
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. The legislature finds that Hawaii's citizens
2 have been demanding more government transparency in recent
3 years. At the state and national levels, governments have
4 increasingly enacted "sunshine laws" to promote greater openness
5 and transparency in government processes, and to restore public
6 confidence in the integrity of government. The legislature also
7 finds that increased transparency in the process used to appoint
8 persons to positions in the judiciary and in executive and
9 administrative offices and departments is consistent with these
10 general principles.

11 The legislature recognizes that the Uniform Information
12 Practices Act (Modified), chapter 92F of the Hawaii Revised
13 Statutes, was enacted to open up government processes to public
14 scrutiny and participation, and to promote the public interest
15 in disclosure, while balancing individual privacy interests with
16 the public's right to know. The legislature finds that while in
17 the past, disclosure of a person's nomination for appointment to
18 a governmental position was considered information in which the



1 person had a significant privacy interest, current policies and
2 priorities call for public disclosure of the names of such
3 nominees prior to the appointment of any particular nominee,
4 especially for nominees to the judiciary or to executive and
5 administrative offices and departments. The legislature further
6 finds that the public interest in such disclosure outweighs the
7 the privacy interest of any nominee and therefore does not
8 constitute a clearly unwarranted invasion of personal privacy,
9 and that such disclosure will not frustrate a legitimate
10 government function.

11 The purpose of this Act is to amend sections 92F-12 and
12 92F-14 of the Hawaii Revised Statutes to reflect changes
13 consistent with these new policies and priorities.

14 SECTION 2. Section 92F-12, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "**§92F-12 Disclosure required.** (a) Any other provision in
17 this chapter to the contrary notwithstanding, each agency shall
18 make available for public inspection and duplication during
19 regular business hours:

20 (1) Rules of procedure, substantive rules of general
21 applicability, statements of general policy, and



- 1 interpretations of general applicability adopted by
2 the agency;
- 3 (2) Final opinions, including concurring and dissenting
4 opinions, as well as orders made in the adjudication
5 of cases, except to the extent protected by section
6 92F-13(1);
- 7 (3) Government purchasing information, including all bid
8 results, except to the extent prohibited by section
9 92F-13;
- 10 (4) Pardons and commutations, as well as directory
11 information concerning an individual's presence at any
12 correctional facility;
- 13 (5) Land ownership, transfer, and lien records, including
14 real property tax information and leases of state
15 land;
- 16 (6) Results of environmental tests;
- 17 (7) Minutes of all agency meetings required by law to be
18 public;
- 19 (8) Name, address, and occupation of any person borrowing
20 funds from a state or county loan program, and the
21 amount, purpose, and current status of the loan;



H.B. NO. 2215

- 1 (9) Certified payroll records on public works contracts
2 except social security numbers and home addresses;
- 3 (10) Regarding contract hires and consultants employed by
4 agencies:
- 5 (A) The contract itself, the amount of compensation;
6 (B) The duration of the contract; and
7 (C) The objectives of the contract,
8 except social security numbers and home addresses;
- 9 (11) Building permit information within the control of the
10 agency;
- 11 (12) Water service consumption data maintained by the
12 boards of water supply;
- 13 (13) Rosters of persons holding licenses or permits granted
14 by an agency that may include name, business address,
15 type of license held, and status of the license;
- 16 (14) The name, compensation (but only the salary range for
17 employees covered by or included in chapter 76, and
18 sections 302A-602 to 302A-640, and 302A-701, or
19 bargaining unit (8)), job title, business address,
20 business telephone number, job description, education
21 and training background, previous work experience,
22 dates of first and last employment, position number,



1 type of appointment, service computation date,
2 occupational group or class code, bargaining unit
3 code, employing agency name and code, department,
4 division, branch, office, section, unit, and island of
5 employment, of present or former officers or employees
6 of the agency; provided that this paragraph shall not
7 require the creation of a roster of employees; and
8 provided further that this paragraph shall not apply
9 to information regarding present or former employees
10 involved in an undercover capacity in a law
11 enforcement agency;

12 (15) Information collected and maintained for the purpose
13 of making information available to the general public;
14 [~~and~~]

15 (16) Information contained in or compiled from a
16 transcript, minutes, report, or summary of a
17 proceeding open to the public[-]; and

18 (17) Names of persons nominated to fill a judicial vacancy
19 pursuant to article VI, section 3 of the Constitution
20 of the State of Hawaii and names of persons nominated
21 to serve in executive and administrative offices and



1 departments pursuant to article V, section 6 of the
2 Constitution of the State of Hawaii."

3 SECTION 3. Section 92F-14, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§92F-14 Significant privacy interest; examples.** (a)

6 Disclosure of a government record shall not constitute a clearly
7 unwarranted invasion of personal privacy if the public interest
8 in disclosure outweighs the privacy interest of the individual.

9 (b) The following are examples of information in which the
10 individual has a significant privacy interest:

11 (1) Information relating to medical, psychiatric, or
12 psychological history, diagnosis, condition,
13 treatment, or evaluation, other than directory
14 information while an individual is present at such
15 facility;

16 (2) Information identifiable as part of an investigation
17 into a possible violation of criminal law, except to
18 the extent that disclosure is necessary to prosecute
19 the violation or to continue the investigation;

20 (3) Information relating to eligibility for social
21 services or welfare benefits or to the determination
22 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
- 23 days have elapsed following the issuance of the
- 24 decision; provided that this subparagraph shall
- 25 not apply to a county police department officer
- 26 except in a case which results in the discharge
- 27 of the officer;



H.B. NO. 2215

- 1 (5) Information relating to an individual's
- 2 nongovernmental employment history except as necessary
- 3 to demonstrate compliance with requirements for a
- 4 particular government position;
- 5 (6) Information describing an individual's finances,
- 6 income, assets, liabilities, net worth, bank balances,
- 7 financial history or activities, or creditworthiness;
- 8 (7) Information compiled as part of an inquiry into an
- 9 individual's fitness to be granted or to retain a
- 10 license, except:
- 11 (A) The record of any proceeding resulting in the
- 12 discipline of a licensee and the grounds for
- 13 discipline;
- 14 (B) Information on the current place of employment
- 15 and required insurance coverages of licensees;
- 16 and
- 17 (C) The record of complaints including all
- 18 dispositions;
- 19 (8) Information comprising a personal recommendation or
- 20 evaluation; and
- 21 (9) Social security numbers. "



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3

4 SECTION 5. This Act shall take effect upon its approval.
5
6

INTRODUCED BY:

Carrie W. Chung

Phil Riviere
M. F.

Paul Ward

Hyun

Guthrie Huelken

Subram Manamot

JAN 20 2012



H.B. NO. 2215

Report Title:

Uniform Information Practices Act; Required disclosures

Description:

Amends sections 92F-12 and 92F-14 to reflect that names of persons nominated for appointment to the judiciary or to executive and administrative offices and departments must be publicly disclosed, and that such disclosure does not constitute a clearly unwarranted invasion of personal privacy.

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

