

STAND. COM. REP. NO.

1007

Honolulu, Hawaii

MAR 22 2013

RE: H.B. No. 713
H.D. 2
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Technology and the Arts and Commerce and Consumer Protection, to which was referred H.B. No. 713, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to prohibit employers from requiring, requesting, suggesting, or causing employees and potential employees to grant access to personal account usernames or passwords, except those reasonably believed to be relevant to investigations of employee misconduct or violation of applicable law.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations, Hawaii Civil Rights Commission, American Civil Liberties Union of Hawaii, and Prudential Financial. Your Committees received testimony in opposition to this measure from the Police Department, County of Maui; Chamber of Commerce of Hawaii; State Privacy and Security Coalition; and American Council of Life Insurers.

Your Committees find that obtaining private account log-in information for employees or potential employees can be a significant privacy intrusion and should occur only for very narrow and specific purposes. This measure is necessary to protect the rights and expectations of privacy for employees and job applicants.

2013-2022 SSCR SMA-1.doc



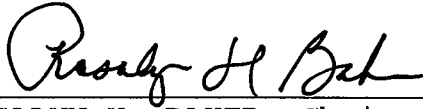
Your Committees have amended this measure by:

- (1) Deleting the language that would have inserted the new statutory language proposed by this measure in part I of chapter 378, Hawaii Revised Statutes, leaving the chapter 378, Hawaii Revised Statutes, designation;
- (2) Limiting the prohibition on employers from the requiring or requesting of access to an employee or potential employee's personal account, rather than the requiring, requesting, suggesting, or causing of access, which is overbroad;
- (3) Clarifying the exceptions for when an employer may require or request access to an employee or potential employee's personal account during an investigation;
- (4) Clarifying acts that are permissible and for which employers shall not be liable under this measure;
- (5) Permitting an employer to require or request access to an employee or potential employee's personal account for the purposes of monitoring, reviewing, accessing, or blocking electronic data stored on an electronic communications device fully or partially funded by the employer or on the employer's network; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

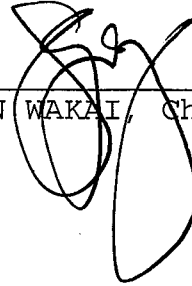
As affirmed by the records of votes of the members of your Committees on Technology and the Arts and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 713, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 713, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.



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



ROSALYN H. BAKER, Chair



GLENN WAKAI, Chair



