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# A BILL FOR AN ACT

RELATING TO THE UNIFORM INFORMATION PRACTICES ACT.

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

1           SECTION 1. Chapter 92F, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§92F-       Complaints; disclosure and privacy. (a) Any  
5 department or agency that receives a consumer complaint and  
6 keeps a record of complaints shall make those complaints  
7 available to the public; provided that the department or agency  
8 has determined that the following requirements are met prior to  
9 disclosure:

10           (1) The complaint will be referred for legal action if  
11           legal action is authorized;

12           (2) The individual who is the target of the complaint has  
13           been provided an opportunity to respond to the  
14           complaint; and

15           (3) A probable violation of law has occurred or there is a  
16           possible risk of harm to the public.

17           (b) Notwithstanding subsection (a), a complaint shall not  
18 be made available to the general public if:



- 1        (1) The department or agency is conducting an active
- 2        investigation or review of the complaint;
- 3        (2) The complaint is being used in connection with a civil
- 4        action or proceeding initiated by the office of
- 5        consumer protection;
- 6        (3) The complaint has been referred to another state
- 7        agency; or
- 8        (4) The complaint is without merit.
- 9        (c) A department or agency may establish rules pursuant to
- 10      chapter 91 that define the information to be disclosed to the
- 11      general public; provided that the provisions of this chapter
- 12      related to privacy shall apply to any information released to
- 13      the public pursuant to this section."

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

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

- 18            (1) Information relating to medical, psychiatric, or
- 19            psychological history, diagnosis, condition,
- 20            treatment, or evaluation, other than directory
- 21            information while an individual is present at such
- 22            facility;



- 1           (2) Information identifiable as part of an investigation
- 2           into a possible violation of criminal law, except to
- 3           the extent that disclosure is necessary to prosecute
- 4           the violation or to continue the investigation;
- 5           (3) Information relating to eligibility for social
- 6           services or welfare benefits or to the determination
- 7           of benefit levels;
- 8           (4) Information in an agency's personnel file, or
- 9           applications, nominations, recommendations, or
- 10          proposals for public employment or appointment to a
- 11          governmental position, except:
- 12           (A) Information disclosed under section 92F-
- 13           12(a)(14); and
- 14           (B) The following information related to employment
- 15           misconduct that results in an employee's
- 16           suspension or discharge:
  - 17           (i) The name of the employee;
  - 18           (ii) The nature of the employment related
  - 19           misconduct;
  - 20           (iii) The agency's summary of the allegations of
  - 21           misconduct;
  - 22           (iv) Findings of fact and conclusions of law; and



1 (v) The disciplinary action taken by the agency;  
2 when the following has occurred: the highest  
3 non-judicial grievance adjustment procedure  
4 timely invoked by the employee or the employee's  
5 representative has concluded; a written decision  
6 sustaining the suspension or discharge has been  
7 issued after this procedure; and thirty calendar  
8 days have elapsed following the issuance of the  
9 decision; provided that this subparagraph shall  
10 not apply to a county police department officer  
11 except in a case which results in the discharge  
12 of the officer;

13 (5) Information relating to an individual's  
14 nongovernmental employment history except as necessary  
15 to demonstrate compliance with requirements for a  
16 particular government position;

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

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



- 1 (A) The record of any proceeding resulting in the
- 2 discipline of a licensee and the grounds for
- 3 discipline; and
- 4 (B) Information on the current place of employment
- 5 and required insurance coverages of licensees [~~7~~
- 6 and
- 7 ~~(C) The record of complaints including all~~
- 8 ~~dispositions;].~~
- 9 (8) Information comprising a personal recommendation or
- 10 evaluation; and
- 11 (9) Social security numbers."

12 SECTION 3. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

15  
 INTRODUCED BY: Cabin-Kyle May  
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**Report Title:**

Uniform Information Practices Act

**Description:**

Clarifies circumstances under which complaints submitted to departments and agencies shall be made available to the public.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

