

S.B. NO. 2837

JAN 23 2014

A BILL FOR AN ACT

RELATING TO PERSONAL PRIVACY.

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

- 1 SECTION 1. Section 92F-13, Hawaii Revised Statutes, is
2 amended to read as follows:
- 3 "**§92F-13 Government records; exceptions to general rule.**
- 4 This part shall not require disclosure of:
- 5 (1) Government records which, if disclosed, would
6 constitute a clearly unwarranted invasion of personal
7 privacy;
- 8 (2) Government records pertaining to the prosecution or
9 defense of any judicial or quasi-judicial action to
10 which the State or any county is or may be a party, to
11 the extent that such records would not be
12 discoverable;
- 13 (3) Government records that, by their nature, must be
14 confidential in order for the government to avoid the
15 frustration of a legitimate government function;
- 16 (4) Government records which, pursuant to state or federal
17 law including an order of any state or federal court,
18 are protected from disclosure; [~~and~~]

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1 (5) Inchoate and draft working papers of legislative
2 committees including budget worksheets and unfiled
3 committee reports; work product; records or
4 transcripts of an investigating committee of the
5 legislature which are closed by rules adopted pursuant
6 to section 21-4 and the personal files of members of
7 the legislature[-]; and

8 (6) Government records which include any personal data
9 received or recorded by the department of Hawaiian
10 home lands related to a homestead applicant or lessee,
11 or any correspondence between the department and a
12 homestead applicant or lessee."


13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: 

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BY REQUEST

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Report Title:

Department of Hawaiian Home Lands; Disclosure of Government Records

Description:

Adds certain content of Department of Hawaiian Home Lands homestead applicant and lessee files to the list of government records which are not required to be disclosed.

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

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO PERSONAL PRIVACY.

PURPOSE: Protects the sensitive content of homestead application files and homestead lease files by including these government records as examples of government records in which are not required to be disclosed.

MEANS: Amend section 92F-13, Hawaii Revised Statutes.

JUSTIFICATION: The department has recently received UIPA requests for specific homestead application files and homestead lease files that include personal contact information, genealogies, finance and loan documents, and other correspondence. The disclosure of these records constitute a clearly unwarranted invasion of personal privacy. Hawaii Administrative Rules Title 10 further requires that "Personal data received or recorded by the department shall be held in absolute confidence and no release of information shall be made without written approval of the individual concerned."

Impact on the public: This proposal further protects the interest of Hawaiian home land beneficiaries and their successors by protecting information in which they have a significant privacy interest.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 602.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.