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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 agency that receives a consumer complaint and keeps a record of  
6 complaints shall make those complaints available to the public;  
7 provided that the agency has determined that the following  
8 requirements are met prior to disclosure:

- 9           (1) The complaint will be referred for legal action if  
10           legal action is authorized;  
11           (2) The individual who is the target of the complaint has  
12           been provided an opportunity to respond to the  
13           complaint; and  
14           (3) A probable violation of law has occurred or there is a  
15           possible risk of harm to the public.  
16           (b) Notwithstanding subsection (a), a complaint shall not  
17 be made available to the public if:



- 1        (1) The agency is conducting an active investigation or  
2        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) An agency may establish rules pursuant to chapter 91  
10      that define the information to be disclosed to the public;  
11      provided that the provisions of this chapter related to privacy  
12      shall apply to any information released to the public pursuant  
13      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 non-  
3           judicial grievance adjustment procedure timely invoked  
4           by the employee or the employee's representative has  
5           concluded; a written decision sustaining the  
6           suspension or discharge has been issued after this  
7           procedure; and thirty calendar days have elapsed  
8           following the issuance of the decision; provided that  
9           this subparagraph shall not apply to a county police  
10          department officer except in a case which results in  
11          the discharge of the officer;
- 12          (5) Information relating to an individual's  
13          nongovernmental employment history except as necessary  
14          to demonstrate compliance with requirements for a  
15          particular government position;
- 16          (6) Information describing an individual's finances,  
17          income, assets, liabilities, net worth, bank balances,  
18          financial history or activities, or creditworthiness;
- 19          (7) Information compiled as part of an inquiry into an  
20          individual's fitness to be granted or to retain a  
21          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 [~~+~~
- 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 on July 1, 2050.



**Report Title:**

Uniform Information Practices Act

**Description:**

Clarifies circumstances under which complaints submitted to agencies shall be made available to the public. Effective date July 1, 2050. (HB1141 HD1)

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

