
A BILL FOR AN ACT

RELATING TO PRIVACY RIGHTS.

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

1 SECTION 1. Section 92F-14, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

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

5 (1) Information relating to medical, psychiatric, or
6 psychological history, diagnosis, condition,
7 treatment, or evaluation, other than directory
8 information while an individual is present at such
9 facility;

10 (2) Information identifiable as part of an investigation
11 into a possible violation of criminal law, except to
12 the extent that disclosure is necessary to prosecute
13 the violation or to continue the investigation;

14 (3) Information relating to eligibility for social
15 services or welfare benefits or to the determination
16 of benefit levels;

17 (4) Information in an agency's personnel file, or
18 applications, nominations, recommendations, or



1 proposals for public employment or appointment to a
2 governmental position, except:

3 (A) Information disclosed under section
4 92F-12(a)(14); and

5 (B) The following information related to employment
6 misconduct that results in an employee's
7 suspension or discharge:

8 (i) The name of the employee;

9 (ii) The nature of the employment related
10 misconduct;

11 (iii) The agency's summary of the allegations of
12 misconduct;

13 (iv) Findings of fact and conclusions of law; and

14 (v) The disciplinary action taken by the agency;

15 when the following has occurred: the highest non-
16 judicial grievance adjustment procedure timely invoked
17 by the employee or the employee's representative has
18 concluded; a written decision sustaining the
19 suspension or discharge has been issued after this
20 procedure; and thirty calendar days have elapsed
21 following the issuance of the decision; provided that
22 this subparagraph shall not apply to a county police



1 department officer except in a case which results in
2 the discharge of the officer;

3 (5) Information relating to an individual's
4 nongovernmental employment history except as necessary
5 to demonstrate compliance with requirements for a
6 particular government position;

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

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

13 (A) The record of any proceeding resulting in the
14 discipline of a licensee and the grounds for
15 discipline;

16 (B) Information on the current place of employment
17 and required insurance coverages of licensees;
18 and

19 (C) The record of complaints including all
20 dispositions; provided that for individuals with
21 any professional or vocational license granted by
22 an applicable licensing authority under chapter



1 436B, a record of complaints for which the
 2 applicable licensing authority has determined the
 3 following shall be disclosed pursuant to this
 4 subparagraph:

5 (i) The complaint was referred for legal action;
 6 and

7 (ii) The individual against whom the complaint
 8 was made was provided the opportunity to
 9 respond to the complaint;

- 10 (8) Information comprising a personal recommendation or
 11 evaluation; and
 12 (9) Social security numbers."

13 SECTION 2. New statutory material is underscored.

14 SECTION 3. This Act shall take effect upon its approval.

15

INTRODUCED BY: On 4. 2-

~~DC. Fair-act~~
Hakshum
Tom Brun
Blair

H.B. NO. 2298

Report Title:

Professional and Vocational Licenses; Complaints; Privacy
Interests

Description:

Specifies that a privacy interest does not apply to information regarding complaints made against a professional or vocational licensee if the applicable licensing authority determines that the complaint was referred for legal action and the licensee was given the opportunity to respond to the complaint.

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