

DAVID Y. IGE  
GOVERNOR  
DOUGLAS S. CHIN  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
335 MERCHANT STREET, ROOM 310  
P.O. Box 541  
HONOLULU, HAWAII 96809  
Phone Number: 586-2850  
Fax Number: 586-2856  
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN  
DIRECTOR  
JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

TO THE SENATE COMMITTEES ON  
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS  
AND  
TRANSPORTATION AND ENERGY

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Thursday, February 8, 2018  
10:15 a.m.

**TESTIMONY ON SENATE BILL NO. 2738, RELATING TO FOUND ELECTRONIC DEVICES.**

TO THE HONORABLE CLARENCE K. NISHIHARA, CHAIR, THE HONORABLE LORRAINE R. INOUE, AND MEMBERS OF THE COMMITTEES:

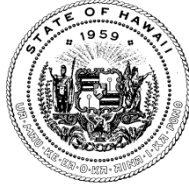
The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to testify on S.B. 2738, Relating to Found Electronic Devices. My name is Stephen Levins, and I am the Executive Director of the Department’s Office of Consumer Protection. The Department supports this administration bill, which is a companion to H.B. 2311.

This bill proposes to protect personal information stored on an unclaimed personal electronic device by requiring law enforcement agencies to remove personal information, such as credit card numbers and account passwords, from the device before providing it to a finder or disposing the device at a public auction or by other means.

Currently, Hawaii law requires local and state government agencies to provide unclaimed property to a finder forty-five days after the device is turned in. A majority of

lost and unclaimed property includes personal electronic devices, such as cell phones and laptops, that contain personal information and potentially expose the person who lost the device to identity theft. The Department believes this bill will promote the security of an individual's personal information and assist in preventing identity theft.

Thank you for the opportunity to testify in support of this administration bill.



Testimony by:  
JADE T. BUTAY  
INTERIM DIRECTOR

Deputy Directors  
ROY CATALANI  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

IN REPLY REFER TO:

**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 8, 2018  
10:15 a.m.  
State Capitol, Room 225

**S.B. 2738**  
**RELATING TO FOUND ELECTRONIC DEVICES**

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
and  
Senate Committee on Transportation and Energy

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The Department of Transportation (DOT) **supports** S.B. 2738 relating to found electronic devices which seeks to amend Hawaii Revised Statutes Sections 52D-14 and 261-17.7 and authorize county police departments and the DOT to sanitize unclaimed electronic devices in accordance with guidance provided by the Information Privacy and Security Council, before providing the unclaimed property to finders or otherwise disposing of the property.

The overall goal of the DOT is to facilitate the rapid, safe, and economical movement of people, goods and mail into, within, and out of the State by providing and operating transportation facilities and supporting services.

The DOT currently has three (3) Divisions: Airports, Harbors, and Highways. DOT provides, operates, and maintains 11 commercial service airports, 4 general aviation airports, 10 commercial harbors, and more than 2,500 miles of highway.

The three (3) DOT divisions are regulated by various federal agencies to ensure compliance with environmental, health, safety, law enforcement, and security requirements.

As such, our ports (Airports and Harbors) are for public use and electronic devices are misplaced, turned over and inventoried by their respective lost and found programs. Some of these devices containing personal identification data/information are unclaimed and this data/information must be sanitized prior to being auctioned or disposed of in accordance to guidance provided by Information Privacy and Security Council.

Thank you for the opportunity to provide testimony.



DAVID Y. IGE  
GOVERNOR



TODD NACAPUY  
CHIEF INFORMATION  
OFFICER

**STATE OF HAWAII**  
**OFFICE OF ENTERPRISE TECHNOLOGY SERVICES**

P.O. BOX 119, HONOLULU, HI 96810-0119  
Ph: (808) 586-6000 | Fax: (808) 586-1922  
ETS.HAWAII.GOV

Testimony of  
**TODD NACAPUY**  
Chief Information Officer, State of Hawai'i

Before the

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY  
AFFAIRS

SENATE COMMITTEE ON TRANSPORTATION AND ENERGY

Thursday, February 8, 2018

10:15 A.M.

State Capitol, Conference Room 225

**SENATE BILL NO. 2738**  
**RELATING TO FOUND ELECTRONIC DEVICES**

Chairs Nishihara and Inouye, Vice Chairs Wakai and Espero, and members of the committee:

I am Todd Nacapuy, Chief Information Officer of the State of Hawai'i and head of the Office of Enterprise Technology Services (ETS), testifying in **support** of Senate Bill 2738, Relating to Found Electronic Devices, which extends protection of personal information on unclaimed electronic devices.

I am testifying today in my capacity as Chair of the State Information Privacy and Security Council which has requested this bill to permit law enforcement agencies to take necessary steps to digitally sanitize electronic devices that may contain personal information before the unclaimed property is provided to finders or disposed by public auction or other means.

Currently, some local and state government agencies, including county law enforcement agencies, are required under HRS 52D-14 and 261-17.7 to provide unclaimed property to finders as found after forty-five days. Given that cell phones, computers and other such electronic devices may contain personal information, the Information Privacy and Security Council recommends that Hawaii state law be amended to keep pace with technology so that personal information is protected.

Thank you for this opportunity to testify in support of this bill.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



KIRK CALDWELL  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. McCARTHY  
JONATHAN GREMS  
DEPUTY CHIEFS

OUR REFERENCE DN-DNK

February 8, 2018

The Honorable Clarence K. Nishihara, Chair  
and Members  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The Honorable Lorraine R. Inouye, Chair  
and Members  
Committee on Transportation and Energy  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 225  
Honolulu, Hawaii 96813

Dear Chairs Nishihara and Inouye and Members:

SUBJECT: Senate Bill No. 2738, Relating to Found Electronic Devices

I am David Nilsen, Captain of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2738, Relating to Found Electronic Devices.

This bill will help to protect the personal information of an individual in cases where a lost cellular telephone, tablet, computer, or other electronic device is not able to be returned to their owners. In today's world where the theft of personal information is a common occurrence, this will be a measure to better help to secure the stored information on those lost devices.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in cursive script, reading "Susan Ballard".

Susan Ballard  
Chief of Police

Sincerely,

A handwritten signature in cursive script, reading "David P. Nilsen".

David P. Nilsen, Captain  
Records and Identification Division