
A BILL FOR AN ACT

RELATING TO PRIVACY.

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

1 SECTION 1. The legislature finds that House Concurrent
2 Resolution No. 225, H.D. 1, S.D. 1, regular session of 2019
3 (H.C.R. No. 225), convened the twenty-first century privacy law
4 task force, whose membership consisted of individuals in
5 government and the private sector having an interest or
6 expertise in privacy law in the digital era. H.C.R. No. 225
7 found that public use of the Internet and related technologies
8 had significantly expanded and that a lack of meaningful
9 government regulation has resulted in personal privacy being
10 compromised. Accordingly, the legislature requested that the
11 task force examine and make recommendations regarding existing
12 privacy laws and rules to protect the privacy interests of the
13 people of the State.

14 The legislature further finds that, following significant
15 inquiry and discussion, the task force recommended that the
16 outdated definition of "personal information" in section 487N-1,
17 Hawaii Revised Statutes, and the requirement that the public be



1 notified of data breaches, be updated and expanded. Many
2 identifying data elements relating to individuals are collected,
3 and, when exposed to the public in a data breach, can place an
4 individual at risk of identity theft or may compromise the
5 individual's personal safety. In its current form,
6 chapter 487N, Hawaii Revised Statutes, is not comprehensive
7 enough to cover the additional identifiers.

8 Accordingly, the purpose of this Act is to add a definition
9 for "specified data element" and expand the definition of
10 "personal information".

11 SECTION 2. Section 487N-1, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By adding a new definition to be appropriately inserted
14 and to read:

15 "Specified data element" means any of the following:

- 16 (1) An individual's social security number, either in its
17 entirety or the last four or more digits;
18 (2) Driver's license number, federal or state
19 identification card number, or passport number;
20 (3) A federal individual taxpayer identification number;
21 (4) A military identification number;



1 (5) An individual's financial account number, or credit or
2 debit card number, unless redacted;

3 (6) A security code, access code, personal identification
4 number, or password that would allow access to an
5 individual's account;

6 (7) Unique biometric data generated from a measurement or
7 analysis of human body characteristics used for
8 authentication purposes, including a fingerprint,
9 voice print, retina or iris image, or other unique
10 physical or digital representation of biometric data;

11 (8) A private key that is unique to an individual and is
12 used to authenticate or sign an electronic record; and

13 (9) Health insurance policy number, subscriber
14 identification number, medical identification number,
15 or any other unique number used by a health insurer to
16 identify a person."

17 2. By amending the definition of "personal information" to
18 read:

19 ""Personal information" means [~~an~~]:

20 (1) An individual's first initial or first name [~~or first~~
21 initial], and last name;



- 1 (2) A user name or electronic mail address, in combination
2 with a password or security question and answer that
3 would permit access to an online account;
- 4 (3) A name used by an individual, including the
5 combination of the first name, any initials in the
6 name, whether at the beginning or middle of the name,
7 or a nickname combined with the last name;
- 8 (4) A user name for an online account;
- 9 (5) A mobile or home phone number; or
- 10 (6) An electronic mail address specific to the individual,
11 in combination with any one or more [of the following data]
12 specified data elements, when [either] the [name or the data
13 elements are] information in paragraphs (1) to (6) is not
14 encrypted[÷
- 15 ~~(1) Social security number;~~
- 16 ~~(2) Driver's license number or Hawaii identification card~~
17 ~~number; or~~
- 18 ~~(3) Account number, credit or debit card number, access~~
19 ~~code, or password that would permit access to an~~
20 ~~individual's financial account.], redacted, or~~



1 otherwise protected by another method that renders the
2 information unreadable or unusable.

3 "Personal information" does not include publicly available
4 information that is lawfully made available to the general
5 public [~~from federal, state, or local government records~~]."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

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

11 SECTION 5. This Act shall take effect on July 1, 3000;
12 provided that section 2 of this Act shall take effect on April
13 1, 2026.



Report Title:

Privacy; Personal Information; Security Breach; Notice;
Identifier; Specified Data Element

Description:

Adds a definition for "specified data element" and expands the
definition of "personal information". Effective 7/1/3000.
(HD1)

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not legislation or evidence of legislative intent.*

