

STAND. COM. REP. NO. 571-20

Honolulu, Hawaii

FEB 14 , 2020

RE: H.B. No. 1904

H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Lower & Higher Education, to which was referred H.B. No. 1904, H.D. 1, 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 establish The Uniform Employee and Student Online Privacy Protection Act to protect the online accounts of employees, prospective employees, unpaid interns, applicants, students, and prospective students, from employers and educational institutions.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii Civil Rights Commission, LGBT Caucus of the Democratic Party of Hawaii, Pride at Work - Hawaii, and the Hawaii Commission to Promote Uniform Legislation. Your Committee received testimony in opposition of this measure from the State Privacy and Security Coalition. Your Committee received comments on this measure from the American Civil Liberties Union of Hawaii.

Your Committee finds that growing reports of employers and educational institutions requiring or demanding access to the personal online accounts of employees, job applicants, and students raises significant privacy concerns. These concerns have

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resulted in legislative efforts in other jurisdictions to protect employees and students against unwarranted invasions of privacy and from workplace access to their social media accounts. This measure seeks to prevent employers and public and private educational institutions from demanding access to the online accounts of employees and students.

Should your Committee on Judiciary decide to hear this measure, your Committee respectfully requests that it consider the amendments provided by the American Civil Liberties Union (ACLU) of Hawaii in its testimony, as the ACLU believes this measure does not adequately protect students and employees and does not address online privacy for tenants.

As affirmed by the record of votes of the members of your Committee on Lower & Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1904, H.D. 1, and recommends that it be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Lower & Higher  
Education,

  
JUSTIN H. WOODSON, Chair



Record of Votes of the Committee on Lower & Higher Education

Bill/Resolution No.: <b>HB 1904 HD1</b>	Committee Referral: <b>LAB, LHE, JUD</b>	Date: <b>02/12/2020</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LHE Members	Ayes	Ayes (WR)	Nays	Excused
1. WOODSON, Justin H. (C)	✓			
2. HASHEM, Mark J. (VC)	✓			
3. QUINLAN, Sean (VC)	✓			
4. DeCOITE, Lynn		✓		
5. JOHANSON, Aaron Ling	✓			
6. KOBAYASHI, Dale T.		✓		
7. MORIKAWA, Dee	✓			
8. OHNO, Takashi	✓			
9. TARNAS, David A.	✓			
10. TOKIOKA, James Kunane	✓			
11. OKIMOTO, Val	✓			
<b>TOTAL (11)</b>	<b>9</b>	<b>2</b>	<b>0</b>	<b>0</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, <u>      </u> did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>      </u>				
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