
A BILL FOR AN ACT

RELATING TO UNIFORM INFORMATION PRACTICES.

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 [Clearly unwarranted invasion of personal
4 privacy.] Significant privacy interest; examples. (a)

5 Disclosure 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 [interests] interest of the
8 individual.

9 (b) The following are examples of information in which the
10 individual has a significant privacy interest:

11 (1) Information relating to medical, psychiatric, or
12 psychological history, diagnosis, condition, treatment,
13 or evaluation, other than directory information while
14 an individual is present at such 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 services
2 or welfare benefits or to the determination of benefit
3 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-12(a)(14);
9 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
22 invoked by the employee or the employee's

1 representative has concluded; a written decision
2 sustaining the suspension or discharge has been
3 issued after this procedure; and thirty calendar
4 days have elapsed following the issuance of the
5 decision; provided that this subparagraph shall
6 not apply to a county police department officer
7 [with respect to misconduct that occurs while the
8 officer is not acting in the capacity of a police
9 officer;] except in a case which results in the
10 discharge of the officer;

- 11 (5) Information relating to an individual's nongovernmental
12 employment history except as necessary to demonstrate
13 compliance with requirements for a particular
14 government position;
- 15 (6) Information describing an individual's finances,
16 income, assets, liabilities, net worth, bank balances,
17 financial history or activities, or credit worthiness;
- 18 (7) Information compiled as part of an inquiry into an
19 individual's fitness to be granted or to retain a
20 license, except:
- 21 (A) The record of any proceeding resulting in the
22 discipline of a licensee and the grounds for

1 discipline;

2 (B) Information on the current place of employment and
3 required insurance coverages of licensees; and

4 (C) The record of complaints including all
5 dispositions; and

6 (8) Information comprising a personal recommendation or
7 evaluation."

8 SECTION 3. The chief of each county police department shall
9 submit an annual report to the legislature twenty days prior to
10 the convening of the regular session in each year. The report
11 shall include information on the number of police officers
12 suspended and discharged during the previous year under the
13 following categories of the department's Standards of Conduct:

14 (1) Malicious use of physical force;

15 (2) Mistreatment of prisoners;

16 (3) Use of drugs and narcotics; and

17 (4) Cowardice.

18 SECTION 4. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun, before its effective date.

21 SECTION 5. Statutory material to be repealed is bracketed.
22 New statutory material is underscored.

23 SECTION 6. This Act shall take effect upon approval.