JAN 1 8 2013

A BILL FOR AN ACT

RELATING TO INFORMATION PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECT	ION 1. Chapter 487J, Hawaii Revised Statutes, is
2	amended by	y adding a new section to be appropriately designated
3	and to rea	ad as follows:
4	" <u>§487</u>	7J- Identity theft prevention policy and procedure;
5	requiremen	nts; penalty. (a) By January 1, 2015, every business
6	that maint	tains personal information shall implement a
7	comprehens	sive, written policy and procedure to prevent identity
8	theft. Th	ne policy and procedure shall include administrative,
9	technical	, and physical safeguards for the protection of
10	personal	information. In addition, the policy and procedure
11	shall be o	designed to:
12	(1)	Ensure the security and confidentiality of personal
13		information and medical, educational, and financial
14		records;
15	(2)	Protect against any anticipated threats or hazards to
16		the security or integrity of personal information and
17		medical, educational, and financial records; and
18	(3)	Prevent the occurrence of any security breach.



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1
         (b) Every business covered by this section shall train all
2
    employees in the implementation of the policy and procedure to
3
    prevent identity theft. Employees shall be required to sign a
4
    form acknowledging receipt of training, and the business shall
5
    deposit each employee's acknowledgment in the employee's file.
6
         (c) In addition to the specified monetary penalty provided
    under section 487J-3(a), any business that violates this section
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8
    shall be fined not more than $100 for each violation. The
9
    penalty provided in this section shall be cumulative to the
10
    remedies and penalties available under all other laws of this
11
    State."
         SECTION 2. Chapter 487J, Hawaii Revised Statutes, is
12
    amended by amending the title to read as follows:
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14
                               "CHAPTER 487J
15
       [SOCIAL SECURITY NUMBER] PROTECTION OF PERSONAL INFORMATION"
16
         SECTION 3. Section 487J-1, Hawaii Revised Statutes, is
17
    amended by adding two new definitions to be appropriately
    inserted and to read as follows:
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19
         ""Identity theft" has the same meaning as in section
20
    489P-2.
         "Security breach" has the same meaning as in section
21
22
    487N-1."
    2013-0093 SB SMA.doc
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S.B. NO. 325

1	SECT:	ION 4. Section 487J-5, Hawaii Revised Statutes, is
2	amended to	o read as follows:
3	"[[]	§487J-5[] Policy and oversight responsibility. (a)
4	By Septeml	ber 1, 2009, each government agency shall designate an
5	agency em	ployee and by January 1, 2015, each business shall
6	designate	an employee of the business to have policy and
7	oversight	responsibilities for the protection of personal
8	informatio	on.
9	(b)	The designated agency employee or business employee
10	shall:	
11	(1)	Ensure and coordinate agency or business compliance
12		with this chapter, chapter 487N, and chapter 487R;
13	(2)	Assist individuals who have identity theft and other
14		privacy-related concerns;
15	(3)	Provide education and information to [agency] the
16		agency's or business' staff on privacy and security
17		issues;
18	(4)	Coordinate with state, county, and federal law
19		enforcement agencies on identity theft investigations;
20		and

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1	(5) Recommend policies and practices to protect individual
2	privacy rights relating to the individual's personal
3	information."
4	SECTION 5. Statutory material to be repealed is bracketed
5	and stricken. New statutory material is underscored.
6	SECTION 6. This Act shall take effect upon its approval.
7	
	INTRODUCED BY:

2013-0093 SB SMA.doc

S.B. NO. 325

Report Title:

Identity Theft; Personal Information

Description:

Requires businesses to implement a comprehensive, written policy and procedure to prevent identity theft and to train all employees in the implementation of the policy and procedure to prevent identity theft. Requires businesses to designate an employee of the business to have policy and oversight responsibilities for protection of personal information. Provides additional monetary penalty.

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