

THE SENATE
SEVENTEENTH LEGISLATURE, 1993
STATE OF HAWAII

S.B. NO.

1363
S.D. 2
H.D. 2
C.D. 1

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-14, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The following are examples of information in which the
4 individual has a significant privacy interest:

5 (1) Information relating to medical, psychiatric, or
6 psychological history, diagnosis, condition, treatment,
7 or evaluation, other than directory information while
8 an individual is present at such facility;

9 (2) Information identifiable as part of an investigation
10 into a possible violation of criminal law, except to
11 the extent that disclosure is necessary to prosecute
12 the violation or to continue the investigation;

13 (3) Information relating to eligibility for social services
14 or welfare benefits or to the determination of benefit
15 levels;

16 (4) Information in an agency's personnel file, or
17 applications, nominations, recommendations, or
18 proposals for public employment or appointment to a
19 governmental position, except [information relating to

1 the status of any formal charges against the employee
2 and disciplinary action taken or information disclosed
3 under section 92F-12(a)(14);]:

4 (A) Information disclosed under section 92F-12(a)(14);

5 and

6 (B) The following information related to employment
7 misconduct that results in an employee's
8 suspension or discharge:

9 (i) The name of the employee;

10 (ii) The nature of the employment related
11 misconduct;

12 (iii) The agency's summary of the allegations of
13 misconduct;

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

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

16 when the following has occurred: the highest non-

17 judicial grievance adjustment procedure timely

18 invoked by the employee or the employee's

19 representative has concluded; a written decision

20 sustaining the suspension or discharge has been

21 issued after this procedure; and thirty calendar

22 days have elapsed following the issuance of the

23 decision; provided that this subparagraph shall

1 not apply to a county police department officer
2 with respect to misconduct that occurs while the
3 officer is not acting in the capacity of a police
4 officer;

5 (5) Information relating to an individual's nongovernmental
6 employment history except as necessary to demonstrate
7 compliance with requirements for a particular
8 government position;

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

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

15 (A) The record of any proceeding resulting in the
16 discipline of a licensee and the grounds for
17 discipline;

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

20 (C) The record of complaints including all
21 dispositions; and

22 (8) Information comprising a personal recommendation or
23 evaluation."

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- 1 SECTION 2. Statutory material to be deleted is bracketed.
- 2 New statutory material is underscored.
- 3 SECTION 3. This Act shall take effect upon its approval.