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LATE

DR. CHRISTINA M. KISHIMOTO
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/01/2018
Time: 02:00 PM
Location: 325
Committee: House Judiciary

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: HB 2173, HD2 RELATING TO ONLINE ACCOUNT PRIVACY.

Purpose of Bill: Prohibits employers and educational institutions from requiring employees, students, and prospective employees and students to provide protected personal online account information. Authorizes private civil actions against violators. (HB2173 HD2)

Department's Position:

The Department of Education supports HB2173, HD2 which is in line with protecting employee and student online accounts, while ensuring that employers and educational institutions are able to address non-compliance with laws and regulations that directly impact the employer or educational institution.

The Department suggests removing "post-secondary level" references within the measure if the intent of the bill can apply to all students within the State of Hawaii. In addition, with the creation of educational collaborations and initiatives between the Department and Hawaii's higher-education institutions, K-12 students are now attending both high school and college concurrently. Thus, this bill may encompass students who span both the K-12 and higher education sectors simultaneously.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.



Chamber of Commerce HAWAII
The Voice of Business

**Testimony to the House Committee on Judiciary
Thursday, March 1, 2018 at 2:00 P.M.
Conference Room 325, State Capitol**

LATE

RE: HOUSE BILL 2173 HD2 RELATING TO ONLINE ACCOUNT PRIVACY

Chair Nishimoto, Vice Chair San Buenaventura, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") would like to **express concerns regarding** HB 2173 HD2, which prohibits employers and educational institutions from requiring employees, students, and prospective employees and students to provide protected personal online account information. It also authorizes private civil actions against violators.

The Chamber is Hawaii's leading statewide business advocacy organization, representing 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

While we understand the reasoning behind the proposed bill, we have also seen instances where unnecessary laws create unintended consequences. The Chamber hasn't seen any empirical evidence that private employers routinely request access to applicant and employee personal social media.

There are legitimate exceptions at times to request and receive access to employees' personal social media pages. For example, law enforcement agencies have a public safety need to know who their representatives or potential employees are affiliating themselves with. And, private companies may need to be able to investigate inter-office harassment claims that may stem from social media conversations. So, in terms of best practices, maybe a broad exception for workplace investigations to provide content in a personal account that is relevant to that investigation.

Thank you for the opportunity to testify.



UNIVERSITY OF HAWAII SYSTEM
Legislative Testimony

LATE

Testimony Presented Before the
House Committee on Judiciary
March 1, 2018 at 2:00 p.m.

By

Donald O. Straney, Vice President for Academic Planning and Policy
University of Hawai'i System

HB 2173 HD2 – RELATING TO ONLINE ACCOUNT PRIVACY

Chair Nishimoto, Vice Chair San Buenaventura, and members of the committee:

Thank you for the opportunity to present testimony regarding HB 2713 HD2 – Relating to Online Account Privacy that prohibits employers and educational institutions from requiring employees, students, and prospective employees and students to provide protected personal online account information, and authorizes private civil actions against violators.

The University supports this measure, but would respectfully request a delay in the enactment date to July 1, 2021, to give sufficient time to create policy and training as well as go through consultations and implementation of this measure.

Thank you for your consideration on this bill.