

STAND. COM. REP. NO. 1508

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 6
H.D. 3
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Labor, Culture and the Arts and Higher Education, to which was referred H.B. No. 6, H.D. 3, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to establish the Uniform Employee and Student Online Privacy Protection Act that adopts uniform laws on protecting the online accounts of employees, prospective employees, unpaid interns, applicants, students, and prospective students from employers and educational institutions.

Your Committees received testimony in support of this measure from the Department of Education, Hawai'i Civil Rights Commission, Commission to Promote Uniform Legislature, and University of Hawai'i System. Your Committees received comments on this measure from the American Civil Liberties Union of Hawaii.

Your Committees find that privacy is a growing concern as social media use rises and employers increasingly ask current and prospective employees to grant the employer access to social media accounts. Likewise, many educational institutions seek to examine the social media presence of current and prospective students.



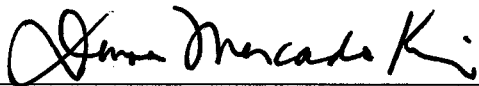
Your Committees further find that in recent years there have been a number of reported incidents in which employers and schools have demanded, and received, such access because of their higher bargaining power. Access to those who have leverage over education and livelihood inevitable leads to discrimination, self-censorship, and the chilling of free expression. This measure precludes employers and public and private educational institutes from demanding access to current and prospective employees and current and prospective students' online accounts with exceptions, which will protect students and employees from unwarranted invasions of privacy.

Your Committees note that some testifiers had differing opinions about language to be included in this measure. Your Committees request that those testifiers continue to discuss their differences and attempt to come to consensus as this measure continues through the legislative process.

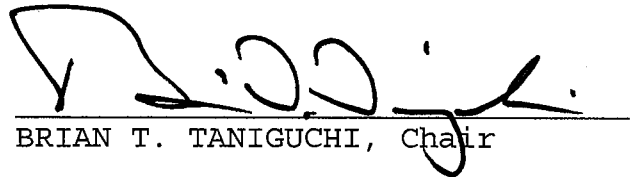
Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 6, H.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 6, H.D. 3, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Labor, Culture
and the Arts and Higher
Education,



DONNA MERCADO KIM, Chair



BRIAN T. TANIGUCHI, Chair



