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# A BILL FOR AN ACT

RELATING TO SECURITY BREACHES OF PERSONAL INFORMATION.

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

1           SECTION 1. The legislature finds that a recent University  
2 of Hawaii security breach may have exposed personal information,  
3 including approximately 40,870 social security numbers and two  
4 hundred credit card numbers. The system was immediately  
5 isolated, and an investigation was launched to determine the  
6 scope of the breach and identify individuals who may have been  
7 affected. Letters were mailed to affected individuals on  
8 July 3, 2010, and an email notice was sent to affected  
9 individuals at their most recent email address on record. To  
10 protect personal information from further unauthorized access,  
11 social security numbers are no longer used for parking  
12 transactions, and are being purged from all current and historic  
13 parking office databases. Additional security measures that are  
14 being taken include strengthening internal automated network  
15 monitoring practices, and performing extensive evaluations of  
16 systems to identify other potential security risks.

17           The legislature further finds that while the University of  
18 Hawaii acted swiftly and appropriately after discovery of the



1 security breach, additional safeguards are necessary to ensure  
2 that the University of Hawaii and other government agencies have  
3 the resources to avoid a reoccurrence of these security breaches  
4 of personal information.

5 The purpose of this Act is to strengthen the safeguards for  
6 security breaches of personal information held by government  
7 agencies.

8 SECTION 2. Chapter 487N, Hawaii Revised Statutes, is  
9 amended by adding a new section to be appropriately designated  
10 and to read as follows:

11 "487N- Personal information security; government  
12 agencies; requirements. Any government agency that maintains  
13 one or more personal information systems shall include, as part  
14 of the agency's guidelines developed pursuant to section  
15 487N-5(c), mandatory training programs for any agency personnel  
16 to whom disclosures of personal information are made or to whom  
17 access to the personal information may be granted. A government  
18 agency may request assistance from the information and  
19 communication services division of the department of accounting  
20 and general services for training purposes, pursuant to section  
21 487N-5(e)."



1 SECTION 3. Section 487N-4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[~~§~~487N-4~~§~~] **Reporting requirements.** A government  
4 agency shall submit a written report to the legislature and the  
5 information privacy and security council within twenty days  
6 after discovery of a security breach at the government agency  
7 that details information relating to the nature of the breach,  
8 the number of individuals affected by the breach, a copy of the  
9 notice of security breach that was issued, the number of  
10 individuals to whom the notice was sent, whether the notice was  
11 delayed due to law enforcement considerations, and any  
12 procedures that have been implemented to prevent the breach from  
13 reoccurring. In the event that a law enforcement agency informs  
14 the government agency that notification may impede a criminal  
15 investigation or jeopardize national security, the report to the  
16 legislature and the information privacy and security council may  
17 be delayed until twenty days after the law enforcement agency  
18 has determined that notice will no longer impede the  
19 investigation or jeopardize national security."

20 SECTION 4. Section 487N-5, Hawaii Revised Statutes, is  
21 amended as follows:

22 1. By amending subsection (a) to read:



1           "(a) There is established an information privacy and  
2 security council within the department of accounting and general  
3 services for administrative purposes only. The council shall be  
4 responsible for coordinating the implementation of guidelines by  
5 government agencies, as established under subsection (c).

6 Members of the council shall be appointed no later than  
7 September 1, 2008, by the governor without regard to section  
8 26-34 and shall be composed of the following representatives:

9           (1) Executive agencies that maintain extensive personal  
10 information in the conduct of their duties, including  
11 the department of education, the department of health,  
12 the department of human resources development, the  
13 department of human services, and the University of  
14 Hawaii, to be selected by the governor;

15           (2) The legislature, to be selected by the president of  
16 the senate and the speaker of the house of  
17 representatives;

18           (3) The judiciary, to be selected by the administrator of  
19 the courts; and

20           (4) The four counties, to be selected by the mayor of each  
21 county; provided that the mayor of each county shall



1 determine the extent to which the county may or may  
2 not participate.

3 The comptroller or the state chief information officer,  
4 once appointed, shall serve as chair of the council."

5 2. By amending subsection (e) to read:

6 "(e) The comptroller may establish support positions for  
7 the information and communication services division, including  
8 but not limited to[7] legal support, information technology,  
9 human resources and personnel, records management, training, and  
10 administrative support."

11 SECTION 5. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ or so  
13 much thereof as may be necessary for fiscal year 2011-2012 and  
14 the same sum or so much thereof as may be necessary for fiscal  
15 year 2012-2013 for positions and funding in support of the  
16 information privacy and security council and enhanced data  
17 security requirements.

18 The sums appropriated shall be expended by the department  
19 of accounting and general services for the purposes of this Act.

20 SECTION 6. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ or so  
22 much thereof as may be necessary for fiscal year 2011-2012 and



1 the same sum or so much thereof as may be necessary for fiscal  
2 year 2012-2013 for specialist and coordinator positions in  
3 statewide network security, application scanning, security  
4 incident, and training.

5 The sums appropriated shall be expended by the department  
6 of accounting and general services for the purposes of this Act.

7 SECTION 7. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$ or so  
9 much thereof as may be necessary for fiscal year 2011-2012 and  
10 the same sum or so much thereof as may be necessary for fiscal  
11 year 2012-2013 for security tools, maintenance, and licenses,  
12 including software and enhanced web applications.

13 The sums appropriated shall be expended by the department  
14 of accounting and general services for the purposes of this Act.

15 SECTION 8. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 9. This Act shall take effect on July 1, 2011.

18



**Report Title:**

Information Privacy and Security Council; Appropriations

**Description:**

Requires government agencies to develop mandatory training programs for agency personnel to whom disclosures of personal information are made or to whom access to the personal information may be granted; requires reports of security breaches to be submitted to the information privacy and security council; requires the council to be responsible for coordination of the implementation of guidelines by government agencies; makes the comptroller or state chief information officer chair of the council; authorizes the information and communication services division to provide training; appropriates funds for the council, personnel, and security tools. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

