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## SENATE CONCURRENT RESOLUTION

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REQUESTING A COMPREHENSIVE STUDY ON THE RESULTS AND IMPACT OF  
ACT 10, SESSION LAWS OF HAWAII 2008, AS WELL AS OTHER  
INFORMATION SECURITY PROPOSALS.

1 WHEREAS, identity theft affects millions of American each  
2 year and costs more than \$54 billion annually; and

3  
4 WHEREAS, breaches in the security of personal information  
5 are a leading source of identity theft; and

6  
7 WHEREAS, in December 2007, the Office of the Auditor issued  
8 a report entitled "Hawai'i Identity Theft Task Force Report"  
9 that, among other things, made certain recommendations regarding  
10 safeguards to protect personal information; and

11  
12 WHEREAS, the Legislature passed Act 10, Session Laws of  
13 Hawaii 2008, which established the Information Privacy and  
14 Security Council to implement the recommendations of the Hawai'i  
15 Identity Theft Task Force and to identify and recommend to the  
16 Legislature best practices to assist government agencies in  
17 improving security and privacy programs relating to personal  
18 information; and

19  
20 WHEREAS, an analysis has not been conducted to determine  
21 whether Act 10 and the recommendations made by the Information  
22 Privacy and Security Council have been implemented or if they  
23 have been effective; and

24  
25 WHEREAS, current law primarily focuses on prevention of  
26 security breaches and penalties for organizations that fail to  
27 provide timely and adequate notice to persons affected by the  
28 security breach, but it provides very little in the way of  
29 remedies for affected persons; now, therefore,

30  
31 BE IT RESOLVED by the Senate of the Twenty-sixth  
32 Legislature of the State of Hawaii, Regular Session of 2011, the



1 House of Representatives concurring, that the Auditor is  
2 requested to conduct a comprehensive study to determine whether  
3 the recommendations of the Hawai'i Identity Theft Task Force  
4 Report of 2007 have been implemented and on the results and  
5 impact of Act 10, Session Laws of Hawaii 2008, to determine  
6 whether the recommendations by the Auditor and the Information  
7 Privacy and Security Council regarding the handling of private  
8 information by government agencies have been implemented and the  
9 impact thereof; and

10  
11 BE IT FURTHER RESOLVED that the Auditor is requested to  
12 perform an analysis, similar to those performed pursuant to  
13 section 26H-6, Hawaii Revised Statutes, of the following  
14 proposals to provide remedial measures for persons affected by a  
15 breach of their personal information:

- 16  
17 (1) Require an organization that has permitted a security  
18 breach to conduct, at the organization's expense, an  
19 independent audit, to be made available to the public  
20 upon completion, to reassure the public and  
21 Legislature that the organization has fulfilled any  
22 promises to take remedial action and comply with  
23 industry standards;  
24  
25 (2) Establish an agency or work with an existing national  
26 non-profit organization to track Hawaii identity theft  
27 and fraud trends, to help determine the actual effect  
28 of breaches and to provide information regarding any  
29 trends to the public;  
30  
31 (3) Establish a centralized trust account from which  
32 affected persons of information breach or identity  
33 fraud may draw, to be funded by a fee assessed on any  
34 organization that is liable for a security breach; and  
35  
36 (4) Apply Hawaii's Uniform Deceptive Trade Practices Act  
37 to state agencies that perform services that are  
38 typically performed by private companies, such as  
39 universities; and  
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41 BE IT FURTHER RESOLVED that the Information Privacy and  
42 Security Council is requested to cooperate with and provide  
43 information and assistance to the Auditor, upon request; and



BE IT FURTHER RESOLVED the Auditor is requested to submit findings and recommendations to the Legislature, including any proposed legislation, no later than twenty days prior to the convening of the Regular Session of 2012; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Auditor and the members of the Information Privacy and Security Council.

OFFERED BY:

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