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# HOUSE CONCURRENT RESOLUTION

REQUESTING A COMPREHENSIVE STUDY ON THE RESULTS AND IMPACT OF  
ACT 10, SESSION LAWS OF HAWAII 2008, AS WELL AS OTHER  
INFORMATION SECURITY PROPOSALS.

1           WHEREAS, identity theft affects millions of American each  
2 year and costs more than \$54 billion annually; and

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4           WHEREAS, breaches in the security of personal information  
5 are a leading source of identity theft; and

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7           WHEREAS, in December 2007, the Office of the Auditor issued  
8 a report entitled "Hawai'i Identity Theft Task Force Report"  
9 that, among other things, made certain recommendations regarding  
10 safeguards to protect personal information; and

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12           WHEREAS, the Legislature passed Act 10, Session Laws of  
13 Hawaii 2008, which established the Information Privacy and  
14 Security Council to implement the recommendations of the Hawai'i  
15 Identity Theft Task Force and to identify and recommend to the  
16 Legislature best practices to assist government agencies in  
17 improving security and privacy programs relating to personal  
18 information; and

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20           WHEREAS, an analysis has not been conducted to determine  
21 whether Act 10 and the recommendations made by the Information  
22 Privacy and Security Council have been implemented or if they  
23 have been effective; and

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25           WHEREAS, current law primarily focuses on prevention of  
26 security breaches and penalties for organizations that fail to  
27 provide timely and adequate notice to persons affected by the  
28 security breach, but it provides very little in the way of  
29 remedies for affected persons; now, therefore,  
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1 BE IT RESOLVED by the House of Representatives of the  
2 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
3 of 2011, the Senate concurring, that the Auditor is requested to  
4 conduct a comprehensive study to determine whether the  
5 recommendations of the Hawai'i Identity Theft Task Force Report  
6 of 2007 have been implemented and on the results and impact of  
7 Act 10, Session Laws of Hawaii 2008, to determine whether the  
8 recommendations by the Auditor and the Information Privacy and  
9 Security Council regarding the handling of private information  
10 by government agencies have been implemented and the impact  
11 thereof; and  
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13 BE IT FURTHER RESOLVED that the Auditor is requested to  
14 perform an analysis, similar to those performed pursuant to  
15 section 26H-6, Hawaii Revised Statutes, of the following  
16 proposals to provide remedial measures for persons affected by a  
17 breach of their personal information:  
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- 19 (1) Require an organization that has permitted a security  
20 breach to conduct, at the organization's expense, an  
21 independent audit, to be made available to the public  
22 upon completion, to reassure the public and  
23 Legislature that the organization has fulfilled any  
24 promises to take remedial action and comply with  
25 industry standards;  
26
- 27 (2) Establish an agency or work with a national non-profit  
28 organization to track Hawaii identity theft and fraud  
29 trends, to help determine the actual effect of  
30 breaches, and to provide information regarding any  
31 trends to the public;  
32
- 33 (3) Establish a centralized trust account from which  
34 affected persons of information breach or identity  
35 fraud may draw, to be funded by a fee assessed on any  
36 organization that is liable for a security breach; and  
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- 38 (4) Establish a statutory private right of action as  
39 proposed in Senate Bill 728 and House Bill 1220  
40 (2011); and  
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42 BE IT FURTHER RESOLVED that the Information Privacy and  
43 Security Council is requested to cooperate with and provide  
44 information and assistance to the Auditor, upon request; and



# H.C.R. NO. 12

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2 BE IT FURTHER RESOLVED the Auditor is requested to submit  
3 findings and recommendations to the Legislature, including any  
4 proposed legislation, no later than twenty days prior to the  
5 convening of the Regular Session of 2012; and  
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7 BE IT FURTHER RESOLVED that certified copies of this  
8 Concurrent Resolution be transmitted to the Auditor and the  
9 members of the Information Privacy and Security Council.  
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OFFERED BY:

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