

JAN 18 2012

A BILL FOR AN ACT

RELATING TO WATER SERVICE CONSUMPTION DATA.

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

1 SECTION 1. The legislature finds that the need for
2 government transparency must be balanced with the duty to
3 protect the privacy of individuals.

4 Section 92F-12, Hawaii Revised Statutes, ensures that
5 certain government records are available to the public. The law
6 further specifies that water service consumption data maintained
7 by the boards of water supply of the respective counties be made
8 available for public inspection and duplication during regular
9 business hours.

10 The legislature intended for this law to ensure that water
11 consumption data be available and accessible to consumers (i.e.,
12 a water consumer is able to learn how much water the consumer
13 has used). However, because the statute does not specify
14 whether this information should be made available to non-
15 consumers as well, the county boards of water supply have made
16 this information available to anyone who has requested it.

17 One such non-consumer used this particular statute to
18 access the residence address of a person who had obtained a



1 domestic violence temporary restraining order against the non-
2 consumer, thereby jeopardizing the health, welfare, and safety
3 of that individual.

4 The legislature asserts that this law was never intended to
5 allow others access to personal information except for water
6 consumption data relevant to the consumer's own service
7 consumption of water.

8 Accordingly, the purpose of this Act is to clarify the
9 accessibility of water service consumption data by the public.

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

12 "(a) Any other provision in this chapter to the contrary
13 notwithstanding, each agency shall make available for public
14 inspection and duplication during regular business hours:

15 (1) Rules of procedure, substantive rules of general
16 applicability, statements of general policy, and
17 interpretations of general applicability adopted by
18 the agency;

19 (2) Final opinions, including concurring and dissenting
20 opinions, as well as orders made in the adjudication
21 of cases, except to the extent protected by section
22 92F-13(1);



- 1 (3) Government purchasing information, including all bid
- 2 results, except to the extent prohibited by section
- 3 92F-13;
- 4 (4) Pardons and commutations, as well as directory
- 5 information concerning an individual's presence at any
- 6 correctional facility;
- 7 (5) Land ownership, transfer, and lien records, including
- 8 real property tax information and leases of state
- 9 land;
- 10 (6) Results of environmental tests;
- 11 (7) Minutes of all agency meetings required by law to be
- 12 public;
- 13 (8) Name, address, and occupation of any person borrowing
- 14 funds from a state or county loan program, and the
- 15 amount, purpose, and current status of the loan;
- 16 (9) Certified payroll records on public works contracts
- 17 except social security numbers and home addresses;
- 18 (10) Regarding contract hires and consultants employed by
- 19 agencies:
- 20 (A) The contract itself, the amount of compensation;
- 21 (B) The duration of the contract; and
- 22 (C) The objectives of the contract,



- 1 except social security numbers and home addresses;
- 2 (11) Building permit information within the control of the
- 3 agency;
- 4 (12) Water service consumption data maintained by the
- 5 boards of water supply; provided that for purposes of
- 6 this paragraph, "water service consumption data" shall
- 7 not include the service holder's mailing address,
- 8 amounts paid by or owed to the service holder for
- 9 water or sewer services, or an individual's service
- 10 location;
- 11 (13) Rosters of persons holding licenses or permits granted
- 12 by an agency that may include name, business address,
- 13 type of license held, and status of the license;
- 14 (14) The name, compensation (but only the salary range for
- 15 employees covered by or included in chapter 76, and
- 16 sections 302A-602 to 302A-640, and 302A-701, or
- 17 bargaining unit (8)), job title, business address,
- 18 business telephone number, job description, education
- 19 and training background, previous work experience,
- 20 dates of first and last employment, position number,
- 21 type of appointment, service computation date,
- 22 occupational group or class code, bargaining unit



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

10 (15) Information collected and maintained for the purpose
11 of making information available to the general public;
12 and

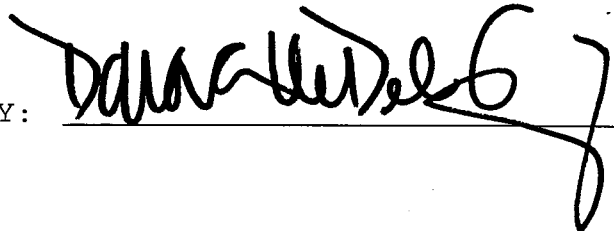
13 (16) Information contained in or compiled from a
14 transcript, minutes, report, or summary of a
15 proceeding open to the public."

16 SECTION 2. New statutory material is underscored.

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

18

INTRODUCED BY:



S.B. NO. 2034

Report Title:

Public Access; Water Service Consumption Data

Description:

Clarifies that a water service holder's mailing address, amounts paid by or owed to the service holder for water or sewer services, and an individual's service location shall not be made available for public inspection or duplication.

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