

HRS § 487N-1

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§ 487N-1. Definitions.

As used in this chapter, unless the context otherwise requires:

“Business” means a sole proprietorship, partnership, corporation, association, or other group, however organized, and whether or not organized to operate at a profit. The term includes a financial institution organized, chartered, or holding a license or authorization certificate under the laws of the State, any other state, the United States, or any other country, or the parent or the subsidiary of any such financial institution. The term also includes an entity whose business is records destruction.

“Council” means the information privacy and security council established under section 487N-5.

“Encryption” or “encrypted” means the use of an algorithmic process to transform data into a form in which the data is rendered unreadable or unusable without the use of a confidential process or key.

“Government agency” means any department, division, board, commission, public corporation, or other agency or instrumentality of the State or of any county.

“Personal information” means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:

- (1) Social security number;
- (2) Driver's license number or Hawaii identification card number; or
- (3) Account number, credit or debit card number, access code, or password that would permit access to an individual's financial account.

“Personal information” does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

“Records” means any material on which written, drawn, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics.

“Redacted” means the rendering of data so that it is unreadable or is truncated so that no more than the last four digits of the identification number are accessible as part of the data.

“Security breach” means an incident of unauthorized access to and acquisition of unencrypted or unredacted records or data containing personal information where illegal use of the personal information has occurred, or is reasonably likely to occur and that creates a risk of harm to a person. Any incident of unauthorized access to and acquisition of encrypted records or data containing personal information along with the confidential process or key constitutes a security breach. Good faith acquisition of personal information by an employee or agent of the business for a legitimate purpose is not a security breach; provided that the personal information is not used for a purpose other than a lawful purpose of the business and is not subject to further unauthorized disclosure.

History

L 2006, c 135, § 2; am L 2008, c 19, § 69, effective April 17, 2008; am L 1st Sp. Sess. 2008, c 10, § 5, effective July 1, 2008.

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