



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

H.R. NO. 154, REQUESTING THE STATE COMMISSION ON THE STATUS OF WOMEN TO MAINTAIN A DATABASE ON SEX TRAFFICKING OFFENSES.

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES AND HOMELESSNESS

DATE: Friday, March 22, 2019 **TIME:** 8:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Clare E. Connors, Attorney General, or
Erin N. Lau, Deputy Attorney General

Chair San Buenaventura and Members of the Committee:

The Department of the Attorney General appreciates the intent of this resolution and provides the following comments.

The purpose of this resolution is to request the Commission on the Status of Women to maintain a sex trafficking database. (Page 2, lines 8-13). Various government entities would be requested to provide the data. (Page 3, lines 17-20). The database will be accessible to all government entities and non-confidential data may be made accessible to the general public as determined appropriate by the administrator of the database. (Page 2, lines 18-22).

The use and disclosure of confidential information may subject the government agencies and the Commission on the Status of Women to civil and criminal penalties for the unauthorized use or disclosure of confidential information, such as personal health information under the Health Information Portability and Accountability Act of 1996, Public Law 104-191. In addition, the limitation on the disclosure of government records to the public may conflict with the Uniform Information Practices Act, chapter 92F, Hawaii Revised Statutes.

To resolve these concerns, we recommend amending paragraph (1) on page 2, at line 18 through line 23, as follows:

- (1) Collect and maintain relevant statewide sex trafficking data; provided that data submission is compliant with the applicable privacy laws governing the source of the data; provided further that all data on the

database shall be made accessible to each governmental entity [~~and non-confidential data may be made accessible to the general public as determined appropriate by the administrator;~~] if disclosure and use is consistent with the privacy laws governing the source of the data; and

We respectfully ask the Committee to amend this resolution with the above recommended recommendations.