

STAND. COM. REP. NO.

2382

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2419
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Commerce and Consumer Protection and Economic Development and Technology, to which was referred S.B. No. 2419 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to allow the scanning and retention of personal information contained in a certificate of identification or driver's license for only limited purposes.

Your Committees received testimony in support of this measure from the Office of Consumer Protection of the Department of Commerce and Consumer Affairs, City and County of Honolulu Department of Customer Services, Retail Merchants of Hawaii, and American Civil Liberties Union of Hawaii. Your Committees received comments on this measure from the Consumer Data Industry Association, AT&T, and one individual.

Your Committees find that a frequently used source of identity theft is information contained on an individual's identification card or driver's license. Because identify theft can have lasting negative repercussions on the life of the person whose identity is stolen, it is important to minimize the widespread use of this personal information.

Your Committees further find that a balance must be obtained by entities that lawfully use an individual's personal



information. Responsible entities must respect and protect an individual's personal information while complying with state and federal laws and regulations that govern the collection of this information.

Your Committees have amended this measure by:

- (1) Moving the language for the new section contained in this measure from chapter 487R, Hawaii Revised Statutes, to the more appropriate chapter 487J, Hawaii Revised Statutes, and amending the title of chapter 487J accordingly;
- (2) Clarifying the forms of identification subject to this measure by changing references to a "certificate of identification" to a "Hawaii identification card" and deleting the definition for "certificate of identification";
- (3) Clarifying the entities that may scan the machine-readable zone of an individual's Hawaii identification card or driver's license;
- (4) Limiting certain entities from retaining or using any scanned information except for specified purposes and setting a time frame for retention of this scanned information;
- (5) Deleting the proposed penalty language, as penalty provisions already exist in chapter 487J, Hawaii Revised Statutes;
- (6) Adding a definition of "scan"; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Economic Development and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2419, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2419, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committees on Commerce and
Consumer Protection and
Economic Development and
Technology,

Carol Fukunaga

CAROL FUKUNAGA, Chair

Rosalyn H. Baker

ROSALYN H. BAKER, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Economic Development and Technology
EDT

Bill / Resolution No.:* SB 2419	Committee Referral: CPN/EDT, JDL	Date: 2/14/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <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	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
SOLOMON, Malama	✓			
SLOM, Sam		✓		
TOTAL	4	1	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes