

THE SENATE  
EIGHTEENTH LEGISLATURE, 1995  
STATE OF HAWAII

S.B. NO.

171  
S.D. 1  
H.D. 1  
C.D. 1

---

## 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;

19       (3) Information relating to eligibility for social services



1 or welfare benefits or to the determination of benefit  
2 levels;

3 (4) Information in an agency's personnel file, or  
4 applications, nominations, recommendations, or  
5 proposals for public employment or appointment to a  
6 governmental position, except:

7 (A) Information disclosed under section 92F-12(a)(14);  
8 and

9 (B) The following information related to employment  
10 misconduct that results in an employee's  
11 suspension or discharge:

12 (i) The name of the employee;

13 (ii) The nature of the employment related  
14 misconduct;

15 (iii) The agency's summary of the allegations of  
16 misconduct;

17 (iv) Findings of fact and conclusions of law; and

18 (v) The disciplinary action taken by the agency;

19 when the following has occurred: the highest non-

20 judicial grievance adjustment procedure timely

21 invoked by the employee or the employee's

22 representative has concluded; a written decision

23 sustaining the suspension or discharge has been



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

9 (5) Information relating to an individual's nongovernmental  
10 employment history except as necessary to demonstrate  
11 compliance with requirements for a particular  
12 government position;

13 (6) Information describing an individual's finances,  
14 income, assets, liabilities, net worth, bank balances,  
15 financial history or activities, or credit worthiness;

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

19 (A) The record of any proceeding resulting in the  
20 discipline of a licensee and the grounds for  
21 discipline;

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



Page 4

S.B. NO.

171  
S.D. 1  
H.D. 1  
C.D. 1

1 (C) The record of complaints including all  
2 dispositions; and

3 (8) Information comprising a personal recommendation or  
4 evaluation."

5 SECTION 3. The chief of each county police department shall  
6 submit an annual report to the legislature twenty days prior to  
7 the convening of the regular session in each year. The report  
8 shall include a summary of the facts and the nature of the  
9 misconduct for each incident which resulted in the suspension or  
10 discharge of a police officer, the disciplinary action imposed  
11 for each incident, and the number of police officers suspended  
12 and discharged during the previous year under the following  
13 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 The summary of facts shall not be of such a nature so as to  
19 disclose the identity of the individuals involved.

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

23 SECTION 5. Statutory material to be repealed is bracketed.



Page 5

S.B. NO.

171  
S.D. 1  
H.D. 1  
C.D. 1

1 New statutory material is underscored.

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