A BILL FOR AN ACT

RELATING TO PUBLIC EMPLOYEES.

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

SECTION 1. The legislature finds that identity theft is an increasingly frequent crime with crippling effects on the finances and credit of individuals and businesses. Identity theft occurs when personal information, such as names, social security numbers, credit card numbers, and other information are stolen or obtained and used to commit fraud or other crimes. The department of the attorney general reported over 1,302 cases or incidents of identity theft in the State in 2008. The Honolulu Police Department alone reported that its financial fraud unit received over five hundred new cases of identity theft in 2009. Due to the increased use of the Internet for purchasing goods and services, completing bank and other financial transactions, social communication, and business transactions, people have become increasingly wary of the risk of identity theft.

In 2009, a local online news service made several requests for information on state employees' salaries, which were later published on the online news website. In many instances, the
employee's name and specific salary were listed, causing concern that the availability of the information could place employees at greater risk of identity theft and raising other privacy issues.

While the legislature acknowledges the importance of open government and the disclosure of certain types of information for public inspection, it also recognized the need to balance open government with the right to privacy when it enacted the Uniform Information Practices Act in 1988. In light of the increasing risk of identity theft in recent years, the legislature finds that the Uniform Information Practices Act should be modified to provide greater privacy protections for state and county employees while preserving the intent of the law to promote the public's access to certain types of information.

The purpose of this Act is to amend the name and compensation disclosure requirement for state and county employees.

SECTION 2. Section 92F-12, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:
"(a) Any other provision in this chapter to the contrary notwithstanding, each agency shall make available for public inspection and duplication during regular business hours:

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

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

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

(4) Pardons and commutations, as well as directory information concerning an individual's presence at any correctional facility;

(5) Land ownership, transfer, and lien records, including real property tax information and leases of state land;

(6) Results of environmental tests;
(7) Minutes of all agency meetings required by law to be public;

(8) Name, address, and occupation of any person borrowing funds from a state or county loan program, and the amount, purpose, and current status of the loan;

(9) Certified payroll records on public works contracts except social security numbers and home addresses;

(10) Regarding contract hires and consultants employed by agencies:

(A) The contract itself, the amount of compensation;

(B) The duration of the contract; and

(C) The objectives of the contract, except social security numbers and home addresses;

(11) Building permit information within the control of the agency;

(12) Water service consumption data maintained by the boards of water supply;

(13) Rosters of persons holding licenses or permits granted by an agency that may include name, business address, type of license held, and status of the license;

(14) The [name, compensation] (but only the salary range for employees covered by or included in chapter 76, and
sections 302A-602 to 302A-640, and 302A-701, or
bargaining unit (8) of an agency), job title, business
address, business telephone number, job description,
education and training background, previous work
experience, dates of first and last employment,
position number, type of appointment, service
computation date, occupational group or class code,
bargaining unit code, employing agency name and code,
department, division, branch, office, section, unit,
and island of employment, job title and salary range
of present or former officers or employees of the
agency; provided that this paragraph shall not require
the creation of a roster of employees; and provided
further that this paragraph shall not apply to
information regarding present or former employees
involved in an undercover capacity in a law
enforcement agency;
(15) Information collected and maintained for the purpose
of making information available to the general public;
and
(16) Information contained in or compiled from a
transcript, minutes, report, or summary of a
proceeding open to the public."

SECTION 3. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:  

JAN 25 2011
Report Title:
Public Employees; Name and Salary Disclosure

Description:
Amends the name and salary disclosure requirements for state and county employees.

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