



Hawaii Geolocation Privacy Bill Awaits Governor Signature

June 25, 2019

A bill banning the non-consensual sale of GPS data sits on the desk of Hawaii's governor, David Ige. If he takes no action by June 24, 2019, it becomes law. The law would be the first in the U.S. to address consumer privacy rights in geolocation data of the type routinely gathered by smartphones, tablets, and other common technology.

The new legislation (HB 702 HD1 SD2) amends Hawaii's unfair and deceptive practices statute to prohibit the sale of location data recorded or collected by a satellite navigation technology-equipped device without the "explicit consent" of the primary user of that device. Hawaii's legislature found collection of such geolocation data was essentially a record of a person's movement and daily life, the sale of that data constituted an unfair and deceptive practice.

If signed, the law would take effect July 1, 2020. Violation of the law would allow an affected consumer to sue for the greater of \$1000 or treble damages for each violation.

The Hawaii Attorney General, or the director of the Hawaii Office of Consumer Protection, could seek civil penalties of up to \$10,000 per violation per day.

Hawaii's law would join other state laws that require companies to engage in a state-by-state monitoring of residents' data. As this expanding state patchwork requires organizations to track a variety of personal data, pressure increases on the federal government to pass preemptive legislation. House Minority Leader Kevin McCarthy has recently stated that he will put forth a proposal before Congress' August recess, but, at present, the prospects remain dim for a national data privacy law.