

STAND. COM. REP. NO. 1588

Honolulu, Hawaii

APR 09 2021

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 125, H.D. 2, S.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 and intent of this measure is to establish the Uniform Employee and Student Online Privacy Protection Act that protects from employers and educational institutions, online accounts maintained by employees, unpaid interns, independent contractors, prospective employees, students, prospective students, and parents or legal guardians of students under the age of eighteen years.

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 received testimony in opposition to this measure from the American Council of Life Insurers.

Your Committee finds 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 Committee further finds that employers and educational institutions have the power to coerce access to non-public information of prospective and current employees and students' personal online accounts. Allowing access to non-public online information to those who have leverage over a person's education and livelihood may lead to discrimination, self-censorship, and the chilling of free expression. This measure protects employee and student online account information from the demands of employers and educational institutions while ensuring that employers and educational institutions are able to address non-compliance with laws and regulations that directly impact them.

Your Committee has amended this measure by making it effective upon its approval.

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. 125, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 125, H.D. 2, S.D. 2.

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



KARL RHOADS, Chair



