

NOV 19 1999

The Honorable Antonio R. Unpingco Speaker I Mina'Bente Singko na Liheslaturan Guåhan Twenty-Fifth Guam Legislature Guam Legislature Temporary Building 155 Hesler Street Hagåtña, Guam 96910

ANTONIC	the Speaker O.R. UNPINGCO
Date:_///	19/99
Rec'd by	RHOLE
Print Na	me:

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 334 (COR), "AN ACT TO ADD §§10108(i) AND 10108(j) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DISCLOSURE OF PUBLIC DOCUMENTS OF CERTAIN GOVERNMENT AGENCIES AND INSTRUMENTALITIES AS REQUIRED BY P.L. NO. 25-06, THE SUNSHINE REFORM ACT OF 1999", which I have signed into law today as **Public Law No. 25-78.** 

This legislation puts back into the list of exempted documents which do not have to be released to the public the same privileged documents which have always been exempt from release. The Freedom of Information Act which was in place since the Nineteenth Guam Legislature exempted from release information which is "otherwise privileged" and as "expressly prohibited in law." This Public Law No. 25-78 puts back the same language, by exempting from disclosure "all existing privileges or confidential records or other information expressly protected under the law." In this respect, this legislation clarifies recent Public Law No. 25-06, but does not add anything to the prior existing law, Public Law No. 19-05.

An additional exemption from release to the public included in this legislation are various "security procedures."

All documents otherwise listed by 27 different agencies were disapproved as possible exemptions from release to the public. The agencies whose lists were disapproved were:

A. B. Won Pat Guam International Airport Authority Guam Mass Transit Authority Guam Telephone Authority Speaker/SB334/PL25 8 November, 1999 - Page 2

> Port Authority of Guam Department of Administration Department of Revenue and Taxation Office of the Public Auditor Guam Housing Corporation Guam Housing and Urban Renewal Authority Government of Guam Retirement Fund Guam Finance Commission Customs and Quarantine Agency Civil Service Commission Governor's Office Department of Land Management Department of Agriculture Chamorro Heritage Institute Planning Group Chamorro Language Commission Guam Developmental Disabilities Council Department of Integrated Services for Individuals with Disabilities Department of Mental Health and Substance Abuse Department of Public Health and Social Services Guam Memorial Hospital Authority Guam Museum Guam Election Commission Department of Military Affairs

It is hard to believe that not one item on any of the listings is worthy of an exemption from release. Perhaps the requirement to make these lists and the public hearings and sessions devoted to the subject were nothing more than a public media presentation for politics.

Guam Council on Arts and Humanities Agency

Very truly yours,

Carl T. C. Gutierrez

I Maga'Lahen Guåhan
Governor of Guam

Attachment:

copy attached for signed bill or overridden bill

original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown

Legislative Secretary

## MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN 1999 (FIRST) Regular Session

### CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 334 (COR) "AN ACT TO ADD §§10108(i) AND 10108(j) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DISCLOSURE OF PUBLIC DOCUMENTS OF CERTAIN GOVERNMENT AGENCIES AND INSTRUMENTALITIES AS REQUIRED BY P.L. NO. 25-06, THE SUNSHINE REFORM ACT OF 1999," was on the 5th day of November, 1999, duly and regularly passed.

ONIO R. UNPINGCO Speaker Attested: ÍOANNE M.S. BRÓWN Senator and Legislative Secretary This Act was received by I Maga'lahen Guahan this 3th day of November at \_\_ 6.72 \_\_\_ o'clock P. .M. Assistant Staff Officer Maga'lahi's Office APPROVED: CARL T. C. GUTIERREZ I Maga'lahen Guahan Date: //- 19-99 Public Law No. 25-78

## MINABENTE SINGKO NA LIHESLATURAN GUÅHAN 1999 (FIRST) Regular Session

#### Bill No. 334 (COR)

As substituted by the Committee on Health, Human Services and Chamorro Heritage and further substituted in the Committee of the Whole and amended.

### Introduced by:

S. A. Sanchez, II
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
A. R. Unpingco

AN ACT TO ADD §§10108(i) AND 10108(j) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DISCLOSURE OF PUBLIC DOCUMENTS OF CERTAIN GOVERNMENT AGENCIES AND INSTRUMENTALITIES AS REQUIRED BY P.L. NO. 25-06, THE SUNSHINE REFORM ACT OF 1999.

#### BE IT ENACTED BY THE PEOPLE OF GUAM:

1

12

13

14

15

16

17

- Section 1. Legislative Findings and Intent. Public Law Number 25-3 06, known as the Sunshine Reform Act of 1999, changed Guam policy 4 governing the disclosure of records and information in the possession of 5 public entities. In accordance with §10106(b) of Title 5 of the Guam Code 6 Annotated, numerous entities submitted to *I Liheslaturan Guåhan* their lists of 7 documents to be exempted from the disclosure requirements of the Sunshine 8 Reform Act of 1999.
- Numerous Committees have conducted public hearings to examine the lists and to hear public comments to permit or prohibit disclosure of items on the lists.
  - Section 10106(b) further requires *I Liheslaturan Guåhan* to either approve or disapprove said lists. This Act is intended to *disapprove* all submitted lists by agencies contained herein and specifically approve exemptions contained under §10108. The disapproval of a submitted list is *not* intended to disapprove an exemption created in the Sunshine Reform Act, or as created herein, for those agencies.
- Section 2. Section 10108(i) is hereby *added* to Article 1, Chapter 10 of Title 5 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-06, to read as follows:
- "(i) All existing privileges or confidential records or other information expressly protected under the law shall *not* be abrogated by this Act."

1	Section 3.	Section 10108(j) is hereby added to Article 1, Chapter 10 of
2	Title 5 of the Gua	am Code Annotated, as repealed and reenacted by Public Law
3	Number 25-06, to	o read as follows:
4	"(j)	Records specifically pertaining to security procedures,
5	passwords	, combinations, access codes, electronic or computer user
6	I.D.s, polic	ies or procedures on security."
7	Section 4.	Disapproval of Agency Lists. The following agencies'
8	lists submitted p	oursuant to §10106(b) of Article 1, Chapter 10 of Title 5 of the
9	Guam Code Anr	notated, as repealed and reenacted by Public Law Number 25-
10	06, are hereby d	isapproved, but shall not affect the existing limitations already
11	contained within	n the Sunshine Reform Act of 1999, including within §10108,
12	and their applica	ability to said agencies:
13	(1)	the A. B. Won Pat Guam International Airport Authority;
14	(2)	the Guam Mass Transit Authority;
15	(3)	the Guam Telephone Authority;
16	(4)	the Port Authority of Guam;
17	(5)	the Department of Administration;
18	(6)	the Department of Revenue & Taxation;
19	(7)	the Office of the Public Auditor;
20	(8)	the Guam Housing Corporation;
21	(9)	the Guam Housing and Urban Renewal Authority;
22	(10)	the Government of Guam Retirement Fund;
23	(11)	the Guam Finance Commission;
24	(12)	Customs and Quarantine;
25	(13)	the Civil Service Commission;

1	(14)	the Governor's Office;		
2	(15)	the Department of Land Management;		
3	(16)	the Department of Agriculture;		
4	(17)	the Chamorro Heritage Institute Planning Group (now a		
5	Division of	Dipatamento I Kahao Guinahan Chamorro);		
6	(18)	the Chamorro Language Commission (now a Division of		
7	Dipatament	o I Kahao Guinahan Chamorro);		
8	(19)	the Guam Developmental Disabilities Council;		
9	(20)	the Department of Integrated Services for Individuals with		
10	Disabilities	s;		
11	(21)	the Department of Mental Health and Substance Abuse;		
12	(22)	the Department of Public Health and Social Services;		
13	(23)	the Guam Memorial Hospital Authority;		
14	(24)	the Guam Museum (now a Division of Dipatamento I Kahao		
15	Guinahan (	Chamorro);		
16	(25)	the Guam Election Commission;		
17	(26)	the Department of Military Affairs; and		
18	(27)	the Guam Council on Arts and Humanities Agency.		
19	Section 5.	Severability. If any provision of this Law or its		
20	application to ar	y person or circumstance is found to be invalid or contrary to		
21	law, such invali	dity shall not affect other provisions or applications of this		
22	Law which can	be given effect without the invalid provisions or application,		
23	and to this end the provisions of this Law are severable.			





## MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

#### TWENTY-FIFTH GUAM LEGISLATURE

155 Hesler Street, Hagatña, Guam 96910

November 8, 1999

Honorable Carl T.C. Gutierrez I Maga'lahen Guahan Office of I Maga'lahi Hagatna, Guam 96910

Dear Maga'lahi Gutierrez:

Transmitted herewith are Substitute Bill, Nos. 334(COR), 304(COR), 305(COR), 291(COR), 294(COR), 302(COR) and Bill No. 303(COR), which were passed by *I Mina'Bente Singko Na Liheslaturan Guahan* on November 5, 1999.

Sincerely,

JOANNE M.S. BROWN

Senator and Legislative Secretary

Enclosures (7)

### CLERK OF THE LEGISLATURE

TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN (Included in File w/ All Bills Transmitted)

BILL NO. 334/con

## FINAL PROOF-READING OF BLUEBACK COPY

Initialed by: and Date:
EXHIBITS ATTACHED
CONFIRM NUMBER OF PAGES
CAPTION ON CERTIFICATION MATCHES BILL CAPTION
——————————————————————————————————————
ENGROSSED SIGN"*" REMOVED FROM BILL
15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
☐ EMERGENCY DECLARATION, if any
$\bigcirc$
Confirmed By: Dated:
Confirmed By: Dated:
HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)  TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS )
HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)  TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS )
HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)  TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS )  ACKNOWLEGED COPY W/ ORIGINAL BLUEBACK
HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)  TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS )  ACKNOWLEGED COPY W/ ORIGINAL BLUEBACK
HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)  TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS )  ACKNOWLEGED COPY W/ ORIGINAL BLUEBACK

## MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN 1999 (FIRST) Regular Session

## CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 334 (COR) "AN ACT TO ADD §§10108(i) AND 10108(j) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DISCLOSURE OF PUBLIC DOCUMENTS OF CERTAIN GOVERNMENT AGENCIES AND INSTRUMENTALITIES AS REQUIRED BY P.L. NO. 25-06, THE SUNSHINE REFORM ACT OF 1999," was on the 5th day of November, 1999, duly and regularly passed.

Public Law No. \_\_\_\_

## MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN 1999 (FIRST) Regular Session

## CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 334 (COR) "AN ACT TO *ADD* §§10108(i) AND 10108(j) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DISCLOSURE OF PUBLIC DOCUMENTS OF CERTAIN GOVERNMENT AGENCIES AND INSTRUMENTALITIES AS REQUIRED BY P.L. NO. 25-06, THE SUNSHINE REFORM ACT OF 1999," was on the 5<sup>th</sup> day of November, 1999, duly and regularly passed.

Attested:	ANTONIO R. UNPINGCO Speaker	
JOANNE M.S. BROWN Senator and Legislative Secretary		
This Act was received by I Maga'lahen Guahan this_		_, 1999
at o'clockM.		
APPROVED:	Assistant Staff Officer  Maga'lahi's Office	
CARL T. C. GUTIERREZ I Maga'lahen Guahan		
Date:		
Public Law No		

## MINABENTE SINGKO NA LIHESLATURAN GUÅHAN 1999 (FIRST) Regular Session

#### Bill No. 334 (COR)

As substituted by the Committee on Health, Human Services and Chamorro Heritage and further substituted in the Committee of the Whole and amended.

### Introduced by:

S. A. Sanchez, II
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan

J. C. Salas A. R. Unpingco

AN ACT TO *ADD* §§10108(i) AND 10108(j) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DISCLOSURE OF PUBLIC DOCUMENTS OF CERTAIN GOVERNMENT AGENCIES AND INSTRUMENTALITIES AS REQUIRED BY P.L. NO. 25-06, THE SUNSHINE REFORM ACT OF 1999.

### BE IT ENACTED BY THE PEOPLE OF GUAM:

2	Section 1. Legislative Findings and Intent. Public Law Number 25-
3	06, known as the Sunshine Reform Act of 1999, changed Guam policy
4	governing the disclosure of records and information in the possession of
5	public entities. In accordance with §10106(b) of Title 5 of the Guam Code
6	Annotated, numerous entities submitted to I Liheslaturan Guåhan their lists of
7	documents to be exempted from the disclosure requirements of the Sunshine
8	Reform Act of 1999.
9	Numerous Committees have conducted public hearings to examine the
10	lists and to hear public comments to permit or prohibit disclosure of items on
11	the lists.
12	Section 10106(b) further requires I Liheslaturan Guåhan to either approve
13	or disapprove said lists. This Act is intended to disapprove all submitted lists
14	by agencies contained herein and specifically approve exemptions contained
15	under §10108. The disapproval of a submitted list is not intended to
16	disapprove an exemption created in the Sunshine Reform Act, or as created
17	herein, for those agencies.
18	Section 2. Section 10108(i) is hereby added to Article 1, Chapter 10 of
19	Title 5 of the Guam Code Annotated, as repealed and reenacted by Public Law
20	Number 25-06, to read as follows:
21	"(i) All existing privileges or confidential records or other

information expressly protected under the law shall *not* be abrogated by this Act."

1	Section 3.	Section 10108(j) is hereby added to Article 1, Chapter 10 of
2	Title 5 of the Gua	m Code Annotated, as repealed and reenacted by Public Law
3	Number 25-06, to	read as follows:
4	"(j)	Records specifically pertaining to security procedures,
5	passwords	, combinations, access codes, electronic or computer user
6	I.D.s, polici	ies or procedures on security."
7	Section 4.	Disapproval of Agency Lists. The following agencies'
8	lists submitted p	oursuant to §10106(b) of Article 1, Chapter 10 of Title 5 of the
9	Guam Code Anr	notated, as repealed and reenacted by Public Law Number 25-
10	06, are hereby di	isapproved, but shall not affect the existing limitations already
11	contained withir	n the Sunshine Reform Act of 1999, including within §10108,
12	and their applica	ability to said agencies:
13	(1)	the A. B. Won Pat Guam International Airport Authority;
14	(2)	the Guam Mass Transit Authority;
15	(3)	the Guam Telephone Authority;
16	(4)	the Port Authority of Guam;
17	(5)	the Department of Administration;
18	(6)	the Department of Revenue & Taxation;
19	(7)	the Office of the Public Auditor;
20	(8)	the Guam Housing Corporation;
21	(9)	the Guam Housing and Urban Renewal Authority;
22	(10)	the Government of Guam Retirement Fund;
23	(11)	the Guam Finance Commission;
24	(12)	Customs and Quarantine;
25	(13)	the Civil Service Commission;

1	(14)	the Governor's Office;
2	(15)	the Department of Land Management;
3	(16)	the Department of Agriculture;
4	(17)	the Chamorro Heritage Institute Planning Group (now a
5	Division o	f Dipatamento I Kahao Guinahan Chamorro);
6	(18)	the Chamorro Language Commission (now a Division of
7	Dipatament	to I Kahao Guinahan Chamorro);
8	(19)	the Guam Developmental Disabilities Council;
9	(20)	the Department of Integrated Services for Individuals with
10	Disabilitie	· · · · · · · · · · · · · · · · · · ·
1,1	(21)	the Department of Mental Health and Substance Abuse;
12	(22)	the Department of Public Health and Social Services;
13	(23)	the Guam Memorial Hospital Authority;
14	(24)	the Guam Museum (now a Division of Dipatamento I Kahao
15	Guinahan (	Chamorro);
16	(25)	the Guam Election Commission;
17	(26)	the Department of Military Affairs; and
18	(27)	the Guam Council on Arts and Humanities Agency.
19	Section 5.	Severability. If any provision of this Law or its
20	application to ar	y person or circumstance is found to be invalid or contrary to
21	law, such invali	dity shall not affect other provisions or applications of this
22	Law which can	be given effect without the invalid provisions or application,
23	and to this end t	he provisions of this Law are severable.

6

## I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 11/5/99

## **VOTING SHEET**

5Bill No. <u>334 (</u> COR)					
Resolution No.					
Question:	<del></del>				
		···	,		<del></del>
NAME	YEAS	<u>NAYS</u>	NOT VOTING/ <u>ABSTAINED</u>	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.					EAW
BERMUDES, Eulogio C.		V			
BLAZ, Anthony C. //					
BROWN , Joanne M.S.					
CALVO, Eduardo B.	V				
CAMACHO, Marcel G.	V				
ORBES, Mark	V			AX	
(ASPERBAUER, Lawrence F.					
AMORENA, Alberto C., V	V				
EON GUERRERO, Carlotta A.	v				
MOYLAN, Kaleo Scott	V				
ANGELINAN, Vicente C.	~				
ALAS, John C.	$\nu$				
ANCHEZ, Simon A., II	V				
INPINGCO, Antonio R.	V				
TOTAL	13	1			, .
CERTIFIED TRUE AND CORRECT:	<del></del>	<del></del>			
Clerk of the Legislature				3 Passes = No A = Excused A	

# I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN Committee on Health, Human Services and Chamorro Heritage Kumifen Salut, Setbision Tinaotao yan Irensian Chamorro Sinadot Simon A. Sanchez, II. Ge'Hilo'

October 26, 1999

The Honorable Antonio R. Unpingco Speaker I Mina' Bente Seingko Na Liheslaturan Guahan Hatagna, GU 96910

Hafa Adai! Mr. Speaker:

The Committee on Health, Human Services and Chamorro Heritage, to which was referred **Bill No. 334** (COR) – AN ACT TO APPROVE THE LISTS OF SUNSHINE REFORM ACT EXEMPTIONS SUBMITTED BY *DIPATAMENTO I KAHAO GUINAHAN CHAMORRO* FOR THE CHAMORRO HERITAGE INSTITUTE PLANNING GROUP, THE CHAMORRO LANGUAGE COMMISSION, AND THE GUAM MUSEUM, THE GUAM DEVELOPMENTAL DISABILITIES COUNCIL, THE DEPARTMENT OF INTEGRATED SERVICES FOR INIDIVIDUALS WITH DISABILITIES, THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE, THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND THE GUAM MEMORIAL HOSPITAL AUTHORITY, AS PRESCRIBED BY PUBLIC LAW 25-06 herein reports back with the recommendations to substitute and TO DO PASS.

Votes of the committee are as follows:

9	To Pass
_	Not to Pass
_	To the Inactive File
	Abstained

Sincerely,

Attachments

#### I MINA' b£NTE SINGKO NA LIHESLATURAN GUÂHAN

## Committee on Health, Human Services and Chamorro Heritage Kumiten Salut, Setbision Tinaotao van Irensian Chamorro

Sinadot Simon A. Sanchez II. Ge'Hilo'

October 26, 1999

#### **MEMORANDUM**

TO:

**Committee Members** 

FROM:

Chairperson

Committee Report for Bill No. 334 – "An act to approve the lists of Sunshine Reform **SUBJECT:** Act exemptions submitted by the Chamorro Heritage Institute Planning Group, the Chamorro Language Commission, the Guam Developmental Disabilities Council, the Department of Integrated Services for Individuals with disabilities, the Department of Mental Health, the Department of Public Health and Social Services, the Guam Memorial Hospital Authority, and the Guam Museum, as prescribed by Public law 25-06."

Attached hereto is the Committee Report for Bill for your review and consideration. Please call me if you need clarification or additional information. Then, please mark and sign the accompanying Voting Sheet.

Phone: (671) 649-LIFE (5433) • 647-3234/5/6

Email: sensanchez@kuentos.guam.net

Fax: (671) 647-3267

Saina Ma'ase' yan Magof Ha'anen Yu'os,

Simon a Sanche III SIMON A. SANCHEZO

#### l Mina' Bente Singko Na Liheslaturan Guåh. Kumten Salut, Setbision Tinaotao Yan Irensian Chamorro

#### **VOTING SHEET**

Bill No. 334, An act to approve the lists of Sunshine Reform Act exemptions submitted by the Chamorro Heritage Institute Planning Group, the Chamorro Language Commission, the Guam Developmental Disabilities Council, the Department of Integrated Services for Individuals with disabilities, the Department of Mental Health, the Department of Public Health and Social Services, the Guam Memorial Hospital Authority, and the Guam Museum, as prescribed by Public law 25-06.

	To Do Pass	Not to Pass	Abstain	Inactive File
Senator Simon A. Sanchez W Chairperson				
Senator Joanne M.S. Brown Vice Chairpeason				
Senator Frank B. Aguon, Jr.				
Senator Eulogio C. Bermudes Member				
Senator Anthony C. Blaz Member				
Senator Estrardo B. Calvo Member	<u> </u>			
Senator Marcel G. Camacho Member				
Senator Mark Forbes Member				
Senator Lawrence F. Kasperbauer Member	<u>X_</u>		<del></del>	
Senator Alberto C. Lamorena V.			<del></del> -	
Senator Carlotta Leon Guerrero				<u></u>
Senator Kaleo S. Moylan Member				
Senator Vicente C. Pangelinan	<u> </u>			

Member

## I Mina' Bente Singko na Liheslaturan Guåhan Kumiten Salut, Setbision Tinaotao yan Irensian Chamorro

# Committee Report Bill No. 334

"An act to approve the lists of Sunshine Reform Act exemptions submitted by the Chamorro Heritage Institute Planning Group, the Chamorro Language Commission, the Guam Developmental Disabilities Council, the Department of Integrated Services for Individuals with disabilities, the Department of Mental Health, the Department of Public Health and Social Services, the Guam Memorial Hospital Authority, and the Guam Museum, as prescribed by Public law 25-06."

## Simon A. Sanchez II, Chairperson Joanne M.S. Brown, Vice Chairperson

## Members

Frank B. Aguon, Jr.
Anthony C. Blaz
Marcel G. Camacho
Lawrence F. Kasperbauer
Kaleo S. Moylan

Eulogio C. Bermudes Eduardo B. Calvo Mark Forbes Alberto C. Lamorena V Vicente C. Pangelinan

#### I. OVERVIEW

Bill 334 is the legislative vehicle by which exemptions to Guam's disclosure law, the Sunshine Reform Act, submitted by the group of government entities under the purview of *I Mina' Bente Singko na Liheslaturan Guåhan's Kumiten Salut, Setbision Tinaotao yan Irensian Chamorro* will be adopted in fulfillment of statutory mandates. The affected entities are the Chamorro Heritage Institute Planning Group, Chamorro Language Commission, Guam Developmental Disabilities Council, Department of Integrated Services for Individuals with Disabilities, Department of Mental Health and Substance Abuse, Department of Public Health and Social Services, Guam Memorial Hospital Authority; and Guam Museum.

The Committee held public hearings on September 3 and September 10, 1999 for officials to explain and justify their proposals.

People who participated at the hearings are recorded in the accompanying attendance records.

#### II. COMMITTEE FINDINGS

Jayne Flores, Treasurer of the Marianas Society of Professional Journalists, issued a general statement that matters concerning the use of public funds should not be kept from public scrutiny. Even patient and client data, in the aggregate and redacted, should be accessible to the public. She informed the Committee that government entities should be open to review and that they should not use this exercise of listing non-disclosable documents to hide their performance records. The Society does not object to making private those documents that contain personal identifiers of employees or clients, unless they are deemed by law to be disclosable.

The dialogue between Committees members, the general public and government officials revealed common denominators in the various pieces of information on the lists. Employee records, client-specific data, executive session minutes, matters under litigation, bidding and procurement documents under review, and documents protected by federal law are reasonable items to keep private while at the same time not violating the public's right to know. Documents outside these parameters were scuttled by the Committee and not part of the list.

In conclusion, the Committee publicly scrutinized the lists submitted by the respective agencies and departments and engaged in substantive discussions sufficient to understands which items are disclosable and which are not. The list attached to Bill contains the substance of the matter and the Bill itself is the instrument for its adoption.

#### III. COMMITTEE RECOMMENDATIONS

The Committee on Health, Human Services and Chamorro Heritage recommends to the full body "To Do Pass." Bill No. 333.

#### I. OVERVIEW

Bill 334 is the legislative vehicle by which exemptions to Guam's disclosure law, the Sunshine Reform Act, submitted by the group of government entities under the purview of *I Mina' Bente Singko na Liheslaturan Guåhan's Kumiten Salut, Setbision Tinaotao yan Irensian Chamorro* will be adopted in fulfillment of statutory mandates. The affected entities are the Chamorro Heritage Institute Planning Group, Chamorro Language Commission, Guam Developmental Disabilities Council, Department of Integrated Services for Individuals with Disabilities, Department of Mental Health and Substance Abuse, Department of Public Health and Social Services, Guam Memorial Hospital Authority; and Guam Museum.

The Committee held public hearings on September 3 and September 10, 1999 for officials to explain and justify their proposals.

People who participated at the hearings are recorded in the accompanying attendance records.

#### II. COMMITTEE FINDINGS

Jayne Flores, Treasurer of the Marianas Society of Professional Journalists, issued a general statement that matters concerning the use of public funds should not be kept from public scrutiny. Even patient and client data, in the aggregate and redacted, should be accessible to the public. She informed the Committee that government entities should be open to review and that they should not use this exercise of listing non-disclosable documents to hide their performance records. The Society does not object to making private those documents that contain personal identifiers of employees or clients, unless they are deemed by law to be disclosable.

The dialogue between Committees members, the general public and government officials revealed common denominators in the various pieces of information on the lists. Employee records, client-specific data, executive session minutes, matters under litigation, bidding and procurement documents under review, and documents protected by federal law are reasonable items to keep private while at the same time not violating the public's right to know. Documents outside these parameters were scuttled by the Committee and not part of the list.

In conclusion, the Committee publicly scrutinized the lists submitted by the respective agencies and departments and engaged in substantive discussions sufficient to understands which items are disclosable and which are not. The list attached to Bill contains the substance of the matter and the Bill itself is the instrument for its adoption.

#### III. COMMITTEE RECOMMENDATIONS

The Committee on Health, Human Services and Chamorro Heritage recommends to the full body "To Do Pass." Bill No. 334.

## MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN 1999 (FIRST) Regular Session

Bill No. 334 (cor)
As substituted by Committee on
Health, Human Services and Chamorro
Heritage

Introduced by:	S. A. Sanchez, II	

AN ACT TO APPROVE THE LISTS OF SUNSHINE **REFORM ACT EXEMPTIONS SUBMITTED** DIPATAMENTO I KAHAO GUINAHAN CHAMORRO FOR THE CHAMORRO HERITAGE INSTITUTE PLANNING GROUP, THE CHAMORRO LANGUAGE COMMISSION, **AND** THE **GUAM** THE **GUAM** MUSEUM, DEVELOPMENTAL **DISABILITIES** COUNCIL, THE DEPARTMENT OF INTEGRATED **SERVICES FOR WITH INDIVIDUALS** DISABILITIES, THE DEPARTMENT **OF** MENTAL HEALTH **AND** SUBSTANCE ABUSE, THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, AND THE GUAM MEMORIAL HOSPITAL AUTHORITY, AS PRESCRIBED BY PUBLIC LAW 25-06.

#### BE IT ENACTED BY THE PEOPLE OF GUAM:

1

- 2 **Section 1. Legislative findings and intent**. Public Law 25-06, known as
- 3 The Sunshine Reform Act of 1999, changed Guam policy governing the
- 4 disclosure of records and information in the possession of public entities. In
- 5 accordance with Section 10106(b) of that law, the following entities submitted

- to I Kumiten Salut, Setbision Tinaotao yan Irensian Chamorro of I Liheslaturan
- 2 Guåhan their lists of documents to be exempted from the disclosure
- 3 requirements of the Sunshine Reform Act of 1999:
- 4 Chamorro Heritage Institute Planning Group;
- 5 Chamorro Language Commission;
- 6 Guam Developmental Disabilities Council;
- 7 Department of Integrated Services for Individuals with Disabilities;
- 8 Department of Mental Health and Substance Abuse;
- 9 Department of Public Health and Social Services;
- 10 Guam Memorial Hospital Authority; and
- 11 Guam Museum.
- The Committee conducted public hearings on September 3, 1999 and
- 13 September 10, 1999 to examine the lists and to hear arguments to permit or
- 14 prohibit disclosure of items on the lists.
- Section 10106(b) further requires *I Liheslaturan Guåhan* to either approve
- or disapprove said lists within ninety days after submission.
- Section 2. The list of proposed exemptions to the Sunshine Reform Act
- submitted by the Chamorro Heritage Institute Planning Group, Chamorro Language
- 19 Commission, Guam Developmental Disabilities Council, Department of Integrated
- 20 Services for Individuals with Disabilities, Department of Mental Health and Substance
- 21 Abuse, Department of Public Health and Social Services, Guam Memorial Hospital
- 22 Authority, and Guam Museum, attached hereto as Exhibit A and hereby incorporated
- 23 herein, is hereby approved.
- Section 3. Severability. If any provision of this Law or its application to any
- person or circumstance is found to be invalid or contrary to law, such invalidity shall
- 26 not affect other provisions or applications of this Law which can be given effect

- without the invalid provisions or application, and to this end the provisions of this
- 2 Law are severable.

3

EXHIBIT	A - GovGuam agencies and departments non-public/non disclosable documents
Agency/Department	No Disclosure
Chamorro Heritage	1. documents and information regarding a matter under litigation.
Institute Planning	2. personnel records beyond that mandated by law to be made public (personnel names,
Group	age, mailing addresses, salaries).
Chamorro Language	personnel documents, except those mandated by law.
Commission	
Guam	1. personal information of persons with developmental disabilities and/or family
Developmental	members, i.e., mailing list, telephone numbers, attendance rosters of various
Disabilities Council	workshops.
Diodominio Common	2. personnel documents, except those mandated by law.
Department of	Division of Vocational Rehabilitation
Integrated Services	all information in the consumer's record of service, except, if informed written consent by
for Individuals with	consumer is granted, and then only for release to individuals/organizations (such as
Disabilities	doctors, psychologists, rehabilitation technology specialists, vocational evaluators,
Disabilities	counselors, researchers, potential/actual employers) those pieces of information necessary
	to provide the requested services.
	Di isi anno 1 Cara isaa
	Division of Support Services:
	1. all comprehensive case management files.
	2. all other consumer files.
	3. all programmatic reports and files.
	4. personnel documents, except those mandated by law.
	5. all Inter-Agency Case Review Committee files.
	6. all other specific consumer information and data collected from other
	agencies/sources.
	Administrative Services
	personnel documents, except those mandated by law.
Department of	
Mental Health &	
Substance Abuse	address, social security number, or other information that can be used to identify any
	family, group, or individual that has received, is receiving, or awaiting services.
	3. a calendar, schedule, appointment book, or similar document that contains the name,
	address, social security number, or other information that can be used to identify any
	family, group, or individual that has received, is receiving, or awaiting services.
	4. a document, form, correspondence, memoranda, report, or similar document that
	contains the name, address, social security number, or other information that can be
	used to identify any family, group, or individual that has received, is receiving, or is
	awaiting services.
	5. clinical notes or progress notes, journals, and similar documents that contain the
	name, address, social security number, or other information that can be used to
	identify any family, group, or individual that has received, is receiving, or awaiting
	services.
	6. personnel documents, <i>except</i> those mandated by law.
	The second of th
	security procedures and equipment. This includes, but is not limited to, policies and
	procedures on security, user-ids and passwords to limited access areas, computer access
	passwords, and combinations to safes and other secure storage bin or area.

## Department Public Health Social Services

of Division of Public Health

- & 1. a document or record concerning or containing any of the following individual client identifiers: age, date or place of birth, residential address, residential telephone numbers, social security number, marital status, ethnic group, examination results, employment status, educational attainment, religious and other organizational affiliation, police clearances, character/moral reference, disciplinary actions, military service.
  - 2. executive session minutes of boards/commissions.
  - 3. patient records: kardex, logs, registries, medical/health records/clinic visit records/clinic forms, tickler cards, referral forms, Social Worker's patient notes, identification/name, immunization records, referrals for Diagnostic test/Medical/Surgical Care, patient correspondence reports, discharge summary sheet, patient billings, patient account receivables, patient bad debt, records containing names of contacts to communicable diseases, including investigative reports, computer case registries for BCDC programs that have patient identifiers, medical summary reports for individual patients.
  - 4. vital records regarding birth, death, marriages, divorce, adoption, name change, legitimation, paternity, etc. as per 10 GCA, Chapter 3.
  - 5. non-aggregate computer data files with personal identifiers, with the exception of the Behavioral Risk Factor Surveillance Systems datasets.
  - 6. emergency medical documents: documents filed in an EMT's personnel jacket and other files including or pertaining to incident reports, complaints, on-going investigations, and administrative hearings; files containing individual EMT Quality Assurance & Improvement documents; EMS Patient records; disaster-related documents developed for peer reviews, such as notes or working documents generated during a disaster by participants and internal government post disaster reviews of preparedness, response, and performance used for internal quality assurance & improvement purposes; EMS Office Personnel files; executive session minutes of the EMS Commission and its committees.
  - 7. individual licensee's files and applications which contain personal or proprietary data.
  - 8. Women, Infant and Children Program client records, to include family folder, enrollment card.
  - 9. patient billings.
  - 10. incident reports used as risk management tools.
  - 11. peer review reports/audits.
  - 12. risk management reports.
  - 13. employee performance evaluations
  - 14. individual morbidity case reports.
  - 15. individual mortality reports.
  - 16. incident investigation reports.
  - 17. studies or tabulations containing personal identifiers, i.e. age, sex, hospital number, address, telephone, etc.
  - 18. laboratory log and reports.
  - 19. prescriptions.
  - 20. X-ray and X-ray/EKG reports.
  - 21. Community Health Center Sliding fee scale application record to include: family income, social security number, birth certificate, employment check stubs, employment verification, welfare documents, source of income information.
  - 22. suspected case of child abuse/neglect.
  - 23. child abuse referral form of a client.

- 24. proprietary WIC Vendor information
- 25. ADP passwords and other ADP system security information.
- 26. information related to in-progress WIC vendor, staff or client investigations.
- 27. the WIC referral log of a client.
- 28. the WIC draft issuance log.
- 29. professional licenses and certifications for review to include: Nurse Practitioners, Registered Nurses, Licensed Practical Nurses, Nurse Aides/Assistants.
- 30. Public Health referral form of a client.
- 31. Children with Special health Care Needs (CSHCN) registry.

#### Division of Environmental Health

- 1. Controlled Substances Program (CSP): local/federal registration numbers of practitioners and businesses registered under PL 24-149 (Uniform Controlled Substances Act); past, active, or pending criminal, administrative, and civil actions of CSP or the U.S. Drug Enforcement Administration (DEA); all investigation/inspection reports of CSP and DEA; personal/professional information of registrants and individuals on file with CSP and DEA; all other information that would compromise the goal and objectives of CSP.
- 2. personal information related to individual DEH clients, such as social security number, medical and health status, age, and address.
- 3. names and addresses of complainants relating to suspected environmental health violations.
- 4. any information on active investigations of DEH.

#### Division of Public Welfare

- 1. investigation records.
- 2. certification records.
- 3. client records.
- 4. foster care records.
- 5. sealed court orders.
- 6. administrative disqualification and fair hearing decisions and files prior to final disposition.
- 7. correspondences regarding individual clients and planning documents for a Request for Proposal.
- 8. computer printouts and other electronically stored information on individual clients, except redacted items.
- 9. client control logs, registers and listings.
- 10. any of the above documents, records, client logs, printouts, etc. that contains client name, social security number and mailing address.
- 11. personnel documents, except those mandated by law.
- 12. Medicaid/Medicare listings.
- 13. computer matching printouts/tapes.

#### Division of Senior Citizens

- 1. all notes, documents, forms associated with and identifying victims and their alleged perpetrators under the Adult Protective Services Unit (PL 19-54 as amended).
- 2. information and referral data lists either maintained manually or electronically containing personal information such as date of birth, ethnic background, health condition, income mobility.
- 3. notice of complaints, investigation reports and potential contractual non-compliance

EXHIBIT A	A - GovGuam agencies and departments non-public/non disclosable documents
	29. information regarding collection referrals.
	30. information required from any taxpayer.
	31. insurance claims records.
	32. insurance records.
  -	33. insurance eligibility information.
·	34. insurance payments and history for individuals.
	35. internal performance reports.
	36. internal audit reports.
	37. medical and client records.
	38. Medical Executive Committee documents and proceedings.
	39. Medicare/Medicaid records of individual patients, unless redacted.
	40. negotiation documents prior to final disposition by the Board of Trustees.
	41. notice of proposed adverse actions.
	42. passwords and access codes of computer users.
	43. patient registration records.
	44. patient affairs records.
	45. patient billing information.
•	46. patient records.
	47. patient medical records.
1	48. patient admission records.
	49. patients diagnosis.
	50. patients medical records.
	51. patients insurance information.
	52. patients admission status.
	53. patients financial status.
	54. patients summary bills.
	55. patients detail bills.
	56. payer settlements.
	57. payroll check information (taxes and deduction).
	58. payroll records.
	59. personnel documents, except those mandated by law.
	60. personnel actions.
	61. physician credentials file.
	62. physician privilege application information.
	63. procurement negotiation documents, other than the record required by 5 GCA §5249.
	64. proprietary rate setting information.
	65. records involving collection on patient accounts.
	66. records pertaining to a matter under litigation.
	67. records involving liens on patient tax refunds.
	68. records pertaining to complaints or pending investigations.
	69. records involving alleged commission of a crime
	70. records relating to drug testing of a particular employee.
	71. reports to and from the National Practitioner Data Bank.
	72. research results – non-disclosure without participant's permission.
	73. risk management reports.
Guam Museum	1. records designated to be non-public under §10108 of PL 25-06.
	2. information relating to the security alarm systems.

## MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN 1999 (FIRST) Regular Session

Bill No. 334(100)

Introduced by:

1

9

S. A. Sanchez, II

AN ACT TO APPROVE THE LISTS OF SUNSHINE REFORM ACT EXEMPTIONS SUBMITTED BY THE **PLANNING** CHAMORRO HERITAGE INSTITUTE GROUP, THE CHAMORRO LANGUAGE COMMISSION, **GUAM DEVELOPMENTAL** DISABILITIES THE **INTEGRATED** COUNCIL, THE DEPARTMENT OF SERVICES FOR INDIVIDUALS WITH DISABILITIES, THE DEPARTMENT OF MENTAL HEALTH SUBSTANCE ABUSE, THE DEPARTMENT OF PUBLIC **SOCIAL** SERVICES, THE **GUAM** HEALTH AND MEMORIAL HOSPITAL AUTHORITY, AND THE GUAM MUSEUM, AS PRESCRIBED BY PUBLIC LAW 25-06.

#### BE IT ENACTED BY THE PEOPLE OF GUAM:

- Section 1. Legislative findings and intent. Public Law 25-06, known as
- 3 The Sunshine Reform Act of 1999, changed Guam policy governing the
- 4 disclosure of records and information in the possession of public entities. In
- 5 accordance with Section 10106(b) of that law, the following entities submitted
- 6 to I Kumiten Salut, Setbision Tinaotao yan Irensian Chamorro of I Liheslaturan
- 7 Guåhan their lists of documents to be exempted from the disclosure
- 8 requirements of the Sunshine Reform Act of 1999:
  - Chamorro Heritage Institute Planning Group;

- Chamorro Language Commission; 1
- Guam Developmental Disabilities Council; 2
- Department of Integrated Services for Individuals with Disabilities; 3
- Department of Mental Health and Substance Abuse; 4
- Department of Public Health and Social Services; 5
- Guam Memorial Hospital Authority; and 6
- 7 Guam Museum.
- The Committee conducted public hearings on September 3, 1999 and 8 September 10, 1999 to examine the lists and to hear arguments to permit or 9 prohibit disclosure of items on the lists. 10
- Section 10106(b) further requires I Liheslaturan Guåhan to either approve 11 or disapprove said lists within ninety days after submission. 12
- Section 2. The list of proposed exemptions to the Sunshine Reform Act 13 submitted by the Chamorro Heritage Institute Planning Group, Chamorro Language 14 Commission, Guam Developmental Disabilities Council, Department of Integrated 15 Services for Individuals with Disabilities, Department of Mental Health and Substance 16 Abuse, Department of Public Health and Social Services, Guam Memorial Hospital 17 Authority, and Guam Museum, attached hereto as Exhibit A and hereby incorporated 18 19 herein, is hereby approved.
  - **Section 3. Severability.** If any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this
- Law are severable. 24

20

21

22

23

	A - GovGuani agencies and departments non-public/non disclosable documents  No Disclosure
Agency/Department	
Chamorro Heritage	1. documents and information regarding a matter under litigation.
Institute Planning	2. personnel records beyond that mandated by law to be made public (personnel names,
Group	age, mailing addresses, salaries).
Chamorro Language	personnel documents, except those mandated by law.
Commission	
Guam	1. personal information of persons with developmental disabilities and/or family
Developmental	members, i.e., mailing list, telephone numbers, attendance rosters of various
Disabilities Council	workshops.
	2. personnel documents, <i>except</i> those mandated by law.
Department of	Division of Vocational Rehabilitation
Integrated Services	all information in the consumer's record of service, except, if informed written consent by
for Individuals with	consumer is granted, and then only for release to individuals/organizations (such as
Disabilities	doctors, psychologists, rehabilitation technology specialists, vocational evaluators,
	counselors, researchers, potential/actual employers) those pieces of information necessary
	to provide the requested services.
	Division of Support Services:
	1. all comprehensive case management files.
	2. all other consumer files.
	3. all programmatic reports and files.
	4. personnel documents, except those mandated by law.
	5. all Inter-Agency Case Review Committee files.
	6. all other specific consumer information and data collected from other
	agencies/sources.
	Administrative Services
	personnel documents, except those mandated by law.
Department of	
Mental Health &	2. a list, log book, log sheet, register, or similar document that contains the name,
Substance Abuse	address, social security number, or other information that can be used to identify any
	family, group, or individual that has received, is receiving, or awaiting services.
	3. a calendar, schedule, appointment book, or similar document that contains the name,
	address, social security number, or other information that can be used to identify any
	family, group, or individual that has received, is receiving, or awaiting services.
	4. a document, form, correspondence, memoranda, report, or similar document that
	contains the name, address, social security number, or other information that can be
	used to identify any family, group, or individual that has received, is receiving, or is
	awaiting services.
	5. clinical notes or progress notes, journals, and similar documents that contain the
	name, address, social security number, or other information that can be used to
	identify any family, group, or individual that has received, is receiving, or awaiting
	services.
	6. personnel documents, <i>except</i> those mandated by law.
	7. security and passwords – any documents containing information as to the department's
	security procedures and equipment. This includes, but is not limited to, policies and
	,
	procedures on security, user-ids and passwords to limited access areas, computer access passwords, and combinations to safes and other secure storage bin or area.
	passwords, and combinations to sales and other secure storage on or area.
L	

## Department Public Health Social Services

&

of Division of Public Health

- 1. a document or record concerning or containing any of the following individual client identifiers: age, date or place of birth, residential address, residential telephone numbers, social security number, marital status, ethnic group, examination results, employment status, educational attainment, religious and other organizational affiliation, police clearances, character/moral reference, disciplinary actions, military service.
- 2. executive session minutes of boards/commissions.
- 3. patient records: kardex, logs, registries, medical/health records/clinic visit records/clinic forms, tickler cards, referral forms, Social Worker's patient notes, identification/name, immunization records, referrals for Diagnostic test/Medical/Surgical Care, patient correspondence reports, discharge summary sheet, patient billings, patient account receivables, patient bad debt, records containing names of contacts to communicable diseases, including investigative reports, computer case registries for BCDC programs that have patient identifiers, medical summary reports for individual patients.
- 4. vital records regarding birth, death, marriages, divorce, adoption, name change, legitimation, paternity, etc. as per 10 GCA, Chapter 3.
- 5. non-aggregate computer data files with personal identifiers, with the exception of the Behavioral Risk Factor Surveillance Systems datasets.
- 6. emergency medical documents: documents filed in an EMT's personnel jacket and other files including or pertaining to incident reports, complaints, on-going investigations, and administrative hearings; files containing individual EMT Quality Assurance & Improvement documents; EMS Patient records; disaster-related documents developed for peer reviews, such as notes or working documents generated during a disaster by participants and internal government post disaster reviews of preparedness, response, and performance used for internal quality assurance & improvement purposes; EMS Office Personnel files; executive session minutes of the EMS Commission and its committees.
- 7. individual licensee's files and applications which contain personal or proprietary data.
- 8. Women, Infant and Children Program client records, to include family folder, enrollment card.
- 9. patient billings.
- 10. incident reports used as risk management tools.
- 11. peer review reports/audits.
- 12. risk management reports.
- 13. employee performance evaluations
- 14. individual morbidity case reports.
- 15. individual mortality reports.
- 16. incident investigation reports.
- 17. studies or tabulations containing personal identifiers, i.e. age, sex, hospital number, address, telephone, etc.
- 18. laboratory log and reports.
- 19. prescriptions.
- 20. X-ray and X-ray/EKG reports.
- 21. Community Health Center Sliding fee scale application record to include: family income, social security number, birth certificate, employment check stubs, employment verification, welfare documents, source of income information.
- 22. suspected case of child abuse/neglect.
- 23. child abuse referral form of a client.

- 24. proprietary WIC Vendor information
- 25. ADP passwords and other ADP system security information.
- 26. information related to in-progress WIC vendor, staff or client investigations.
- 27. the WIC referral log of a client.
- 28. the WIC draft issuance log.
- 29. professional licenses and certifications for review to include: Nurse Practitioners, Registered Nurses, Licensed Practical Nurses, Nurse Aides/Assistants.
- 30. Public Health referral form of a client.
- 31. Children with Special health Care Needs (CSHCN) registry.

#### Division of Environmental Health

- 1. Controlled Substances Program (CSP): local/federal registration numbers of practitioners and businesses registered under PL 24-149 (Uniform Controlled Substances Act); past, active, or pending criminal, administrative, and civil actions of CSP or the U.S. Drug Enforcement Administration (DEA); all investigation/inspection reports of CSP and DEA; personal/professional information of registrants and individuals on file with CSP and DEA; all other information that would compromise the goal and objectives of CSP.
- 2. personal information related to individual DEH clients, such as social security number, medical and health status, age, and address.
- 3. names and addresses of complainants relating to suspected environmental health violations.
- 4. any information on active investigations of DEH.

#### Division of Public Welfare

- 1. investigation records.
- 2. certification records.
- 3. client records.
- 4. foster care records.
- 5. sealed court orders.
- 6. administrative disqualification and fair hearing decisions and files prior to final disposition.
- 7. correspondences regarding individual clients and planning documents for a Request for Proposal.
- 8. computer printouts and other electronically stored information on individual clients, *except* redacted items.
- 9. client control logs, registers and listings.
- 10. any of the above documents, records, client logs, printouts, etc. that contains client name, social security number and mailing address.
- 11. personnel documents, except those mandated by law.
- 12. Medicaid/Medicare listings.
- 13. computer matching printouts/tapes.

#### Division of Senior Citizens

- 1. all notes, documents, forms associated with and identifying victims and their alleged perpetrators under the Adult Protective Services Unit (PL 19-54 as amended).
- 2. information and referral data lists either maintained manually or electronically containing personal information such as date of birth, ethnic background, health condition, income mobility.
- 3. notice of complaints, investigation reports and potential contractual non-compliance

- of Title III Service Providers/Vendors under the Older Americans act, as amended.
- 4. reviews, evaluations and proposals/bids for all programs, both federal and local that are managed by the Division, prior to award.
- 5. proposals that were submitted but not selected, prior to award
- 6. memoranda, correspondences and other forms of file that may identify new, former or existing clients.

#### General Administration Division

- 1. personnel documents, except those mandated by law.
- 2. executive session minutes of boards and commissions.
- 3. licensing examinations examination or test booklets, administrators and proctors manuals, test results or reports.
- 4. any documents or records of applicants or licensee which contain the following information: age, date or place of birth, social security number, license number, sex, marital status, ethnic background, employment status, educational background, religious and other organizational affiliation, character or moral reference, examination results or reports, complaint filed, investigation reports, disciplinary action without convictions, employee grievance complaints, employee/client complaint of discrimination (sexual, racial, etc.), harassment, EEO.

#### Guam Memorial Hospital Authority

- 1. a document containing patient name, social security number, health insurance code number.
- 2. a document with patient name SS# HIC# (addressograph).
- 3. bid proposals, procurement records, other than the record required by 5 GCA §5249.
- 4. individual patient billing records.
- 5. billing module mark up rates.
- 6. BOT Personnel Committee minutes.
- 7. Civil Service Commission documents on reinstatements.
- 8. competency checklist.
- 9. complaints regarding physician practices.
- 10. complaints regarding patient care rendered.
- 11. correspondence regarding disciplinary actions.
- 12. determination of non-responsibility.
- 13. documents relating to adverse actions against employee.
- 14. emergency preparedness call back lists.
- 15. employee service record.
- 16. employee evaluations.
- 17. employee health records.
- 18. medical staff file of an employee.
- 19. peer review file of an employee.
- 20. every document made non-disclosable by federal law.
- 21. executive session proceedings and minutes.
- 22. fair hearing proceedings prior to final disposition.
- 23. financial insurance companies records or applications with banks, savings and loan associations, and credit unions.
- 24. financial settlements/loan documents.
- 25. home address or telephone number of any public official, government employee, or physician.
- 26. incident/sentinel event reports.
- 27. infection control reports.
- 28. information concerning taxpayer records.

EXHIBIT A - GovGuan agencies and departments non-public/non disclosable documents		
	29. information regarding collection referrals.	
	30. information required from any taxpayer.	
•	31. insurance claims records.	
	32. insurance records.	
	33. insurance eligibility information.	
	34. insurance payments and history for individuals.	
Í	35. internal performance reports.	
	36. internal audit reports.	
	37. medical and client records.	
	38. Medical Executive Committee documents and proceedings.	
	39. Medicare/Medicaid records of individual patients, unless redacted.	
	40. negotiation documents prior to final disposition by the Board of Trustees.	
	41. notice of proposed adverse actions.	
	42. passwords and access codes of computer users.	
	43. patient registration records.	
	44. patient affairs records.	
	45. patient billing information.	
	46. patient records.	
	47. patient medical records.	
	48. patient admission records.	
	49. patients diagnosis.	
	50. patients medical records.	
	51. patients insurance information.	
	52. patients admission status.	
	53. patients financial status.	
	54. patients summary bills.	
	55. patients detail bills.	
	56. payer settlements.	
	57. payroll check information (taxes and deduction).	
	58. payroll records.	
	59. personnel documents, except those mandated by law.	
	60. personnel actions.	
į	61. physician credentials file.	
	62. physician privilege application information.	
	63. procurement negotiation documents, other than the record required by 5 GCA §5249.	
	64. proprietary rate setting information.	
 	65. records involving collection on patient accounts.	
	66. records pertaining to a matter under litigation.	
	67. records involving liens on patient tax refunds.	
	68. records pertaining to complaints or pending investigations.	
	69. records involving alleged commission of a crime	
	70. records relating to drug testing of a particular employee.	
	71. reports to and from the National Practitioner Data Bank.	
	72. research results – non-disclosure without participant's permission.	
<u> </u>	73. risk management reports.	
Guam Museum	1. records designated to be non-public under §10108 of PL 25-06.	
	2. information relating to the security alarm systems.	