



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committees on Commerce, Consumer Protection and Health
and
Ways and Means
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by

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SB 429 SD1 – RELATING TO THE UNIFORM EMPLOYEE AND STUDENT ONLINE PRIVACY PROTECTION ACT

Chairs Baker and Tokuda, Vice Chairs Nishihara and Dela Cruz, and Members of the
Committees:

Thank you for the opportunity to present testimony regarding SB 429 SD1 – Relating to
the Uniform Employee and Student Online Privacy Protection Act.

We support the intent of this bill in protecting employee and student privacy. That said,
this uniform act was just newly approved in 2016 by the National Conference of
Commissioners on Uniform State Laws, has not yet been adopted by any state to our
knowledge, and needs to be amended to avoid unintended consequences. In short, the
uniform act appears to contemplate a much more controlled and closed
telecommunications and information technology system, i.e., for private institutions and
employers, than the open architecture system afforded to University of Hawai'i
employees and students. The following amendments are requested in this regard:

(1) Page 4, lines 4-5 in the definition of “Protected personal online account” should be
revised to read:

(A) The employer or educational institution supplies, ~~or~~ pays for in full, or issues
login information under its domain name;

The University owns, manages and controls the hawaii.edu domain name, but it is
arguably Google that supplies the platform. This is a clarification, not an expansion, of
the act.

(2) Page 5 line 10, and Page 9 line 17 should be revised to read:

(1) Require, or coerce ~~or request~~ a student to:

The purpose of the act is to prevent coercion of employees and students. As written,
this bill would subject the University (and all employers and educational institutions) to
penalties and civil liability for an innocent “request” for login information, no matter the

intent. A student or employee is leaving school/work for an extended vacation or emergency medical situation, and a caring adviser or supervisor instinctively requests login information to assist the person with monitoring email or coursework assignments, which is expressly prohibited under this bill and would subject the University to liability.

(3) Effective date: Currently, there is a January 7, 2059 effective date. If enacted, the University will need time to effect policies and training to ensure compliance with this act. We would respectfully request an effective date of 2020 to afford time for necessary consultations and implementation of said policies and training.

Based on the foregoing, the University supports SB 429 SD1 with amendment.