

ORIGINAL

HSE. COMM. NO. 499

THE SENATE
SEVENTEENTH LEGISLATURE, 1993
STATE OF HAWAII

S.B. NO. 1363
S.D. 2
H.D. 2

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

24 not apply to a county police department officer

- 1 with respect to misconduct that occurs while the
2 officer is not acting in the capacity as a police
3 officer;
- 4 (5) Information relating to an individual's nongovernmental
5 employment history except as necessary to demonstrate
6 compliance with requirements for a particular
7 government position;
- 8 (6) Information describing an individual's finances,
9 income, assets, liabilities, net worth, bank balances,
10 financial history or activities, or credit worthiness;
- 11 (7) Information compiled as part of an inquiry into an
12 individual's fitness to be granted or to retain a
13 license, except:
- 14 (A) The record of any proceeding resulting in the
15 discipline of a licensee and the grounds for
16 discipline;
- 17 (B) Information on the current place of employment and
18 required insurance coverages of licensees; and
- 19 (C) The record of complaints including all
20 dispositions; and
- 21 (8) Information comprising a personal recommendation or
22 evaluation."

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.