

JAN 22 2007

S.B. NO. 1479

A BILL FOR AN ACT

RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED).

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

1 SECTION 1. Section 92F-12, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

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

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

14 (3) Government purchasing information, including all bid
15 results, except to the extent prohibited by section
16 92F-13;

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- 1 (4) Pardons and commutations, as well as directory
2 information concerning an individual's presence at any
3 correctional facility;
- 4 (5) Land ownership, transfer, and lien records, including
5 real property tax information and leases of state
6 land;
- 7 (6) Results of environmental tests;
- 8 (7) Minutes of all agency meetings required by law to be
9 public;
- 10 (8) Name, address, and occupation of any person borrowing
11 funds from a state or county loan program, and the
12 amount, purpose, and current status of the loan;
- 13 (9) Certified payroll records on public works contracts
14 except [~~that~~] social security numbers [~~of individuals~~
15 ~~shall not be disclosed;~~] and home addresses;
- 16 (10) Regarding contract hires and consultants employed by
17 agencies:
- 18 (A) The contract itself, the amount of compensation;
19 (B) The duration of the contract; and
20 (C) The objectives of the contract,
21 except [~~that~~] social security numbers [~~of individuals~~
22 ~~shall not be disclosed;~~] and home addresses;

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- 1 (11) Building permit information within the control of the
2 agency;
- 3 (12) Water service consumption data maintained by the boards
4 of water supply;
- 5 (13) Rosters of persons holding licenses or permits granted
6 by an agency that may include name, business address,
7 type of license held, and status of the license;
- 8 (14) The name, compensation (but only the salary range for
9 employees covered by or included in chapter 76, and
10 sections 302A-602 to 302A-640, and 302A-701, or
11 bargaining unit (8)), job title, business address,
12 business telephone number, job description, education
13 and training background, previous work experience,
14 dates of first and last employment, position number,
15 type of appointment, service computation date,
16 occupational group or class code, bargaining unit
17 code, employing agency name and code, department,
18 division, branch, office, section, unit, and island of
19 employment, of present or former officers or employees
20 of the agency; provided that this paragraph shall not
21 require the creation of a roster of employees; and
22 provided further that this paragraph shall not apply

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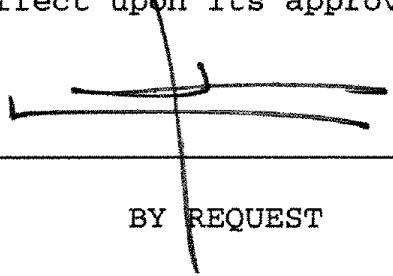
1 to information regarding present or former employees
2 involved in an undercover capacity in a law
3 enforcement agency;

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

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

10 SECTION 2. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

13
14 INTRODUCED BY: 

15 BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: OFFICE OF THE LIEUTENANT GOVERNOR,
OFFICE OF INFORMATION PRACTICES

TITLE: A BILL FOR AN ACT RELATING TO THE UNIFORM
INFORMATION PRACTICES ACT (MODIFIED).

PURPOSE: To permit agencies to withhold individuals'
social security numbers and home addresses
before publicly disclosing, upon request,
information concerning contract hires and
consultants employed by agencies, and certified
payroll records on public works contracts as
required under section 92F-12(a), Hawaii
Revised Statutes (HRS).

MEANS: Amend section 92F-12(a), HRS.

JUSTIFICATION: When the Legislature originally enacted the
UIPA in 1988, it expressed its intent that
certain categories of records be
"unambiguously" required to be disclosed and
that "the exceptions such as for personal
privacy and for frustration of legitimate
government purpose are inapplicable." For
instance, section 92F-12(a)(10), HRS, requires
that the contracts of agency contract hires and
consultants be made publicly available. If the
contracts contain the individuals' home
addresses, the statute as currently written
requires this information to be publicly
disclosed although, in other government
records, home addresses are generally not
required to be disclosed under the UIPA's
personal privacy exception.

In 2005, the UIPA was amended to require
agencies not to disclose individuals' social
security numbers from the following government
records that must be disclosed, upon request,
under section 92F-12(a), HRS: (1) government
records concerning contract hires and
consultants employed by agencies, and (2)

certified payroll records on public works contracts. This bill amends this statute by excluding individuals' home addresses, as well as social security numbers, from the required disclosure of these government records. Under this bill, the statute is modified so that it does not mandate confidentiality of this information because such an express confidentiality requirement in the UIPA would be incompatible with the UIPA's overall statutory design and principles of requiring public access with exceptions.

Impact on the public: This bill will benefit the public by excluding individuals' social security numbers and home addresses from the required disclosure of government records concerning contract hires and consultants employed by agencies and certified payroll records on public works contracts.

Impact on the department and other agencies: Under this bill, agencies are not required to disclose and may redact individuals' home addresses and security numbers when publicly disclosing government records concerning contract hires and consultants and certified payroll records on public works contracts.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: All state and county government boards and commissions as well as state and county agencies.

EFFECTIVE DATE: Upon approval.