

Policies for Collection, Maintenance, and Release of Information related to Quarantined Persons

I. Introduction

Pursuant to the Second Supplementary Proclamation – COVID-19, dated March 21, 2020, and the implementing Rules Relating to COVID-19, and the Fourth Supplementary Proclamation, dated March 31, 2020, all persons entering and traveling among islands in the State of Hawai‘i (State) shall be subject to mandatory self-quarantine.¹ The mandatory self-quarantine shall last 14 days or the duration of the person’s presence in the State, whichever is shorter. A person violating the self-quarantine shall be guilty of a misdemeanor subject to a fine of not more than \$5,000, or imprisonment for not more than one year, or both. In order to enforce the Second Supplementary Proclamation and its implementing rules, the State requires the collection, maintenance, and release of certain identifying information.

These policies provide guidance regarding the aforementioned information and shall be updated as appropriate to efficiently respond to the current enforcement and public health circumstances.

II. Definitions:

For purposes of these policies, the following definitions shall apply:

- a. Custodian of Records – the State department authorized to make decisions regarding the collection, maintenance, and release of quarantined person identifying information.
- b. Safetravels Portal – [Safetravels.Hawaii.gov](https://safetravels.hawaii.gov)
- c. Agricultural Form – State of Hawai‘i Department of Agriculture Plants and Animal Declaration Form, front and back.
- d. Travelers – all persons traveling or attempting to travel into the State of Hawaii or among the islands of the State of Hawaii.
- e. Quarantined person – a traveler subject to the mandatory self-quarantine.
- f. Quarantined person identifying information (QPPI) – information that identifies a quarantined person, including but not limited to name, government-issued identification number, telephone numbers, location, manifestation and/or declaration of physical symptoms associated with COVID-19, travel-related information, and any images or photographs.

¹ Except for those persons specifically excepted by the Second Supplementary Proclamation – COVID-19 and Fourth Supplementary Proclamation – COVID-19.

III. Collection of Quarantined Person Identifying Information:

- a. What Information Is Being Collected
 - i. Safetravels Portal: collects name, date of birth, email address, gender, residency status (Hawai'i resident or visitor), arrival and departure flight information, reason for travel, quarantine location, contact phone number.
 - ii. Agricultural Form: this guidance applies to data collected from the Agricultural Form that are shared with the Department of Health and other state and federal agencies for the specific purpose of quarantine control and enforcement.
 - iii. Order of Quarantine: collects name, government-issued identification number, and acceptance of quarantine order
 - iv. Others: other data (such as image/likeness of Travelers or location tracking information) may be collected.
- b. Who is the Custodian of Records
 - i. The Hawaii Tourism Authority is the custodian of records for QPII.
- c. Who collects the information
 - i. The Custodian of Records shall collect or designate other state or federal agencies or law enforcement to collect QPII, subject to oversight by the Custodian of Record.
- d. How is the information collected?
 - i. QPII shall be collected in a manner that:
 - 1. Prevents duplicate records
 - 2. Protects the quarantined person's privacy
 - 3. Provides efficient and accurate verification of the collected information
 - 4. Enables the effective implementation and enforcement of quarantine, including prosecution of those who fail to comply with quarantine requirements.
 - ii. Current methods of collection include:
 - 1. Safetravels Portal – electronic collection administered by the Department of Taxation
 - 2. Agricultural Form – paper collection and electronic storage administered by Hawai'i Tourism Authority
 - 3. Order of Quarantine – paper collection and electronic storage administered by the Department of Transportation

- iii. Unless another authority (subsequent supplementary proclamation, executive order, etc.) directs the Custodian of Records to continue to collect the QPII, the Custodian of Records shall stop collecting QPII upon termination of the Second Supplementary Proclamation or the Fourth Supplementary Proclamation, whichever is later,
- IV. Maintenance of Quarantined Person Identifying Information:
 - a. The Custodian of Records shall maintain the information or designate other state or federal agencies to maintain the QPII.
 - b. The Custodian of Record is responsible for maintaining QPII, or designate other State or federal agencies to maintain QPII. Maintenance includes:
 - i. Having a method to verify the accuracy of the QPII
 - ii. Storage of the QPII
 - iii. Organization and analysis of the QPII
 - iv. Prevention of access by unauthorized individuals
 - v. Procedure for the mitigation of unauthorized access of the QPII, including notification procedures to quarantined persons whose data was breached.
- V. Guidelines for release of Quarantined Person Identifying Information:
 - a. Who may access the information:
 - i. Only federal and State authorities, including its designees such as county officials and law enforcement, authorized to enforce the self-quarantine mandate under Second Supplementary Proclamation – COVID-19 and the implementing Rules Relating to COVID-19, as well as the Fourth Supplementary Proclamation, may access certain QII to the extent that the QII will be used to enforce the Second Supplementary Proclamation and its implementing rules, to protect public health, or is otherwise permitted by law.
 - ii. Federal and State authorities that receive QPII shall:
 - 1. Not further release QPII without the written authorization of the Custodian of Records.
 - 2. Maintain the QPII in a secure manner at least equivalent to the Custodian of Records.
 - 3. Report a breach of the information to the Custodian of Records within 24 hours.
 - 4. Take reasonable and expedited steps to mitigate the breach.
 - iii. Unless there is consent by the quarantined person or previously quarantined person, QPII shall not be provided pursuant to a Uniform Information Practices Act (HRS Chapter 92F) request as disclosure would be a clearly unwarranted invasion of personal privacy, may frustrate a legitimate government function, and may

violate a state or federal law protecting it from disclosure depending on the requested information. HRS §§92F-13(a)(1), (3), and (4).

- iv. A quarantined person or previously quarantined person may consent to the release of that individual's own information at any time. The Custodian of Records shall then release the QPII pursuant to the quarantined person or previously quarantined person's instruction, unless release of the information would impede enforcement of the Second Supplementary Proclamation or Fourth Supplementary Proclamation, or otherwise impact public health as determined by the Custodian of Records.

b. What QPII can be released:

- i. Only the minimally necessary amount of QPII shall be released to State and federal authorities or law enforcement to enable their performance of specific duties relevant to the enforcement of the Second Supplementary Proclamation or Fourth Supplementary Proclamation, or protection of public health.
- ii. A requestor shall request only the minimally necessary amount of QPII. The Custodian of Records shall consult with the requestor to determine the actual minimally necessary amount of QPII, and the Custodian of Records shall make the final determination regarding the minimally necessary amount, if any, to be released.

c. How the QPII can be released:

- i. The Custodian of Records may release QPII to specific individuals designated by State and federal authorities for the purpose of enforcing the Second Supplementary Proclamation or Fourth Supplementary Proclamation, the protection of public health, or as otherwise allowed by law.
- ii. The Custodian of Records may release the QPII or designate another state agency to release the QPII at the direction of the Custodian of Records.
- iii. Generally, QPII should be released through a secure portal or an encrypted email.
- iv. QPII can be released at frequencies necessary for the enforcement of laws or protection of public health.

VI. Records Retention

- a. The Custodian of Records is not required to retain physical copies of records provided that a true and accurate electronic copy of the record is retained.
- b. Otherwise, the Custodian of Records may follow its own department record retention policy or develop other procedures.