

HB 143, HD1

Measure Title: RELATING TO FREEDOM OF INFORMATION.

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. (HB143 HD1)

Companion:

Package: None

Current Referral: CPN/TEC, JDL

Introducer(s): SOUKI



NEIL ABERCROMBIE
GOVERNOR

SHAN S. TSUTSUI
LT. GOVERNOR

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OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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**PRESENTATION OF THE PROFESSIONAL AND
VOCATIONAL LICENSING DIVISION**

TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION

AND

TO THE SENATE COMMITTEE ON TECHNOLOGY AND THE ARTS

TWENTY-SEVENTH LEGISLATURE
Regular Session of 2013

Wednesday, March 20, 2013
10:00 a.m.

**TESTIMONY ON HOUSE BILL NO. 143, H.D. 1, RELATING TO FREEDOM OF
INFORMATION.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
TO THE HONORABLE GLENN WAKAI, CHAIR,
AND MEMBERS OF THE COMMITTEES:

My name is Celia Suzuki, Licensing Administrator for the Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs ("Department"). The Department appreciates the opportunity to submit testimony in opposition to House Bill No. 143, H.D. 1, Relating to Freedom of Information.

The purpose of House Bill No. 143, H.D. 1, is to clarify that a licensee does not have a significant privacy interest in records that show relevant experience, trade examination results, or adequate bonding, and, therefore, such records are subject to disclosure.

We have concerns regarding this measure, because it is unclear as to the form of disclosure required. The bill would require agencies to disclose "the record" showing that the licensee has met the license experience and examination requirements. Does this "record" include identifying the licensee's former employers, dates of employment, individuals who provided experience certifications and references, examination grades, schools attended, and other information in which the licensee may have a significant privacy interest? If the individual is licensed, would verification of licensure be considered a record that shows the licensee has met the experience and examination requirements? If so, such information is already publicly disclosed and readily available. We feel the bill's language is too vague, and the Department will be forced to make arbitrary decisions on what constitutes a "record."

Furthermore, on Page 4, line 9, reference is made to "relevant trade examinations," but the bill does not define "trade." The Department feels the term "trade" should be clearly defined, as some of the professions that we license may not be considered "trades."

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Wednesday, March 20, 2013
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The Department also believes that the language regarding the record of adequate bonding, on Page 4, lines 10-11, is unnecessary and should be deleted, as bonding information is already available on our website.

For these reasons, the Department is opposed to this bill and respectfully requests that it be held. Thank you for the opportunity to testify on House Bill No. 143, H.D. 1.



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TO THE HONORABLE ROSALYN H. BAKER, CHAIR, AND
TO THE HONORABLE GLENN WAKAI, CHAIR,
AND MEMBERS OF THE COMMITTEES:

My name is Doss Tannehill, Chairperson of the Dispensing Optician Advisory Committee ("Committee") of the Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs ("Department"). Thank you for the opportunity to provide testimony in opposition to House Bill 143, H.D. 1, Relating to Freedom of Information. The purpose of this bill is to take away a licensee's significant

privacy interest in records that show their relevant experience, trade examination results or adequate bonding by requiring disclosure of such information.

The Committee believes that the public's interest in disclosure of experience records and trade examination results in its entirety does not outweigh the significant privacy interest of a licensee. For example, the disclosure of examination score results is a significant privacy interest to a licensee. The issuance of a license is evidence that the licensee has met all requirements, including the successful passage of the examination. Information that the public can use to make informed decisions on whether to use the services of a licensee is available by calling the Department or viewing the Department's website. This public information includes disclosure of the license number, the effective and expiration date of licensure, license status (i.e. current, valid and in good standing), and complaint history on all licensees.

The Committee also asks that the term "trade examination" be clarified. One of the requirements for licensure is the successful passage of the National Opticianry Competency Examination and the Contact Lens Registry Examination. The Committee does not consider these examinations to be trade examinations.

For these reasons, the Committee is opposed to House Bill 143, H.D. 1. Thank you for the opportunity to testify.



ROOFING CONTRACTORS ASSOCIATION OF HAWAII

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March 20, 2013

Testimony To: Senate Committee on Commerce and Consumer Protection
Senator Rosalyn H. Baker, Chair

Senate Committee on Technology and the Arts
Senator Glenn Wakai, Chair

Presented By: Tim Lyons
Executive Director

Subject: H.B. 143, HD 1 - RELATING TO FREEDOM OF INFORMATION

Chair Baker, Chair Wakai and Members of the Joint Committees:

I am Tim Lyons, Executive Director of the Roofing Contractors Association of Hawaii and we support this bill.

We have experienced several situations where an individual applying for a contractors license is without a doubt not qualified however, we are unable to successfully challenge this kind of information because we do not know what kind of information they put down on their application. To date the Board insists that this information is subject to the right of privacy.

We had a situation not too long ago where an individual had informed his new employer that this was the first construction job that he had ever had and he worked for that company for exactly three (3) months. Three (3) months after that, he was applying for a contractors license. The problem is that he is supposed to have four (4) years of supervisory experience before he can successfully apply for that work. It would appear that he likely lied about his experience to the Board and the Board

routinely does not investigate experience because they don't have the time and resources to do so. They must accept this information unless there is some reason to believe that it needs to be investigated and because we could not be sure what the individual put down on their application, we were not in a very good position to challenge it.

We believe that his bill will clarify this type of situation and hopefully result in a stronger application process to be sure that only those individuals that are properly qualified are successful in their applications for licensure.

Based on the above, we recommend passage of this bill.

Thank you.