

Hawaii

Haw. Rev. Stat. Ann. §§ 487N-1 *et seq.*

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Quick Facts

Is “Personal Information” broader than the general definition? ¹	✗ No
Does the law apply to paper records?	✓ Yes
Is notification triggered by access only?	✗ No
Is a risk-of-harm analysis permitted?	✓ Yes
Is notice to a state agency or AG required?	✓ Yes
Is there a specific deadline for individual notices?	✗ No
Is there a specific format or language that must be included in the individual notice?	✓ Yes
Is a private right of action permitted?	✓ Yes

“Breach” Definition

The unauthorized access to and acquisition of 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.

“Personal Information” Definition

1. An individual’s first name or first initial and last name in combination with any one or more of the following:
 - a. Social security number
 - b. Driver’s license number or Hawaii identification card number; or
 - c. Account number, credit or debit card number, access code, or password that would permit access to an individual’s financial account.

¹ The general definition of “Personal Information” is an individual’s name in combination with any one or more of the following: (1) Social Security number; (2) driver’s license number or state identification card number; or (3) a financial account number or credit or debit card number in combination with any required security code, access code, or password that is necessary to permit access to an individual’s financial account.

Notification Trigger

Following discovery or notification of the breach:

1. Entity that owns or licenses personal information shall provide notice to the affected person without unreasonably delay.
2. Entity that maintains or possesses personal information that the entity does not own or license shall notify the owner or licensee of the information immediately.

Risk-of-Harm Analysis Standard

Notice is not required if the entity determines there is not a reasonable likelihood of risk of harm to an individual.

Special Form/Content of Consumer Notice

The notice shall include a description of the following:

1. The incident in general terms
2. The type of personal information that was subject to the unauthorized access and acquisition
3. The general acts of the business or government agency to protect the personal information from further unauthorized access
4. A telephone number that the person may call for further information and assistance, if one exists; and
5. Advice that directs the person to remain vigilant by reviewing account statements and monitoring free credit reports.

AG Notice Trigger/Deadline

Notice to the State of Hawaii's office of consumer protection without unreasonable delay is required if more than 1,000 Hawaii residents are notified. The notice shall include the timing, distribution, and content of the consumer notice.

Notification to Consumer Reporting Agencies Threshold

Notice to consumer reporting agencies without unreasonable delay is required if more than 1,000 Hawaii residents are notified. The notice shall include the timing, distribution, and content of the consumer notice.