

STAND. COM. REP. NO.

1138

Honolulu, Hawaii

MAR 25 2021

RE: H.B. No. 125
H.D. 2
S.D. 1

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

Sir:

Your Committees on Labor, Culture and the Arts and Education, to which was referred H.B. No. 125, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM EMPLOYEE AND STUDENT ONLINE PRIVACY PROTECTION ACT,"

beg leave to report as follows:

The purpose and intent of this measure is to establish the Uniform Employee and Student Online Privacy Protection Act to protect the online accounts maintained by employees, prospective employees, unpaid interns, independent contractors, students, prospective students, and parents or legal guardians of students under the age of majority from employers and educational institutions.

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

Your Committees find 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 their social media accounts. Likewise, many educational institutions seek to examine the social media presence of current and prospective students and ask for access to their accounts. Your Committees further find that in recent years there have been a number of



reported incidents in which employers and educational institutions have demanded and were granted access to non-public information on their employees' and students' personal online accounts. This measure prevents employers and educational institutions from coercing persons who typically have less than equal bargaining power into granting them access to non-public information on personal online accounts while allowing for narrow and justified exceptions.

Your Committees note that this measure adopts the Uniform Employee and Student Online Privacy Protection Act that was drafted by the National Conference of Commissioners of Uniform State Laws (also known as the Uniform Law Commission) and incorporates language from the Personal Online Account Privacy Act drafted by the American Civil Liberties Union.

Your Committees have amended this measure by:

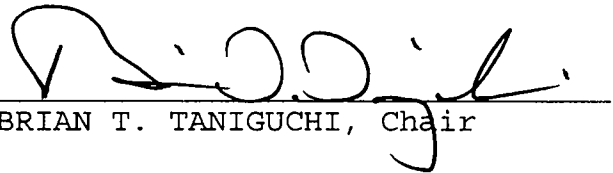
- (1) Clarifying that a student under the age of majority means a student under the age of eighteen years; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 125, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 125, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Labor, Culture
and the Arts and Education,



MICHELLE N. KIDANI, Chair



BRIAN T. TANIGUCHI, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:*	Committee Referral:	Date:			
<i>HB125, HD2</i>	<i>LCA/EDU, JDC</i>	<i>3/17/21</i>			
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____					
The Recommendation is:					
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310			
<input type="checkbox"/> Recommit 2313					
Members	Aye	Aye (WR)	Nay	Excused	
TANIGUCHI, Brian T. (C)	✓				
IHARA, Jr., Les (VC)	✓				
CHANG, Stanley	✓				
KEOHOKALOLE, Jarrett	✓				
FEVELLA, Kurt	✓				
TOTAL	<i>5</i>	<i>0</i>	<i>0</i>	<i>0</i>	
Recommendation:					
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Chair's or Designee's Signature:					
<i>[Handwritten Signature]</i>					
Distribution:					
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy		

*Only one measure per Record of Votes

