Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

     Your Committee on Judiciary, to which was referred S.B.
No. 2782 entitled:

     "A BILL FOR AN ACT RELATING TO PERSONAL PRIVACY,"

begs leave to report as follows:

     The purpose and intent of this measure is to specify that
certain government records that are maintained by the Department
of Hawaiian Home Lands are not required to be disclosed to the
public or open for inspection pursuant to public records requests.

     Your Committee received testimony in support of this measure
from the Department of Hawaiian Home Lands; Hoʻomanapono Political
Action Committee; and Hoʻomana Pono, LLC. Your Committee received
comments on this measure from the Office of Information Practices.

     Your Committee finds that section 10-1-3(d), Hawaii
Administrative Rules, requires that all "[p]ersonal data received
or recorded by the department [of Hawaiian home lands] shall be
held in absolute confidence and no release of information shall be
made without written approval of the individual concerned".
Despite this, the Department of Hawaiian Home Lands has received
Uniform Information Practices Act requests for specific homestead
application files and homestead lease files that include personal
contact information, genealogies, finance and loan documents,
successorship forms, permission forms regarding the use of records
in the file, and other correspondence. This measure ensures the

privacy of personal data and records maintained by the Department of Hawaiian Home Lands and authorizes the Department to discuss those data and records in executive meetings.
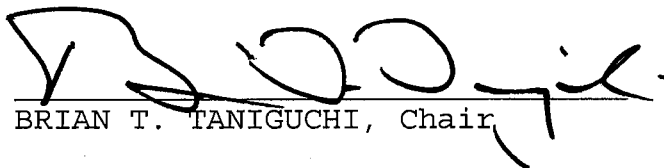
Your Committee notes that this measure creates a new chapter of the Hawaii Revised Statutes that consists of a single section of new statutory language. Given the substantive provisions in this measure, it would be preferable to insert the new statutory language into part III of chapter 92F, Hawaii Revised Statutes, instead.

Your Committee has amended this measure by:

(1) Inserting an effective date of July 1, 2050, to encourage further discussion; and

(2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2782, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2782, S.D. 1.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

BRIAN T. TANIGUCHI, Chair

Report Title:
Department of Hawaiian Home Lands; Disclosure of Government
Records

Description:
Specifies certain government records maintained by the
Department of Hawaiian Home Lands are not required to be
publicly disclosed or made open to inspection pursuant to public
records requests and may be discussed during an executive
meeting of the Hawaiian Homes Commission. Effective 7/1/2050.
(SD1)

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

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2782	HWN, JDC	2/27/2018

☐ The Committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to: _____

The Recommendation is:

☐ Pass, unamended
2312

☒ Pass, with amendments
2311

☐ Hold
2310

☐ Recommit
2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado		✓		
THIELEN, Laura H.		✓		
TOTAL	3	2	0	0

Recommendation:

☒ Adopted   ☐ Not Adopted

Chair's or Designee's Signature: _Karl Rhoads_

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*Only <u>one</u> measure per Record of Votes

Revised: 08/23/17