

STAND. COM. REP. NO.

1043

Honolulu, Hawaii

March 9, 2017

RE: H.B. No. 814
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 814, H.D. 1, entitled:

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

begs leave to report as follows:

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

The State of Hawaii Commission to Promote Uniform Legislation, Graduate Student Organization of the University of Hawaii at Manoa, and two individuals testified in support of the measure. The University of Hawaii, Hawaii Civil Rights Commission, American Civil Liberties Union of Hawaii, and an individual provided comments.

Your Committee has amended this measure by:

- (1) Excluding from the definition of "protected personal online account" an account that the employer or educational institution has notified the employee or student might be subject to a request for login information or content and that the employer or



educational institution issues login information under its domain name;

- (2) Deleting from prohibited conduct of an employer or educational institution a request to the employee or student to disclose login information for a protected personal online account, disclose the content of the account, or to access or modify the settings of the account; and
- (3) Changing the effective date to July 1, 2020, to allow employers and educational institutions additional time to implement the provisions of this measure.

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. 814, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 814, H.D. 2.

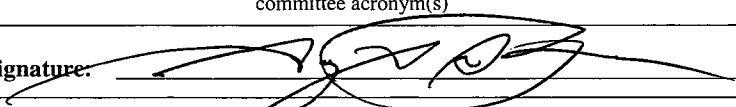
Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



SCOTT Y. NISHIMOTO, Chair



Record of Votes of the Committee on Judiciary

| Bill/Resolution No.: HB 814 HD1 | Committee Referral: CAB, JWD | Date: 2/28/17 | | |
|---|--|-------------------------|------|----------|
| <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) | | | | |
| JUD Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. NISHIMOTO, Scott Y. (C) | / | | | |
| 2. SAN BUENAVENTURA, Joy A. (VC) | / | | | |
| 3. BELATTI, Della Au | / | | | |
| 4. BROWER, Tom | / | | | |
| 5. JOHANSON, Aaron Ling | / | | | |
| 6. LEE, Chris | / | | | |
| 7. MORIKAWA, Dee | / | | | |
| 8. NAKASHIMA, Mark M. | / | | | |
| 9. OSHIRO, Marcus R. | / | | | |
| 10. McDERMOTT, Bob | | | | / |
| 11. THIELEN, Cynthia | / | | | |
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| TOTAL (11) | 10 | | | 1 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature: _____  | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |