
A BILL FOR AN ACT

RELATING TO THE DISCLOSURE OF PERSONAL INFORMATION ASSOCIATED
WITH CERTAIN PUBLIC SERVANTS.

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

1 SECTION 1. The legislature finds that across the country,
2 elected state and local officials, judges, election officials,
3 school board officials, and other public servants in decision-
4 making positions that directly impact the public or an
5 individual have experienced an alarming increase in acts of
6 violence, or attempts to engage in acts of violence, at their
7 personal residence or the residence of a family member. In the
8 past three years, two government officials and the family member
9 of another were killed at their home. Most recently, in October
10 2023, Maryland Judge Andrew Wilkinson was shot and killed in his
11 driveway by a litigant in a case pending before him. Earlier in
12 2023, in February, New Jersey Councilwoman Eunice Dwumfour was
13 shot and killed outside her home. In July 2020, U.S. District
14 Court Judge Esther Salas' son, Daniel Anderl, was shot and
15 killed in their family home in New Jersey by an attorney who had
16 appeared before the judge. In October 2022, Paul Pelosi, Speaker



1 of the House Nancy Pelosi's spouse, was brutally assaulted in
2 the couple's home, resulting in hospitalization and surgery due
3 to a skull fracture received during the altercation. In October
4 2020, the U.S. Federal Bureau of Investigation thwarted a group
5 that was planning to kidnap the governor of Michigan, Gretchen
6 Whitmer, and ultimately nine individuals were convicted or pled
7 guilty in the prosecution that ensued.

8 The legislature also finds that a 2021 study titled "On the
9 Frontlines of Today's Cities: Trauma, Challenges and Solutions"
10 by the National League of Cities found that eighty-one per cent
11 of local public officials surveyed said they had experienced
12 harassment, threats, or violence in recent years. In addition
13 to having their safety and well-being threatened, the report
14 found that harassment and violent behavior interrupted local
15 officials' ability to do their jobs and led to the loss of
16 institutional knowledge due to resignations. Other public
17 servants, including local election officials, have also
18 experienced increased threats and harassment. According to a
19 Brennan Center for Justice April 2023 survey of over ten
20 thousand local election officials across the country, thirty per
21 cent reported being threatened, harassed, or abused. More than



1 half reported that the threats were in person. Seventy-three
2 per cent believed that threats against election officials have
3 increased recently.

4 The legislature also finds that data gathered by the
5 federal and state courts illustrates that the trend of threats
6 and inappropriate communications against public officials is
7 increasing. Federal judges and other court personnel were the
8 targets of more than four thousand five hundred threats and
9 other inappropriate communications in 2021, according to the
10 United States Marshals Service. This represents an increase of
11 eighty-one per cent from the number of threats in fiscal year
12 2016, just five years prior, and a two hundred thirty three per
13 cent increase in threats since fiscal year 2008. At the state
14 level, the number of threats and other inappropriate
15 communications to Hawai'i judges have increased tenfold since
16 2012. A recent Marshals Service audit found that federal
17 judges' safety is at greater risk when they are away from the
18 courthouse. This statement is borne out by incidents involving
19 attacks against both federal and state judges at their
20 residences, which have resulted in the deaths of or serious
21 injuries to judges and their family members. In multiple cases,



1 the attacker or would-be attacker used the Internet to access
2 judges' personal information. The legislature notes that Act
3 46, Session Laws of Hawaii 2022 (Act 46), which established a
4 judicial security task force, was passed in recognition of the
5 need for additional measures to ensure the safety of judges in
6 Hawai'i. The task force recommended that legislation to protect
7 personal information be enacted.

8 Accordingly, the purpose of this Act is to prohibit
9 government agencies, persons, and organizations from making
10 publicly available on the Internet the protected personal
11 information of certain public servants, upon written request
12 from the public servant or their representative. This Act is
13 not intended to restrict public access to government records
14 upon request as provided by chapter 92F, Hawaii Revised
15 Statutes, or as otherwise provided by law, so long as the means
16 of access does not involve making protected personal information
17 publicly available on the Internet. In addition, this Act is
18 not intended to restrain a public servant from independently
19 making public their own personal information.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER
5 RESTRICTIONS ON PUBLICATION OF CERTAIN PUBLIC SERVANTS' PERSONAL
6 INFORMATION

7 § -1 Definitions. For purposes of this chapter:

8 "Covered public servant" means:

- 9 (1) The governor;
- 10 (2) The lieutenant governor;
- 11 (3) The state administrative director appointed pursuant
12 to section 26-3;
- 13 (4) Any head of a state department established under
14 section 26-4;
- 15 (5) Any member of the legislature;
- 16 (6) Any active, formerly active, or retired:
 - 17 (A) Justice of the Hawaii supreme court;
 - 18 (B) Judge of the Hawaii intermediate court of
19 appeals;
 - 20 (C) Judge of a Hawaii circuit court or circuit family
21 court;



- 1 (D) Judge of a Hawaii district court or district
- 2 family court; or
- 3 (E) Per diem judge of a Hawaii district court or
- 4 district family court;
- 5 (7) Any active, formerly active, or retired:
 - 6 (A) Justice of the United States Supreme Court;
 - 7 (B) Judge of the United States Court of Appeals;
 - 8 (C) Judge or magistrate judge of the United States
 - 9 District Court; or
 - 10 (D) Judge of the United States Bankruptcy Court,
 - 11 who resides in the State, formerly resided in the
 - 12 State while serving as a federal judge, or owns real
 - 13 property in the State;
- 14 (8) The administrative director of the courts;
- 15 (9) The deputy administrative director of the courts;
- 16 (10) Any employee or volunteer of the office of elections;
- 17 or
- 18 (11) Any person designated for good cause by the governor,
- 19 chief justice, chief judge of the United States
- 20 District Court for the District of Hawaii, chairperson
- 21 of the office of Hawaiian affairs, president of the



1 senate, or speaker of the house of representatives in
2 the designator's respective body.

3 "Family" means spouses or reciprocal beneficiaries, former
4 spouses or former reciprocal beneficiaries, persons who have a
5 child in common, parents, children, persons related by
6 consanguinity, and persons jointly residing or formerly residing
7 in the same dwelling unit.

8 "Government agency" means any:

- 9 (1) Unit of government in the State, any county, or any
10 combination of counties;
- 11 (2) Department;
- 12 (3) Institution;
- 13 (4) Board;
- 14 (5) Commission;
- 15 (6) District;
- 16 (7) Council;
- 17 (8) Bureau;
- 18 (9) Office;
- 19 (10) Governing authority;
- 20 (11) Instrumentality of state or county government; or
- 21 (12) Corporation or other establishment,



1 owned, operated, or managed by or on behalf of the State or any
2 county, but does not include the nonadministrative functions of
3 the courts of the State.

4 "Home" means a permanent residence and any secondary
5 residences affirmatively identified by the covered public
6 servant but does not include a work address or investment
7 property.

8 "Organization" means an association or entity including a
9 charitable, religious, or nonprofit organization; for-profit
10 organization; or business entity, formed for a specific purpose.

11 "Protected personal information" includes a home address
12 and any property ownership information; contact information
13 including but not limited to a home telephone number, cellular
14 phone number, and direct work telephone number; personal email
15 address; directions to the covered public servant's or a family
16 member's home; photograph of a covered public servant's or a
17 family member's home that legibly displays the address or
18 otherwise identifies the location; photograph of a covered
19 public servant's or family member's vehicle that legibly
20 displays the vehicle license plate number; the names and
21 locations of schools and day care facilities attended by the



1 children of the covered public servant; identity of children of
2 the covered public servant that are under the age of eighteen;
3 voter registration information; the contents of any application
4 for absentee voter's ballots; the covered public servant's name
5 and residential address contained in property tax records; and
6 the name and address of the employer of any family member.

7 § -2 **Publication of public servants' personal**
8 **information; restrictions.** Except as otherwise provided in
9 section -6, upon receipt of a written request from a covered
10 public servant, a government agency, person, or organization
11 shall not make publicly available on the Internet the protected
12 personal information of the covered public servant and their
13 family. After receiving a written request, the government
14 agency, person, or organization shall remove the protected
15 personal information from the Internet within three business
16 days by ensuring that the protected personal information is not
17 made publicly available on any website, social media, or social
18 network controlled by that government agency, person, or
19 organization.

20 § -3 **Written requests.** (a) A written request pursuant
21 to this section shall be valid if the covered public servant or



1 representative of the covered public servant's employer submits
2 a request in writing directly to a person or organization;
3 provided that the covered public servant has given written
4 consent to the representative.

5 (b) A written request to a government agency shall only be
6 valid as follows:

7 (1) The request shall be made by the executive or
8 administrative head of the department where the
9 covered public servant is or was employed;

10 (2) The request shall expressly identify the specific
11 government record with the protected personal
12 information that is publicly available on the Internet
13 and include, where applicable, the government agency's
14 indexed document number;

15 (3) The request shall request that the government agency
16 remove the record with the protected personal
17 information from being publicly available on the
18 Internet; and

19 (4) For any new or previously identified government record
20 subject to this chapter, the request shall be made no
21 more than once a month, and shall include all the



1 covered public servants of the subject department in a
2 single request; provided that a written request may be
3 submitted at any time under exigent circumstances
4 based on a threat to the covered public servant or the
5 covered public servant's family as determined by the
6 subject department head submitting the request. In
7 the case of the judiciary, the written request under
8 this section shall be made by the administrative
9 director of the courts, and for federal court by the
10 clerk of court for the United States District Court
11 for the District of Hawaii.

- 12 (c) A written request shall be valid until:
- 13 (1) The covered public servant provides the government
14 agency, person, or organization with written
15 permission to release the protected personal
16 information; or
- 17 (2) The covered public servant's death.

18 **§ -4 Extension of time to respond to written request.** A
19 government agency, person, or organization that receives a valid
20 written request and requires additional time to comply with the
21 written request may extend the deadline to comply with the



1 written request. The extension shall be made by providing a
2 written acknowledgement to the requestor within three business
3 days. The extension of time to comply with the written request
4 may be extended for up to an additional ten business days from
5 the date the written acknowledgement is transmitted.

6 **§ -5 Civil remedies.** (a) If a person or organization
7 violates this chapter, the covered public servant or family
8 member whose protected personal information is made public as a
9 result of the violation may bring an action seeking injunctive
10 or declaratory relief in the circuit court. If the court grants
11 injunctive or declaratory relief, the person or organization
12 responsible for the violation shall be required to pay the costs
13 and reasonable attorney's fees of the covered public servant or
14 family member.

15 (b) If a government agency violates this chapter, the
16 covered public servant or family member whose protected personal
17 information is made public as a result of the violation may
18 bring an action seeking injunctive or declaratory relief in the
19 circuit court. No costs or fees shall be awarded.

20 **§ -6 Exceptions.** This chapter shall not apply to:



- 1 (1) Protected personal information that the covered public
2 servant or family member voluntarily publishes on the
3 Internet after the effective date of this chapter;
- 4 (2) Records pertaining to property presumed abandoned
5 pursuant to chapter 523A, the Uniform Unclaimed
6 Property Act;
- 7 (3) Information subject to disclosure pursuant to a court
8 order;
- 9 (4) Filings made pursuant to chapter 490, the Uniform
10 Commercial Code, and recorded judgments;
- 11 (5) Copies of recorded instruments affecting title to real
12 property that contain protected personal information
13 that are provided by the bureau of conveyances to a
14 title insurance company that has requested to access
15 the record in its ordinary course of business or are
16 provided by a title insurance company to a government
17 agency for government purposes;
- 18 (6) Records a government agency provides to any other
19 government entity; provided that the record shall not
20 be made publicly available on the Internet;



- 1 (7) Information that is relevant to and displayed as part
2 of a news story, commentary, editorial, or other
3 speech on a matter of public concern;
- 4 (8) The furnishing of consumer reports by a consumer
5 reporting agency protected by and subject to the Fair
6 Credit Reporting Act, title 15 United States Code
7 section 1681, et seq.;
- 8 (9) The disclosure of nonpublic personal information
9 protected by and subject to the Gramm-Leach-Bliley
10 Act, title 15 United States Code section 6801 et seq.
11 (Public Law 106-102);
- 12 (10) The disclosure of information regulated by the Health
13 Insurance Portability and Accountability Act, title 42
14 United States Code section 1320d et seq.;
- 15 (11) The disclosure of information subject to the Driver's
16 Privacy Protection Act, title 18 United States Code
17 section 2721 et seq.; and
- 18 (12) The publication of a notice, including a notice of an
19 administrative hearing or appeal, that is required by
20 law.



1 § **-7 Rules.** Any government agency may adopt, amend, or
2 repeal rules pursuant to chapter 91 as the agency deems
3 necessary to implement this chapter.

4 § **-8 Government records.** This chapter shall not be
5 construed to alter rights to access government records under
6 chapter 92F or as otherwise provided by law; provided that a
7 government agency that receives a valid written request under
8 this chapter shall not make protected personal information
9 publicly available on the Internet when disclosing the
10 government records."

11 SECTION 3. If any provision of this Act, or the
12 application thereof to any person or circumstance, is held
13 invalid, the invalidity does not affect other provisions or
14 applications of the Act that can be given effect without the
15 invalid provision or application, and to this end the provisions
16 of this Act are severable.

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 5. This Act shall take effect on October 1, 2024.



Report Title:

Public Servants; Government Records; Public Records; Personal Information; Disclosure; Prohibition; Unlawful Publication of Personal Information

Description:

Prohibits, upon written request from certain public servants or their representative, any government agency, person, or organization from making certain personal information publicly available on the Internet. Takes effect 10/1/2024. (SD1)

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