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Committees: Committees on Technology and the Arts and Commerce and Consumer Protection
Hearing Date/Time: Tuesday, March 18, 2014, 1:45 p.m.
Place: Room 414
Re: Testimony of the ACLU of Hawaii in opposition to H.B. 2666, HD 1, Relating to Personal Information

Dear Chair Wakai and Members of the Committee on Technology and the Arts, and Chair Baker and Members of the Committee on Commerce and Consumer Protection:

The ACLU of Hawaii writes in opposition to H.B. 2666, HD 1, which seeks to make permanent the current exception to the law limiting when a private business may scan a driver's license barcode.

H.B. 2666, HD 1 is inappropriate and unnecessary, and gives businesses unfettered access to government-issued identification barcodes for age-related transactions. Businesses concerned about fraud can refuse to serve the customer (as was the practice prior to last year's addition of an exception to HRS § 487J-6(a)) or seek the barcode information under the other exceptions allowed by law.

Scanning by private businesses raises serious privacy concerns: Hawaii driver's licenses contain bar codes with significant personal information, including name, address, date of birth, hair color, eye color, height, weight, gender, license expiration date, organ donor status, driver's license number, fingerprint, medical indicators and driver classification code. As more personal information is amassed in more databases, the likelihood increases that the information will be misused or stolen. Individuals cannot protect the accuracy or distribution of their personal information when it is held by others.

Session Laws of Hawaii 2012 Act 191, which restricts driver license scanning, already includes many exceptions to the limits on obtaining this personal information. H.B. 2666, HD 1 seeks to make permanent another exception – namely, to allow any private business to swipe driver's license barcodes to verify age (regardless of the reasonableness of doing so). This would effectively allow any private business to scan the license of anyone who sought to buy an age-restricted purchase, including alcohol, Nicorette gum, mature video games, and compressed air and cold medicines, among others.

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Ensuring that private businesses do not sell age-restricted products to minors should not come at the expense of our privacy (and the very real risk of identity theft). The law as it existed before last year adequately balances those concerns, and the exception written into the law last year should be allowed to expire.

Sincerely,

Daniel Gluck
Senior Staff Attorney
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 45 years.

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