



DEPARTMENT OF PUBLIC SAFETY

**REPORT TO THE TWENTY-FIFTH STATE
LEGISLATURE PURSUANT TO
HAWAII REVISED STATUTES §487N-4**

May 2009

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The Department of Public Safety (PSD) submits this report pursuant to Hawaii Revised Statutes Section 487N-4, Reporting Requirements. On April 28, 2009, PSD's Communications Director, Louise Kim McCoy, was informed by the Hawaii Tribune Herald reporter, John Burnett, that Wade Dupont, who was on supervised release at the time, came to Burnett alleging that the Hawaii Intake Service Center (HISC) had released confidential personal information. McCoy questioned Burnett as to the specifics of this allegation, and Burnett faxed to McCoy four pages with a list of former and current inmates at the Hawaii Community Correctional Center (HCCC). The list also included the State I.D. number, housing unit, Social Security number, admission date, custody status, security class, and scheduled release date.

The Director immediately ordered an investigation of this matter upon learning of this disclosure. The investigation found that HCCC staff had started using the blank back side of old documents for copy paper, as a cost saving measure, with the intent that the copied documents would remain in the facility. After this cost saving measure had been implemented for a period of time, the recycled documents were also used in at least one fax machine at the facility. On April 2, 2009, a Circuit Court order for Wade Dupont was faxed to HCCC, where it was printed on the recycled list of inmates referenced above. This document was taken to the HISC, where it was reviewed and signed by Dupont on the same day.

This signed copy was given to Dupont as his copy, wherein he discovered the list on the back of his order and apparently contacted Cheryl Konanui, whose name was on the list. Konanui called the ISC on April 3, 2009, claiming that they had released her personal information, but providing no details to the staff about the claim. Since Konanui was a HCCC inmate and not supervised by the ISC, and with no specific information in regard to Konanui's claim, the staff at the ISC could not proceed any further with this claim.

On April 28, 2009, Dupont took his copy of his court order with the list on the back to reporter Burnett, who made a copy of the list on the back. After visiting Burnett at the Tribune

Herald, Dupont and Konanui went to the Circuit Court in Hilo and spoke with the Court Administrator, Lester Oshiro and also left the order with the list on the back with Oshiro when they left.

When the Director became aware of the release of the personal information, in addition to ordering an investigation, he also gave orders to attempt to recover all copies of the information that had been released. Communications Director McCoy requested that reporter Burnett either return or destroy the list of names and information. Burnett destroyed the list on April 28, 2009, as evidenced by his letter dated April 30, 2009, attached to this report as Attachment 1.

On April 28, 2009, HISC staff also went to visit Court Administrator Lester Oshiro, and requested that he return the court order to them. Oshiro refused, stating that Cheryl Konanui had left it with him for safekeeping. A Deputy Attorney General called Oshiro on May 6, 2009, to again request the document be returned to PSD, however, Oshiro once again stated that the document had been left with him for safekeeping. Further attempts by the Deputy Attorney General assigned to PSD, are ongoing to secure this copy of the released information.

On May 11, 2009, a Deputy Attorney wrote a letter to Oshiro explaining what had transpired, and once again requesting the return of the document.

There were 141 names on the list that was inadvertently disclosed. Starting on May 7, 2009, notices of the security breach were mailed or delivered to all the people on the list with the exception of one person on the list who is now deceased. A copy of the notice of security breach is attached to this report as Attachment 2.

The administrative investigation into this matter did not reveal any criminal acts, therefore, the delivery of the notice of security breach and this report to the Legislature were not delayed by a criminal investigation.

In order to ensure that this type of inadvertent release does not happen again, the Director has ordered that all documents containing personal information not be recycled for copying. Further, staff at HCCC have been given guidance on the release of confidential information.