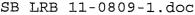
### A BILL FOR AN ACT

IAN 2 6 2011

RELATING TO THE UNIFORM INFORMATION PRACTICES ACT.

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

- 1 SECTION 1. Chapter 92F, Hawaii Revised Statutes, is 2 amended by adding a new section to be appropriately designated 3 and to read as follows: "§92F- Complaints; disclosure and privacy. (a) Any 4 5 department or agency that receives a consumer complaint and 6 keeps a record of complaints shall make those complaints 7 available to the public; provided that the department or agency 8 has determined that the following requirements are met prior to 9 disclosure: 10 (1) The complaint will be referred for legal action if 11 legal action is authorized; 12 (2) The individual who is the target of the complaint has 13 been provided an opportunity to respond to the 14 complaint; and (3) A probable violation of law has occurred or there is a 15 16 possible risk of harm to the public. 17 Notwithstanding subsection (a), a complaint shall not
- 18 be made available to the general public if:





1	(1)	The department or agency is conducting an active
2		investigation or review of the complaint;
3	(2)	The complaint is being used in connection with a civil
4		action or proceeding initiated by the office of
5		consumer protection;
6	(3)	The complaint has been referred to another state
7		agency; or
8	(4)	The complaint is without merit.
9	(c)	A department or agency may establish rules pursuant to
10	chapter 9	1 that define the information to be disclosed to the
11	general pu	ublic; provided that the provisions of this chapter
12	related to	privacy shall apply to any information released to
13	the public	c pursuant to this section."
14	SECT	ION 2. Section 92F-14, Hawaii Revised Statutes, is
15	amended by	y amending subsection (b) to read as follows:
16	"(b)	The following are examples of information in which
17	the indiv	idual has a significant privacy interest:
18	(1)	Information relating to medical, psychiatric, or
19		psychological history, diagnosis, condition,
20		treatment, or evaluation, other than directory
21		information while an individual is present at such
22		facility;

1	(2)	information identifiable as part of an investigation
2		into a possible violation of criminal law, except to
3		the extent that disclosure is necessary to prosecute
4		the violation or to continue the investigation;
5	(3)	Information relating to eligibility for social
6		services or welfare benefits or to the determination
7		of benefit levels;
8	(4)	Information in an agency's personnel file, or
9		applications, nominations, recommendations, or
10		proposals for public employment or appointment to a
11		governmental position, except:
12		(A) Information disclosed under section 92F-
13		12(a)(14); and
14		(B) The following information related to employment
15		misconduct that results in an employee's
16		suspension or discharge:
17		(i) The name of the employee;
18		(ii) The nature of the employment related
19		misconduct;
20		(iii) The agency's summary of the allegations of
21		misconduct;
22		(iv) Findings of fact and conclusions of law; and

1		<ul><li>(v) The disciplinary action taken by the agency;</li></ul>
2		when the following has occurred: the highest
3	+ <del>()</del> +	non-judicial grievance adjustment procedure
4		timely invoked by the employee or the employee's
5		representative has concluded; a written decision
6		sustaining the suspension or discharge has been
7		issued after this procedure; and thirty calendar
8		days have elapsed following the issuance of the
9		decision; provided that this subparagraph shall
10		not apply to a county police department officer
11		except in a case which results in the discharge
12		of the officer;
13	(5)	Information relating to an individual's
14		nongovernmental employment history except as necessary
15		to demonstrate compliance with requirements for a
16		particular government position;
17	(6)	Information describing an individual's finances,
18		income, assets, liabilities, net worth, bank balances,
19		financial history or activities, or creditworthiness;
20	(7)	Information compiled as part of an inquiry into an
21		individual's fitness to be granted or to retain a
22		license, except:

SB LRB 11-0809-1.doc

1	(A) The record of any proceeding resulting in the
2	discipline of a licensee and the grounds for
3	discipline; and
4	(B) Information on the current place of employment
5	and required insurance coverages of licensees[7
6	and
7	(C) The record of complaints including all
8	dispositions;].
9	(8) Information comprising a personal recommendation or
10	evaluation; and
1	(9) Social security numbers."
12	SECTION 3. Statutory material to be repealed is bracketed
3	and stricken. New statutory material is underscored.
4	SECTION 4. This Act shall take effect upon its approval.
5	
	TNEEDODIICED DV. 25.75

By Request

### Report Title:

Uniform Information Practices Act

#### Description:

Clarifies circumstances under which complaints submitted to departments and agencies shall be made available to the public.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.