

STAND. COM. REP. NO. 993-20

Honolulu, Hawaii

FEB 28

, 2020

RE: H.B. No. 1904

H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1904, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM EMPLOYEE AND STUDENT ONLINE PRIVACY PROTECTION ACT,"

begs leave to report as follows:

The purpose of this measure is to establish the Uniform Employee and Student Online Privacy Protection Act to protect the online accounts of employees, prospective employees, unpaid interns, applicants, students, prospective students, and independent contractors from mandatory or coercive access by their employers and educational institutions.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii Civil Rights Commission, Hawaii Commission to Promote Uniform Legislation, and Pride At Work - Hawaii. Your Committee received comments on this measure from the Department of the Attorney General and American Civil Liberties Union of Hawaii.

Your Committee finds that growing reports of employers and educational institutions requiring or demanding access to the personal online accounts of employees, job applicants, and students raises significant privacy concerns. These concerns have resulted in legislative efforts in other jurisdictions to protect

HB1904 HD2 HSCR JUD HMS 2020-1565



employees and students against unwarranted invasions of privacy and from workplace access to their social media accounts. This measure seeks to prevent employers and public and private educational institutions from demanding access to the online accounts of employees and students.

Your Committee has amended this measure by:

- (1) Inserting a preamble which provides that the protection of the online accounts of current and prospective employees and students from employers and educational institutions is a matter of statewide concern; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1904, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1904, H.D. 2.

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



CHRIS LEE, Chair



State of Hawaii
House of Representatives
The THIRTIETH Legislature

HJR 993-20

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1904 HDI	Committee Referral: LAB, LHE, JUD	Date: 2/26/20		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.				/
5. LOWEN, Nicole E.	/			
6. MCKELVEY, Angus L.K.				/
7. NAKASHIMA, Mark M.	/			
8. PERRUSO, Amy A.		/		
9. SAY, Calvin K.Y.	/			
10. TAKAYAMA, Gregg	/			
11. YAMANE, Ryan I.				/
12. THIELEN, Cynthia	/			
TOTAL (12)	8	1		3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				