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**Testimony of the Department of Commerce and Consumer Affairs**

**Before the  
House Committee on Judiciary & Hawaiian Affairs  
Tuesday, March 3, 2026  
2:00 p.m.  
Via Videoconference  
Conference Room 325**

**On the following measure:  
H.B. 1753, H.D. 1, RELATING TO SOCIAL MEDIA**

Chair Tarnas 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. 1 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 protections adopted by the previous committee through the incorporation of more detailed definitions drawn from the California Consumer Privacy Act. As amended, H.D. 1 appropriately classifies “unique identifiers” and “inferences” as personal information.

The definition of “personal information” in H.D. 1 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. 1 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.

## **HB-1753-HD-1**

Submitted on: 3/1/2026 12:21:34 PM

Testimony for JHA on 3/3/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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.