
A BILL FOR AN ACT

RELATING TO SOCIAL MEDIA.

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

1 SECTION 1. This Act shall be known and may be cited as the
2 Hawaii Social Media Data Deletion Act.

3 SECTION 2. The legislature finds that social media
4 platforms collect, store, and process large amounts of users'
5 personal information, including data that can persist
6 indefinitely even after a user deletes an account. Users should
7 have meaningful control over their digital identities and
8 personal information, including clear rights to delete such
9 information when they choose to discontinue using a social media
10 platform. Effective deletion of personal data upon account
11 termination promotes digital privacy, reduces the risk of
12 unauthorized data retention and third-party sharing, and aligns
13 with emerging state privacy standards.

14 The purpose of this Act is to require certain social media
15 platforms to:

16 (1) Provide an accessible mechanism for users to delete
17 their accounts;



1 (2) Permanently delete all personal information and
2 sensitive personal information associated with deleted
3 accounts; and

4 (3) Prohibit deceptive practices that obstruct deletion.

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

8 "CHAPTER

9 SOCIAL MEDIA PROTECTIONS

10 PART I. GENERAL PROVISIONS

11 § -1 Definitions. As used in this chapter:

12 "Covered platform" means a social media platform that:

13 (1) Has one million or more monthly active users
14 nationwide; or

15 (2) Generates \$25,000,000 or more in annual gross
16 revenues.

17 "Delete" or "deletion" means, to the extent technically
18 feasible, the removal of personal information and sensitive
19 personal information from a covered platform's systems and
20 databases resulting in the covered platform no longer retaining
21 or using the personal information and sensitive personal



1 information, except as otherwise permitted under applicable
2 federal or state law.

3 "Education information" means information that is not
4 publicly available personally identifiable information as
5 defined in the Family Educational Rights and Privacy Act of 1974
6 (20 U.S.C. 1232g; 34 C.F.R. part 99).

7 "Neural data" means information that is generated by
8 measuring the activity of a consumer's central or peripheral
9 nervous system, and that is not inferred from nonneural
10 information.

11 "Personal information" means information that identifies,
12 relates to, describes, is reasonably capable of being associated
13 with, or could reasonably be linked, directly or indirectly,
14 with a particular consumer or household. "Personal information"
15 includes but is not limited to the following if it identifies,
16 relates to, describes, is reasonably capable of being associated
17 with, or could be reasonably linked, directly or indirectly,
18 with a particular consumer or household:

19 (1) Identifiers, such as a real name, alias, postal
20 address, unique personal identifier, online
21 identifier, internet protocol address, electronic mail



- 1 address, account name, social security number,
2 driver's license number, passport number, or other
3 similar identifiers;
- 4 (2) Any personal information described in section 487N-1;
- 5 (3) Characteristics of protected classifications under
6 federal or state law;
- 7 (4) Commercial information, including records of personal
8 property, products or services purchased, obtained, or
9 considered, or other purchasing or consuming histories
10 or tendencies;
- 11 (5) Biometric information;
- 12 (6) Internet or other electronic network activity
13 information, including but not limited to browsing
14 history, search history, and information regarding a
15 consumer's interaction with an internet website
16 application or advertisement;
- 17 (7) Geolocation data;
- 18 (8) Audio, electronic, visual, thermal, olfactory, or
19 similar information;
- 20 (9) Professional or employment-related information;
- 21 (10) Education information;



1 (11) Inferences drawn from any of the information
2 identified in this definition to create a profile
3 about a consumer reflecting the consumer's
4 preferences, characteristics, psychological trends,
5 predispositions, behavior, attitudes, intelligence,
6 abilities, and aptitudes; and

7 (12) Sensitive personal information.

8 "Personal information" does not include publicly available
9 information or lawfully obtained, truthful information that is a
10 matter of public concern.

11 "Publicly available" means any of the following:

12 (1) Information that is lawfully made available from
13 federal, state, or local government records;

14 (2) Information that a business has a reasonable basis to
15 believe is lawfully made available to the general
16 public by the consumer or from widely distributed
17 media; and

18 (3) Information made available by a person to whom the
19 consumer has disclosed the information if the consumer
20 has not restricted the information to a specific
21 audience.



1 "Publicly available" does not include biometric information
2 collected by a business about a consumer without the consumer's
3 knowledge.

4 "Sensitive personal information" means:

5 (1) Personal information that reveals:

6 (A) A consumer's social security, driver's license,
7 state identification card, or passport number;

8 (B) A consumer's account log-in, financial account,
9 debit card, or credit card number in combination
10 with any required security or access code,
11 password, or credentials allowing access to an
12 account;

13 (C) A consumer's precise geolocation;

14 (D) A consumer's racial or ethnic origin, citizenship
15 or immigration status, religious or philosophical
16 beliefs, or union membership;

17 (E) The contents of a consumer's mail, electronic
18 mail, and text messages, unless the business is
19 the intended recipient of the communication;

20 (F) A consumer's genetic data; or

21 (G) A consumer's neural data;



- 1 (2) The processing of biometric information for the
- 2 purpose of uniquely identifying a consumer;
- 3 (3) Personal information collected and analyzed concerning
- 4 a consumer's health; and
- 5 (4) Personal information collected and analyzed concerning
- 6 a consumer's sex life or sexual orientation.

7 "Social media platform" means an electronic service or
 8 system that enables users to create profiles and interact with
 9 others, including posting content, messaging, or engaging in
 10 social networking online.

11 "User" means a natural person who is a resident of the
 12 State acting in an individual or household context.

13 **PART II. COVERED PLATFORMS' OBLIGATIONS**

14 **§ -11 Account deletion; user rights.** (a) A covered
 15 platform shall provide every user of the covered platform with a
 16 clear, conspicuous, and easily accessible method to request
 17 deletion of the user's account at any time.

18 (b) Upon confirmation of a user's request for account
 19 deletion, the covered platform shall:

- 20 (1) Archive and delete all personal information and
- 21 sensitive personal information associated with the



1 user's account and collected directly through the
2 user's activity on the covered platform in accordance
3 with section -12; and

4 (2) Notify the user that deletion of the user's account,
5 personal information, and sensitive personal
6 information has been completed.

7 (c) A covered platform shall not design or implement user
8 interfaces, terms, or processes that:

9 (1) Obscure, delay, or make the request for deletion of a
10 user's account, personal information, and sensitive
11 personal information more difficult; or

12 (2) Require disclosure of additional personal information
13 or sensitive personal information beyond what is
14 necessary to verify the user's account deletion
15 request.

16 **§ -12 Account deletion; verification; timely deletion.**

17 (a) Except as provided in subsection (b), a covered platform
18 shall:

19 (1) Archive and not make publicly accessible the user's
20 personal information and sensitive personal



1 information for a period of no less than forty-five
2 days; and

3 (2) Delete the user's personal information and sensitive
4 personal information no later than ninety days,
5 after receiving a user's confirmed request to delete the user's
6 account, unless otherwise required by federal or state law.

7 (b) A law enforcement agency may direct a covered
8 platform, pursuant to an approved criminal investigation with an
9 active case number not to delete a user's personal information
10 or sensitive personal information. Upon receiving such
11 direction, the covered platform shall retain the user's personal
12 information or sensitive personal information solely to allow
13 the law enforcement agency to obtain a court-issued subpoena,
14 order, or warrant to obtain the user's personal information or
15 sensitive personal information. A covered platform that has
16 received direction from a law enforcement agency not to delete
17 the user's personal information or sensitive personal
18 information shall not use the user's personal information or
19 sensitive personal information for any purpose other than
20 retaining it to produce to the law enforcement agency in
21 response to a court-issued subpoena, order, or warrant.



1 (c) A covered platform may implement reasonable procedures
2 to verify that the individual initiating a request for account
3 deletion is the account holder.

4 § -13 **Recordkeeping.** A covered platform shall maintain
5 deletion request records and any related compliance
6 documentation for four years for enforcement and evidentiary
7 purposes.

8 **PART III. ADMINISTRATION AND ENFORCEMENT**

9 § -21 **Enforcement.** The attorney general may enforce
10 this chapter through civil actions and seek injunctive relief
11 and civil penalties for violations of this chapter. Civil
12 penalties may include fines up to \$250 per violation per day.

13 § -22 **Rules.** The department of the attorney general may
14 adopt rules pursuant to chapter 91 necessary to implement and
15 enforce this chapter."

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

19 SECTION 5. If any provision of this Act, or the
20 application thereof to any person or circumstance, is held
21 invalid, the invalidity does not affect other provisions or



1 applications of the Act that can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

4 SECTION 6. This Act shall take effect upon its approval.



Report Title:

AG; Social Media Platforms; User Accounts; Personal Information;
Sensitive Personal Information; Deletion; Deceptive Practices

Description:

Requires certain social media platforms to provide an accessible mechanism for users to delete their accounts on the platform and permanently erase all personal information and sensitive personal information associated with deleted accounts.

Prohibits certain deceptive practices by social media platforms that obstruct the deletion of user accounts. Authorizes the Attorney General to pursue civil actions and seek injunctive relief and penalties for violations. (CD1)

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