

ACT 242

S.B. NO. 171

A Bill for an Act Relating to Uniform Information Practices.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 92F-14, Hawaii Revised Statutes, is amended to read as follows:

“§92F-14 [Clearly unwarranted invasion of personal privacy.] Significant privacy interest; examples. (a) Disclosure of a government record shall not

constitute a clearly unwarranted invasion of personal privacy if the public interest in disclosure outweighs the privacy [interests] interest of the individual.

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

- (1) Information relating to medical, psychiatric, or psychological history, diagnosis, condition, treatment, or evaluation, other than directory information while an individual is present at such facility;
- (2) Information identifiable as part of an investigation into a possible violation of criminal law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;
- (3) Information relating to eligibility for social services or welfare benefits or to the determination of benefit levels;
- (4) Information in an agency's personnel file, or applications, nominations, recommendations, or proposals for public employment or appointment to a governmental position, except:
 - (A) Information disclosed under section 92F-12(a)(14); and
 - (B) The following information related to employment misconduct that results in an employee's suspension or discharge:
 - (i) The name of the employee;
 - (ii) The nature of the employment related misconduct;
 - (iii) The agency's summary of the allegations of misconduct;
 - (iv) Findings of fact and conclusions of law; and
 - (v) The disciplinary action taken by the agency; when the following has occurred: the highest non-judicial grievance adjustment procedure timely invoked by the employee or the employee's representative has concluded; a written decision sustaining the suspension or discharge has been issued after this procedure; and thirty calendar days have elapsed following the issuance of the decision; provided that this subparagraph shall not apply to a county police department officer [with respect to misconduct that occurs while the officer is not acting in the capacity of a police officer;] except in a case which results in the discharge of the officer;
- (5) Information relating to an individual's nongovernmental employment history except as necessary to demonstrate compliance with requirements for a particular government position;
- (6) Information describing an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or credit worthiness;
- (7) Information compiled as part of an inquiry into an individual's fitness to be granted or to retain a license, except:
 - (A) The record of any proceeding resulting in the discipline of a licensee and the grounds for discipline;
 - (B) Information on the current place of employment and required insurance coverages of licensees; and
 - (C) The record of complaints including all dispositions; and
- (8) Information comprising a personal recommendation or evaluation."

SECTION 3.¹ The chief of each county police department shall submit an annual report to the legislature twenty days prior to the convening of the regular session in each year. The report shall include a summary of the facts and the nature of the misconduct for each incident which resulted in the suspension or discharge of a police officer, the disciplinary action imposed for each incident, and the number of

police officers suspended and discharged during the previous year under the following categories of the department's Standards of Conduct:

- (1) Malicious use of physical force;
- (2) Mistreatment of prisoners;
- (3) Use of drugs and narcotics; and
- (4) Cowardice.

The summary of facts shall not be of such a nature so as to disclose the identity of the individuals involved.

SECTION 4.¹ This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 5.¹ Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6.¹ This Act shall take effect upon approval.

(Became law on July 6, 1995, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

Note

1. So in original.