

JAN 20 2017

S.B. NO. 770

A BILL FOR AN ACT

RELATING TO STUDENT PRIVACY.

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

1 SECTION 1. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to subpart H of part II to be
3 appropriately designated and to read as follows:

4 "§302A- Penalties; civil action. (a) Any operator
5 that violates this subpart shall be subject to penalties of not
6 more than \$2,500 for each violation. Except as otherwise
7 provided in subsection (e), the attorney general or the
8 executive director of the office of consumer protection may
9 bring an action pursuant to this section.

10 (b) In addition to any penalty provided for in subsection
11 (a), any operator that violates this subpart shall be liable to
12 the injured party in an amount equal to the sum of any actual
13 damages sustained by the injured party as a result of the
14 violation.

15 (c) The penalties provided in this section shall be
16 cumulative to the remedies or penalties available under all
17 other laws of this State.



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1 (d) The court in any action brought under this section may
2 award reasonable attorneys' fees to the prevailing party.

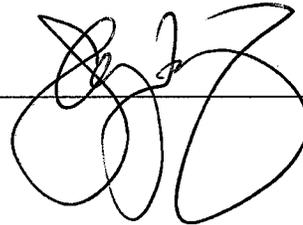
3 (e) No action under this section may be brought against a
4 government agency."

5 SECTION 2. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

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Report Title:

Student Privacy; Consumer Protection; Penalties

Description:

Creates civil penalties for operators of web sites, online services, online applications, or mobile applications used for K-12 school purposes who misuse a student's protected online personal information. Allows the AG or the executive director of the Office of Consumer Protection to bring an action against an operator.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

