

Honolulu, Hawaii

FEB 17

RE: S.B. No. 2292
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Housing and Media, Arts, Science, and Technology, to which was referred S.B. No. 2292 entitled:

"A BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS,"

beg leave to report as follows:

The purpose of this measure is to require businesses that maintain or possess personal information of Hawaii residents to protect against unauthorized access to or use of the information after its disposal by properly destroying the personal information.

Testimony in support of this measure was submitted by the Department of Commerce and Consumer Affairs, Hawaii Bankers Association, Retail Merchants of Hawaii, and the Honolulu Police Department. The American Council of Life Insurers and the Consumer Data Industry Association submitted comments on this measure.

Your Committees find that business records are a leading source of personal information for identity thieves. Any entity that maintains personal information as part of its business operations should establish security procedures to maintain the confidentiality and integrity of that information. This measure requires that businesses that collect personal identifying information take reasonable measures to protect this information against unauthorized access to or use by properly discarding and




destroying the information. Establishing proper procedures for the destruction of this type of information is crucial to protect Hawaii's consumers.

Your Committees have amended this measure by:

- (1) Strengthening enforcement under this proposed measure by allowing the attorney general or the director of the office of consumer protection to bring an action based on unfair or deceptive acts or practices declared unlawful by this measure; and
- (2) Extending the effective date of this measure to January 1, 2007.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Housing and Media, Arts, Science, and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2292, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2292, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committees on Commerce, Consumer Protection, and Housing and Media, Arts, Science, and Technology,


CAROL FUKUNAGA, Chair


RON MENOR, Chair



The Senate
 Twenty-Third Legislature
 State of Hawaii

Record of Votes of the
 Committee on Media, Arts, Science and Technology
 (Bills and Resolutions)

Measure:* SB 2292	Committee Referral: CPH/MAT, JSTW	Date: 2/14/2006		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
FUKUNAGA, Carol (C)	✓			
IGE, David Y. (VC)	✓			
ENGLISH, J. Kalani				✓
IHARA, Jr., Les				✓
HOGUE, Bob	✓			
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">David Y Ige</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Do not list more than one measure per Record of Votes.