
A BILL FOR AN ACT

RELATING TO THE OFFICE OF INFORMATION PRACTICES.

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

1 SECTION 1. Section 92-1.5, Hawaii Revised Statutes, is
2 amended to read as follows:
3 " ~~[+]§92-1.5[+]~~ **Administration of this part.** The director
4 of the office of information practices shall administer this
5 part. The director shall establish procedures for filing and
6 responding to complaints filed by any person concerning the
7 failure of any board to comply with this part. The director of
8 the office of information practices shall submit an annual
9 report of these complaints along with final resolution of
10 complaints, and other statistical data to the legislature, no
11 later than twenty days prior to the convening of each regular
12 session. When a county legislative body as defined in section
13 46-122, or a member thereof, makes a written request for a
14 written advisory opinion regarding the interpretation or
15 application of the provisions of this part, the director shall
16 provide a written opinion."



1 SECTION 2. Section 92F-42, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§92F-42 Powers and duties of the office of information
4 practices. The director of the office of information practices:

5 (1) Shall, upon request, review and rule on an agency
6 denial of access to information or records, or an
7 agency's granting of access; provided that any review
8 by the office of information practices shall not be a
9 contested case under chapter 91 and shall be optional
10 and without prejudice to rights of judicial
11 enforcement available under this chapter;

12 (2) Upon request by an agency, shall provide and make
13 public advisory guidelines, opinions, or other
14 information concerning that agency's functions and
15 responsibilities; provided that in the case of a
16 written request from a county legislative body as
17 defined in section 46-122, or a member thereof, the
18 director shall provide a written opinion;

19 (3) Upon request by any person, may provide advisory
20 opinions or other information regarding that person's
21 rights and the functions and responsibilities of
22 agencies under this chapter;



- 1 (4) May conduct inquiries regarding compliance by an
2 agency and investigate possible violations by any
3 agency;
- 4 (5) May examine the records of any agency for the purpose
5 of paragraph (4) and seek to enforce that power in the
6 courts of this State;
- 7 (6) May recommend disciplinary action to appropriate
8 officers of an agency;
- 9 (7) Shall report annually to the governor and the state
10 legislature on the activities and findings of the
11 office of information practices, including
12 recommendations for legislative changes;
- 13 (8) Shall receive complaints from and actively solicit the
14 comments of the public regarding the implementation of
15 this chapter;
- 16 (9) Shall review the official acts, records, policies, and
17 procedures of each agency;
- 18 (10) Shall assist agencies in complying with the provisions
19 of this chapter;
- 20 (11) Shall inform the public of the following rights of an
21 individual and the procedures for exercising them:



- 1 (A) The right of access to records pertaining to the
2 individual;
- 3 (B) The right to obtain a copy of records pertaining
4 to the individual;
- 5 (C) The right to know the purposes for which records
6 pertaining to the individual are kept;
- 7 (D) The right to be informed of the uses and
8 disclosures of records pertaining to the
9 individual;
- 10 (E) The right to correct or amend records pertaining
11 to the individual; and
- 12 (F) The individual's right to place a statement in a
13 record pertaining to that individual;
- 14 (12) Shall adopt rules that set forth an administrative
15 appeals structure which provides for:
- 16 (A) Agency procedures for processing records
17 requests;
- 18 (B) A direct appeal from the division maintaining the
19 record; and
- 20 (C) Time limits for action by agencies;
- 21 (13) Shall adopt rules that set forth the fees and other
22 charges that may be imposed for searching, reviewing,



1 or segregating disclosable records, as well as to
2 provide for a waiver of fees when the public interest
3 would be served;

4 (14) Shall adopt rules which set forth uniform standards
5 for the records collection practices of agencies;

6 (15) Shall adopt rules that set forth uniform standards for
7 disclosure of records for research purposes;

8 (16) Shall have standing to appear in cases where the
9 provisions of this chapter are called into question;

10 (17) Shall adopt, amend, or repeal rules pursuant to
11 chapter 91 necessary for the purposes of this chapter;
12 and

13 (18) Shall take action to oversee compliance with part I of
14 chapter 92 by all state and county boards including:

15 (A) Receiving and resolving complaints;

16 (B) Advising all government boards and the public
17 about compliance with chapter 92; and

18 (C) Reporting each year to the legislature on all
19 complaints received pursuant to section 92-1.5."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 4. This Act shall take effect on January 1, 2112.



Report Title:

Office of Information Practices; Written Opinion; Deadline

Description:

Requires the office of information practices to provide a written opinion when such request is made from a county legislative body, or a member of a county legislative body, for an advisory opinion concerning meetings or that body's functions and responsibilities. (SD1)

