Information Privacy and Security Council
Meeting Agenda
May 19, 2021
1:00 p.m.

Meeting via WebEx

Members of the public may request the meeting link by e-mailing: ets@hawaii.gov, Subject line: *IPSC Meeting*, by May 17, 2020, 11:00 a.m.

I. Call to Order

II. Review and Approval of the March 17, 2021 Meeting Minutes

III. Public Testimony on Agenda Items

Any person may submit testimony on any agenda item. Members of the public may give oral testimony at the meeting or submit written testimony via e-mail to ets@hawaii.gov, Subject line: *IPSC Testimony*. Each individual or representative of an organization is allotted three minutes for testimony.

IV. Annual Personal Information System Report; Discussion and Appropriate Action
- Finalize Logistics and Timelines
- Review Distribution Contact Lists

V. Good of the Order
- Announcements
- Next meeting: June 16, 2021

VI. Adjournment

Information Privacy and Security Council (IPSC)
Meeting Minutes - DRAFT
March 17, 2021

Videoconference meeting via Webex

Members Present

Vince Hoang, Chair	Office of Enterprise Technology Services (ETS)
David Shak	Department of Commerce and Consumer Affairs (DCCA)
Jonathan Chee	Department of Education (DOE)
Gino Merez	Department of Health (DOH)
David Keane	Department of Human Resources Development (DHRD)
Louis "Jack" Giardina	Department of Human Services (DHS)
Kevin Thornton	Judiciary
Jodi Ito	University of Hawai'i (UH)
Karen Sherman	County of Maui
Stephen Courtney	City and County of Honolulu

Members Excused

Carol Taniguchi	Legislature
Kelly Agena	County of Kaua'i
Scott Uehara	County of Hawai'i

Other Attendees

Vince Hu	County of Maui
Candace Park	Deputy Attorney General
Janey Yamashita	ETS

I. Call to Order

Quorum was established and Chair Hoang called the meeting to order at 1:08 p.m.

II. Review and Approval of the January 20, 2021 Meeting Minutes

Chair Hoang called for a motion to approve the minutes. Member Merez made a motion to approve the meeting minutes, which was seconded by Member Chee. A vote was taken, and the motion passed unanimously.

III. Public Testimony on Agenda Items

None.

IV. Annual Personal Information System Report; Discussion and Appropriate Action

- Review communications and timelines

Chair Hoang explained that historically, the memo requesting annual reporting was sent every August, due by September. He proposed that the communication process start earlier to improve data gathering efforts.

- Member Sherman concurred that an earlier start would result in better responses.

DRAFT

- Member Merez requested the finalized copy of the reporting form. Member Ito said the last copy sent to members was the draft reviewed at the last meeting. Chair Hoang said the final form would be distributed to the IPSC members.

Chair Hoang noted the major change to the form is to determine volume of records residing on the system, for improved risk management and for cyber liability insurance purposes. Chair Hoang asked the members how early communications should start.

- Member Sherman suggested June or July. Member Ito agreed, and commented the school year starts in July. Member Merez concurred that July would be a good time to start. Chair Hoang said they would draft a notice to send in July.

Chair Hoang asked if a reminder would be needed.

- Member Sherman suggested the initial notice from the state be sent in July, the IPSC representatives can send reminders in August, and the state can send a reminder in early September. Member Ito agreed. Chair Hoang said ETS will target early July for the initial notice, and asked if there were any concerns.

Chair Hoang said ETS will send a list of contacts to the IPSC for review and confirmation prior to distribution of the notice.

V. 31st Legislature; Discussion and Appropriate Action

- There are currently no bills directly affecting the IPSC. Chair Hoang commented that the Office of Information Practices proposed an amendment to the Sunshine Law that would affect how IPSC meetings are conducted. For cursory information only, he noted there is a bill regarding deep fakes that does not affect the state: https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=309&year=2021.

- Chair Hoang asked the IPSC if there are other bills for awareness. Member Ito noted there is a bill prohibiting employers or educational institutions from mandating access to social media accounts.

VI. Good of the Order

a. Announcements: None

b. Next meeting: May 19, 2021

VII. Adjournment

Chair Hoang made a motion to adjourn the meeting, which Member Sherman seconded. A vote was taken, and the motion carried unanimously. Meeting adjourned at 1:33 p.m.

ANNUAL PERSONAL INFORMATION SYSTEM REPORT
Privacy Impact Assessment (PIA)

Deadline for Submission: September 30

Effective January 1, 2009, any government agency that maintains one or more personal information system shall submit to the State of Hawai'i Information Privacy and Security Council an annual report on the existence and character of each personal information system added or eliminated since the agency's previous annual report. The report shall be submitted no later than September 30 of each year. (HRS§ 487N-7)

"Personal information system" means any manual or automated recordkeeping process that contains personal information and the name, personal number, or other identifying particulars of a data subject.

"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 name or data elements are not encrypted:

1. Social Security number;
2. Driver's license number or Hawai'i 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. Note: Personal information does not include publicly available information that is lawfully made available to the general public from federal, state or local government records.

PART I. PIA Contacts and Qualification Questions

A. Contact Information

System Title	**Document Date** Enter the date you are creating or updating this document
Office of Responsibility (Enter the office, division or department name)	
Program Manager Name	**Phone**
Program Manager Title	**E-Mail**

B. Qualification Questions

1. Does your system collect any information in identifiable form (personal data) on the general public?

(●) **Yes** ( ) **No**

Information in identifiable form (also known as personal data/information) refers to any data collected about an individual that can be used for identification purposes.

It includes information that identifies the individual by name or other unique identifier in conjunction with other data elements such as gender, race, birth date, age, geographic indicator, personal e-mail address, home address, home phone number, health records, Social Security Number (SSN), personal credit card information, and similar personal information. Information permitting the physical or online contacting of a specific individual is considered information in identifiable form.

This does not refer to business entities or government agencies, or aggregate data that cannot be traced back to an individual person.

2. Does your system collect any information in identifiable form (personal data/information) on government employees?

(●) **Yes** ( ) **No**

Information in identifiable form refers to any data collected about an employee that can be used for identification purposes. It includes information that identifies the employee by name or other unique identifier in conjunction with other data elements such as gender, race, birth date, age, marital status, home e-mail address, home address, home phone number, health records, SSN, performance appraisals, employment history not related to current job, allegations of misconduct/arrests/ complaints/grievances/performance based actions, payroll deductions, personal credit card information, and similar personal information.

3. Has a PIA been done before for the system?

(●) **Yes** ( ) **No**

If Yes, enter the date of the last PIA, otherwise leave blank:

NOTE: If you answered NO to BOTH B.1. and B.2. above, STOP HERE.

PART II. System Assessment
Part II is for systems that answered YES to EITHER B.1. or B.2. above.

A. Data in the System

1. What is the specific purpose of the system?
Briefly describe the purpose of the system and its mission to the reporting organization

1.a. Describe all information to be included in the system.
Briefly describe the purpose of the system and the data that will be in the system, including that of any subsystems.

General Public

- ☐ Birth date
- ☐ Home Address
- ☐ Contact Information (e.g. phone number, email address, etc.)
- ☐ Societal Information (e.g. race, ethnic origin, sexual preference, marital status, etc.)
- ☐ International Identifying Number (e.g. Social Security Number)
- ☐ Credit Card Information
- ☐ Financial Institution Account Information
- ☐ Medical Information

Government Employee(s)

- ☐ Birth date
- ☐ Home Address
- ☐ Contact Information (e.g. phone number, email address, etc.)
- ☐ Societal Information (e.g. race, ethnic origin, sexual preference, marital status, etc.)
- ☐ Hire Date
- ☐ Performance Reviews/Evaluations
- ☐ International Identifying Number (e.g. Social Security Number
- ☐ Credit Card Information
- ☐ Financial Institution Account Information
- ☐ Medical Information
- ☐ Salary/Compensation Information
- ☐ Dependents or Beneficiaries

2. Approximately how much active PII records is the system storing?

- ◉ < 10,000
- ○ 10,000 to 49,999
- ○ 50,000 to 499,999
- ○ > 500,000

3. What stage of the life cycle is the system currently in? Select one.

- ◉ Design/Planning
- ○ Development/Implementation
- ○ Operation/Maintenance
- ○ Disposal/Decommissioned

4. What are the sources of the information in the system? Describe where the system data originates, whether the privacy information is provided by the user or entered on behalf of the user and by whom, or if it comes programmatically from another system.

- ☐ Provided/inputted by the user
- ☐ Entered on behalf of the user by an internal staff or third-party source
- ☐ Programmatically from another system

5. What State files and databases are used? Identify any State files and databases that may be used as a source of the information.

- ☐ State, Local, Tribal, and Territorial (SLTT) government entities
  Federal government entities
- ☐ Authorized Third-Party Vendors
- ☐ Private Corporations, Non-profits, etc.
- ☐ None
- ☐ Other (if other, please specify below)

6. Will this system provide the capability to physically identify, locate, and monitor individuals?

- ◉ Yes
- ○ No

If yes, check all that applies:

- ☐ Physical Address
- ☐ Email Address
- ☐ Phone Number(s)
- ☐ GPS data
- ☐ Other (if other, please specify below)

7. Will this system provide the capability to physically identify, locate, and monitor groups of people?	◉ Yes ○ No If yes, check all that applies: ☐ Physical Address ☐ Email Address ☐ Phone Number(s) ☐ GPS data ☐ Other (if other, please specify below)
B. Data Access	
1. What types of users have access to this system or application? (Select all that apply):	☐ Regular users (public access) ☐ Regular users (internal access) ☐ Technical/Operational/Administrative users ☐ Third-Party Vendors ☐ Law Enforcement ☐ Other government agencies outside the State of Hawaii jurisdiction
2. How is access granted to systems and/or to PII data?	☐ Internal role-based access controls (e.g. granted on behalf of the organization based on user's job duties) ☐ Public Account Creation – via Website (e.g. via "Create an account via website", etc.) ☐ Public Account Creation – via Representative (e.g. external party aids set up account, etc.) ☐ Other (if other, please specify below)
3. Does the system or application require basic user authentication (e.g. username, password/passphrase, etc.) to access the data?	◉ Yes ○ No
3.a. If Yes, does the system or application require additional authentication (e.g. token code, etc.)? (Check all that apply)	☐ Token Authentication (e.g. SMS, email, hardware, software, etc.) ☐ Phone Authentication ☐ Biometric Verification ☐ Social Identity Verification (e.g. logins via social media accounts, etc.) ☐ Security Questions ☐ Risk-based Authentication (e.g. monitoring sign-in activities via location, device, etc.) ☐ Time-based One-Time Passcode Authentication ☐ None
4. Can the data be remotely accessed securely?	◉ Yes ○ No
4.a. If Yes, what security measures are implemented? (Check all that apply)	☐ Website access (e.g. HTTPS/TLS, etc.) ☐ Network access (e.g. virtual private networks, virtual desktops, etc.) ☐ Terminal access (e.g. Secure Shell access, etc.) ☐ Other (if other, please specify below)
5. What controls will be used to prevent unauthorized monitoring? Check all that apply	☐ Administrative (e.g. separation of duties, acceptable use policy, etc.) ☐ Technical (e.g. log analytics, etc.) ☐ Operational (e.g. routine log reviews etc.)
6. Are employees and contractors trained and instructed not to solicit sensitive information when interacting with users on behalf of the agency?	◉ Yes ○ No
C. Data Retention	
1. Will PI data be collected and retained until disposed?	◉ Yes ○ No

1.a. If PI data is retained on a system; how long is the retention period?	◉ < 1 year ○ 2 to 5 years ○ 6 to 10 years ○ > 10 years ○ No retention period
1.b. Is PI data retained and available offsite?	◉ Yes ○ No If yes, select all that best describes the back-up site: ☐ Local (e.g. within miles from the organization) ☐ U.S. Mainland ☐ International ☐ Cloud-computing environment
2. How will the data be disposed of when it is no longer needed?	☐ Physical Destruction (e.g. shredding, etc.) ☐ Degauss (e.g. erasure of magnetic field on storage media, etc.) ☐ Overwrite (e.g. overwrites old data, etc.)
D. Regulatory Requirements	
1. Is any of the data subject to exclusion from disclosure under the Federal Freedom of Information Act (FOIA)?	◉ Yes ○ No
2. Is any of the data subject to exclusion from disclosure under the State of Hawai'i Uniform Information Practices Act (UIPA)?	◉ Yes ○ No
3. Does the system operate under a Privacy Act System of Records notice (SOR)? **If yes, provide number and name.**	◉ Yes ○ No
4. Is any of the data subject to any other regulatory requirements? **If yes, provide number and name**	◉ Yes ○ No

E. Business Impact Analysis

Refer to APPENDIX A: DEFINITIONS for Low, Moderate, and High ratings in this questionnaire

1. Rate the overall *confidentiality* needs (the consequences of unauthorized disclosure or compromise of data stored, processed, or transmitted by the resource) of the information resource:	◉ Low ○ Moderate ○ High
2. Rate the overall *integrity* needs (the consequences of unauthorized modification/destruction or compromise of data stored, processed, or transmitted by the resource) of the information resource:	◉ Low ○ Moderate ○ High
3. Rate the overall *availability* needs (the consequences of loss or disruption of access to data the resource stores, process, or transmits) of the information resource to its internal users (excluding access to support the application or system itself):	◉ Low ○ Moderate ○ High
4. Rate the overall *availability* needs (the consequences of loss or disruption of access to data the resource stores, process, or transmits) of the information resource to general public users:	◉ Low ○ Moderate ○ High
5. Rate the overall *accountability* needs (the consequences of the inability or compromised ability to hold users accountable for their actions in the resources) of the information resource to its internal users:	◉ Low ○ Moderate ○ High
6. Rate the overall *accountability* needs (the consequences of the inability or compromised ability to hold users accountable for their actions in the resources) of the information resource to its general public users:	◉ Low ○ Moderate ○ High
7. Rate the overall *reputational* damage to the agency if it was known that the information resource has been breached or compromised?	◉ Low ○ Moderate ○ High

PART III. Use of Third-Party Website or Application Fill out Part III only if this system utilizes a third-party website or application (e.g. SAAS).	
A. Use of a Third-Party Website or Application	
1. What is the specific purpose of the agency's use of the third-party website or application, and how does that use fit with the agency's broader mission?	
2. Is there any PII that is likely to become available to the agency through the use of the Third-Party website or application? If Yes, answer the remaining questions below.	○ Yes ◉ No
2 a. Will REGISTRATION PII be made available to Agency? Many third-party websites or applications request PII at the time of registration. Agencies should make clear whether they will have access to this information and whether users can take steps to limit agencies access.	○ Yes ◉ No
2 b. Will SUBMISSION PII be made available to Agency? An individual can make information available to agencies when he or she provides, submits, communicates, links, posts, or associates PII while using the third-party website or application. This can include such activities as "friend-ing," "following," "liking," joining a "group," becoming a "fan," and comparable functions.	◉ Yes ○ No
2 c. Will ASSOCIATION PII be made available to Agency? Even when individuals do not actively post or submit information, they can potentially make PII available to the agency by "associating" themselves with the websites or applications. Such acts of association may include activities commonly referred to as "friend-ing," "following," "liking," joining a "group," becoming a "fan," and comparable functions.	○ Yes ◉ No
2 d. Will ACCOUNT PII be made available to Agency? Even individuals who do not have an account with a third-party website or application may make PII available to agencies if certain functions of the website or application are available to individuals without an account. Agencies should make clear whether they will have access to this information and whether users can take steps to limit agencies' access.	◉ Yes ○ No
2 e. Will PII be subjected to Public interaction/open government activities use? This could include surveys, contests, or message boards that provide a forum for the public to comment on the agency's activities.	◉ Yes ○ No
2 f. Will PII be subjected to Recruitment and/or employee outreach use? In order to recruit and hire from the widest possible pool of candidates, the agency may consider using third-party websites or applications to attract new hires or to inform or receive feedback from current employees	◉ Yes ○ No
2 g. Will PII be subjected to Participation in agency programs or systems use? The agency may consider using third-party websites or applications in order to facilitate access to programs or systems. The agency should consider and address whether this use will result in the PII being combined, matched, or otherwise used in concert with PII that is already maintained by the agency.	◉ Yes ○ No
2 h. PII will be subjected to Web measurement and/or customization use? The agency may use third-party websites or applications to conduct measurement and analysis of web usage, or to customize the user's experience.	◉ Yes ○ No
When you have completed all questions, save this document and email it to ipsc@hawaii.gov.	

APPENDIX A: DEFINITIONS	
Rating	**Definition**
Low	• A compromise would be limited and generally acceptable for the organization, resulting in minimal monetary, productivity, or reputational losses • There would be only minimal impact on normal operations and/or business activity
Moderate	• A compromise would be marginally acceptable for the organization, resulting in certain monetary, productivity, or reputational losses • Normal operations and/or business activity would be noticeably impaired, including the potential for breaches of contractual obligations
High	• A compromise would be unacceptable for the organization, resulting in significant monetary, productivity, or reputational losses • The ability to continue normal operations and/or business activity would be greatly impaired, potentially resulting in noncompliance with legal or regulatory requirements and/or loss of public confidence in the organization