

Honolulu, Hawaii

APR 05 2018

RE: H.B. No. 2318
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B.
No. 2318, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONFIDENTIAL PERSONAL
INFORMATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend the definition of "confidential personal
information" for offenses against property rights;
- (2) Specify other types of confidential personal
information; and
- (3) Clarify when a password constitutes confidential
personal information.

Your Committee received testimony in support of this measure
from the Department of Hawaiian Home Lands, Department of the
Prosecuting Attorney of the City and County of Honolulu, Hawaiian
Civic Club of Honolulu, and one individual. Your Committee
received testimony in opposition to this measure from the American
Council of Life Insurers. Your Committee received comments on
this measure from the Office of Information Practices, Kaiser



Permanente Hawai'i, The Queen's Health Systems, Healthcare Association of Hawaii, and Hawai'i Pacific Health.

Your Committee finds that, in *State v. Pacquing*, 139 Hawaii 302, 389 P.3d 897 (2016), the Hawaii Supreme Court held that certain parts of the definition of "confidential personal information" are unconstitutionally vague. This measure is intended to address the Court's concerns by narrowing and clarifying the circumstances under which a password constitutes confidential personal information and adds several other types of information that would be considered confidential. Your Committee notes that S.B. No. 2745, S.D. 1 (Regular Session of 2018), which was previously passed by the Senate, addresses the same concerns as this measure and was recently heard and passed with amendments by the House Committee on Judiciary. Therefore, initially your Committee intended to defer this measure indefinitely, however your Committee received testimony from the Department of Hawaiian Home Lands requesting that this measure be amended to serve as a vehicle for the language of S.B. No. 2782, S.D. 1 (Regular Session of 2018).

S.B. No. 2782, S.D. 1, specifies that certain government records containing beneficiaries' personal information maintained by the Department of Hawaiian Home Lands are not required to be publicly disclosed or made open to inspection pursuant to public records requests and may be discussed during an executive meeting of the Hawaiian Homes Commission. Your Committee finds that the language of S.B. No. 2782, S.D. 1, is preferable because it protects information in which members of the public have a significant privacy interest while still allowing the Hawaiian Homes Commission to access and discuss the protected information as necessary to conduct the business of the Commission.

Accordingly, your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 2782, S.D. 1, a measure that:

- (1) Specifies that certain government records containing beneficiaries' personal information maintained by the Department of Hawaiian Home Lands are not required to be publicly disclosed or made open to inspection pursuant to public records requests and may be discussed during

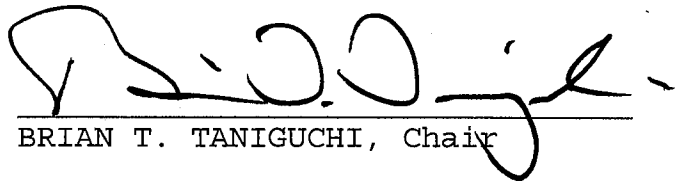


an executive meeting of the Hawaiian Homes Commission;
and

(2) Inserts an effective date of July 1, 2050.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2318, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2318, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 2318, HD1	Committee Referral: JDC	Date: 4/3/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: Karl Rhoads				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

*Only one measure per Record of Votes