

STAND. COM. REP. NO. 942

Honolulu, Hawaii

March 4, 2011

RE: H.B. No. 1141  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1141, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT,"

begs leave to report as follows:

The purpose of this bill is to delineate circumstances under which consumer complaints to government agencies shall be made available to the public. It also clarifies the information in which an individual has a significant privacy interest with regards to an inquiry into an individual's fitness for a particular license.

Building Industry Association of Hawaii, Hawaii Association of REALTORS, and numerous concerned individuals testified in support of this bill. The Department of Commerce and Consumer Affairs, Department of Commerce and Consumer Affairs' Regulated Industries Complaints Office, Americans for Democratic Action, Kokua Council, Society of Professional Journalists-Hawaii Chapter, The League of Women Voters of Hawaii, Common Cause Hawaii, and many concerned individuals opposed this bill. The Judiciary, Office of Information Practices, Department of Taxation, and City and County of Honolulu Department of the Corporation Counsel commented on this measure.

Your Committee finds that there is a need to balance the public's interest in accessing complaints arising from the

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purchase of services and goods against the individual's or business' need to be protected from unfounded and stale complaints.

Your Committee has amended this bill by:

- (1) Deleting provisions in the bill that clarify whether an individual has a significant privacy interest in information;
- (2) Adding language requiring any agency that posts complaints on its respective website to first determine that the complaint meets at least one of three listed criteria and to purge such complaints from the website four years after they were filed; and
- (3) Defining "consumer complaint" to mean any complaint arising from the purchase of any commodity or service from an entity or individual for which a license, registration, or certificate is required from DCCA or any board or commission thereunder.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1141, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1141, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
GILBERT KEITH-AGARAN Chair



