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# A BILL FOR AN ACT

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RELATING TO FOUND ELECTRONIC DEVICES.

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

1       SECTION 1. The information privacy and security council,  
2       administratively attached to the department of accounting and  
3       general services, was established by Act 10, Special Session  
4       Laws of Hawaii 2008, as codified into law under section 487N-5,  
5       Hawaii Revised Statutes, to develop guidelines to be considered  
6       by government agencies in deciding whether, how, and when a  
7       government agency shall inform affected individuals of the loss,  
8       disclosure, or security breach of personal information that can  
9       contribute to identity theft. Personal information is defined  
10      in section 487N-1, Hawaii Revised Statutes, as "an individual's  
11      first name or first initial and last name in combination with  
12      any one or more of the following data elements, when either the  
13      name or the data elements are not encrypted:  
14      (1) Social security number;  
15      (2) Driver's license number or Hawaii identification card  
16      number; or



1 (3) Account number, credit or debit card number, access  
2 code, or password that would permit access to an  
3 individual's financial account."

4 Currently, some local and state government agencies,  
5 including county law enforcement, are required under sections  
6 52D-14 and 261-17.7, Hawaii Revised Statutes, to provide  
7 unclaimed property to finders after forty-five days. Given that  
8 cell phones, computers, and other such electronic devices may  
9 contain personal information, the council recommends that Hawaii  
10 state law be amended to keep pace with technology so that  
11 personal information is protected.

12 The purpose of this Act is to protect the personal  
13 information of individuals by providing county police  
14 departments and the department of transportation the authority  
15 to sanitize unclaimed electronic devices, in accordance with  
16 recognized standards and guidelines, before providing the  
17 unclaimed property to finders or disposing of the property by  
18 public auction or other means.

19 SECTION 2. Section 52D-14, Hawaii Revised Statutes, is  
20 amended to read as follows:



1 " [†] §52D-14 [†] Duty and right of finders. (a) Except as  
2 provided in section 261-17.7, all money or property found shall  
3 be reported or delivered by the finder to the chief of police of  
4 the county. When so delivered, it shall be held by the chief of  
5 police for forty-five days or until claimed by some person who  
6 establishes title or right of custody thereto to the  
7 satisfaction of the chief of police. If title or right of  
8 custody is established, the money or property shall be delivered  
9 to the claimant by the chief of police.

10 (b) If no claim is made or no such right is established  
11 within the forty-five days, the money or property shall be  
12 returned to the person who delivered it to the chief of  
13 police[+], except as provided in subsection (c); provided that  
14 if the person who delivered it to the chief of police fails to  
15 claim the money or property within thirty days after being  
16 notified by the chief of police that the person is entitled to  
17 possession, the chief of police shall dispose of the money or  
18 property in accordance with the procedures established in  
19 section 52D-10. For the purpose of this section, notice by  
20 regular mail to the person's last known address shall be  
21 sufficient.



1        (c) Prior to being returned to the finder or disposal by  
2 public auction or other means, an electronic device that allows  
3 for storage of personal information, as defined by section  
4 487N-1, shall be sanitized in accordance with guidance provided  
5 by the information privacy and security council to ensure  
6 removal of personal information prior to returning the device to  
7 the finder. If removal of personal information is not possible  
8 or cannot be verified without unreasonable expense, the device  
9 shall be destroyed in a manner sufficient to eliminate the  
10 information, prior to disposal or recycling. The chief of  
11 police shall make reasonable efforts to notify the finder that  
12 the device was destroyed and disposed of or recycled because  
13 personal information could not be removed."

14        SECTION 3. Section 261-17.7, Hawaii Revised Statutes, is  
15 amended to read as follows:

16        **"§261-17.7 Lost and found money or property at airports.**

17        (a) All money or property found at an airport owned or  
18 controlled by the department shall be reported or delivered by  
19 the finder to the airport lost and found, and when so delivered  
20 shall be held by the department for forty-five days or until  
21 claimed by some person who establishes title or right of custody



1 thereto to the satisfaction of the department. In the event of  
2 the establishment of title or right of custody, the money or  
3 property shall be delivered to the claimant by the director or  
4 the director's agent. If within forty-five days no claimant  
5 establishes a right to the money or property, the money or  
6 property, except as provided in subsection (d) with regard to  
7 electronic devices, shall be returned to the person who  
8 delivered it to the airport lost and found; provided that if the  
9 person who delivered it to the airport lost and found fails to  
10 claim the money or property within thirty days after being  
11 notified by the director, the director shall deposit the money  
12 into the state treasury to the credit of the airport revenue  
13 fund or shall dispose of the property by public auction.

14 (b) At least once annually, the director shall give public  
15 notice giving details as to time and place of the auction and  
16 giving notice to all persons interested or claiming the property  
17 that unless claims are made by persons who can provide  
18 satisfactory proof of ownership before a specified date, the  
19 property will be sold at public auction to the highest bidder.  
20 On the day and at the place specified in the notice, all  
21 property for which no satisfactory proof of ownership is made



1 shall be sold by auction by or under the direction of the  
2 director.

3 If any property which is of a perishable nature or  
4 unreasonably expensive to keep or safeguard remains unclaimed at  
5 the airport, the director may sell that property at public  
6 auction, at a time and after notice that is reasonable under the  
7 circumstances. The director shall immediately after the sale of  
8 any property pay to the airport revenue fund all moneys received  
9 by the director upon sale.

10 (c) For the purpose of this section, notice by regular  
11 mail to the last known address of the person who delivered the  
12 money or property to the airport lost and found shall be deemed  
13 sufficient.

14 (d) Prior to being returned to the finder or disposal by  
15 public auction or other means, an electronic device that allows  
16 for storage of personal information, as defined by section  
17 487N-1, shall be sanitized by the director or the director's  
18 agent in accordance with guidance provided by the information  
19 privacy and security council to ensure removal of personal  
20 information prior to returning the device to the finder or  
21 disposal by public auction or other means. If removal of



1 personal information is not possible or cannot be verified  
2 without unreasonable expense, the device shall be destroyed in a  
3 manner sufficient to eliminate the information, prior to  
4 disposal or recycling. The director or the director's agent  
5 shall make reasonable efforts to notify the finder that the  
6 device was destroyed and disposed of or recycled because  
7 personal information could not be removed."

8 SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Protection of Personal Information on Unclaimed Electronic Devices

**Description:**

Clarifies that found electronic devices that may contain personal information shall be sanitized before providing the unclaimed property to finders or disposing of the property by public auction or other means. (HB2311 HD1)

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

