
A BILL FOR AN ACT

RELATING TO INFORMATION PRACTICES.

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

1 SECTION 1. The legislature finds that private donations to
2 the University of Hawaii are critical to the success of the
3 university's educational mission. This proposal is to protect
4 the privacy rights of individual donors to the University of
5 Hawaii and the University of Hawaii Foundation.

6 The legislature finds that the intent of the Uniform
7 Information Practices Act was not to require disclosure of
8 private donor information, but rather to open government
9 operations up to public scrutiny. Section 92F-2, Hawaii Revised
10 Statutes, provides in pertinent part:

11 Opening up the government processes to public
12 scrutiny and participation is the only viable and
13 reasonable method of protecting the public's interest.
14 Therefore the legislature declares that it is the
15 policy of this State that the formation and conduct of
16 public policy--the discussions, deliberations,



1 decisions, and action of government agencies--shall be
2 conducted as openly as possible.

3 The policy of conducting government business as
4 openly as possible must be tempered by a recognition
5 of the right of the people to privacy.

6 The legislature finds that individual donors to the
7 University of Hawaii or the University of Hawaii Foundation have
8 significant privacy interests in records relating to their
9 donations. The legislature further finds that this Act would
10 clarify the law in this area by protecting from disclosure, for
11 purposes of the Uniform Information Practices Act, certain donor
12 records held by the University of Hawaii and the University of
13 Hawaii Foundation, if those records were found to be subject to
14 the Act.

15 The purpose of this Act is to provide that certain donor
16 records and information would not be subject to disclosure for
17 purposes of the Uniform Information Practices Act under chapter
18 92F, Hawaii Revised Statutes. This would thus protect from
19 disclosure:

20 (1) Donor records that disclose or may lead to the
21 discovery of the identity of an individual donor who
22 has requested anonymity;



1 (2) Any individual donor's personal, financial, estate or
2 gift planning matters; or

3 (3) Any donor solicitation strategies of the Foundation or
4 the university.

5 This exception would not protect from disclosure the
6 amount, date, and purpose of any donation; the name of a donor
7 who did not request anonymity; or information regarding
8 corporate donors. Further, the protection from disclosure would
9 not protect the anonymity of a donor who directly or indirectly
10 transacts business with the University of Hawaii or the
11 University of Hawaii Foundation.

12 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 **"§304A- Donor records protected from disclosure. (a)**

16 For the purposes of chapter 92F, records that contain
17 information about or pertain to any individual who is a donor or
18 potential donor to the University of Hawaii, University of
19 Hawaii Foundation, or donor solicitation strategy shall not be
20 disclosed, other than:

21 (1) The name of the donor, unless the donor requested
22 anonymity;



- 1 (2) Date;
- 2 (3) Amount; and
- 3 (4) Purpose of the donation.

4 (b) Notwithstanding the provisions of subsection (a), the
 5 name of any donor that requested anonymity shall not be
 6 protected from disclosure if the donor, or any entity in which
 7 the donor has a substantial interest, transacts business with
 8 the University of Hawaii or the University of Hawaii Foundation,
 9 or any affiliate thereof, within three years of the date of any
 10 donation by that donor.

11 (c) For the purposes of this section, "business
 12 transaction" shall include any sale or lease of any real or
 13 personal property, or sales of services on behalf of oneself or
 14 on behalf of any third party as an agent, broker, dealer, or
 15 representative in an aggregate amount in excess of \$10,000
 16 during a calendar year.

17 As used in this section, "substantial interest" means the
 18 direct or indirect ownership of more than twenty-five per cent
 19 of the assets or ownership interests of an entity."

20 SECTION 3. Nothing in this Act shall be construed to imply
 21 that the University of Hawai'i Foundation is a governmental or



1 quasi-governmental agency or body for purposes of chapter 92,
2 chapter 92F, or any other provision of law.

3 SECTION 5. New statutory material is underscored.

4 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Government Records; University of Hawaii

Description:

Provides a qualified exemption to the University of Hawaii and the University of Hawaii Foundation from disclosure of donor information. (HB670 HD2)

