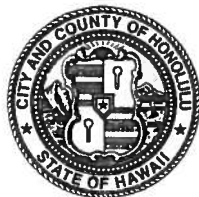


POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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SUSAN BALLARD  
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WO-KK

OUR REFERENCE

February 2, 2018

The Honorable Roy M. Takumi, Chair  
and Members  
Committee on Consumer Protection  
and Commerce  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 329  
Honolulu, Hawaii 96813

Dear Chair Takumi and Members:

SUBJECT: House Bill No. 1775, Relating to the Definition of Confidential Personal Information

I am Walter Ozeki, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 1775, Relating to the Definition of Confidential Personal Information.

This bill appropriately amends the current definition of "confidential personal information" and provides an additional mechanism to protect a person's privacy against financial exploitation, as defined in Section 708-800, Hawaii Revised Statutes.

The HPD believes that the amended definition of "confidential personal information" will give law enforcement specific guidelines on defining the element of what information is private and confidential, thus protecting a person's identity.

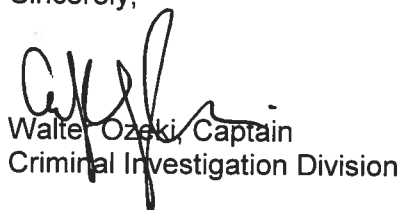
The HPD urges you to support House Bill No. 1775, Relating to the Definition of Confidential Personal Information.

Thank you for the opportunity to testify.

APPROVED:

  
Susan Ballard  
Chief of Police

Sincerely,

  
Walter Ozeki, Captain  
Criminal Investigation Division

**HB-1775**

Submitted on: 1/30/2018 4:14:04 PM

Testimony for CPC on 2/2/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karin Nomura		Support	No

Comments:

TESTIMONY OF THE AMERICAN COUNCIL OF LIFE INSURERS  
IN OPPOSITION TO HOUSE BILL HB 1775, RELATING TO THE DEFINITION OF  
CONFIDENTIAL PERSONAL INFORMATION

February 2, 2018

Via e mail: [capitol.hawaii.gov/submittestimony.aspx](http://capitol.hawaii.gov/submittestimony.aspx)

Honorable Representative Roy M. Takumi, Chair  
Committee on Consumer Protection and Commerce  
State House of Representatives  
Hawaii State Capitol, Conference Room 329  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Takumi and Committee Members:

Thank you for the opportunity to testify in opposition to HB 1775, relating to the Definition of Confidential Personal Information.

Our firm represents the American Council of Life Insurers (“ACLI”), a Washington, D.C., based trade association with approximately 290 member companies operating in the United States and abroad. ACLI advocates in state, federal, and international forums for public policy that supports the industry marketplace and the policyholders that rely on life insurers’ products for financial and retirement security. ACLI members offer life insurance, annuities, retirement plans, long-term care and disability income insurance, and reinsurance, representing 95 percent of industry assets, 93 percent of life insurance premiums, and 98 percent of annuity considerations in the United States.

ACLI and its member companies believe that an individual’s personal information should remain private and confidential to protect not only the individual’s privacy but to prevent the theft of his property.

HB 1775 proposes to amend the criminal definition of “Confidential Personal Information” currently set forth in HRS Section 708-800 of Hawaii’s Penal Code relating to offenses against property rights.

As currently drafted, however, HB 1775 would make the simple disclosure of a person’s entire driver’s license number or credit card number, for example, without other information that identifies that person a crime.

ACLI suggests that the bill be revised by inserting the text highlighted below:

“Confidential personal information” means information in which ~~an individual a~~  
person has a significant privacy interest, including but not limited to a person's  
first and last name in conjunction with that person's entire driver's license  
number, ~~a~~ or social security number, ~~an~~ the entire identifying number of a  
person's depository, investment, or credit account, ~~a bank account number, a~~

~~password, ; a person's entire credit card number or medical record number; or a username and password that, when used in conjunction, provide access to a person's credit card account; medical records, or depository, investment, or credit account or other information that is used for accessing information, or any other name, number, or code that is used, alone or in conjunction with other information, to confirm the identity of a person."~~

Again, thank you for the opportunity to testify in opposition to HB 1775, relating to the Definition of Confidential Personal Information.

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**LATE**

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FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE ROY M. TAKUMI, CHAIR**  
**HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE**  
**Twenty-Ninth State Legislature**  
**Regular Session of 2018**  
**State of Hawai'i**

February 2, 2018

**RE: H.B. 1775; RELATING TO THE DEFINITION OF CONFIDENTIAL PERSONAL INFORMATION.**

Chair Takumi, Vice-Chair Ichiyama and members of the House Committee on Consumer Protect & Commerce, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in strong support of H.B. 1775. This bill is part of our Department’s 2018 legislative package.

The purpose of H.B. 1775 is to address a 2016 decision, *State v. Pacquing* (139 Haw 302, 389 P.3d 897, 12/9/16), in which the Hawaii Supreme Court held that—as currently written—certain parts of the definition of “confidential personal information” are unconstitutionally vague. Specifically, the Court found it vague to include, as examples of confidential personal information, “a password or other information that is used for accessing information, or any other name, number, or code that is used, alone or in conjunction with other information, to confirm the identity of a person.” H.B. 1775 addresses these concerns by narrowing and clarifying the circumstances under which a password constitutes confidential personal information, and adds several other types of information that should also be considered confidential (e.g. credit card numbers, medical record numbers).

The term “confidential personal information” is used in prosecuting the offense of Unauthorized possession of confidential personal information (HRS §708-839.55). Essentially, it is illegal to possess certain types of information without proper authorization, such as another person’s driver’s license number or social security number, so the definition of “confidential personal information” informs people of what information they are not allowed to possess.

Today, the average person would likely agree that the usernames and passwords that “provide access to [their] credit card account, medical records, or depository, investment, or

credit account” are highly confidential, and would not want that information to be known to anyone else without express authorization. Because usernames and passwords now provide direct access to some of our most personal information and/or valuable assets—often without having to know any account numbers at all—the Department strongly believes that these items should be protected and included as examples of “confidential personal information.”

In order to satisfy the Hawaii Supreme Court’s concerns about vagueness, the Department does believe it is necessary to narrow and clarify the circumstances under which passwords (and usernames) qualify as confidential personal information. To this end, H.B. 1775 specifies that usernames and passwords are only considered confidential personal information if, “when used in conjunction, [they] provide access to a person’s credit card account, medical records, or depository, investment, or credit account.” At the same time, however, usernames and passwords are now such an everyday occurrence, and such commonly understood terms, that the Department believes it would be unnecessary—and possibly even confusing—to further define these terms within the definition of confidential personal information.

The Department strong believes that the changes proposed in H.B. 1775 will help to make our statutes more consistent with modern-day usage and terminology, while continuing to protect the privacy interests of the people of Hawaii, and discouraging would-be perpetrators from obtaining the unauthorized confidential personal information of others.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of H.B. 1775. Thank you for the opportunity to testify on this matter.