

JAN 20 2012

A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYEES.

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

1 SECTION 1. The legislature finds that identity theft is an
2 increasingly frequent crime with crippling effects on the
3 finances and credit of individuals and businesses. Identity
4 theft occurs when personal information, such as names, social
5 security numbers, credit card numbers, and other information are
6 stolen or obtained and used to commit fraud or other crimes.
7 The department of the attorney general reported over 1,302 cases
8 or incidents of identity theft in the State in 2008. The
9 Honolulu Police Department alone reported that its financial
10 fraud unit received over five hundred new cases of identity
11 theft in 2009. Due to the increased use of the Internet for
12 purchasing goods and services, completing bank and other
13 financial transactions, social communication, and business
14 transactions, people have become increasingly wary of the risk
15 of identity theft.

16 Several requests have been made by media organizations over
17 the past few years for information on state employees' salaries,
18 which were published on an online news website and widely



1 distributed over the Internet. In many instances, the
2 employee's name and specific salary were listed, causing concern
3 that the availability of the information could place employees
4 at greater risk of identity theft and raises the issue of
5 unwarranted invasion of privacy.

6 While the legislature acknowledges the importance of open
7 government and the disclosure of certain types of information
8 for public inspection, it also recognized the need to balance
9 open government with the right to privacy when it enacted the
10 Uniform Information Practices Act in 1988. In light of the
11 increasing risk of identity theft in recent years, the
12 legislature finds that the Uniform Information Practices Act
13 should be modified to provide greater privacy protections for
14 state and county employees while preserving the intent of the
15 law to promote the public's access to certain types of
16 information.

17 The purpose of this Act is to clarify the required
18 disclosure of certain information on public employees, elected
19 officials, and appointed department heads.

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



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

4 (1) Rules of procedure, substantive rules of general
5 applicability, statements of general policy, and
6 interpretations of general applicability adopted by
7 the agency;

8 (2) Final opinions, including concurring and dissenting
9 opinions, as well as orders made in the adjudication
10 of cases, except to the extent protected by section
11 92F-13(1);

12 (3) Government purchasing information, including all bid
13 results, except to the extent prohibited by section
14 92F-13;

15 (4) Pardons and commutations, as well as directory
16 information concerning an individual's presence at any
17 correctional facility;

18 (5) Land ownership, transfer, and lien records, including
19 real property tax information and leases of state
20 land;

21 (6) Results of environmental tests;



- 1 (7) Minutes of all agency meetings required by law to be
2 public;
- 3 (8) Name, address, and occupation of any person borrowing
4 funds from a state or county loan program, and the
5 amount, purpose, and current status of the loan;
- 6 (9) Certified payroll records on public works contracts
7 except social security numbers and home addresses;
- 8 (10) Regarding contract hires and consultants employed by
9 agencies:
 - 10 (A) The contract itself, the amount of compensation;
 - 11 (B) The duration of the contract; and
 - 12 (C) The objectives of the contract,
13 except social security numbers and home addresses;
- 14 (11) Building permit information within the control of the
15 agency;
- 16 (12) Water service consumption data maintained by the
17 boards of water supply;
- 18 (13) Rosters of persons holding licenses or permits granted
19 by an agency that may include name, business address,
20 type of license held, and status of the license;
- 21 (14) The name, compensation [~~but only the salary range for~~
22 ~~employees covered by or included in chapter 76, and~~



1 ~~sections 302A-602 to 302A-640, and 302A-701, or~~
2 ~~bargaining unit (8))],~~ job title, business address,
3 business telephone number, job description, education
4 and training background, and previous work experience,
5 ~~[dates of first and last employment, position number,~~
6 ~~type of appointment, service computation date,~~
7 ~~occupational group or class code, bargaining unit~~
8 ~~code,]~~ and as applicable, the employing agency name
9 and code, department, division, branch, office,
10 section, unit, and island of employment, of present
11 ~~[or former officers or employees of the agency,~~
12 ~~provided that this paragraph shall not require the~~
13 ~~creation of a roster of employees; and provided~~
14 ~~further that this paragraph shall not apply to~~
15 ~~information regarding present or former employees~~
16 ~~involved in an undercover capacity in a law~~
17 ~~enforcement agency;]~~ elected officials and appointed
18 department heads;

19 (15) A compilation of data for all public employees,
20 excluding elected officials and appointed department
21 heads, of salary ranges and job positions or job
22 titles within each department, division, branch,



1 office, section, bargaining unit code, occupational
 2 group or class code, and agency, as applicable;
 3 provided that no names shall be disclosed;

4 ~~[(15)]~~ (16) Information collected and maintained for the
 5 purpose of making information available to the general
 6 public; and

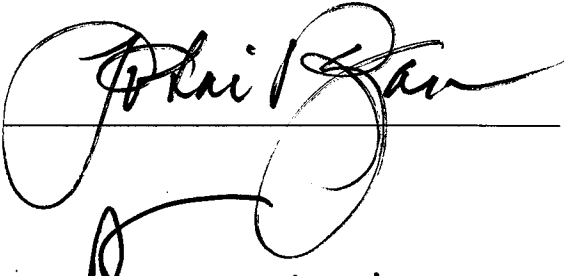
7 ~~[(16)]~~ (17) Information contained in or compiled from a
 8 transcript, minutes, report, or summary of a
 9 proceeding open to the public."

10 SECTION 3. Statutory material to be repealed is bracketed
 11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

13

INTRODUCED BY:



Michelle Sidani



S.B. NO. 2521

Report Title:

Public Employees; Salary Disclosure

Description:

Amends salary disclosure and other requirements for public employees, elected officials, and appointed department heads. Prohibits disclosure of names of all public employees, excluding elected officials and appointed department heads, when salary information, job position, and job titles for those public employees are disclosed.

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