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Case No. CE-01-539

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO,

Complainant,

and

PATRICIA HAMAMOTO¹, Superintendent,
Department of Education, State of Hawaii; and
CONNECTIONS, A NEW CENTURY
PUBLIC CHARTER SCHOOL,

Respondents.

CASE NO. CE-01-539

ORDER NO. 3268

ORDER TO REDACT AND SUBSTITUTE
DOCUMENTS CONTAINING PERSONAL
INFORMATION

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On June 2, 2017, the Hawaii Labor Relations Board (Board) issued a Notice of Board's Intent to Extract Documents Containing Personal Information and Replace with Redacted Versions (Notice of Intent). The Board noted that certain pages contained in the Board's file in this matter contain personal information or information in which an individual may have a significant privacy interest, and that was not relevant to the Board's consideration of this matter. The Notice of Intent gave the parties until June 9, 2017, to object to the proposed substitution of redacted versions, otherwise the substitution would become effective on June 13, 2017.

¹ Pursuant to Hawaii Rules of Civil Procedure (HRCP) Rule 25(d)(1), when a public officer is a party to an action in an official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and the officer's successor is automatically substituted as a party; proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. Although the Board does not amend the caption in this matter, the Board, pursuant to HRCP Rule 25(d)(1), deems the successor of any named public respondent to be a party in this matter.

On June 9, 2017, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Complainant) filed UPW'S Partial Objection to Parts of the Extraction and Replacement with Redacted Version of Records Identified in the Notice of Board's Intent to Extract Documents Containing Personal Information and Replace with Redacted Versions (Partial Objection). The UPW did not object to the redaction of certain information, namely an individual's social security number, home or street address, post office box address, telephone number, or birth date; or, the identity of a grievant in the arbitration decisions on file.

The UPW appears to object to the Board's intent to redact the *names* of individual employees whose salaries may be ascertained by reference to other documents in the case file. The UPW's Partial Objection, however, states that the UPW objects "to the proposed redaction of the *names and position numbers* of employees" (emphasis added) whose salaries may be ascertained by reference to other documents. Thus, it is not clear to the Board whether the UPW objects to the redaction of only the individuals' names, or if the UPW objects to the redaction of the individuals' names if done in conjunction with redaction of the individuals' position numbers. To clarify, the Board's intent was to redact solely the individuals' *names*, as the names of the incumbents are not relevant to the Board's consideration of this matter; the Board's notice did not intend to redact the position numbers. The Board finds that redaction of the individuals' names would suffice to protect the individuals' privacy interests, even if the position numbers reveal the salaries attached to those positions. Because Mr. Ah Sing's position number and salary is or could be relevant to the Board's consideration of this matter, the Board did not include Mr. Ah Sing's name among the proposed redactions.

The UPW refers to Office of Information Practices (OIP) Opinion Letter No. 90-17 (1990), in asserting that names and position numbers hold more relevance than the employees' actual salaries at the time of the document (Opinion Letter No. 90-17 involved an employee's use of sick or vacation leave and, with certain information redacted such as medical information, went to the heart of the expenditure of tax moneys by the government and the public's right to know how its taxes were spent). However, in the present case, the Board finds that the individuals' privacy rights would be adequately protected with *either* the redaction of their names, or the redaction of their salaries. Between the two choices, the Board finds that position numbers plus salaries hold more potential relevance than position numbers plus individual names. For example, and *solely* by way of example that does not go to the merits of this case, the position numbers plus

salaries may be relevant to a claim for damages, or to a claim regarding budgets or financial constraints. On the other hand, the Board cannot find how individual names – other than Mr. Ah Sing’s – hold any potential relevance in this matter.

For these reasons, the Board hereby orders its staff to substitute into the Board’s case file redacted versions of the pages identified in the Board’s Notice of Intent.

DATED: Honolulu, Hawaii, June 16, 2017.

HAWAII LABOR RELATIONS BOARD



Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member

J. N. Musto

J N. MUSTO, Member

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James E. Halvorson, Deputy Attorney General

Case No. CE-01-539 – UPW v. Hamamoto and Connections, A New Century Public Charter School – Order to Redact and Substitute Documents Containing Personal Information.

Order No.: