

Honolulu, Hawaii

March 2, 2012

RE: H.B. No. 2309  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2309 entitled:

"A BILL FOR AN ACT RELATING TO PERSONAL INFORMATION,"

begs leave to report as follows:

The purpose of this measure is to protect personal information while providing reasonable access to this information in certain circumstances by allowing the scanning and retention of personal information contained in a state identification card or driver's license for limited purposes.

The American Civil Liberties Union of Hawaii and the Retail Merchants of Hawaii supported this measure. The Office of Consumer Protection of the Department of Commerce and Consumer Affairs testified in support of the intent of this measure. The Department of Customer Services of the City and County of Honolulu; AT&T Services, Inc.; and Consumer Data Industry Association submitted comments regarding this measure.

Prior to decision making on this measure, your Committee circulated a Proposed House Draft 1 for H.B. No. 2309. As amended, the Proposed House Draft 1 of H.B. No. 2309, among other things:

- (1) Places language contained in the new section being added to the Hawaii Revised Statutes regarding the unlawful use of a Hawaii identification card or driver's license



under statutory provisions dealing with Social Security number protection (Chapter 487J, Hawaii Revised Statutes) rather than under statutory provisions addressing the destruction of personal information records (Chapter 487R, Hawaii Revised Statutes);

- (2) Makes the unlawful use of a Hawaii identification card or driver's license apply to a business rather than a person;
- (3) Permits the use of scanned identification to establish or maintain a contract between a business and an individual and limits the information that may be obtained;
- (4) Allows the transmission of information to a consumer reporting agency, financial institution, or debt collector in lieu of to a check service company;
- (5) Adds definitions for the terms "consumer reporting agency," "debt collector," "financial institution," and "scan";
- (6) Changes the title of Chapter 487J, Hawaii Revised Statutes, from "Social Security Number Protection" to "Personal Information Protection";
- (7) Adds a savings clause; and
- (8) Changes the effective date to January 7, 2059, to foster additional discussion.

After further consideration, your Committee adopted the language contained in the Proposed House Draft 1 for H.B. No. 2309 and further amended the proposed draft by making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee is aware that this bill is a work-in-progress and that most of the parties concerned with this measure are still attempting to revise it. However, at the present time, these parties have agreed to the current form of this amended bill. As this bill progresses, these parties will attempt to address the issues that are outstanding.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2309, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2309, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
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GILBERT KEITH-AGARAN, Chair



