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# 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  
3                   that the individual against whom the complaint  
4                   was made was provided the opportunity to respond  
5                   to the complaint;

6           (8) Information comprising a personal recommendation or  
7           evaluation; and

8           (9) Social security numbers."

9           SECTION 2. New statutory material is underscored.

10          SECTION 3. This Act shall take effect on July 1, 2112.



**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 licensee was given the opportunity to respond to the complaint. Effective July 1, 2112. (HB2298 HD1)

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

