

JAN 26 2011

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.

18

INTRODUCED BY: *Anna Mercedes K...*

By Request



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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