

Identity Theft Task Force
(Established by Act 140, Session Laws of Hawai`i 2006)
State of Hawai`i
www.state.hi.us/auditor

Minutes of Meeting

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawai`i Revised Statutes (HRS).

Date: Thursday, November 15, 2007

Time: 9:00 a.m.

Place: State Capitol
415 South Beretania Street
Conference Room 309
Honolulu, Hawai`i

Present: Chair Gary Caulfield, Financial Services Industry
Vice Chair Marvin Dang, Financial Services Industry
Clayton Arinaga, County Police Departments Designee
Senator Carol Fukunaga, President of the Senate's Designee
Fay Ikei, Department of Education
Jodi Ito, University of Hawai`i
Stephen Levins, Director of the Office of Consumer Protection
Tim Lyons, Consumer and Business Organizations
Senator Ron Menor, President of the Senate Designee
Representative Colleen Meyer, Speaker of the House of Representatives Designee
Carol Pregill, Retail and Small Business Community
Mel Rapozo, Hawai`i State Association of Counties Designee
Robert Takushi, Consumer and Business Organizations
Sharon Wong, Department of Accounting and General Services
Christopher D.W. Young, Department of the Attorney General

Marion M. Higa, State Auditor, Office of the Auditor
Russell Wong, IT Coordinator, Office of the Auditor
Jayna Oshiro, Special Projects Coordinator, Office of the Auditor
Pat Mukai, Secretary, Office of the Auditor

Jeffrey Loo, J.W. Loo & Associates
Mihoko Ito, Goodsill Anderson Quinn & Stifel

Excused/
Absent: Lt. Andrew Castro, Honolulu Police Department's Criminal Investigation Division
Craig De Costa, Hawai`i Prosecuting Attorneys Association
Ronald Johnson, United States Attorney for the District of Hawai`i Designee
Representative Jon Riki Karamatsu, Speaker of the House of Representatives Designee
Nathan Kim, The Judiciary
Paul Kosasa, Retail and Small Business Community
Tom Terry, United States Postal Service
Rick Walkinshaw, United States Secret Service Electronic Crimes Unit

Call to Order: Chair Caulfield called the meeting to order at 9:23 a.m. at which time quorum was established.

Draft Report: The Identity Theft Task Force draft report was distributed to the members for their review. Chair Caulfield proceeded with a section-by-section review of the draft and invited comments from the members.

Section 1 – Overview: The task force adopted this section.

Section 2 – Define Personal Information: The task force adopted this section.

Section 3 – Personal Information – Current Usage and Practices: The task force adopted this section.

Section 4 – Risk Assessment: This section was not in the draft and is still being written.

Section 5 – Best Practices to Prevent Identity Theft: The task force adopted this section.

Section 6 – Identity Theft Task Force Recommendations:

Recommendation 1: Require Annual Report on Systems that Use Personal Information – The task force adopted Recommendation 1.

Recommendation 2: Limit the Personal Information In Agency Records

Mr. Loo stated that Senator Fukunaga's staff recommended some changes primarily to make it easier to draft a bill. The task force adopted Recommendation 2.

Recommendation 3: Reduce Use of Social Security Numbers – The task force adopted Recommendation 3.

Recommendation 4: Provide Notice to Individuals When Requesting Personal Information

Members Levins, Young, and Arinaga expressed concerns with this recommendation. They believed this requirement would be problematic for law enforcement and burdensome for government agencies. They also noted that Chapter 92F, HRS, covers what government can and cannot disclose to third parties.

Mr. Loo indicated the federal government and other states have similar provisions. Citizens owning the information have the right to know who is looking at the information.

After further discussion, Chair Caulfield referred Recommendation 4 to the working group to develop language prior to the December 6 meeting.

Recommendation 5: Require State and County Agencies to Assign Policy and Oversight Responsibilities – The task force adopted Recommendation 5.

Recommendation 6: Issue Guidance on Use of Personal Information in Human Resources Functions – The task force adopted Recommendation 6.

Recommendation 7: Require State and County Agencies to Use Third Party Information Use Agreements

Senator Fukunaga asked Mr. Loo if this recommendation would apply to all vendors and users who disseminate information. Mr. Loo responded yes. The task force adopted Recommendation 7.

Recommendation 8: Issue Data Breach Guidance to Agencies – The task force adopted Recommendation 8.

Recommendation 9: Require Agencies to Develop and Implement a Breach Notification Policy – The task force adopted Recommendation 9.

Recommendation 10: Implement an Identity Theft Registry

There was a lengthy discussion on this recommendation. Members Young and Rapozo questioned the effectiveness of a registry and who would be responsible for verifying the claim that someone was a victim of identity theft.

Member Lyons suggested there is some value to being able to point to a governmental agency.

Senator Fukunaga asked what would be the most reliable official record that you have been a victim of identity theft. Member Young answered, the only record is the police report unless the case is prosecuted.

Mr. Loo stated California and other states have similar measures to mitigate the impact of identity theft after the fact. As documented in a number of studies, it is time consuming and costly to clean one's record and reestablish credit after an incident of identity theft. These registries are direct responses to the problem and provide a central place to collect information that has been accumulated to support someone's contention while there are still outstanding records. The registry would identify the police reports filed and letters to the credit reporting agencies contesting charges.

After further discussion, Chair Caulfield referred Recommendation 10 to the working group for review.

Recommendation 11: Develop Concrete Guidance and Best Practices – The task force adopted Recommendation 11.

Recommendation 12: Issue Portable Storage and Communication Devices Guidance to Agencies

Member Wong noted that the recommendation was revised to name the Information Privacy and Security Workgroup as the overall entity that will be issuing guidelines. She asked for clarification on what ICSD's role would be and how this would apply to the counties. Member Ito indicated that UH has completed its own draft Information Security Policy which covers many of these issues, including disposal of sensitive information, encryption of laptops, etc.

Mr. Loo said this is not intended to be a single statewide policy, and he will revise this recommendation.

Appendixes

Chair Caulfield asked for comments on the Appendixes.

Appendix 1. Personal Information Definitions – The task force had no comments on this appendix.

Appendix 2. Personal Information in Government Records

Member Young suggested adding the definition of "confidential personal information" in Chapter 708, HRS.

Appendix 3. Volume of Government Records Containing Personal Information

Senator Fukunaga asked if information included all records or just electronic records. Mr. Loo answered it was a compilation of both types of records.

Mr. Loo said among the state agencies, 18 of 21 reported records in excess of 100,000. 9 reported in excess of 1,000,000. There were similar findings for the Honolulu county. Other counties had smaller amounts.

Appendix 4. Best Practices in Other State Jurisdictions – The task force had no comments on this appendix.

Exhibits 1-5 – The task force had no comments.

Chair Caulfield summarized. Recommendations 4 and 10 will go back to the chair's working group for review. At the December 6, 2007 meeting, the task force will vote on the recommendations. The Legislative Working Group will have legislation and the Public Information Working Group will have their brochure on best practices included in the final report to the Legislature.

Senator Fukunaga suggested that the Auditor's Office have the drafting agency start work on the legislation so that it does in fact reflect the recommendations of the final report. State Auditor Higa stated that she will initiate the request.

Chair's
Report:

Minutes of previous meeting

Vice Chair Dang moved to approve the minutes of the October 18, 2007 meeting, seconded by Member Rapozo. It was voted on and unanimously carried to approve the minutes.

Meeting
Schedule:

December 6, 2007 – approve final report

Adjournment:

With no further business, the Chair adjourned the meeting at 10:43 a.m.

Next
Meeting:

date: Thursday, December 6, 2007
time: 9:00 a.m.
address: to be determined

Reviewed and approved by:

Russell Wong
IT Coordinator

November 30, 2007

[] Approved as circulated.

ID Theft/111507