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Testimony of the Department of Commerce and Consumer Affairs

Before the
Senate Committee on Commerce and Consumer Protection
Wednesday, March 18, 2026
9:30 a.m.
Via Videoconference
Conference Room 229

On the following measure:
H.B. 1753, H.D. 2, RELATING TO SOCIAL MEDIA

Chair Keohokalole and Members of the Committee:

My name is Radji Tolentino and I am an Enforcement Attorney with the Department of Commerce and Consumer Affairs' (DCCA) Office of Consumer Protection (OCP). The Department appreciates the intent of this bill and offers comments.

H.B. 1753, H.D. 2 gives Hawaii residents the right to remove their presence online when they close a social media account. We are aware of consumer concerns that social media companies intentionally make it hard to leave their platforms, using confusing menus or "dark patterns" to keep users and their data on the platform and available to the social media company. This bill requires a simple, one-click style deletion process. More importantly, it ensures that "deletion" actually means the data is gone—not just hidden or archived—which protects consumers from future data breaches and identity theft.

We support the provision that prevents companies from requiring additional personal information solely to process a deletion request and appreciate the incorporation of detailed definitions from the California Consumer Privacy Act to enhance consumer protections. H.D. 2 appropriately classifies “unique identifiers” and “inferences” as personal information. Social media companies are already required to comply with similar requirements under the California Consumer Privacy Act, and we are unaware of any operational difficulties they may encounter assuming they are already compliant with the California law establishing the right to be forgotten.

The definition of “personal information” in H.D. 2 expressly includes less visible data such as tracking cookies, IP addresses, and digital beacons. Absent these clarifications, a company could delete a consumer’s account while continuing to track the consumer’s device through unique identifiers.

H.D. 2 also extends protection to “inferences,” which include profiles and conclusions drawn about a consumer’s habits, health, or other sensitive attributes. By clearly defining both personal information and sensitive personal information, the bill ensures that a deletion request applies comprehensively and prevents companies from retaining data.

Thank you for the opportunity to testify on this bill.

LATE

March 18, 2026

Senator Jarrett Keohokalole
Chair, Committee on Commerce & Consumer Protection
Hawaii State Capitol
415 South Beretania Street, Room 229
Honolulu, HI 96813

RE: HB 1753 (Templo) – Social Media Account Deletion - Concerns

Dear Chair Keohokalole, and members of the committee,

On behalf of TechNet, we write to express concerns regarding HB 1753, the Hawaii Social Media Data Deletion Act.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of American innovation by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes more than 100 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

We support the goal of providing users with meaningful control over their personal information and appreciate the Legislature's continued efforts to refine the bill. In particular, we appreciate the inclusion of language recognizing that deletion obligations apply to the extent technically feasible, which better aligns the bill with established privacy frameworks.

However, as drafted, several provisions would still create uncertainty, impose rigid compliance obligations, and diverge from widely adopted privacy standards.

Scope of Deletion Obligations Remains Overbroad

HB 1753 HD2 requires covered platforms to delete all personal information and sensitive personal information "associated with" a user's account.

This formulation is broader than commonly used standards, which typically focus on data provided by or collected from the user. The phrase "associated with" could reasonably be interpreted to include inferred data, system-generated data, or information derived from other users' activity, creating significant uncertainty regarding the scope of deletion obligations.

Clarifying the scope of covered data would provide greater certainty and ensure that deletion requirements remain workable while preserving the bill's intent.

Deletion Timelines May Not Reflect Technical Realities

While the bill now establishes defined timelines, requiring archival of data followed by deletion within ninety days, these timelines may not adequately account for the complexity of modern data systems.

Platforms often store data across distributed systems, backups, and security logs, and may be subject to legal or operational retention requirements. A uniform deletion timeline, without flexibility for these realities, risks creating compliance challenges and unintended conflicts with other legal obligations.

Allowing for reasonable flexibility, including extensions where necessary to complete deletion across complex systems, would better align the bill with established privacy frameworks.

Clarification of Account Deletion Process and Scope

HB 1753 HD2 requires platforms to delete personal information associated with a user's account and to provide confirmation once deletion is complete. While these requirements promote transparency, certain elements of the deletion process could benefit from further clarification.

For example, the relationship between archived data, deletion timelines, and user notification may create operational ambiguity. Clarifying sequencing and expectations around when deletion is considered complete would improve consistency in implementation.

Recordkeeping Requirements Create Data Minimization Tension

The bill requires platforms to retain records of deletion requests and related compliance documentation for four years.

While recordkeeping can support enforcement and accountability, extended retention of deletion-related data may create tension with data minimization principles and introduce additional compliance burdens. Clarifying the scope of required records and ensuring alignment with broader privacy principles would help mitigate these concerns.

Definition of "Social Media Platform" Remains Overly Broad

HB 1753 HD2 defines "social media platform" broadly to include services that enable users to create profiles and interact with others.

As drafted, this definition could encompass a wide range of services beyond traditional social media platforms, including forums, gaming services, and other

online tools that incorporate user-generated content. This lack of precision risks sweeping in services that are not the intended targets of the legislation.

Further refinement of this definition would improve clarity and ensure that the bill is appropriately tailored.

Enforcement and Rulemaking Authority

The bill authorizes the Attorney General to enforce its provisions and adopt rules necessary for implementation.

While enforcement authority is an important component of any regulatory framework, broad rulemaking authority combined with evolving compliance obligations may introduce additional uncertainty for covered entities. Providing clear statutory guidance in key areas would reduce the need for future rulemaking and support more predictable compliance.

HB 1753 HD2 reflects meaningful progress in advancing user control over personal information. We appreciate the Legislature's efforts to improve the bill and its alignment with established privacy principles.

However, several provisions would benefit from further refinement to ensure that the bill is clear, workable, and consistent with existing privacy frameworks. We respectfully urge the Committee to consider targeted amendments to address these concerns.

If you have any questions regarding our position, please contact Robert Boykin at rboykin@technet.org or 408.898.7145.

Sincerely,



Robert Boykin
Executive Director for California and the Southwest
TechNet

HB-1753-HD-2

Submitted on: 3/15/2026 9:17:57 AM

Testimony for CPN on 3/18/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
William Caron	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I am writing in **strong support** of HB1753, a common-sense consumer protection measure that would give Hawai'i residents real control over their personal data by requiring social media platforms to provide a clear, accessible mechanism for account deletion and the permanent erasure of associated personal information.

Why Is This Important?

For years, social media platforms have made it intentionally difficult for users to leave. Signing up for an account is often a matter of a few clicks. But deleting that same account? That can require navigating a labyrinth of confusing menus, hidden pages, and deliberate obstacles designed to discourage users from following through. This is not an accident; it is a feature of the business model. These platforms profit from collecting and retaining our personal information, and they have little incentive to let it go.

HB1753 directly addresses this imbalance of power. The bill requires certain social media platforms to provide an accessible mechanism for users to delete their accounts and, critically, to permanently erase **all personal information and sensitive personal information** associated with those deleted accounts. It also prohibits the deceptive practices that platforms currently use to obstruct account deletion.

The Right to Be Forgotten

At its core, HB1753 is about the fundamental right to control one's own digital footprint. When a person decides they no longer wish to use a platform, they should be able to leave—completely, permanently, and without harassment. They should not have to wonder whether their data remains on some server, waiting to be compromised in the next data breach. They should not have to worry that their personal information, including sensitive data, continues to be bought, sold, and traded long after they have stopped using the service.

This bill ensures that "deletion" means what it says. It is not enough to deactivate an account or make it invisible to other users while the platform retains all the underlying data. Deletion must be permanent. The personal information must be erased.

Prohibiting Deceptive Practices

Equally important, HB1753 prohibits the deceptive tactics that platforms currently use to keep users trapped. We have all seen examples:

- Account deletion links buried deep in settings, accessible only through a circuitous path.
- Confusing language designed to make users think deactivating is the same as deleting.
- Pop-ups and "Are you sure?" messages that guilt or shame users into staying.
- Requiring users to log in again or jump through additional hoops after they have already initiated the deletion process.

These practices are not about helping users make informed decisions. They are about retention at all costs. HB1753 says: no more. If a user wants to delete their account, the platform must make that process straightforward, accessible, and free from obstruction.

Enforcement Matters

The bill also authorizes the Attorney General to pursue civil actions and seek injunctive relief and penalties for violations. This enforcement mechanism is essential. Without it, the bill would be a set of unenforceable suggestions. With it, we send a clear message to platforms that operate in Hawai'i: respect our residents' right to delete their data, or face real consequences.

Who This Protects

This bill protects everyone who uses social media, but it is especially important for vulnerable populations:

- **Young people** who may have joined platforms impulsively and later regret the digital footprint they created.
- **Survivors of domestic abuse or stalking** who need to remove themselves completely from platforms where they may be tracked or harassed.
- **Anyone** who has simply decided that the costs of social media—to their privacy, their mental health, or their time—now outweigh the benefits.

A Growing Movement

Hawai'i is not alone in recognizing this problem. Other states and countries are moving toward similar "right to delete" protections. By passing HB1753, we join a growing movement to rebalance the relationship between individuals and the platforms that profit from their data.

I urge this committee to pass HB1753 and give Hawai'i residents the power to truly leave social media behind when they choose to do so.

Mahalo for the opportunity to testify.