

JAN 26 2011

A BILL FOR AN ACT

RELATING TO THE UNIFORM INFORMATION PRACTICES ACT.

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

1 SECTION 1. Chapter 92F, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§92F- Complaints; disclosure and privacy. (a) Any
5 department or agency that receives a consumer complaint and
6 keeps a record of complaints shall make those complaints
7 available to the public; provided that the department or agency
8 has determined that the following requirements are met prior to
9 disclosure:

- 10 (1) The complaint will be referred for legal action if
11 legal action is authorized;
12 (2) The individual who is the target of the complaint has
13 been provided an opportunity to respond to the
14 complaint; and
15 (3) A probable violation of law has occurred or there is a
16 possible risk of harm to the public.

17 (b) Notwithstanding subsection (a), a complaint shall not
18 be made available to the general public if:



- 1 (1) The department or agency is conducting an active
2 investigation or review of the complaint;
- 3 (2) The complaint is being used in connection with a civil
4 action or proceeding initiated by the office of
5 consumer protection;
- 6 (3) The complaint has been referred to another state
7 agency; or
- 8 (4) The complaint is without merit.

9 (c) A department or agency may establish rules pursuant to
10 chapter 91 that define the information to be disclosed to the
11 general public; provided that the provisions of this chapter
12 related to privacy shall apply to any information released to
13 the public pursuant to this section."

14 SECTION 2. Section 92F-14, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16 "(b) The following are examples of information in which
17 the individual has a significant privacy interest:

- 18 (1) Information relating to medical, psychiatric, or
19 psychological history, diagnosis, condition,
20 treatment, or evaluation, other than directory
21 information while an individual is present at such
22 facility;



- 1 (2) Information identifiable as part of an investigation
2 into a possible violation of criminal law, except to
3 the extent that disclosure is necessary to prosecute
4 the violation or to continue the investigation;
- 5 (3) Information relating to eligibility for social
6 services or welfare benefits or to the determination
7 of benefit levels;
- 8 (4) Information in an agency's personnel file, or
9 applications, nominations, recommendations, or
10 proposals for public employment or appointment to a
11 governmental position, except:
- 12 (A) Information disclosed under section 92F-
13 12(a)(14); and
- 14 (B) The following information related to employment
15 misconduct that results in an employee's
16 suspension or discharge:
- 17 (i) The name of the employee;
- 18 (ii) The nature of the employment related
19 misconduct;
- 20 (iii) The agency's summary of the allegations of
21 misconduct;
- 22 (iv) Findings of fact and conclusions of law; and



1 (v) The disciplinary action taken by the agency;
2 when the following has occurred: the highest
3 non-judicial grievance adjustment procedure
4 timely invoked by the employee or the employee's
5 representative has concluded; a written decision
6 sustaining the suspension or discharge has been
7 issued after this procedure; and thirty calendar
8 days have elapsed following the issuance of the
9 decision; provided that this subparagraph shall
10 not apply to a county police department officer
11 except in a case which results in the discharge
12 of the officer;

13 (5) Information relating to an individual's
14 nongovernmental employment history except as necessary
15 to demonstrate compliance with requirements for a
16 particular government position;

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

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



Report Title:

Uniform Information Practices Act

Description:

Clarifies circumstances under which complaints submitted to departments and agencies shall be made available to the public.

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