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A BILL FOR AN ACT

RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED).

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

1 SECTION 1. Section 92F-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[[§92F-13]] Government records; exceptions to general
4 rule. This [chapter] part shall not require disclosure of:

- 5 (1) Government records, which, if disclosed, would
6 constitute a clearly unwarranted invasion of personal
7 privacy;
- 8 (2) Government records pertaining to the prosecution or
9 defense of any judicial or quasi-judicial action to
10 which the State or any county is or may be a party,
11 to the extent that such records would not be
12 discoverable;
- 13 (3) Government records that, by their nature, must be
14 confidential in order for the government to avoid the
15 frustration of a legitimate government function;
- 16 (4) Government records which, pursuant to state or
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1 federal law including an order of any state or
2 federal court, are protected from disclosure; and
3 (5) Inchoate and draft working papers of legislative
4 committees including budget worksheets and unfiled
5 committee reports; work product; records or
6 transcripts of an investigating committee of the
7 legislature which are closed by rules adopted
8 pursuant to section 21-4 and the personal files of
9 members of the legislature."

10 SECTION 2. Section 92F-19, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) No agency may disclose or authorize disclosure of
13 government records to any other agency unless the disclosure is:

14 [(1) Compatible with the purpose for which the information
15 was collected or obtained;

16 (2) Consistent with the conditions or reasonable
17 expectations of use and disclosure under which the
18 information was provided;

19 (3)] (1) Reasonably [appears to be] proper for the
20 performance of the requesting agency's duties and
21 functions[;] and is also:

22 (A) Compatible with the purpose for which the
23 information was collected or obtained; or

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1 (B) Consistent with the conditions or reasonable
2 expectations of use and disclosure under which
3 the information was provided;

4 [(4)] (2) To the state archives for the purposes of
5 historical preservation, administrative maintenance,
6 or destruction;

7 [(5) To an agency or instrumentality of any governmental
8 jurisdiction within or under the control of the
9 United States, or to a foreign government if
10 specifically authorized by treaty or statute, for a
11 civil or criminal law enforcement investigation;]

12 (3) To another agency, another state, or the federal
13 government if disclosure is:

14 (A) For the purpose of a civil or criminal law
15 enforcement activity authorized by law; and

16 (B) Pursuant to agreement or written request;

17 (4) To a criminal law enforcement agency of this
18 State, another state, or the federal government
19 if the information requested is limited to an
20 individual's name and other identifying
21 particulars, including present and past
22 addresses and present and past places of
23 employment;

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1 (5) To a foreign government pursuant to an executive
2 agreement, compact, treaty, or statute;

3 (6) To the legislature, or a county council, or any
4 committee or subcommittee thereof;

5 (7) Pursuant to an order of a court of competent
6 jurisdiction;

7 (8) To authorized officials of [a department or agency
8 of] another agency, another state, or the federal
9 government for the purpose of auditing or monitoring
10 an agency program that [received] receives federal
11 [moneys;], state, or county funding;

12 (9) To the offices of the legislative auditor, the
13 legislative reference bureau, or the ombudsman of
14 this State for the performance of their respective
15 functions; or

16 (10) Otherwise subject to disclosure under this chapter."

17 SECTION 3. Section 92F-22, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[[]§92F-22[[]] Exemptions and limitations on individual
20 access. An agency is not required by this [chapter] part to
21 grant an individual access to personal records, or information
22 in such records:

23 (1) Maintained by an agency that performs as its or as a
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principal function any activity pertaining to the prevention, control, or reduction of crime, and which consist of:

[(A) Information which fits or falls within the definition of "criminal history record information" in section 846-1;

(B)] (A) Information or reports prepared or compiled for the purpose of criminal intelligence or of a criminal investigation, including reports [or] of informers, witnesses, and investigators; or

[(C)] (B) Reports prepared or compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through confinement, correctional supervision, and release from supervision.

(2) The disclosure of which would reveal the identity of a source who furnished information to the agency under an express or implied promise of confidentiality.

(3) Consisting of testing or examination material or scoring keys used solely to determine individual qualifications for appointment or promotion in public

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1 employment, or used as or to administer a licensing
2 examination or an academic examination, the
3 disclosure of which would compromise the objectivity,
4 fairness, or effectiveness of the testing or
5 examination process.

6 (4) Including investigative reports and materials,
7 related to an upcoming, ongoing, or pending civil or
8 criminal action or administrative proceeding against
9 the individual.

10 (5) Required to be withheld from the individual to whom
11 it pertains by statute or judicial decision or
12 authorized to be so withheld by constitutional or
13 statutory privilege."

14 SECTION 4. Statutory material to be repealed is
15 bracketed. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

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20 Ray Rymer
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