

Honolulu, Hawaii

February 8, 2018

RE: H.B. No. 1775
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1775 entitled:

"A BILL FOR AN ACT RELATING TO THE DEFINITION OF CONFIDENTIAL PERSONAL INFORMATION,"

begs leave to report as follows:

The purpose of this measure is to amend the unconstitutional vagueness in the definition of "confidential personal information" as determined by the Supreme Court of the State of Hawaii in *State v. Pacquing*, 139 Haw. 302 (2016), by narrowing and clarifying the circumstances under which a password constitutes confidential personal information.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, and one individual testified in support of this measure. The American Council of Life Insurers testified in opposition.

Your Committee has heard testimony regarding the sufficiency of the definition, such as whether the disclosure of the listed information without the person's name should be enough to constitute a crime. While your Committee appreciates the gravity of this concern, your Committee defers to your Committee on Judiciary with respect to this issue, who may properly address this issue should they decide to hear this measure.



Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to promote further discussion; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1775, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1775, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,

TS Takumi

ROY M. TAKUMI, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 1775	Committee Referral: CPC, JUD, FIN	Date: 2/2/18		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	✓			
2. ICHIYAMA, Linda (VC)	✓			
3. AQUINO, Henry J.C.				✓
4. ITO, Ken	/			
5. JOHANSON, Aaron Ling	✓			
6. LoPRESTI, Matthew S.	✓			
7. MIZUNO, John M.				✓
8. SAY, Calvin K.Y.	✓			
9. TOKIOKA, James Kunane	✓			
10. YAMANE, Ryan I.				✓
11. McDERMOTT, Bob				✓
TOTAL (11)	7	0	0	4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>Linda Ichizawa</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				