a>		x	x	x	x	x		16	x	x	x					
<del>Hawaii</del>		<del><a href="#">HCR 225</a></del>																
Illinois		<a href="#">HB 3358</a>	Data Transparency and Privacy Act	x					x			x						
<del>Louisiana</del>		<del><a href="#">HB 249</a></del>																
Maine		<a href="#">LD 946<sup>II</sup></a>	An Act To Protect the Privacy of Online Consumer Information					x	in			x		x				
<del>Maryland</del>		<del><a href="#">SB 613</a></del>	<del>Online Consumer Protection Act</del>	x	x	x	x	x				x		x				
Massachusetts		<a href="#">SD 341/S 120</a>		x	x	x	x	x		x	18	x		x				
Minnesota		<a href="#">HF 2917/SF 2912</a>		x	x	x	x	x	x	x		x	x				x	
Nevada		<a href="#">SB 220/Chapter 603A</a>								x		x	x					
New Jersey		<a href="#">S2834</a>		x						x		x		x				
<del>New Mexico</del>		<del><a href="#">SB 176</a></del>	<del>Consumer Information Privacy Act</del>	x	x	x	x	x		s	18	x		x				
New York		<a href="#">SB S5642<sup>III</sup></a>	New York Privacy Act	x	x	x	x	x	x	x		x	x				x	
<del>North Dakota</del>		<del><a href="#">HB 1485</a></del>																
Pennsylvania		<a href="#">HB 1049</a>	Consumer Data Privacy Act	x	x	x			x	s	16	x		x				
Rhode Island		<a href="#">HB 5930/S0234</a>	Consumer Privacy Protection Act	x	x	x	x	x		x	16	x		x				
<del>Texas</del>		<del><a href="#">HB 4390<sup>IV</sup></a></del>	<del>Texas Privacy Protection Act</del>															
Washington		<a href="#">SB 5376</a>	Washington Privacy Act	x	x	x	x	x	x			x	x	x				
<b>In Session:</b> MA, NJ, PA	Introduced In Committee Crossed Chamber Cross Committee Passed Signed	<b>Bold - passed law</b> <i>Italics - proposed bill, not passed</i>		Black strikethrough - bill postponed indefinitely Purple strikethrough - task force substituted for comprehensive bill s - private right of action for security violations only in - opt-in consent requirement														

<sup>I</sup> Hawaii SB 418 is pending while the task force has been adopted.

<sup>II</sup> Maine LD 946 applies only to internet service providers.

<sup>III</sup> New York SB S5642 includes a broad consumer right to opt-out of any processing, not just the sale of personal information.

<sup>IV</sup> Texas HB 4390 is a GDPR-style restriction-based bill that prohibits a business from collecting or processing information except under certain circumstances.

Legislative Process: **Introduced** > **In Committee** > **Crossed Chamber** > **Cross Committee** > **Passed** > **Signed**