

JAN 24 2013

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# A BILL FOR AN ACT

RELATING TO FREEDOM OF INFORMATION.

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

1           SECTION 1. Section 92F-14, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§92F-14 Significant privacy interest; examples.** (a)  
4 [Disclosure] Notwithstanding any law to the contrary, disclosure  
5 of a government record shall not constitute a clearly  
6 unwarranted invasion of personal privacy if the public interest  
7 in disclosure outweighs the privacy interest of the individual.

8           (b) The following are examples of information in which the  
9 individual has a significant privacy interest:

- 10           (1) Information relating to medical, psychiatric, or  
11           psychological history, diagnosis, condition,  
12           treatment, or evaluation, other than directory  
13           information while an individual is present at such  
14           facility;
- 15           (2) Information identifiable as part of an investigation  
16           into a possible violation of criminal law, except to  
17           the extent that disclosure is necessary to prosecute  
18           the violation or to continue the investigation;



- 1           (3) Information relating to eligibility for social
- 2                   services or welfare benefits or to the determination
- 3                   of benefit levels;
- 4           (4) Information in an agency's personnel file, or
- 5                   applications, nominations, recommendations, or
- 6                   proposals for public employment or appointment to a
- 7                   governmental position, except:
- 8                   (A) Information disclosed under section 92F-
- 9                           12(a)(14); and
- 10                  (B) The following information related to employment
- 11                           misconduct that results in an employee's
- 12                           suspension or discharge:
- 13                               (i) The name of the employee;
- 14                               (ii) The nature of the employment related
- 15                                   misconduct;
- 16                               (iii) The agency's summary of the allegations of
- 17                                   misconduct;
- 18                               (iv) Findings of fact and conclusions of law; and
- 19                               (v) The disciplinary action taken by the agency;
- 20                   when the following has occurred: the highest non-
- 21                   judicial grievance adjustment procedure timely invoked
- 22                   by the employee or the employee's representative has



1 concluded; a written decision sustaining the  
2 suspension or discharge has been issued after this  
3 procedure; and thirty calendar days have elapsed  
4 following the issuance of the decision; provided that  
5 this subparagraph shall not apply to a county police  
6 department officer except in a case which results in  
7 the discharge of the officer;

8 (5) Information relating to an individual's  
9 nongovernmental employment history except as necessary  
10 to demonstrate compliance with requirements for a  
11 particular government position;

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

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

18 (A) The record of any proceeding resulting in the  
19 discipline of a licensee and the grounds for  
20 discipline;



- 1 (B) Information on the current place of employment
- 2 and required insurance coverages of licensees;
- 3 [and]
- 4 (C) The record of complaints including all
- 5 dispositions;
- 6 (D) The record showing that the requisite experience
- 7 for licensure is met or exceeded;
- 8 (E) The record showing that relevant trade
- 9 examinations have been passed; and
- 10 (F) The record showing possession of adequate
- 11 bonding;
- 12 (8) Information comprising a personal recommendation or
- 13 evaluation; and
- 14 (9) Social security numbers."

15 SECTION 2. Statutory material to be repealed is bracketed  
 16 and stricken. New statutory material is underscored.

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

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# S.B. NO. 1259

**Report Title:**

Freedom of Information; Significant Privacy Interests

**Description:**

Clarifies that a license applicant does not have a significant privacy interest in records that show relevant experience, trade examination results, or adequate bonding. Makes such information contained in government records subject to disclosure.

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