

JAN 23 2009

A BILL FOR AN ACT

RELATING TO INFORMATION PRACTICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 92F-14, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The following are examples of information in which
4 the individual has a significant privacy interest:

5 (1) Information relating to medical, psychiatric, or
6 psychological history, diagnosis, condition,
7 treatment, or evaluation, other than directory
8 information while an individual is present at such
9 facility;

10 (2) Information identifiable as part of an investigation
11 into a possible violation of criminal law, except to
12 the extent that disclosure is necessary to prosecute
13 the violation or to continue the investigation;

14 (3) Information relating to eligibility for social
15 services or welfare benefits or to the determination
16 of benefit levels;



1 (4) Information in an agency's personnel file, or
2 applications, nominations, recommendations, or
3 proposals for public employment or appointment to a
4 governmental position, except:

5 (A) Information disclosed under section 92F-
6 12(a)(14); and

7 (B) The following information related to employment
8 misconduct that results in an employee's
9 suspension or discharge:

10 (i) The name of the employee;

11 (ii) The nature of the employment related
12 misconduct;

13 (iii) The agency's summary of the allegations of
14 misconduct;

15 (iv) Findings of fact and conclusions of law; and

16 (v) The disciplinary action taken by the agency;

17 when the following has occurred: the highest

18 non-judicial grievance adjustment procedure

19 timely invoked by the employee or the employee's

20 representative has concluded; a written decision

21 sustaining the suspension or discharge has been

22 issued after this procedure; and thirty calendar



1 days have elapsed following the issuance of the
2 decision; provided that this subparagraph shall
3 not apply to a county police department officer
4 except in a case [~~which~~ that] that results in the
5 discharge of the officer;

6 (5) Information relating to an individual's
7 nongovernmental employment history except as necessary
8 to demonstrate compliance with requirements for a
9 particular government position;

10 (6) Information describing an individual's finances,
11 income, assets, liabilities, net worth, bank balances,
12 financial history or activities, or creditworthiness;

13 (7) Information compiled as part of an inquiry into an
14 individual's fitness to be granted or to retain a
15 license, except:

16 (A) The record of any proceeding resulting in the
17 discipline of a licensee and the grounds for
18 discipline; and

19 (B) Information on the current place of employment
20 and required insurance coverages of licensees;

21 [and



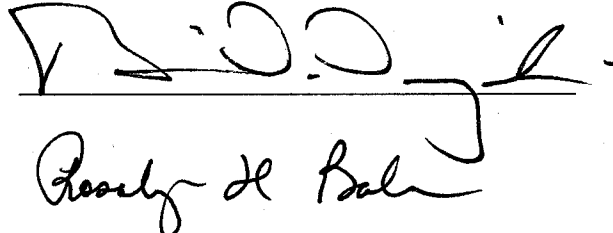
- 1 ~~(C) The record of complaints including all~~
- 2 ~~dispositions,]~~
- 3 (8) Information comprising a personal recommendation or
- 4 evaluation; and
- 5 (9) Social security numbers."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

9

INTRODUCED BY:


Ready H. Bahr



Report Title:

Public Documents; Privacy

Description:

Removes records of complaints from the exceptions to the types of information that are not subject to disclosure as public documents.

