

STAND. COM. REP. NO. 1181

Honolulu, Hawaii

, 2019

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RE: H.B. No. 6  
H.D. 3

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 6, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM EMPLOYEE AND STUDENT ONLINE PRIVACY PROTECTION ACT,"

begs leave to report as follows:

The purpose of this measure is to expand individuals' privacy protections by adopting the Uniform Employee and Student Online Privacy Protection Act, which codifies uniform laws on protecting the personal online accounts of employees, prospective employees, job applicants, unpaid interns, independent contractors, students, and prospective students, from employers and educational institutions, as applicable.

The Department of Education, Commission to Promote Uniform Legislation, University of Hawai'i System, and LGBT Caucus of the Democratic Party of Hawaii testified in support of this measure. The Hawai'i Civil Rights Commission, American Council of Life Insurers, and American Civil Liberties Union of Hawai'i provided comments.

Your Committee has amended this measure by:

- (1) Specifying that the protections for an employee's online account shall not prevent an employer from implementing



and enforcing a policy pertaining to the use of employer-issued electronic communications devices or to the use of an employee-owned electronic communications device that will be used for business purposes;

- (2) Clarifying that the protections of an employee's online account shall not be construed to diminish the authority or obligation of an employer to investigate complaints, allegations, or the occurrence of sexual, racial, or other prohibited harassment under part I of chapter 378, Hawaii Revised Statutes; and
- (3) 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 H.B. No. 6, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 6, H.D. 3.

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



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CHRIS LEE, Chair



