

STAND. COM. REP. NO.

2378

Honolulu, Hawaii

FEB 06 2020

RE: S.B. No. 2010

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Higher Education, to which was referred  
S.B. No. 2010 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 and intent of this measure is to establish the  
Uniform Employee and Student Online Privacy Protection Act that  
adopts uniform laws on protecting the online accounts of  
employees, prospective employees, unpaid interns, applicants,  
students, and prospective students from employers and educational  
institutions.

Your Committee received testimony in support of this measure  
from the Department of Education, University of Hawaii system,  
Hawaii Civil Rights Commission, Commission to Promote Uniform  
Legislation, and Democratic Party of Hawaii LGBT Caucus. Your  
Committee received comments on this measure from the American  
Civil Liberties Union of Hawaii.

Your Committee finds that, ordinarily, individuals decide for  
themselves who will have access to information that is not  
otherwise publicly available in their social media profiles and  
other online accounts. Employers and educational institutions,  
however, may have the power to coerce access to non-public  
information of students' and employees' personal online accounts.



Your Committee further finds that, in recent years, there have been a number of reported incidents in which employers and schools have demanded, and received, such access. This measure, which was developed by the Uniform Law Commission with input from employers, educational institutions, internet and other technology companies and privacy organizations, prevents employers and public and private educational institutions from coercing access to such information from employees and students who will normally have less than equal bargaining power.

Your Committee further finds that adoption of this uniform act will establish a set of rules that will help employers, educational institutions, employees, students, technology service providers, practitioners, judges, and others to effectively apply, comply with, and enforce the law in a more consistent manner.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2010 and recommends that it pass Second Reading and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Higher Education,



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DONNA MERCADO KIM, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Higher Education**  
**HRE**

Bill / Resolution No.:* <b>SB 2010</b>	Committee Referral: <b>HRE, CPH/JDC</b>	Date: <b>1-30-20</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	✓			
KIDANI, Michelle N. (VC)				✓
KAHELE, Kaiali'i	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top:10px;"> </div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes