

JAN 20 2012

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;

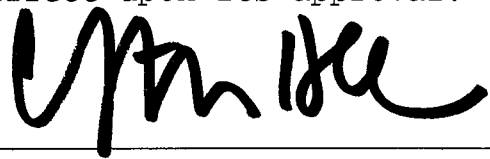
10 (8) Information comprising a personal recommendation or
 11 evaluation; and

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: 



S.B. NO. 2501

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.

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

