

STAND. COM. REP. NO.

99

Honolulu, Hawaii

FEB 09 2017

RE: S.B. No. 429
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Higher Education,
to which was referred S.B. No. 429 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM EMPLOYEE AND
STUDENT ONLINE PRIVACY PROTECTION ACT,"

beg leave to report as follows:

The purpose and intent of this measure is to adopt uniform
laws to protect the online accounts of employees and students from
employers and educational institutions, respectively.

Your Committees received testimony in support of this measure
from the Hawai'i Civil Rights Commission, Commission to Promote
Uniform Legislation, Graduate Student Organization, Internet
Coalition, and two individuals. Your Committees received comments
on this measure from the Department of the Attorney General,
University of Hawai'i System, and American Civil Liberties Union of
Hawai'i.

Your Committees find that as more individuals subscribe to
social media, privacy is a growing concern. Employers
increasingly ask current and prospective employees to grant the
employer access to social media accounts. Likewise, many
educational institutions seek to examine the social media presence
of current and prospective students. The Uniform Employee and
Student Online Privacy Protection Act, completed by the Uniform
Law Commission in 2016, addresses employers' access to employees
or prospective employees' social media and other online accounts
accessed via username and password or other credentials of

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authentication as well as post-secondary educational institutions' access to students' or prospective students' similar online accounts. Your Committees further find that although at least seventeen states have enacted laws regarding employee and student online privacy since 2012, Hawaii is the first state to introduce this uniform legislation.


Your Committees have amended this measure by:

- (1) As recommended by the Department of the Attorney General, specifying that the Attorney General may bring a civil action in district court against an employer or educational institution in violation;
- (2) Specifying that an employee or student may bring a civil action in district court against the individual's employer or educational institution for a violation;
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (4) 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 Judiciary and Labor and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 429, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 429, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Higher Education,



KAIALII KAELE, Chair

GILBERT S.C. KEITH-AGARAN, Chair

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Higher Education
HRE

Bill / Resolution No.:* SB 429	Committee Referral: JDL/HRE, CPH/WAM	Date: 2-2-17
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KAHELE, Kaiali'i (C)	✓			
KIDANI, Michelle N. (VC)	✓			
ESPERO, Will	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
TANIGUCHI, Brian T.	✓			
TOTAL	5			

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB429	Committee Referral: JDL/HRE, CPH/WAM	Date: 2/2/17		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Karl Rhoads</div>				
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