



*The Judiciary, State of Hawai‘i*

**Testimony to the Thirty-Second Legislature  
2024 Regular Session**

**Senate Committee on Judiciary**

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Friday, March 15, 2024, 10:00 a.m.

State Capitol, Conference Room 016 & Videoconference

by:

Thomas J. Berger

Staff Attorney for the Hawai‘i Supreme Court

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**Bill No. and Title:** House Bill No. 1916, HD1, SD1 (proposed), Relating to the Disclosure of Personal Information Associated With Certain Public Servants.

**Purpose:** Establishes within the State’s Address Confidentiality Program protection for public servants that prohibits upon written request from the public servant or representative any person or organization from disclosing certain personal information. . . . Takes effect 9/1/2024. (Proposed SD1).

**Judiciary’s Position:**

The Judiciary strongly supports this bill, and suggests proposed amendments for the Committee’s consideration that would clarify the obligations on government agencies and expressly protect the First Amendment rights of the public and the press.

**The pressing need for this legislation is demonstrated by the alarming increase in acts of violence against public servants at their homes.** As detailed in the preamble of HB 1916, in the last few years across the country there are numerous examples of horrific acts of violence being committed against public servants and their families at their homes. The Judiciary sincerely appreciates the work of this Committee and the Committee’s staff for its efforts and work to address this pressing issue.



HB 1916, HD1, SD1 (proposed), Relating to the Disclosure of Personal Information[.]  
Senate Judiciary Committee  
Friday, March 15, 2024

**Requested amendments to clarify the narrow obligation on government agencies to remove public records with protected personal information from the internet and to expressly protect the First Amendment rights of the public and the press.** In past hearings on this measure government agencies have expressed concerns about the implementation of this measure. In addition, the Public First Law Center supported a “straightforward approach” of “practical obscurity” where the government record with the protected personal information is removed from the internet but remains available in person. See HB1916, Testimony in House JHA/CPC at 15 (2024).

To resolve these concerns the Judiciary suggests clarifying amendments be added to Section 3 of HB 1916, HD 1, proposed SD1, to read as follows:

Section 3. Chapter 801G, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated to read as follows:

“801G-\_\_ *Publication and disclosure of public servants’ personal information; restrictions.* (a) Except as otherwise provided in subsection (d), upon receipt of a written request from a covered public servant, a **government agency**, person or organization shall not ~~[disclose or]~~ make publicly available ~~[content]~~ **on the internet** ~~[that includes]~~ the protected personal information of the covered public servant and their family. After **receiving** ~~[a person or organization has received]~~ a written request, the **government agency**, person or organization shall ~~[+]~~ ~~[(1)]~~ ~~[R]~~ remove the protected personal information from the Internet within seventy-two hours ~~[+]~~ **by** ~~[(2)]~~ ~~[Ensure]~~ **ensuring** that the protected personal information is not made **publicly** available on any website, **social media, or social network** ~~[or subsidiary website]~~ **controlled** by that **government agency**, person or organization. ~~[+ and]~~ ~~[(3) Not distribute, give, or transfer the protected personal information to any other person or organization through any medium.]~~

(b) A written request pursuant to this section shall be valid if the covered public servant or a representative of the covered public servant’s employer submits a request in writing directly to a **government agency**, person or organization; provided that the covered public servant has given written consent to the representative. A written request shall specify what protected personal information shall be maintained as private. A written request is valid until the covered public servant provides the **government agency**, person or organization with written permission to release the protected personal information, or until the covered public servant’s death.

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HB 1916, HD1, SD1 (proposed), Relating to the Disclosure of Personal Information[.]  
Senate Judiciary Committee  
Friday, March 15, 2024

(d) This section shall not apply to:

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(7) Information that is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern.

The foregoing amendments would clarify that the obligation on the government agency is narrow – the government record with the protected personal information must be removed from the internet. However, this government record would otherwise be made available in person as provided by law. See e.g., Uniform Information Practices Act (UIPA), Chapter 92F-1, et seq.

In addition, the Judiciary requests the following technical amendments:

First, on page 5, lines 2 and 6-7, the Judiciary suggests the Committee delete reference to “reputational harm” and “emotional injury” from the criminal penalties. The Judiciary notes that the civil remedies in the proposed SD1 include the possible award of damages and attorneys’ fees and costs, id. at 6-7, § 3(c), which renders the need for criminal liability on internet posts that may cause reputational harm or emotional injury as unnecessary.

Second, on page 10, lines 4-8 and page 12, lines 1-9, the Judiciary suggests the following definitions be deleted on the basis that they would be unnecessary if the Committee were to adopt the Judiciary’s suggested clarifying amendment set forth above: “disclose,” “publicly available content,” and “post or display.” To reiterate, the amendments requested by the Judiciary would clarify that the type of content covered by the bill is information posted on the internet. However, this information would otherwise be made available in person as provided by law. See UIPA, Chapter 92F-1, et seq.

Third, on page 10, lines 15-17, the Judiciary suggests that the definition of “government agency” in HB 1916, HD1, SD1 be amended to be identical to the definition of “agency” set forth in the UIPA as follows: “any unit of government in this State, any county, or any combination of counties; department; institution; board; commission; district; council; bureau; office; governing authority; other instrumentality of state or county government; or corporation or other establishment owned, operated, or managed by or on behalf of this State or any county, but does not include the nonadministrative functions of the courts of this State.” HRS § 92F-3.

Fourth, the Judiciary suggests that the Committee delete paragraph (3) on page 6, lines 6-8 as this prohibition would be in conflict with the Judiciary’s suggested clarifying amendment, which provides that information should remain available in-person. To reiterate, these amendments would clarify that the restrictions covered by the bill apply only to information posted on the internet.

Fifth, the Judiciary suggests that the Committee consider amending the word “chapter” on page 7, line 12 to read “section,” because the provisions are drafted as a new statutory section.



HB 1916, HD1, SD1 (proposed), Relating to the Disclosure of Personal Information[.]  
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Finally, the Committee may want to consider the type of remedy that would be available where the government agency fails to remove the protected personal information from the internet in response to a valid written request. As drafted, the bill is silent on the type of enforcement remedy available to a covered public servant with respect to a government agency.

In conclusion, the Judiciary strongly supports HB 1916, HD1, proposed SD1 because the underlying policy solutions will increase the safety of judges, justices, and court administrators, which thereby supports the ability of the Judiciary to function on behalf of the public.<sup>1</sup> Accordingly, the Judiciary respectfully requests the Committee pass this measure with the requested clarifying and technical amendments.

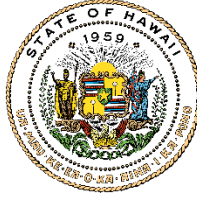
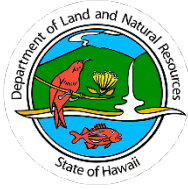
Thank you for the opportunity to testify.

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<sup>1</sup> The Maryland legislature is presently considering similar legislation to the instant bill. See House Bill 664, 2024 Leg., 446th Sess. (Md. 2024), <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0664>.

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the Senate Committee on  
JUDICIARY

Friday, March 15, 2024  
10:00 AM  
State Capitol, Conference Room 016

In consideration of  
HOUSE BILL 1916, HOUSE DRAFT 1, SENATE DRAFT 1 PROPOSED  
RELATING TO THE DISCLOSURE OF PERSONAL INFORMATION ASSOCIATED  
WITH CERTAIN PUBLIC SERVANTS

House Bill 1916, House Draft 1, Senate Draft 1 establishes within the State's Address Confidentiality Program, protection for public servants and their families that prohibits upon written request from the public servant or representative, any person or organization from disclosing certain personal information. The bill also establishes a misdemeanor offense for violations and allows for legal actions for damages as well as injunctive or declaratory relief for the affected parties. The bill establishes the offense of unlawful publication of personal information that prohibits any person or organization from knowingly disclosing protected personal information of public officials with the intent to cause reputational harm, emotional injury, or bodily injury. **The Department of Land and Natural Resources (Department) offers the following comments and concerns.**

The Department acknowledges the need to protect personal information considering recent high-profile crimes that have been committed with the use of such information. However, the Department has strong concerns over the operational logistics, cost and lack of staffing resources to properly perform the requirements set forth in this bill. Besides the Bureau of Conveyance (BOC), there are other State agencies that have neither the operational mechanisms, funding, or personnel to redact select personal information from electronic documents sources. Likewise, for the BOC and other State agencies dealing with paper media that are accessible by the public, the

cost and resources needed to locate and redact the select personal information would be untenable.

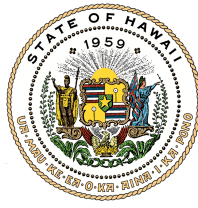
The bill also requires this process to be voluntary on the part of the covered person or their representative by providing a “written request” without specifying how this process should work and how the public servant would deliver this request for confirmation of its receipt and action. These deficiencies may lead to litigation and expose the State to legal action for damages, including attorney’s fees and costs.

For the BOC, the bill includes an exemption providing that all our document information, including the protected personal information, can be provided to title companies. This may lead to unintended consequences should the BOC be required to redact protected personal information or publicly available content that many other businesses and financial institutions would otherwise rely on for processing loan or credit approvals.

The Department would highly recommend that other states enacting such laws be consulted for “best practices” so that the State of Hawaii can create model legislation that can be implemented successfully and not result in unintended consequences for the affected public servants as well as other entities that depend on the accuracy and completeness of State documents and information. In the case of Minnesota, similar legislation started with the need to protect victims of domestic violence that resulted in a program called “Safe at Home” which included a practical provision that these address protections would apply to any new addresses for the affected public servants. A key part of the developing, coordinating and improving their protection program in Minnesota was the establishment of a state office dedicated to orchestrating the services and capabilities of all the key stakeholders to deliver the most practical, yet protective program possible.

Mahalo for the opportunity to comment on this measure.

JOSH GREEN, M.D.  
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STATE OF HAWAII | KA MOKU'ĀINA O HAWAII  
**DEPARTMENT OF LAW ENFORCEMENT**

*Ka 'Oihana Ho'okō Kānāwai*

715 South King Street  
Honolulu, Hawaii 96813

TESTIMONY ON HOUSE BILL 1916, H.D. 1, PROPOSED S.D. 1  
RELATING TO THE DISCLOSURE OF PERSONAL INFORMATION  
ASSOCIATED WITH CERTAIN PUBLIC SERVANTS

Before the Senate Committee on Judiciary

Friday, March 15, 2024; 10:00 a.m.

State Capitol Conference Room 016 & Videoconference

Testifier(s): Laura Maeshiro

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Department of Law Enforcement offers comments on the Proposed S.D. 1 which inserts a section into chapter 801G, H.R.S.

The DLE is in support of adding provisions to protect the personal information of the public servants listed in the proposed S.D.1. However, the section 3 amendment, starting on page 5, should be placed in another chapter. Section 3 adds a scheme into chapter 801G that is markedly different from the self-contained Address Confidentiality Program (ACP). Adding this section in chapter 801G will cause confusion to applicants, program participants, and others involved in the ACP. The proposed section is self-contained, and achieves separate objectives from the ACP.

A proposed solution would be to place this provision into another section of the H.R.S. by creating a new chapter 801H, or other appropriate letter designation.

If the intent is to incorporate this provision as *part of* the Address Confidentiality Program (ACP), we respectfully ask to reconsider keeping it separate, for the reasons stated.

Chapter 801G is statutorily structured as a stand-alone program, aptly titled "Address Confidentiality Program." The ACP is an established, nationally known program that provides a substitute mailing address for participants who are in fear of

being found by their abusers. The program authorizes participants to request state and county agencies to use a substitute address in place of their actual residential, work, or school address. The purpose is to prevent their actual location from being disclosed through agency records or databases, which may otherwise be public information. With some exceptions, the agencies must accept the substitute address requested by an ACP participant. Because the agencies do not have the participant's actual address, they will use the substitute address for postal mail to the participant. The DLE will receive that mail, and forward the mail to the participant's actual location.

Every section in chapter 801G sets requirements and procedures specifically for the ACP program. This includes eligibility requirements, mandatory victim services organization involvement, specific application processes, and requirements for state and county agencies. The program requires that victim services organizations and the DLE review the applicant for eligibility. A participant requesting a state or county agency to use the substitute address must be authorized by the DLE.

In contrast to the proposed amendment, eligibility to participate in the ACP is specifically limited to survivors of domestic violence, sexual assault, or stalking offenses, regardless of their status as a public servant. The main purpose of the proposed measure's amendment is to allow the public servant to submit cease and desist type letters and to seek civil remedies if that fails. See page 6, line 20, to page 7, line 8. Unlike the ACP participant, the public servants do not need authorization from a government entity to pursue their protection, when submitting letters to individuals or entities, or to obtain civil relief from the courts. Given there is no direct connection to the ACP program, it should be clearly separated to avoid confusion.

Thank you for the opportunity to provide comments.





**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1916, H.D. 1, PROPOSED S.D. 1, RELATING TO THE DISCLOSURE OF PERSONAL INFORMATION ASSOCIATED WITH CERTAIN PUBLIC SERVANTS.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Friday, March 15, 2024 **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 016 and Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Mark S. Tom, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments and suggested amendments for the Proposed S.D. 1 of this bill.

The purpose of the bill is to create the offense of unlawful publication of personal information that prohibits the disclosure of personal information by a person or organization that intends to harass, disparage, or cause harm to a public official. The bill also establishes within the State's Address Confidentiality Program protection for certain public servants that prohibits, upon written request from the public servant or representative, any person or organization from disclosing certain personal information.

Section 2 of the Proposed S.D. 1 adds a new section 711- , Hawaii Revised Statutes (HRS), titled "[u]nlawful publication of personal information." Page 4, line 19, to page 5, line 9. This section lacks definitions for enforcement of this new criminal offense. Specifically, the terms "organization," "disclose," and "protected personal information", are all defined by the proposed section 801G- (e), HRS (section 3 of the bill, on page 10, line 4, to page 12, line 7), but not defined for the proposed section 711- . The Department suggests either including the definition of each term, respectively, by reference to section 801G- (e)" or adding those definitions directly into the proposed section 711- . The term "public official" will need to be specifically

defined in the proposed section 711- as well, based on the protected class this new offense aims to protect.

The Department is also concerned that the terms "reputational harm" and "emotional injury" on page 5, lines 2 and 7, appear to be overly broad and ambiguous. Without any further definitions, it is unclear what these terms mean, or how they could be proven. To resolve this issue, the Department recommends deleting the phrase, "cause reputational harm, emotional injury, or bodily injury that is likely to occur, or threatening to cause bodily injury to that individual" (on page 5, lines 2-4) and replacing it with "harass, annoy, or alarm that individual." This same recommendation is not being made for the occurrence of that wording on page 5, line 7, because of our recommendation below to delete the subsection that contains it.

Regarding the provision for a heightened class C felony version of this offense, in proposed section 711-...(b), on page 5, lines 5-9, it would be virtually impossible to prove that "actual reputational harm," as stated on page 5, line 7, resulted from the offense. Similarly, it may be virtually impossible to prove that "bodily injury [inflicted upon a] public official or the public official's spouse or child," as stated on page 5, lines 7-9, resulted from the offense. Due to the serious enforcement issues with the class C felony in proposed section 711-...(b) , on page 5, lines 5-9, the Department recommends that most of that subsection be deleted, as shown below.

If the foregoing proposals are adopted, the new offense would read as follows (shown in Ramseyer in comparison with the bill wording):

(1) No person or organization shall knowingly disclose or post protected personal information [~~including but not limited to the home address or telephone number~~] of any public official with the intent to [~~cause reputational harm, emotional injury, or bodily injury that is likely to occur, or threatening to cause bodily to~~] harass, annoy, or alarm that [individual.] public official.

(2) A violation of this section is a misdemeanor[; ~~provided that a violation of this section that results in the actual reputational harm, emotional injury, or bodily injury of the public official or the public official's spouse or child, is a class C felony~~].

(3) For the purposes of this section:

"Disclose" has the same meaning as in section 801G- (e).

"Organization" has the same meaning as in section 801G- (e).

"Protected personal information" has the same meaning as in section 801G- (e).

The Department notes that the existing offense in section 707-716(1)(c), HRS, Terroristic Threatening in the First Degree, when it involves a public servant, continues to address conduct causing greater harm to public servants. Although conduct resulting in actual bodily injury to a public servant cannot be addressed in this bill due to the limited subject expressed in the bill's title, the Department recommends addressing this type of conduct by amending section 707-711, HRS, Assault in the Second Degree, to create a protected class involving "public officials", "public servants" as defined in section 710-1000, HRS, or the protected class this bill aims to protect.

Thank you for the opportunity to submit our comments and suggested amendments for this bill.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: Senate Committee on Judiciary

From: Cheryl Kakazu Park, Director

Date: March 15, 2024, 10:00 a.m.  
State Capitol, Conference Room 016

Re: Testimony on S.B. No. 1916, H.D. 1, proposed S.D. 1  
Relating to the Disclosure of Personal Information Associated  
with Certain Public Servants

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Thank you for the opportunity to submit testimony on the proposed S.D. 1 version of this bill, which would create a criminal offense for unlawful publication of personal information and would, on request, require government agencies and other persons and organizations to take down such online information within 72 hours and no longer disclose personal information about the Governor, Lieutenant Governor, department heads, legislators, judges, and persons designated for protection by selected officials. While the Office of Information Practices (OIP) recognizes the importance of this bill's intent to address the rise in threats against government officials, **OIP has concerns regarding the proposed creation of a confidentiality requirement for government agencies that conflicts with the Uniform Information Practices Act (UIPA) and is likely to be challenging or unworkable in practice.**

The "protected personal information" made confidential upon request by the new chapter would include, among other things, "home address and any property ownership records" and "property tax records." The UIPA, however,

mandates public disclosure **without exception** for “[l]and ownership, transfer, and lien records, including real property tax information and leases of state land.” HRS § 92F-12(a)(5). **Thus, there would always be a conflict between the new law’s requirement that property ownership information and property tax records be confidential upon request, and the UIPA’s existing requirement that property ownership information and property tax records be public.**

**Other conflicts would likely arise between the new law’s confidentiality requirement and the UIPA’s mandate in section 92F-12(a), HRS, that the following listed information be made public without exception:**

The name and address must be public without exception for borrowers from state and county loan programs and (if the home address also serves as a business address) of persons holding licenses or permits, which could sometimes include government officials or their family members; Minutes of public meetings are required to be public without exception, and especially when in the form of a recording or transcript, those could include passing references to the name or school of someone’s child or a spouse’s employer, which would conflict with this bill’s requirement to keep confidential upon request.

A government employee’s name, position, and information about the employing agency is public without exception, which, when one of the officials covered by this bill is married to another government employee, would conflict with this bill’s requirement that a spouse’s employer be kept confidential upon request.

OIP is also concerned that implementation of the new chapter would at best be a **serious practical challenge, and at worst unworkable, for**

**government agencies.** It is not always obvious what documents on an agency's website might have an official's direct work telephone number listed as a contact, or a bit of personal information about a new or departing official, including a reference to a family member. While the proposed law would require that a request "specify what protected personal information shall be maintained as private," the bill **does not require specifying the particular documents on a website that actually include that information.** Thus, on 72-hours notice, which could include a weekend or holiday, an agency would be required to look at everything it may have put on its website over the years – old newsletters, meeting minutes, correspondence, press releases, submissions of one sort or another – and find any passing references to an official's child or spouse, or instances where the official's direct work number was listed as contact information, or any other form of protected personal information, and must remove or redact all those documents.

The agency would further need to take steps to ensure that no request for records, even records that would normally be fully public, would be responded to in the future without first checking whether any of the requested records contains a reference to the official or family member who has requested confidentiality. The proposed law specifies that a removal request is valid until further notice or the requester's death, **so it appears agencies would have to keep an ongoing confidentiality list to refer to whenever they respond to a UIPA request.**

If this Committee wishes to move this measure, **OIP would respectfully recommend that this Committee increase the time allowed for agencies to search for and remove from their websites any protected personal information** as required in proposed subsection 801G-\_\_(a), and to prevent conflicts with the UIPA, would further recommend amending proposed

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subsection 801G-\_\_(d) to **add a new category that is excepted from the new law as follows:**

**“(7) Records made public under section 92F-12.”**

Thank you for considering OIP’s testimony.

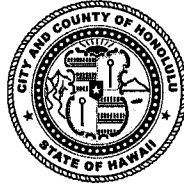
**DEPARTMENT OF BUDGET AND FISCAL SERVICES**  
**KA 'OIHANA MĀLAMA MO'OHELU A KĀLĀ**  
**CITY AND COUNTY OF HONOLULU**

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PO'O

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DEPUTY DIRECTOR  
HOPE PO'O



March 14, 2024

The Honorable Karl Rhoads, Chair  
The Honorable Mike Gabbard, Vice-Chair  
and Members of the Senate Committee on Judiciary  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Rhoads, Vice-Chair Gabbard and Committee Members:

**SUBJECT:** Testimony Expressing Concerns with Proposed SD1 to House Bill 1916 HD1 (2024)  
Hearing: Friday, March 15, 2024, 10:00 a.m., Room CR 016 via Videoconference

The City and County of Honolulu ("City") appreciates the opportunity to express concerns with the posted Proposed SD1 to House Bill 1916 HD1 (2024) ("Proposed SD1"), relating to the disclosure of personal information associated with certain public servants.

The City acknowledges that in recent news reports, there has been an alarming trend of increased hostility, threats and violence nationwide towards government officials, political candidates and public employees. The City further supports efforts to decrease such incidents by preventing the unnecessary disclosure of personal information of current government officials and employees. However, the City has serious concerns with the Proposed SD1.

Real property taxes are the primary revenue source for the counties, from which a wide variety of services are provided to resident and non-residents alike. Accurate recordkeeping of property owners and land transactions for taxation purposes is imperative to ensure timely assessments, and billing and collection of real property taxes. Section 247-6(f), Hawaii Revised Statutes, provides that the State Director of



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The Honorable Mike Gabbard, Vice-Chair  
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Taxation “**shall** provide to the administrator of each county’s real property assessment division, without charge, an image of all certificates of conveyance that were filed. For each certificate of conveyance, the image shall include the following: . . . (3) Name of grantor and grantee; . . . and (6) Address for real property assessment notice and tax bill.” (Emphasis added.) Similarly, Title Guaranty and other state agencies, such as the Department of Land and Natural Resources and the Department of Agriculture, will transmit to the counties changes in title and/or ownership information regarding leases, permits and other land transfers to the counties for real property tax purposes.

However, proposed Section 801G-\_\_ (d) does not exempt the disclosure of “protected personal information” from an “organization” to a government agency or between government agencies for government purposes. Instead, proposed Section 801G-\_\_ (d)(5) provides a one way exemption for the disclosure of “protected personal information” contained in property records from the State’s Bureau of Conveyances to a title insurance company; it does not exempt the disclosure of “protected personal information” contained in property records provided by a title insurance company to a government agency. Additionally, proposed Section 801G-\_\_ (d)(6) limits the exemption to the exchange of records containing “protected personal information” between government agencies “*pursuant to this chapter,*” –meaning Chapter 801G - the Address Confidentiality Program.

The inability to receive property related information which may contain “protected personal information” from other government agencies and title insurance companies to update and maintain accurate property tax records will significantly impact the counties’ real property tax programs and bond ratings, and adversely impact the protected class in receiving timely notices relating to their real property tax liabilities. Furthermore, the inability to share information will adversely impact government operations relating to real estate transactions, license renewals, and law enforcement, and will burden government personnel and financial resources if the requested amendments are not made. Therefore, the City requests that proposed Section 801G-\_\_ (d)(5) be amended by adding “or from a title insurance company to a government agency for government purposes,” and amend proposed Section 801G-\_\_ (d)(6) by deleting the phrase “*pursuant to this chapter,*” which would generally exempt the exchange of records between government agencies for government purposes.

On page 11 of the Proposed SD1, Section 801G-\_\_ (e) defines “protected personal information” to include “property tax records.” Real property records contain not only the names of owners and the property site addresses, but also non-personal information such as assessments and taxes levied, description and historical information of the land and improvements, and comparable sales information, among

The Honorable Karl Rhoads, Chair  
The Honorable Mike Gabbard, Vice-Chair  
and Members of the Senate Committee on Judiciary  
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other factual information of real property.<sup>1</sup> There can be a balance between protecting the personal information of covered public servants, and the policy favoring government transparency and accountability without disclosing the personal information of covered public servants. This can be achieved by maintaining the definition of “personal information” in HB1916 HD1 or amending the definition of “protected personal information” in the Proposed SD1 to replace “property tax records” with “the covered public servant’s name and residential address(es) contained in property tax records.”

In a similar vein, the general inclusion of “property tax records” in the definition of “protected personal information” directly conflicts with HRS § 92F-12(a) which requires the disclosure of real property tax information in response to a § 92F request notwithstanding the adoption of HRS § 801G-\_\_:

(a) **Any other provision in this chapter to the contrary notwithstanding**, each agency shall make available for public inspection and duplication during regular business hours:

\* \* \*

(5) Land ownership, transfer, and lien records, **including real property tax information** and leases of state land; . . .

(Emphasis added.)

The City also suggests another exemption which recognizes the provisions for the publication of notices relating to administrative hearings and appeals outside of the court system. For example, HRS § 91-9.5 and Section 8-12.7(i) provide for the publication of notices of hearings for contested hearings and tax appeals. The prohibition from publishing a covered public servant’s name in the notices of hearing may result in the deprivation of the right to due process – notice and opportunity to be heard at such hearings.

The apparent conflict between existing statutes which may require the disclosure of “protected personal information” in property tax records on the one hand, and the proposed HRS § 801-\_\_ prohibiting disclosure of property tax records on the other hand, creates a conundrum. It also exposes government agencies to frequent litigation,

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<sup>1</sup> The City’s real property tax information webpage, which can be accessed at <https://www.qpublic.net/hi/honolulu/search.html>, **does not have a name search function**. The general public may only search by tax map key or by address. Taxpayers, the real estate industry, attorneys, insurance agencies, banking and mortgage companies utilize the City’s real property tax information webpage for tax appeals, real estate transactions, litigation purposes, insurance verifications, and financing transactions, respectively.


The Honorable Karl Rhoads, Chair  
The Honorable Mike Gabbard, Vice-Chair  
and Members of the Senate Committee on Judiciary  
March 14, 2024  
Page 4

unprecedented liability for monetary damages, and redirection and reprioritization of resources in the defense of such claims. Therefore, consideration should be given to eliminating the recovery of civil damages against government agencies.

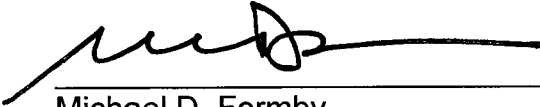
Finally, the City proposes that the seventy-two (72) hour compliance period be changed to three business days to account for holiday weekends. The City further suggests adding language that would allow (but not necessarily require) affected government agencies to establish procedures or rules describing the method of delivery and the type of information necessary to ensure that protected personal information being redacted or cloaked is in fact of the covered public servant making the request. As an example, the real property tax office would need the tax map keys of all of the covered public servant's real property, but providing a tax map key would not assist the motor vehicle and drivers' licensing division in identifying the correct public servant's or his/her family members. Furthermore, such procedures or rules may also require the covered public servant to update his or her records when circumstances change, such as a change in ownership of records, or name change (marriage or divorce).

Thank you for the opportunity to provide testimony, and for your attention to the City's concerns regarding the Proposed SD1.

Sincerely,

  
Andrew T. Kawano  
Director

APPROVED:

  
Michael D. Formby  
Managing Director



Senate Committee on Judiciary  
Honorable Karl Rhoads, Chair  
Honorable Mike Gabbard, Vice Chair

**RE: Testimony with comments on H.B. 1916 H.D. 1 and in opposition to Proposed S.D. 1, Relating to the Disclosure of Personal Information Associated with Certain Public Servants.**

Hearing: March 15, 2024 at 10:00 a.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to submit testimony **with comments on H.B. 1916 H.D. 1 and in opposition to the Proposed S.D. 1.**

As comments on both bills, we support the intent to protect individuals from the posting of personal information on the Internet with the intent to harass or threaten. This protection, however, should not be limited to just one class of individuals – be it judges and judiciary staff under H.B. 1916 H.D. 1 or high-level government officials under the Proposed S.D. 1. Many individuals face legitimate risks from doxing, not just government employees, and those individuals often lack the greater resources of judges and government officials to protect themselves. The current bill should be limited in scope only **as a pilot project** to be expanded next year to protect the public more generally.

Of the two vehicles, we prefer H.B. 1916 H.D. 1 because it is narrower. It does not create a criminal offense and has a more limited definition of “protected personal information” than the Proposed S.D. 1. Given the novelty and potential breadth of the protections, a broad initial implementation may lead to a multitude of unintended consequences. The limited implementation in H.D. 1, by contrast, would serve to work out the kinks in a more controlled setting in anticipation of expanding the protections to others next session.

If this Committee decides to create a criminal offense, as under the Proposed S.D. 1, we respectfully urge the Committee to also **adopt a “newsworthiness exception”** to allow for legitimate news reporting and mitigate potential chilling effects on the press. As an example, the original draft of H.B. 1916 allowed, as an exemption, the “display on the internet of the protected personal information of a covered person or their family if the



information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern.”

Additionally, key terms in the Proposed S.D. 1 are overly broad, and with respect to the intent requirement of the criminal offense, highly subjective:

- As a minimum floor on the definition of “protected personal information,” we suggest the Committee **replace “includes” with “means”** at page 11, line 4. As written, the term is virtually limitless. In addition, the definition does not balance the legitimate need for some of this information. For example, it includes the identity of immediate family member’s employers. This information is necessary to identify actual and perceived conflicts of interest. It also includes the “direct telephone number to a covered person’s private office or chambers,” which creates practical problems for persons who need to contact chambers in connection with cases.
- “Post or display” broadly includes “communicating to another” and is not limited to the public display of information on the Internet. This sweeping breadth has the potential to chill a broad range of legitimate communication and may infringe on the constitutional right of free speech.
- “Reputational harm” and “emotional injury” – which are drafted as alternative intent requirements – are undefined *and* subjective. This would appear to criminalize a broad range of legitimate communication and may infringe on the constitutional right of free speech.

Thank you again for the opportunity to testify with comments on S.B. 1916 H.D. 1 and in opposition to the Proposed S.D. 1.



**SanHi**

GOVERNMENT STRATEGIES

A LIMITED LIABILITY LAW PARTNERSHIP

DATE: March 15, 2024

TO: Senator Karl Rhoads  
Chair, Committee on Judiciary

FROM: Mihoko Ito

RE: **H.B. 1916, H.D.1 – Relating to the Disclosure of Personal Information  
Associated with Certain Public Servants  
Hearing Date: Friday, March 15, 2024 at 10:00 a.m.  
Conference Room: 016**

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Dear Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee on Judiciary:

We offer this testimony on behalf of the Consumer Data Industry Association (CDIA). The Consumer Data Industry Association (CDIA) is the voice of the consumer reporting industry, representing consumer reporting agencies including the nationwide credit bureaus, regional and specialized credit bureaus, background check companies, and others.

CDIA **supports** H.B. 1916, H.D.1 and asks that the committee **not** substitute the language of a related bill, S.B. 2686 S.D.1 with respect to the disclosure requirements.

The bill is based on the New Jersey Daniel's Law that was originally intended to apply to public entities and to records available online searches. However, in New Jersey, the law was amended in a way that very negatively impacted the consumer reporting industry and resulted in over 200 frivolous lawsuits. It would also harm the very people it is trying to protect, because it would hinder their ability to engage in everyday consumer transactions.

We support H.B. 1916 H.D.1 because it does not contain the problematic language in S.B. 2686 S.D.1. At issue is the language which prohibits the disclosure of protected personal information and requires removal from information from the internet within 72 hours. The law also extends a private right of action to consumers when recipients do not delete data subject to the law.

Unfortunately, S.B. 2686 S.D.1 sweeps in credit bureaus and other consumer reporting agencies in requiring the deletion of information for the protected class. Consumer reporting agencies use the internet to retain data for a range of

purposes and would be harmed by the 72-hour deletion requirement. This would have a very negative impact on the protected class in transactions ranging from qualifying for credit and employment, financing a car, obtaining rental housing, or even completing online identity verification.

For these reasons, we ask the Committee to continue to support the language in H.B. 1916, H.D.1.

Thank you for the opportunity to submit this testimony.

Testimony to the Thirty-Second Legislature  
2024 Regular Session

**Senate Committee on Judiciary**  
Hearing: **Friday, March 15, 2024, 10:00 am**

TO: **The Honorable Karl Rhoads, Chair**  
**The Honorable Mike Gabbard, Vice Chair**

FROM: **Judge Richard Clifton, United States Circuit Judge for the Ninth Circuit**

RE: **HB1916, HD1, SD1 Proposed**  
Relating to the Disclosure of Personal Information Associated with  
Certain Public Servants

I am a judge on the U.S. Court of Appeals for the Ninth Circuit and have been for over 20 years. I am the second resident of Hawai'i to serve on that court. (Judge Herbert Y.C. Choy was the first. I was his law clerk in 1975-76.) I have been a member of the Hawai'i bar since 1976. I am the Immediate Past President of the Federal Judges Association, having served as President for two years, 2021-2023. For four years I was the chair of the U.S. Judicial Conference committee responsible, among other things, for liaison with state courts across the country.

One month ago, I submitted testimony to this committee at your hearing on SB2686, a bill on a similar subject, from my friend and fellow federal judge, Esther Salas. She is a U.S. District Judge for the District of New Jersey. As related in her testimony, on July 19, 2020, a disgruntled lawyer went to her house, rang the doorbell, and shot and killed her only child, Daniel. The shooter then turned his gun on her husband, Mark Anderl, shooting him three times. The judge escaped because she was in the basement, cleaning up after her son's birthday party. The investigation that followed revealed that the assailant had appeared before Judge Salas and was angry with the way she was handling his case. Because her home address was readily available on the internet, he was able to find where she lived and went to her home with a plan to assassinate her.

Congress responded to that tragedy by enacting into law the Daniel Anderl Judicial Security and Privacy Act, named after Judge Salas's son, to bolster efforts to protect members of the federal judiciary and safeguard the personally identifiable information of federal judges and their immediate families. The law protects federal judges' personal identifying information, including home addresses, from resale by data brokers. It allows federal judges to redact personal information displayed on federal government internet sites and prevent publication of personal information by other businesses and individuals where there is no legitimate news media interest or matter of public concern.

Judges are at risk. Judicial security is a matter of life and death for judges and our families. It is also essential for the well-being of democracy. Judges must be able to make



decisions without fear of retribution, retaliation, or death. The government has a responsibility to protect all judges. Our safety is part of the foundation for our democracy.

The ambush at Judge Salas's home was not the first instance in which judicial officers were attacked for doing the job they swore to do. Federal judges were assassinated in the 1970's and 1980's. In 2005, U.S. District Judge Joan Lefkow of Chicago returned home to find her mother and husband killed by an angry litigant. Just last week, on March 7, comments by federal judges at a panel discussion at the American Bar Association's National Institute on White Collar Crime in San Francisco were reported under the headline, "Judges Say Facing Threats and Vitriol Now Part of the Job." According to the U.S. Marshals Service, the number of threats directed toward federal judges and other protected persons (including federal prosecutors and court officials) rose nearly tenfold from 592 in 2003, to 4,511 in 2021.

State judges are similarly at risk. Last October, a state court judge in Maryland was fatally shot outside his home hours after awarding custody of the shooter's children to his estranged wife. In June of 2022, a retired state court judge in Wisconsin was shot and killed in his home by a man whom the judge had previously sentenced.

Hawai'i judges have not been immune to this unsettling trend. The number of threats and inappropriate communications reported by Hawai'i state court judges more than quadrupled between 2017 and 2022. Since 2012, that number has increased tenfold. Local federal judges have been threatened as well, two recently by threats that were reported in the local press and others by threats not publicly reported.

It is easy to find personal information about judges on the internet. Judges' home addresses can be purchased online for just a few dollars, sometimes including photos of homes and the license plates on vehicles. The primary purpose of the proposed bill, like the federal legislation noted above, is to protect members of the state and federal judiciary making it more difficult for a disgruntled person to obtain personally identifiable information.

The federal law does not protect state and local judges, however. They need your help. The law also leaves federal judges vulnerable by permitting state and local governments to leave identifying information available on their own government websites. Several states have enacted laws to protect judges. New Jersey, for example, passed what is known as "Daniel's Law," named after Judge Salas's murdered son, which prohibits the distribution of personal information, including home addresses and phone numbers, for judges, prosecutors, and law enforcement personnel.

I urge Hawai'i to do the same.



## HSBA TESTIMONY

Senate Committee on Judiciary

**Hearing: Friday, March 15, 2024 (10:00 AM)**

TO: Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

FROM: Jesse K. Souki, HSBA President

RE: HB 1916, HD1 – RELATING TO THE DISCLOSURE OF PERSONAL  
INFORMATION ASSOCIATED WITH CERTAIN PUBLIC SERVANTS

Chair Rhoads, Vice Chair Gabbard and members of the committee:

The Hawaii State Bar Association (HSBA) appreciates the opportunity to offer testimony in **SUPPORT** of HB 1916, HD1. Hawaii's judges and justices are among the active members of the HSBA. The safety of our members is of great importance to the HSBA. Their ability to administer justice fosters an independent judiciary that is necessary for ensuring the rule of law is respected. Providing for the safety of our judges and justices today will also encourage the next generation of lawyers to apply for these important positions.

In recent years, there has been a disturbing surge in acts of violence targeting judicial officers, elected officials, and their families across the nation, including incidents within the state of Hawaii. Startlingly, recent data reveals thousands of threats and inappropriate communications directed at judicial officers nationwide.

The escalating threats and safety concerns underscore the imperative to safeguard the personal residences and other personally identifying information of these public servants. It is crucial for the state to play a proactive role in ensuring the safety and unwavering commitment of these dedicated individuals who serve the public.

In light of these compelling reasons, the HSBA urges the committee to pass HB 1916, HD1, which aims to prohibit the public disclosure of personal information belonging to judicial officers, public servants, and their families, particularly when requested by such individuals. This legislative measure aligns with the paramount goal of preserving the safety of those who tirelessly dedicate themselves to public service.

Mahalo for your consideration.

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March 13, 2024

Senator Karl Rhoads  
Chair, Committee on Judiciary  
Hawai'i State Capitol, Room 228  
Honolulu, HI

Senator Mike Gabbard  
Vice Chair, Committee on Judiciary  
Hawai'i State Capitol, Room 201  
Honolulu, HI

**RE: HB 1916 HD 1 - SUPPORT and HB 1916 SD 1 Proposed - OPPOSE**

Dear Chair Rhoads, Vice Chair Gabbard and Members of the Committee,

TechNet submits this letter in support of **HB 1916 HD 1** as currently drafted and in respectful opposition to **HB 1916 SD 1 as proposed to be amended**.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.2 million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

TechNet understands and supports the intent of protecting public servants and their families from harassment and abuse. **HB 1916 HD 1** as drafted would provide greater protections for public officials in response to recent threats and inappropriate communications targeted towards these individuals by prohibiting public postings of personal information with the intent to intimidate, threaten injure, or harm a covered party or their family.

We have concerns with **HB 1916 SD 1** as proposed to be amended and believe it would have unintended consequences for beneficial disclosures of this type of information necessary for participation in modern society.

In contrast to prohibiting the public posting of personal information of judges like HB 1916 HD 1, **HB 1916 SD 1** would go further to prohibit the "disclosure" of personal information related to a past or present public employee or their family by a person or organization. This is an enormous class of people as you only need to

be a family member, roommate, or have had a dating relationship with a past or present government employee or have worked for a government agency or board in some capacity yourself to restrict sharing or even transfer of your personal data.

Personal information can be disclosed pursuant to authorizations in federal law for many important reasons, including fraud prevention, legal compliance and enforcement of illegal activity. Government employees have personal lives outside of their employment where transfer of personal information is necessary for identity verification as part of a financial transaction, securing a loan, buying a car, or getting insurance.

Personal information is also shared by companies with government entities for the purposes of child support enforcement, tax evasion, benefits assessment, and a host of other mundane reasons including retirement benefit outreach to beneficiaries, health alerts, and constituent outreach.

This bill would prohibit these types of important disclosures without critical exemptions recognized in other state and federal privacy laws. We suggest pursuing legislation that protects public officials from harassment and abuse directly, without incorporating the underlying issues with disclosure of data already regulated by federal law or used for the purposes of legal compliance or fraud prevention that are present in **HB 1916 SD 1 as proposed to be amended**.

Thank you for your consideration. If you have any questions regarding our position please contact Dylan Hoffman, Executive Director, at [dhoffman@technet.org](mailto:dhoffman@technet.org) or 505-402-5738.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dylan Hoffman', with a long horizontal flourish extending to the right.

Dylan Hoffman  
Executive Director for California and the Southwest  
TechNet



AMERICAN JUDICATURE SOCIETY

*Advocating for a fair system of justice*

Finance Factors Center  
Suite 618, 1164 Bishop Street  
Honolulu, Hawaii 96813

Web: [www.americanjudicaturesociety.org](http://www.americanjudicaturesociety.org)

Testimony to the Thirty-Second Legislature  
2024 Regular Session  
Senate Judiciary Committee  
Hearing: Friday, March 15, 2024 (10:00 a.m.)

TO: Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair  
Members of the Senate Judiciary Committee

FROM: American Judicature Society Ad Hoc Committee on Judicial Security

RE: HB1916, SD1 (PROPOSED)  
Relating to the Disclosure of Personal Information Associated with Certain  
Public Servants

The American Judicature Society's (AJS) Ad Hoc Committee on Judicial Security writes in strong support of the intent of HB1916, SD1 (PROPOSED).

HB1916, SD1 would protect certain personal information of, among others, public servants in the legislative, executive, and judicial branches. While the safety of every public servant is inarguably a worthwhile goal, our testimony today is focused on HB1916, SD1's protections for judges. It is the AJS's mission to secure and promote an independent and qualified judiciary and a fair system of justice.

As the previous Legislature recognized, steps must be taken to protect Hawai'i's judges. HB1916, SD1 provides some of these long-overdue protections by prohibiting the unauthorized disclosure of judges' personal information—such as a home address or telephone number. Similar protections have already been adopted by Congress and numerous states nationwide. It is time for Hawai'i to do the same.

In recent years, federal and state court judges across the country have been barraged by a growing number of inappropriate communications and threats. The number of threats and inappropriate communications directed toward federal judges and other protected persons (including federal prosecutors and court officials) rose from 592 in 2003, to 4,511 in 2021. Between 2019 and 2022, the number of substantiated threats against federal judges rose from 178 to 311.

In Hawai'i, the trend is equally worrisome. The number of threats and inappropriate communications reported by state court judges more than quadrupled between 2017 and 2022. Since 2012, that number increased tenfold.

Just in December, it was reported that a woman broke into the home of a state court judge to serve on the judge a summons. Fortunately, there was no reported harm to the judge or the judge's family.

The experiences of U.S. District Judge Susan Oki Mollway also illustrate the appalling threats that the state’s judges face. More than ten years after Judge Mollway sentenced a man to twenty-seven months’ imprisonment, the man called Judge Mollway and threatened to assault her and to “blow [her] God [damn] brains out.” Luckily, the caller never acted on these threats.

The threats confronted by judges, however, are not always empty. Details of horrific attacks on judges have consumed recent headlines. Last October, a state court judge in Maryland was fatally shot outside his home hours after awarding custody of the suspected shooter’s children to his estranged wife. In June, a retired state court judge in Wisconsin was shot and killed in his home by a man whom the judge had sentenced more than fifteen years earlier. Finally, in July 2020, a man opened fire at the home of a federal district court judge in New Jersey after appearing in a case before the judge months earlier. During the shooting, the judge’s son was killed, and her husband was critically wounded.

Currently, Hawai‘i law does not specifically protect judges’ personal information. Recognizing this void, in October 2023, the AJS issued a report encouraging the Legislature to introduce and enact a bill protecting judges’ personal information.<sup>1</sup> HB1916, SD1 would codify many of the recommendations in the AJS report. HB1916, SD1 would restrict government and private entities from publishing the personal information of judges and other public servants. By protecting the personal information of Hawai‘i’s judges, HB1916, SD1 would buttress the proper functioning of the state’s judicial systems.

Given the threats and attacks faced by judges, President Biden signed a law in December 2022—enacted with broad bipartisan support in both houses of Congress—protecting federal judges’ personal information from appearing online. But the law is limited to federal judges, and it does not apply to the posting of a judge’s personal information by state or local agencies. A growing number of states—including Delaware, Illinois, and New Jersey, to name a few—have enacted laws protecting their judges.

We respectfully request that HB1916 SD1 incorporate the protections provided under the Federal Act. More specifically, under the Federal Act, any covered information posted on the internet about a federal judge (essentially location information such as a home address) is subject to removal. There is no requirement that the content be posted include a threat. In sum, the Federal Act creates a notice-and-removal process whereby a person, business, or association that posts covered information of the federal judge has 72 hours to remove the information after receiving a written request for removal. If the information is not removed, the civil remedies in the Federal Act include declaratory and injunctive relief, as well as penalties and damages.

As Chief Justice Recktenwald, Chief Judge Watson, and Judge Clifton stated in a recent piece in the Honolulu Star-Advertiser, “[o]ur system of government depends upon judges being able to administer justice based on the law and facts before them, without fear of harm to them or their families.” Rather than waiting for a tragic incident to lead Hawai‘i’s local news broadcasts, the Legislature should embrace this opportunity to protect the state’s judges, its judicial system, and our democracy.

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<sup>1</sup> The AJS report is available at <https://americanjudicaturesociety.org/wp-content/uploads/2023/11/11.27.23-REVISED-AJS-Report-Protecting-Personal-Information-of-Hawaiis-Judges.docx>.

Thank you for the opportunity to offer this testimony in strong support of the intent of HB1916, SD1 (PROPOSED).

American Judicature Society  
Ad Hoc Committee on Judicial Security

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March 13, 2024

ELECTRONIC SUBMISSION

Hon. Karl Rhoads  
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Re: HB 1916 Relating to the Disclosure of Public  
Servants' Personal Information

Dear Senators Rhoads, Gabbard, and members of the Senate Committee on Judiciary:

Our firm represents a coalition of companies (i.e., Spokeo, PeopleFinders, BeenVerified, Truthfinder, Instant Checkmate, Classmates, Intelius) that provide background check, fraud detection, and other people search services. We write to express support for HB 1916 H.D. 1, currently scheduled for hearing on March 15, 2024 before the Senate Judiciary Committee, but opposition for HB 1916 S.D. 1, as proposed. We appreciate the opportunity to provide input on the bill and would welcome the opportunity for discussion.

**I. Our clients.** Our clients' services are widely used and highly valued by any array of public and private entities and individuals. Law enforcement agencies use the services to serve subpoenas and to identify and locate witnesses and suspects, for example, the prime suspect in the now-infamous Idaho university murders (see <https://www.dailymail.co.uk/news/article-11592371/How-Idaho-cops-used-genetic-genealogy-trace-suspect-Bryan-Kohbgergers-distant-relatives.html>, Part 4). Welfare agencies use the services to find parents evading child support awards. The Veterans Administration uses the services to locate next-of-kin of fallen soldiers. Businesses use the services to detect order fraud and update customer and prospect databases. And consumers use the services to find lost relatives and friends, plan family reunions, check out relationship and service-provider prospects, and root out scams.



Hon. Sens. Rhoads and Gabbard

March 13, 2024

Page 2

**II. HB 1916.** Our clients support efforts to protect vulnerable public servants from threat of harm, such as HB 1916 H.D. 1, and undertake many such efforts ourselves.

As a threshold matter, our clients' products are only available to subscribing and contracting customers, who must agree to standard use terms (including prohibitions on improper and unlawful uses) and whose uses our clients proactively monitor for signs of abuse (including threats, intimidation, or harassment). In addition, our clients opt any person (including public servants) out of their databases on request and have done so for years, long before states like California began requiring data companies to opt out consumers' personal information.

Moreover, our clients attempt to ensure their opt-out services are known and available to potentially vulnerable public servants. For example, our clients have sent letters to judicial administrators throughout the United States in each of the last two years inviting their judicial officers and staffs to opt out of the clients' databases and providing instructions. Copies of our letters to the Hawaii Administrative Director of Courts are enclosed herewith.

HB 1916 H.D. 1 would provide public servants with another valuable protection against threats of intimidation, harm, and harassment by rogue actors misusing publicly available personal information, one with the force of law. Enacting of the bill would add Hawaii to a growing number of states with similar prohibitions and protections (Colorado, Minnesota, Oklahoma, Utah, Washington, and West Virginia).

While our clients support HB 1916 H.D. 1, we respectfully oppose HB 1916 S.D. 1, as proposed to be amended. Unlike H.D. 1, which is finely crafted to address the risk of harm public servants face by virtue of their office, proposed S.D.1 sweeps broadly in its application and risks abuse by parties seeking to profit from public servants' data requests, at the expense of their safety.

**III. Conclusion.** We hope this information is helpful. Please let us know if you have any questions about it. Otherwise, we would welcome the opportunity to speak to you further about the issues discussed herein.

Yours sincerely,



Philip Recht

Partner

Cc: Hon. Rep. David Tarnas, Chair, House Committee on Judiciary & Hawaiian Affairs

# HAWAII STATE TRIAL JUDGES ASSOCIATION

Testimony to the Thirty-Second Legislature  
2024 Regular Session

**Senate Committee on Judiciary**  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

**HB 1916 SD1 Proposed**  
Relating to the Disclosure of Personal Information  
Associated with Certain Public Servants

Friday March 15, 2024 at 10:00 a.m.  
State Capitol, Conference Room 16 & Via Videoconference

## **Written Testimony Only**

By:

Board Members on behalf of the Hawaii State Trial Judges Association  
Hon. Kirstin Hamman, President  
Hon. Greg Meyers, Vice President  
Hon. Annalisa Bernard Lee, Secretary  
Hon. Bryant Zane, Treasurer

---

On behalf of the Hawaii State Trial Judges Association (“HSTJA”), thank you for the opportunity to comment on HB1916 SD1 Proposed 1, relating to the disclosure of personal information associated with certain public servants.

The HSTJA was formed in 1990 to gather, study, and disseminate information with respect to the trial and the disposition of litigation, the organization of the trial courts, and to promote, encourage, and engage in activities to improve the law, the legal system, and the administration of justice.

Our membership consists of every duly appointed circuit, family, and district court judge in the State of Hawaii as well as appellate justices and judges.

HSTJA strongly **SUPPORTS** HB1916 Proposed SD1.

The escalating violence and threats against judges and other public servants is alarming. The accessibility of personal information online only increases the potential for harm, including threats to personal safety.

Public servants, particularly judges, make decisions that may provoke reactions from affected parties. If personal information is easily accessible, it increases the risk of harassment, intimidation, or physical harm to these individuals and their families. In fact, this happened recently to one of our judges in Hawaii, whereby a disgruntled litigant (known to carry guns), went to a judge's home and left trash with a note that included names and ages of members of the judge's family. We worry that with such easy access to personal information, this trend will continue.

The increases in violence and threats against judges without corresponding protections may also result in qualified lawyers refraining from applying for vacancies on the bench. The State should make every effort to protect its dedicated public servants and their families from personal harm to ensure the highest quality of public service to the people of Hawaii.

In order to balance the need for privacy of personal information of judges and other public servants with the public's right to access information, we further urge the Committee to adopt the Judiciary's recommended amendments.

Thank you for the opportunity to comment on this important legislation.



March 15, 2024

Karl Rhoads  
Senate Judiciary Committee  
016 State Capitol  
Honolulu, HI 96813

Re: House Bill 1916, HD1, Proposed SD!

Chairman Rhoads and Committee Members:

We must oppose this bill, which would make it a crime to publicize certain private information about government officials.

We could support this measure if it were returned to the HB 1916, HD1, where coverage would apply to federal and state judges and staff for these reasons:

- The Proposed SD1 greatly expands the types of officials whose private addresses and phone numbers would be protected.
- The Proposed SD1 removes the newsworthiness exemption for media.
- We believe that this measure will lead to a censoring of information currently available in public records, such as real property tax records and other documents.

I am sorry if this bothers you, but the news media deal in addresses, and the stories that they sometime generate bother the officials involved. But this measure could affect how the media cover public affairs about which taxpayers and voters are entitle to know (There can be many different issues depending on the facts):

-- Whether a government official was getting property tax breaks on his or her property.

-- Whether a candidate actually lives in the district he or she is supposed to represent. Think of it, how many stories have the media done about candidates running even though their residences were in another district?

We find HB1916, HD1, to be more acceptable than the Proposed SD 1. We ask that if you return to HB1916, HD1, that you retain this newsworthiness section from the original HB1916:

(A) The display on the internet of the protected personal information of a covered person or their family if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern; or

(B) Protected personal information that the covered person or their family voluntarily publishes on the internet after the effective date of this chapter;

Thank you for your time and attention.

A handwritten signature in black ink, appearing to read "Stirling Morita". The signature is fluid and cursive, with a large initial "S" and "M".

Stirling Morita  
President  
Hawaii Pro Chapter SPJ



March 13, 2024

Senator Karl Rhoads  
Chair, Committee on Judiciary  
Hawai'i State Capitol, Room 228  
Honolulu, HI

RE: **SUPPORT HB 1916 H.D. 1** and **OPPOSE HB 1916 S.D. 1 Proposed**

Dear Chair Rhoads and Members of the Committee:

On behalf of RELX, a world-leading provider of technology solutions that support the government, insurance, and financial services industries, I would like to start by expressing **support for HB 1916 H.D. 1** as currently drafted and state our **opposition to HB 1916 S.D. 1 as proposed** to be amended.

We support HB 1916 H.D. 1 as passed by the House which would provide greater protections for public officials in response to recent threats and inappropriate communications targeted towards these individuals by prohibiting public postings of personal information with the intent to intimidate, threaten injury, or harm a covered party or their family.

However, RELX must **oppose HB 1916 S.D. 1 as proposed** to be amended given the addition of a troubling new provision which would establish broad restrictions on “disclosure” of personal information that run afoul of First Amendment protections of the public and the press with regard to government records, as well as conflict with existing federal sectoral privacy laws that currently authorize disclosure of personal information in compliance with permissible purposes outlined in the federal implementing statutes and subsequent regulations, such as the Health Insurance Portability and Accountability Act (HIPAA), the Fair Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act (GLBA), and the federal Driver’s Privacy Protection Act (DPPA).

The language included in HB 1916 S.D.1 as proposed conflicts with authorizations found in existing federal privacy laws related to disclosure of personal information and will result in unintended consequences that would negatively impact individuals outside of their government employment when they are participating in activities that require transfer of personal data such as making a financial transaction, authenticating their identity, or purchasing insurance.

Further, the language of HB 1916 S.D. 1 as proposed would limit the ability of businesses and non-profits to share personal information as necessary for the administration of government programs that require personal information for investigations related to child support enforcement, foster youth placement, tax evasion, beneficiary outreach to public retirees, and entitlement assistance program eligibility.

We strongly encourage the Committee to advance HB 1916 H.D. 1 in its current form as it provides greater protections for public servants, while ensuring such officials and their family can participate normally in regular economic transactions central to daily life.

Sincerely,

London Biggs  
Director, State Government Affairs – West  
RELX

**Testimony to the Thirty-Second Legislature  
2024 Regular Session**

**Senate Committee on Judiciary**  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Friday, March 15, 2024, 10:00 a.m.  
State Capitol, Conference Room 016 & Videoconference

By  
Judge Ron Ibarra (retired)

**WRITTEN TESTIMONY ONLY**

**Bill No. and Title:** **House Bill 1916 HD1, SD1 (Proposed)** - Relating to the Disclosure of Personal Information Associated with Certain Public Servants.

**Purpose:** Establishes within the State's Address Confidentiality Program protection for public servants that prohibits upon written request from the public servant or representative any person or organization from disclosing certain personal information. Establishes the offense of unlawful publication of personal information that prohibits any person or organization from knowingly disclosing protected personal information of public officials with the intent to cause reputational harm, emotional injury, or bodily injury. Takes effect 9/1/2024. (Proposed SD1)

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Dear Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary:

I was a circuit court judge in Kona for twenty-eight years. I also served as the chief judge/administrative for over twenty years. Prior to becoming a judge, I served as the Hawaii County Managing Director, Corporation Counsel and Deputy Prosecutor. During my tenure as chief judge, judges experienced threats that resulted in security measures being taken. With this in mind, I stand in **strong support** of HB1916, HD1, SD1 (proposed), which will help to ensure that the personal information for judges and justices, such as their home address and name of the school their children attend, is protected from online disclosure upon written request along with other protections.

The nature of the legal system is adversarial and judges and justices are called upon to be decision-makers in contested, controversial, and emotionally charged matters. The number of threats to judges and judiciary personnel has increased significantly over the years both here in Hawai'i, but also at the Federal level and in other jurisdictions. Limiting easy access to information online, while preserving in-person inspection, will help to slow bad actors who—in a moment of disappointment, anger, or frustration—may seek to do harm to judges, justices, or their loved ones. This should not be a risk that those individuals carry alone, and there are make-sense steps that we as a State can take to reduce the likelihood that someone would be able to carry out those intentions to harm. Other public officials may also be decision-makers and face

Testimony for HB1916, HD1, Proposed SD1, Relating to the Disclosure  
of Personal Information Associated with Certain Public Servants  
Senate Committee on Judiciary  
Friday, March 15, 2024  
Page 2

similar threats, so I understand the desire to include coverage of others, as noted in the proposed SD1.

For these reasons, I strongly support HB1916 HD1, SD1 (proposed) and further urge this committee to adopt the Judiciary's recommended amendments so that this measure can be passed into law.



**HB-1916-HD-1**

Submitted on: 3/13/2024 5:51:02 PM

Testimony for JDC on 3/15/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Margaret K. Masunaga	Individual	Support	Written Testimony Only

Comments:

Dear Rep. David Tarnas, Rep. Gregg Takayama, Rep. Mark Nakashima, and Rep. Jackson Sayama, House Committee on Judiciary & Hawaiian Affairs and House Committee on Consumer Protection & Commerce:

I am submitting this testimony in strong SUPPORT of HB 1916, relating to the disclosure of personal information associated with certain public servants.

My name is Margaret Masunaga and I am a retired judge in Kona. I know what it feels like to have a member of the public find out where you live and where your family farm is located. I was terrified that the person would harm my husband, and daughters. I also received an anonymous threatening letter before I retired.

This bill will definitely help protect judges and other public servants. I hope you will pass HB 1916. Mahalo nui loa for your consideration.

**Testimony to the Thirty-Second State Legislature  
2024 Regular Session**

Tuesday, March 15, 2024, 10:00 a.m.  
Hawai'i State Capitol, Conference Room 016

To: Senate Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

From: Judge Robert Mark Browning (ret.)

Re: House Bill No. 1916, H.D.1, S.D. 1 (Proposed), Relating to the Disclosure of Personal Information Associated with Certain Public Servants

**WRITTEN TESTIMONY ONLY**

I am in strong support of HB1916, H.D. 1, S.D. 1 (Proposed).

I spent over 26 years as a state judge in the First Circuit of the State of Hawai'i. In December of 2023, several weeks before my retirement, a person broke into my home. My son, who was home for the holidays, was startled and terrified as he watched this individual attempt to gain entry into our home.

Prior to the December incident, this same person and others came to my home while I was at work at the Circuit Court. On one occasion, a week prior to the December incident, my wife was verbally harassed at our front door by this same individual.

The individual or individuals who obtained my home address and came to my home were involved in a case that I did not preside over. My family, my home, and I were targeted because I was the Chief Judge at the time.

My wife, my son, and my entire family were traumatized and frightened by these incidents. I felt completely helpless that I was not able to insure my family's safety.

It should be noted that during my 26 plus years as a judge, I received my share of angry threats. However, none of these instances involved my family or my home.

As a judge, I knew that every time I made a decision that at least fifty percent of the parties were unhappy, or upset by my ruling. I also understood that sometimes their unhappiness turned to anger. This is a fact that all judges accept.

Individuals, like myself, accept the stress, the pressure, the awesome responsibility and, to a degree, the risks that come with being a judge. However, my family, the families of our judges, and our homes should not be put at risk, terrorized, and/or traumatized because we, as judges, choose to serve this community.

As such, I urge the committee to pass HB1916 H. D. 1, S. D. 1 (Proposed).

Mahalo for your consideration.

**HB-1916-HD-1**

Submitted on: 3/14/2024 9:13:05 AM

Testimony for JDC on 3/15/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joseph Cardoza	Individual	Support	Written Testimony Only

Comments:

Chair: Hon. Karl Rhoads, Chair

Vice-Chair: Hon. Mike Gabbard, Vice Chair

Committee: Senate Committee on Judiciary

Testimony of: Joseph E. Cardoza

Organization: None

Hearing Date: Friday, March 15, 2024

Hearing Time: 10:00 a.m.

Place: Via Videoconference

Conference Room 016

Hawai`i State Capitol

415 South Beretania Street

Honolulu, Hawai`i

House Bill: HB No. 1916, HD1, SD1 (Proposed)

Position: Support of HB 1916, HD1, SD1 (Proposed) Relating to the

Disclosure of Personal Information Associated with Certain Public  
Servants

Dear Chair Rhoads and Members of the Senate Committee on Judiciary:

I am writing in support of House Bill 1916, HD1, SD1 (Proposed) relating to the disclosure of personal information associated with certain public servants.

I am a retired chief judge. During the early years of my over forty-year legal career, security and the protection of personal information were rarely of concern. During the past decade, technological advancements and a changing society have caused considerable time and attention to be devoted to the security and protection of elected officials, public servants in decision-making positions, judges, judiciary personnel, and their family members. The increasing ease with which personal information can now be disseminated and used for inappropriate purposes has made security much more challenging. No matter how challenging, the safety of our public servants and their family members is crucial.

Effective September 1, 2024, House Bill 1916, HD1, SD1 (Proposed), would establish within the State's Address Confidentiality Program protection for public servants that prohibits upon written request from the public servant or representative any person or organization from disclosing certain personal information. This Bill would also establish the offense of unlawful publication of personal information that prohibits any person or organization from knowingly disclosing protected personal information of public officials with the intent to cause reputational harm, emotional injury, or bodily injury.

Section 1 of House Bill 1916, HD1, SD1 (Proposed) sets forth an extremely compelling case for passage of this Bill. It is both alarming and completely unacceptable that in recent years elected state and local officials, judges, and other public servants in decision-making positions throughout the nation have experienced and had to endure a dramatic increase in acts of violence, or attempts to engage in acts of violence, at their personal residence or the residence of a family member. Sadly, in some instances, public servants and their family members have paid the ultimate price for their service to our nation. Acts of violence against public servants or attempts to do so present a serious threat to the safety of our public servants, their family members, and our community. Violence against public servants and their family members also strikes at the very core of our ability to function as a government. Such actions also interfere with the orderly performance of essential duties, diverts valuable resources in order to respond to threats of violence, creates operational inefficiencies, and discourages qualified and dedicated persons

from becoming public servants. While no single solution will solve all of the problems associated with the inappropriate dissemination of personal information, House Bill 1916, HD1, SD1 (Proposed) is an essential part of the overall solution. Accordingly, I am in strong support of House Bill 1916, HD1, SD1 (Proposed).

Thank you for the opportunity to present this written testimony.

I do not plan to testify during the hearing on this Bill.