

# OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Public Judiciary and Government  
Operations

From: Paul T. Tsukiyama, Director

Date: February 27, 2009, 9:30 a.m.  
State Capitol, Room 016

Re: Testimony on S.B. 212, S.D. 1  
Relating to Public Safety

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Thank you for the opportunity to submit testimony on S.B. 212, S.D. 1.

The Office of Information Practices ("OIP") supports the intent of this bill, which would require nongovernmental entities contracting with the State to incarcerate state prisoners to release information about prison operations in the same way that a state agency operating such a facility would be required to under the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes.

It is often uncertain whether a nongovernmental entity performing a government function is subject to accountability laws such as the UIPA, and OIP welcomes legislative action to clarify the issue. This bill would make clear that although a private prison operator housing state prisoners is not itself a state agency, it must respond to UIPA requests in the same way as an agency.

The issues of the enforceability of the measure against private entities located out of state and the administrative burden that would be placed on such entities are beyond OIP's jurisdiction, so OIP defers to PSD on those issues.

Thank you for the opportunity to testify.