



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Judiciary
February 28, 2017 at 2:00 p.m.

by

Risa Dickson, Vice President for Academic Planning and Policy
Garret Yoshimi, Vice President for Information Technology
Carrie Okinaga, Vice President for Legal Affairs
University of Hawai'i System

HB 814 HD1 – RELATING TO THE UNIFORM EMPLOYEE AND STUDENT ONLINE PRIVACY PROTECTION ACT

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

Thank you for the opportunity to present testimony regarding HB 814 HD1 – Relating to the Uniform Employee and Student Online Privacy Protection Act.

We support the intent of this bill in protecting employee and student privacy. That said, this uniform act was just newly approved in 2016 by the National Conference of Commissioners on Uniform State Laws, has not yet been adopted by any state to our knowledge, and needs to be amended to avoid unintended consequences. In short, the uniform act appears to contemplate a much more controlled and closed telecommunications and information technology system, i.e., for private institutions and employers, than the open architecture system afforded to University of Hawai'i employees and students. The following amendments are requested in this regard:

(1) Page 4, lines 4-5 in the definition of “Protected personal online account” should be revised to read:

(A) The employer or educational institution supplies, ~~or~~ pays for in full, or issues login information under its domain name;

The University owns, manages and controls the hawaii.edu domain name, but it is arguably Google that supplies the platform. This is a clarification, not an expansion, of the act.

(2) Page 5 line 10, and Page 9 line 17 should be revised to read:

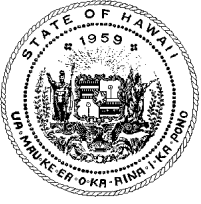
(1) Require, or ~~coerce or request~~ a student to:

The purpose of the act is to prevent coercion of employees and students. As written, this bill would subject the University (and all employers and educational institutions) to penalties and civil liability for an innocent “request” for login information, no matter the intent. A student or employee is leaving school/work for an extended vacation or emergency medical situation, and a caring adviser or supervisor instinctively requests

login information to assist the person with monitoring email or coursework assignments, which is expressly prohibited under this bill and would subject the University to liability.

(3) Effective date: Currently, there is a July 1, 2050 effective date. If enacted, the University will need time to effect policies and training to ensure compliance with this act. We would respectfully request an effective date of 2020 to afford time for necessary consultations and implementation of said policies and training.

Based on the foregoing, the University supports HB 814 HD1 with amendment.



HAWAI'I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 28, 2017
Rm. 325, 2:00 p.m.

To: The Honorable Scott Nishimoto, Chair
Members of the House Committee on Judiciary

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai'i Civil Rights Commission

Re: H.B. No. 814, H.D.1

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai'i's laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai'i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

H.B. No. 814, H.D.1, if enacted, will add a new chapter to the Hawai'i Revised Statutes, prohibiting employers and educational institutions from requiring or requesting employees and potential employees and students to grant access to personal account login information or content.

The HCRC supports the intent of H.B. No. 814, H.D.1, with a request for an amendment to add a new paragraph (4) in the new HRS § ___-3(b), expressly providing that nothing in the new section shall diminish the authority and obligation of an employer to investigate complaints, allegations, or the occurrence of sexual, racial, or other prohibited harassment under chapter 378, part I.

Current state and federal fair employment law, HRS Chapter 378, Part I, and Title VII of the Civil Rights Act of 1964, require employers, once on notice of discriminatory harassment in the workplace, to promptly investigate and take effective corrective action. Failure to investigate and take effective corrective action is a violation of law. An employer investigation of sexual, racial, or other prohibited discrimination could involve allegations of harassment via social media.

The HCRC supports the intent of H.B. No. 814, H.D.1, with the requested amendment to expressly confirm that the newly created protections do not diminish the authority and obligation of an employer to investigate and take prompt corrective action when on notice of discriminatory harassment in the workplace.

**TESTIMONY OF THE
COMMISSION TO PROMOTE UNIFORM LEGISLATION**

**ON H.B. NO. 814, H.D.1
RELATING TO THE UNIFORM EMPLOYEE AND
STUDENT ONLINE PRIVACY PROTECTION ACT.**

BEFORE THE HOUSE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 28, 2017, at 2:00 p.m.
Conference Room 325, State Capitol

PERSON TESTIFYING: PETER HAMASAKI
Commission to Promote Uniform Legislation

Chair Nishimoto and Members of the House Committee on Judiciary:

My name is Peter Hamasaki, and I am a member of the State of Hawai'i Commission to Promote Uniform Legislation. Thank you for this opportunity to testify in strong support of House Bill No. 814, House Draft 1, which enacts the Uniform Employee and Student Online Privacy Protection Act (UESOPPA).

Ordinarily, individuals decide for themselves who will have access to information that is not otherwise publically available in their social media profiles and other online accounts. Employers and educational institutions, however, may have the power to coerce access to non-public information of students' and employees' personal online accounts. In recent years, there have been a number of reported incidents in which employers and schools have demanded, and received, such access.

This act, which was developed by the Uniform Law Commission (ULC) with input from employers, educational institutions, internet and other technology companies and privacy organizations, prevents employers and public and private post-secondary educational institutions from coercing access to such information from employees and students who will normally have less than equal bargaining power. Adoption of this uniform act will establish a set of rules that will help employers, educational institutions, employees, students, technology service providers, practitioners, judges, and others to effectively apply, comply with, or enforce the law in a more consistent manner.

UESOPPA broadly protects all online accounts protected by a login requirement. This includes not just social media networking accounts, but also email, trading, banking, credit card, and other online accounts.

Stated simply, UESOPPA does *four* things to protect information in these types of online accounts.

FIRST, this act prohibits employers and schools from requiring, coercing, or requesting an employee or student to:

- (1) Disclose login information for a protected account;
- (2) Disclose non-publically available content of a protected account;
- (3) Alter the settings of the protected account to make the login information or non-publically available content more accessible to others;
- (4) Access the protected account in a way that allows another to observe the login information for, or non-publically available content of, the account; or
- (5) Take or threaten to take adverse action against the employee or student for failing to comply with conduct that violates these prohibitions.

SECOND, recognizing that there are some instances where employers and schools have a strong and justifiable interest in having the act's prohibitions lifted, the act contains a limited number of important but narrowly-tailored exceptions. The act does not prevent access to information that is publicly available or that is required to comply with federal or state law, a court order, or the rule of a self-regulatory organization established by federal or state statute. Additionally, only if the employer or school has **specific facts** about the protected account, the employer or school may seek access to content (but not login information) for the limited purposes of compliance with law, investigation of employee or student misconduct or a threat to the safety of persons or technology networks, or protection of confidential or proprietary information.

THIRD, if information is obtained for one of the purposes specified under one of the act's authorized exceptions, the act provides certain limits on how the information can be used.

FOURTH, the act provides for how login information, if lawfully obtained, can be used.

For violations, UESOPPA authorizes the state attorney general to bring a civil action for injunctive and other equitable relief and to obtain a civil penalty for each violation, with a cap for violations caused by the same action. An employee or student may also bring a civil action to obtain injunctive and other equitable relief, actual damages, and an award of costs and reasonable attorney's fees.

In conclusion, we urge your support for House Bill No. 814, House Draft 1, to adopt the Uniform Employee and Student Online Privacy Protection Act . Doing so will bolster individual choice by enabling employees and students to make decisions to maintain the privacy of their personal online accounts.

Thank you very much for this opportunity to testify.



Committee: Committee on Judiciary
Hearing Date/Time: Tuesday, February 28, 2017, 2:00 p.m.
Place: Conference Room 325
Re: *Testimony of the ACLU of Hawaii with Comments Regarding H.B. 814, Relating to the Uniform Employee and Student Online Privacy Protection Act*

Dear Chair Nishimoto, Vice Chair San Buenaventura, and Committee Members:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes with comments regarding H.B. 814, H.D. 1, which adopts uniform laws on protecting online accounts for students and employees, and urges the Committee to amend this bill by inserting the language of the more comprehensive Personal Online Account Privacy Act (“POAPA”), attached.

While we support the intent of the measure, the ACLU of Hawaii has concerns with the Uniform Law Commission’s Employee and Student Online Privacy Protection Act (“ULC bill”), and strongly prefers the alternative and more comprehensive reform measure, POAPA. POAPA covers more Hawaii students, creates stronger safeguards against abuse, and adds protections for Hawaii tenants.

The ULC bill does not cover most students. H.B. 814, H.D. 1 defines educational institution as “a person that provides students at the postsecondary level an organized program of study or training which is academic, technical, trade-oriented, or preparatory for gaining employment and for which the person gives academic credit.” The term “postsecondary” refers only to the college level or above. This means that the majority of Hawaii students are left unprotected by this bill. POAPA, on the other hand, guarantees privacy in personal online accounts for all students, and not just those at the postsecondary level.

Unlike POAPA, the ULC bill leaves dangerous loopholes by allowing employers and educational institutions to view employees’ and students’ personal online account content based solely on a general allegation of misconduct. POAPA’s protections are much stronger, requiring allegations of misconduct to point to specific content, and *only* allowing employers/educational institutions/landlords to access content that has been specifically identified.

Finally, housing has become an increasingly concerning area of online privacy, with more and more stories emerging of landlords demanding access to tenants’ social media accounts. While POAPA protects tenants against unwarranted invasions of privacy from their landlords, the ULC bill simply fails to address this issue.

Chair Nishimoto and Members of the Committee

February 28, 2017

Page 2 of 19

For these reasons, the ACLU of Hawaii respectfully requests the Committee to amend H.B. 814, H.D. 1 by inserting the language of the Personal Online Account Privacy Act, attached.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in cursive script that reads "Mandy Finlay".

Mandy Finlay
Advocacy Coordinator
ACLU of Hawaii

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.

HOUSE OF REPRESENTATIVES

H.B. NO. 814
Proposed
H.D. 2

TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO THE UNIFORM EMPLOYEE AND STUDENT ONLINE PRIVACY
PROTECTION ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **THE PERSONAL ONLINE ACCOUNT PRIVACY ACT**

6 § -1 **Short title.** This chapter may be cited as the
7 personal online account privacy act.

8 § -2 **Definitions.** As used in this chapter:

9 (A) "Applicant" shall mean an Applicant for employment.

10 (B) "Employee" shall mean an individual who provides
11 services or labor to an Employer in return for wages or other
12 remuneration or compensation.

1 (C) "Employer" shall mean a person who is acting directly
2 as an Employer, or acting under the authority or on behalf of an
3 Employer, in relation to an Employee.

4 (D) "Educational Institution" shall mean:

5 (1) A private or public school, institution, or school
6 district, or any subdivision thereof, that offers participants,
7 Students, or trainees an organized course of study or training
8 that is academic, trade-oriented, or preparatory for gainful
9 employment, as well as school Employees and agents acting under
10 the authority or on behalf of an Educational Institution; or

11 (2) A state or local educational agency authorized to
12 direct or control an entity in Section 2(D)(1).

13 (E) "Personal Online Account" means any online account
14 maintained by an Employee, Student, or Tenant, including but not
15 limited to a social media or email account, that is protected by
16 a login requirement. "Personal Online Account" does not include
17 an account, or a discrete portion of an account, that was either
18 (1) opened at an Employer's behest, or provided by an Employer
19 and intended to be used solely or primarily on behalf of or

1 under the direction of the Employer, or (2) opened at a school's
2 behest, or provided by a school and intended to be used solely
3 or primarily on behalf of or under the direction of the school.

4 (F) "Prospective Student" shall mean an Applicant for
5 admission to an Educational Institution.

6 (G) "Prospective Tenant" shall mean a person who inquires
7 about or applies to rent real property from a Landlord for
8 residential purposes.

9 (H) "Landlord" shall mean the owner or lawful possessor of
10 real property who, in an exchange for rent, Leases it to another
11 person or persons for residential purposes.

12 (I) "Lease" shall mean a legally binding agreement between
13 a Landlord and a residential Tenant or Tenants for the rental of
14 real property.

15 (J) "Specifically Identified Content" shall mean data or
16 information on a Personal Online Account that is identified with
17 sufficient particularity to:

18 (1) Demonstrate prior knowledge of the content's
19 details; and

1 (2) Distinguish the content from other data or
2 information on the account with which it may share
3 similar characteristics.

4 (K) "Student" shall mean any full-time or part-time
5 Student, participant, or trainee that is enrolled in a class or
6 any other organized course of study at an Educational
7 Institution.

8 (L) "Tenant" shall mean a person who Leases real property
9 from a Landlord, in exchange for rent, for residential purposes.

10 § -3 **Protection of employee online account.** (a) an
11 employer may not:

12 (1) Require, request, or coerce an Employee or Applicant to:

13 (A) Disclose the user name and password, password, or
14 any other means of authentication, or to provide access
15 through the user name or password, to a Personal Online
16 Account;

17 (B) Disclose the non-public contents of a Personal
18 Online Account;

1 (C) Provide password or authentication information to a
2 personal technological device for purposes of gaining
3 access to a Personal Online Account, or to turn over an
4 unlocked personal technological device for purposes of
5 gaining access to a personal online account;

6 (D) Access a Personal Online Account in the presence of
7 the Employer in a manner that enables the Employer to
8 observe the contents of such account; or

9 (E) Change the settings that affect a third party's
10 ability to view the contents of a Personal Online
11 Account;

12 (2) Require or coerce an Employee or Applicant to add anyone,
13 including the Employer, to their list of contacts associated
14 with a Personal Online Account;

15 (3) Take any action or threaten to take any action to
16 discharge, discipline, or otherwise penalize an Employee in
17 response to an Employee's refusal to disclose any information
18 specified in Section 3(a)(1)(A)-(C) or refusal to take any
19 action specified in Section 3(a)(1)(D)-(E) or (2); or

1 (4) Fail or refuse to hire any Applicant as a result of an
2 Applicant's refusal to disclose any information specified in
3 Section 3(a)(1)(A)-(C) or refusal to take any action specified
4 in Section 3(a)(1)(D)-(E) or (2).

5 § -4 **Protection of student online account.** (a) An
6 educational institution shall not:

7 (1) Require, request, or coerce a Student or Prospective Student
8 to:

9 (A) Disclose the user name and password, password, or any
10 other means of authentication, or provide access through the
11 user name or password, to a Personal Online Account;

12 (B) Disclose the non-public contents of a Personal Online
13 Account;

14 (C) Provide password or authentication information to a
15 personal technological device for purposes of gaining access
16 to a Personal Online Account, or to turn over an unlocked
17 personal technological device for purposes of gaining access
18 to a personal online account;

1 (D) Access a Personal Online Account in the presence of an
2 Educational Institution Employee or Educational Institution
3 volunteer, including, but not limited to, a coach, teacher, or
4 school administrator, in a manner that enables the Educational
5 Institution Employee or Educational Institution volunteer to
6 observe the contents of such account; or

7 (E) Change the settings that affect a third party's ability
8 to view the contents of a Personal Online Account;

9 (2) Require or coerce a Student or Prospective Student to add
10 anyone, including a coach, teacher, school administrator, or
11 other Educational Institution Employee or Educational
12 Institution volunteer, to their list of contacts associated with
13 a Personal Online Account;

14 (3) Take any action or threaten to take any action to
15 discharge, discipline, prohibit from participating in curricular
16 or extracurricular activities, or otherwise penalize a Student
17 in response to a Student's refusal to disclose any information
18 specified in Section 4(a)(1)(A)-(C) or refusal to take any
19 action specified in Section 4(a)(1)(D)-(E) or (2); or

1 (4) Fail or refuse to admit any Prospective Student as a result
2 of the Prospective Student's refusal to disclose any information
3 specified in Section 4(a)(1)(A)-(C) or refusal to take any
4 action specified in Section 4(a)(1)(D)-(E) or (2).

5 **§ -5 Protection of tenant online account.** (a) A

6 landlord shall not:

7 (1) Require, request, or coerce a Tenant or Prospective Tenant
8 to:

9 (A) Disclose the user name and password, password, or any
10 other means of authentication, or to provide access through
11 the user name or password, to a Personal Online Account;

12 (B) Disclose the non-public contents of a Personal Online
13 Account;

14 (C) Provide password or authentication information to a
15 personal technological device for purposes of gaining
16 access to a Personal Online Account, or to turn over an
17 unlocked personal technological device for purposes of
18 gaining access to a personal online account;

- 1 (D) Access a Personal Online Account in the presence of
2 the Employer in a manner that enables the Employer to
3 observe the contents of such account; or
- 4 (E) Change the settings that affect a third party's
5 ability to view the contents of a Personal Online Account;
- 6 (2) Require or coerce a Tenant or Prospective Tenant to add
7 anyone, including the Employer, to their list of contacts
8 associated with a Personal Online Account;
- 9 (3) Take any action or threaten to take any action to evict or
10 otherwise penalize a Tenant in response to Tenant's refusal to
11 disclose any information specified in Section 5(a)(1)(A)-(C) or
12 refusal to take any action specified in Section 5(a)(1)(D)-(E)
13 or (2);
- 14 (4) Fail or refuse to rent real property to, or otherwise
15 penalize any Prospective Tenant as a result of a Prospective
16 Tenant's refusal to disclose any information specified in
17 Section 5(a)(1)(A)-(C) or refusal to take any action specified
18 in Section 5(a)(1)(D)-(E) or (2); or

1 (5) Include any provisions in a new or renewal Lease, executed
2 after the date this Act takes effect, that conflict with Section
3 5 of this Act. Any such conflicting Lease provisions shall be
4 deemed void and legally unenforceable.

5 § -6 **Limitations** (a) Nothing in this Act shall prevent
6 an Employer, Educational Institution, or Landlord from:

7 (1) Accessing information about an Applicant, Employee,
8 Student, Prospective Student, Tenant, or Prospective Tenant that
9 is publicly available;

10 (2) Complying with state and federal laws, rules, and
11 regulations, and the rules of self-regulatory organizations as
12 defined in section 3(a)(26) of the Securities and Exchange Act
13 of 1934, 15 USC 78c(a)(26), or another statute governing self-
14 regulatory organizations;

15 (3) For an Employer, without requesting or requiring an
16 Employee or Applicant to provide a user name and password,
17 password, or other means of authentication that provides access
18 to a Personal Online Account, requesting or requiring an

1 Employee or Applicant to share Specifically Identified Content
2 that has been reported to the Employer for the purpose of:

3 (A) Enabling an Employer to comply with its own legal and
4 regulatory obligations;

5 (B) Investigating an allegation, based on the receipt of
6 information regarding Specifically Identified Content, of
7 the unauthorized transfer of an Employer's proprietary or
8 confidential information or financial data to an Employee
9 or Applicant's Personal Online Account; or

10 (C) Investigating an allegation, based on the receipt of
11 information regarding Specifically Identified Content, of
12 unlawful harassment or threats of violence in the
13 workplace;

14 (4) For an Educational Institution, without requesting or
15 requiring a Student or Prospective Student to provide a user
16 name and password, password, or other means of authentication
17 that provides access to a Personal Online Account, requesting or
18 requiring a Student or Prospective Student to share Specifically

1 Identified Content that has been reported to the Educational
2 Institution for the purpose of:

3 (A) Complying with its own legal obligations, subject to
4 all legal and constitutional protections that are
5 applicable to the Student or Prospective Student;

6 (5) For a Landlord, without requesting or requiring Tenant or
7 Prospective Tenant to provide a user name and password,
8 password, or other means of authentication that provides access
9 to a Personal Online Account, requesting or requiring a Tenant
10 or Prospective Tenant to share Specifically Identified Content
11 that has been reported to the Landlord for the purpose of:

12 (A) Enabling a Landlord to comply with its own legal and
13 regulatory obligations; or

14 (B) Investigating an allegation, based on the receipt of
15 information regarding Specifically Identified Content, of a
16 Lease violation by the Tenant where such a violation
17 presents an imminent threat of harm to the health or safety
18 of another Tenant or occupant of the real property or of
19 damage to the real property;

1 (6) Prohibiting an Employee, Applicant, Student, or Prospective
2 Student from using a Personal Online Account for business or
3 Educational Institution purposes; or

4 (7) Prohibiting an Employee, Applicant, Student, or Prospective
5 Student from accessing or operating a Personal Online Account
6 during business or school hours or while on business or school
7 property.

8 **§ -7 Inadvertent receipt of password.**

9 (A) If an Employer, Educational Institution, or Landlord
10 inadvertently receives the user name and password, password, or
11 other means of authentication that provides access to a Personal
12 Online Account of an Employee, Applicant, Student, Prospective
13 Student, Tenant, or Prospective Tenant through the use of an
14 otherwise lawful technology that monitors the Employer's,
15 Educational Institution's, or Landlord's network or Employer-
16 provided, Educational Institution-provided, or Landlord-provided
17 devices for network security or data confidentiality purposes,
18 the Employer, Educational Institution, or Landlord:

19 (1) Is not liable for having the information;

1 (2) May not use the information to access the Personal
2 Online Account of the Employee, Applicant, Student,
3 Prospective Student, Tenant, or Prospective Tenant;

4 (3) May not share the information with any other person or
5 entity; and

6 (4) Must delete the information as soon as is reasonably
7 practicable, unless the information is being retained by the
8 Employer, Educational Institution, or Landlord in connection
9 with the pursuit of a specific criminal complaint or civil
10 action, or the investigation thereof.

11 §- **8 Enforcement.**

12 (A) Any Employer, Educational Institution, or Landlord,
13 including its Employee or agents, who violates this Act shall be
14 subject to legal action for damages and/or equitable relief, to
15 be brought by any person claiming a violation of this Act has
16 injured his or her person or reputation. A person so injured
17 shall be entitled to actual damages, including mental pain and
18 suffering endured on account of violation of the provisions of

1 this Act, and reasonable attorneys' fees and other costs of
2 litigation.

3 (B) Any Employee or agent of an Educational Institution who
4 violates this Act may be subject to disciplinary proceedings and
5 punishment. For Educational Institution Employees who are
6 represented under the terms of a collective bargaining
7 agreement, this Act prevails except where it conflicts with the
8 collective bargaining agreement, any memorandum of agreement or
9 understanding signed pursuant to the collective bargaining
10 agreement, or any recognized and established practice relative
11 to the members of the bargaining unit.

12 §- 9. **Admissibility.**

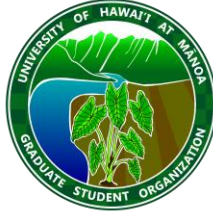
13 Except as proof of a violation of this Act, no data obtained,
14 accessed, used, copied, disclosed, or retained in violation of
15 this Act, nor any evidence derived therefrom, shall be
16 admissible in any criminal, civil, administrative, or other
17 proceeding.

18 §- 10. **Severability.** The provisions in this Act are
19 severable. If any part or provision of this Act, or the

1 application of this Act to any person, entity, or circumstance,
2 is held invalid, the remainder of this Act, including the
3 application of such part or provision to other persons,
4 entities, or circumstances, shall not be affected by such
5 holding and shall continue to have force and effect.

6 SECTION 11. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 12. This Act shall take effect on July 1, 2017.



February 28, 2017

To: House Committee on Judiciary
Rep. Scott Y. Nishimoto, Chair
Rep. Joy A. San Buenaventura, Vice Chair

Re: Support for HB814 Relating to the Uniform Employee and Student Online Privacy Protection Act

Thank you for the opportunity to provide testimony. The Graduate Student Organization of the University of Hawaii **supports** HB814, Relating to the Uniform Employee and Student Online Privacy Protection Act.

HB814 will provide needed and reasonable protections for the online privacy of graduate students, guard them from retaliation by educational institutions for failure to comply with an unlawful demand for access, and provides mechanisms for obtaining injunctive or other equitable relief and civil penalties for violations of protected personal online accounts. The Graduate Student Organization of the University of Hawaii **urges the passage of HB814.**

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 1:57 PM
To: JUDtestimony
Cc: jbickel15@yahoo.com
Subject: Submitted testimony for HB814 on Feb 28, 2017 14:00PM

HB814

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
John Bickel	Individual	Support	No

Comments: As one who has had my boss threaten me due to a mild post on Facebook, I strongly support legislation to protect private social media from employer demands.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 11:33 PM
To: JUDtestimony
Cc: kimcoco@kimcoco.com
Subject: Submitted testimony for HB814 on Feb 28, 2017 14:00PM

HB814

Submitted on: 2/26/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Coco Iwamoto	Individual	Comments Only	No

Comments: I am submitting testimony in general support of the protections provided in the bill on behalf of students, employees and applicants; however I am in stronger support of the version provided by the ACLU. I am definitely concerned that this bill leaves K-12 students subject to an invasion of privacy because the definition of an "educational institution" applies only to colleges and universities. I also agree with the ACLU that tenants should be protected from the intrusion by landlords.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 3:19 AM
To: JUDtestimony
Cc: 808nateyuen@gmail.com
Subject: Submitted testimony for HB814 on Feb 28, 2017 14:00PM

HB814

Submitted on: 2/28/2017
Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Yuen	Individual	Support	No

Comments: I support HB814 which provides reasonable protections for the online privacy of students and employees. It provides safeguards to protect the free speech of students and employees from retaliation by educational institutions or employers. Free speech is an important civil right to protect and the power held by educational institutions and/or employers should not be permitted to stifle free speech. I urge you to pass HB814.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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