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**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE HOUSE COMMITTEE ON
ECONOMIC REVITALIZATION & BUSINESS

TWENTY-SIXTH LEGISLATURE
Regular Session of 2011

Thursday, February 10, 2011
8:00 a.m.

TESTIMONY ON HOUSE BILL NO. 356, RELATING TO GOVERNMENT RECORDS.

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Lei Fukumura, Special Deputy Attorney General, testifying on behalf of the Department of Commerce and Consumer Affairs ("Department"). I thank you for the opportunity to present testimony on House Bill No. 356, Relating to Government Records. The Department has concerns with this bill which need to be addressed before the Department can support it. The Department consulted with the Office of Information Practices and they understand our concerns and support changing the term "record" to "licensee's record" as such a change would make the necessary clarification and ensure that the proposed subsections are consistent with existing provisions.

The bill seeks to create additional examples of information in which an individual does not have a significant privacy interest.

The first proposed exemption would require disclosure of any record showing that the requisite experience for licensure is met or exceeded. The exemption does not clarify that its scope is limited to a "licensee's record".

The second proposed exemption would require disclosure of any record showing that the relevant trade examinations have been passed and does not clarify that its scope is limited to a "licensee's record".

The third proposed exemption would require disclosure of any record showing possession of adequate bonding and does not clarify that its scope is limited to a "licensee's record."

In OIP Opinion Letter No. 91-1, the Office of Information Practices opined that "when the DCCA has not yet issued or has denied issuance of a license to an applicant, the license application is confidential under the UIPA exception for government records which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy." Further, "there is no countervailing public interest in the disclosure of a pending or denied license application, since it reveals nothing about those individuals that the DCCA has licensed."

Pursuant to Hawaii Revised Statutes Chapter 92F, the Professional and Vocational Licensing Division does not disclose license applications which are pending or have been denied.

The proposed exemptions must be clarified so that it will only be applicable to a "licensee's record". Such a clarification would insure that the proposed subsections are consistent with HRS § 92F-14(b)(7)(A) and HRS § 92F-14(b)(7)(B).

Thank you for the opportunity to testify.

IRON WORKERS STABILIZATION FUND

February 9, 2011

Hon. Angus L. K. McKelvey, Chair
Economic Revitalization & Business
Room 427 – State Capitol
Honolulu, HI 96813

Iron Workers Stabilization Fund – T. George Paris, Managing Director

Hearing Date -- February 10, 2011, 8:00 a.m.

Support of HB 356, Relating to Government Records

This bill provides that for the purposes of the Freedom of Information Law, there is no significant privacy interest in government records containing information on a license applicant's requisite experience, trade examination results, and bonding.

As the law presently stands, these 3 pieces of relevant information pertaining to an applicant's qualifications are confidential and not disclosed to the public for scrutiny and comment on a timely basis, before a determination is made as to whether said applicant is qualified to be granted the license being sought.

We urge the committee to pass HB 356 so that such applicant's qualifications can be more fully scrutinized before the license being sought is granted. Thank you for this opportunity to testify.

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