

Honolulu, Hawaii

APR 05

, 2018

RE: S.B. No. 2745
S.D. 1
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 Judiciary, to which was referred S.B. No. 2745, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the definition of "confidential personal information" for purposes related to offenses against property rights. Specifically, this measure:

- (1) Conforms the definition to the Hawaii Supreme Court's decision in *State v. Pacquing*, 139 Haw. 302 (2016), which excised portions of the definition to eliminate unconstitutionally vague provisions under the offense of unauthorized possession of confidential personal information;
- (2) Specifies other types of confidential personal information; and
- (3) Clarifies when a password constitutes confidential personal information.



The Department of the Attorney General testified in support of this measure. The American Council of Life Insurers testified in opposition. The City and County of Honolulu Department of the Prosecuting Attorney, Healthcare Association of Hawaii, and The Queen's Health Systems provided comments.

Your Committee has amended this measure by:

- (1) Amending the definition to apply to information in which an individual rather than a person has a significant privacy interest;
- (2) Deleting the inclusion of an individual's medical record number as a type of confidential personal information;
- (3) Changing its effective date to July 1, 2050, to facilitate further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 S.B. No. 2745, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2745, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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



SCOTT Y. NISHIMOTO, Chair



