

STAND. COM. REP. NO.

828

Honolulu, Hawaii

March 1, 2013

RE: H.B. No. 713

H.D. 2

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 713, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SOCIAL MEDIA,"

begs leave to report as follows:

The purpose of this measure is to protect the privacy of employees and applicants by prohibiting employers, except for law enforcement agencies, from requiring or requesting an employee or applicant to disclose the employee or applicant's user name or password for personal social media accounts, access such account with the employer present, or divulge such account.

The American Civil Liberties Union of Hawaii, Democratic Party of Hawaii Labor Caucus, and numerous concerned individuals testified in support of this measure. The Department of Labor and Industrial Relations, The Chamber of Commerce of Hawaii, State Privacy and Security Coalition, American Council of Life Insurers, and one concerned individual provided comments.

Your Committee has amended this measure by:

- (1) Making the Civil Rights Commission the enforcing agency for the prohibition contained in this bill;
- (2) Specifying that employers are prohibited from requiring, requesting, suggesting, or causing employees or potential employees to disclose specified information

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regarding their personal accounts or access their personal social media account, in the presence of the employer or divulge a personal social media account;

- (3) Removing the language that would have allowed law enforcement to request or require an employee or potential employee to access a personal account in the presence of the law enforcement agency employer, or to divulge any personal account;
- (4) Clarifying that this measure will not be construed to conflict with federal law;
- (5) Changing the effective date to January 1, 2100, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 713, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 713, H.D. 2.

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



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KARL RHOADS, Chair



