

STAND. COM. REP. NO.

491

Honolulu, Hawaii

FEB 19 , 2021

RE: H.B. No. 125
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Higher Education & Technology, to which was referred H.B. No. 125, 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 adopt uniform laws on protecting the online accounts of employees, prospective employees, job applicants, unpaid interns, independent contractors, students, and prospective students, from employers and educational institutions.

Your Committee received testimony in support of this measure from the Department of Education, Hawai'i Civil Rights Commission, and Commission to Promote Uniform Legislation.

Your Committee finds that in recent years there have been a number of reported incidents in which employers and educational institutions have demanded and received access to non-public information from employees' and students' personal online accounts. Your Committee notes that ordinarily, individuals decide for themselves who will have access to information that is not otherwise publicly available in their social media profiles and other online accounts. However, employers and educational

2021-1852 HB125 HD2 HSCR HMSO



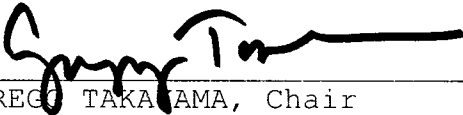
institutions may have the power to coerce access to non-public information of these individuals' personal online accounts. This measure prevents employers and public and private educational institutions from gaining such access.

Your Committee notes that this measure adopts the Uniform Employee and Student Online Privacy Protection Act, which was enacted by the Commission to Promote Uniform Legislation and developed by the Uniform Law Commission with input from employers, educational institutions, internet and other technology companies, and private organizations.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Higher Education & Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 125, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Consumer Protection & Commerce in the form attached hereto as H.B. No. 125, H.D. 2.

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



GREG TAKAMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature **HSR 491**

Record of Votes of the Committee on Higher Education & Technology

| Bill/Resolution No.: HB 125, HD 1 | Committee Referral: LAT, HET, CPC | Date: 2-17-21 | | |
|---|---|-------------------------|----------|----------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" 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) | | | | |
| HET Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. TAKAYAMA, Gregg (C) | ✓ | | | |
| 2. DeCOITE, Lynn (VC) | ✓ | | | |
| 3. BELATTI, Della Au | ✓ | | | |
| 4. GANADEN, Sonny | ✓ | | | |
| 5. GATES, Cedric Asuega | ✓ | | | |
| 6. HASHIMOTO, Troy N. | ✓ | | | |
| 7. KAPELA, Jeanne | ✓ | | | |
| 8. OHNO, Takashi | ✓ | | | |
| 9. QUINLAN, Sean | ✓ | | | |
| 10. WOODSON, Justin H. | ✓ | | | |
| 11. YAMANE, Ryan I. | ✓ | | | |
| 12. OKIMOTO, Val | ✓ | | | |
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| TOTAL (12) | 12 | 0 | 0 | 0 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div> | | | | |
| Vice Chair's or designee's signature: <u><i>Lynn DeCote</i></u> | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |