

JAN 28 2009

A BILL FOR AN ACT

RELATING TO THE UNIFORM INFORMATION PRACTICES ACT.

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

1 SECTION 1. The legislature finds that the lack of
2 compliance with the Uniform Information Practices Act (open
3 records law) is a source of frustration for the public.

4 The Better Government Association and the National Freedom
5 of Information Coalition Survey of States' Responsiveness to
6 Freedom of Information Act Requests, demonstrated that Hawaii's
7 legislation needs reform. Hawaii only received seven of sixteen
8 possible points for a failing grade of forty-four per cent.
9 Additionally, Hawaii received zero of four possible points in
10 the area of "response time." In order to improve Hawaii's
11 effectiveness and efficiency in responding to requests under the
12 freedom of information law, the legislature believes that it is
13 necessary to establish time limits as a means of ensuring
14 responsiveness.

15 The legislature further finds that the time-sensitive
16 nature of record requests necessitates establishing a time limit
17 for agencies to fulfill record requests, for the office of



1 information practices to deliver a decision on an appeal, and
2 for placing record request cases with the court on the court
3 docket.

4 The purpose of this Act is to establish time limits for:

- 5 (1) An agency to permit the review and copying of records;
6 (2) An agency to render a decision of an appeal of a
7 denial of access to a government record; and
8 (3) A court to hear a case involving denial of access to a
9 government record.

10 SECTION 2. Section 92F-11, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "[+]§92F-11[+] **Affirmative agency disclosure**

13 **responsibilities.** (a) All government records are open to
14 public inspection unless access is restricted or closed by law.

15 (b) Except as provided in section 92F-13, each agency upon
16 request by any person shall make government records available
17 for inspection and copying during regular business hours.

18 (c) Unless the information is readily retrievable by the
19 agency in the form in which it is requested, an agency shall not
20 be required to prepare a compilation or summary of its records.



1 (d) Each agency shall assure reasonable access to
2 facilities for duplicating records and for making memoranda or
3 abstracts.

4 (e) Each agency may adopt rules, pursuant to chapter 91,
5 to protect its records from theft, loss, defacement, alteration,
6 or deterioration and to prevent manifestly excessive
7 interference with the discharge of its other lawful
8 responsibilities and functions.

9 (f) Upon the request of a person to gain access to
10 government records, an agency shall permit the person to review
11 the record and have a copy of a government record within ten
12 business days following the date of receipt of the request by
13 the agency. The ten-day period may be extended for an
14 additional twenty business days if the agency provides the
15 person, within the initial ten business days, a written
16 explanation of unusual circumstances causing the delay."

17 SECTION 3. Section 92F-15, Hawaii Revised Statutes, is
18 amended by amending subsection (f) to read as follows:

19 "(f) Except as to cases the circuit court considers of
20 greater importance, proceedings before the court, as authorized
21 by this section, and appeals therefrom, take precedence on the
22 docket over all cases and shall be assigned for hearing and



1 trial or for argument at the earliest practicable date and
2 expedited in every way[-] but, in no event shall the matter be
3 heard more than twenty business days from the date of filing."

4 SECTION 4. Section 92F-15.5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§92F-15.5 Alternative method to appeal a denial of
7 access. (a) When an agency denies a person access to a
8 government record, the person may appeal the denial to the
9 office of information practices in accordance with rules adopted
10 pursuant to section 92F-42(12). A decision to appeal to the
11 office of information practices for review of the agency denial
12 shall not prejudice the person's right to appeal to the circuit
13 court after a decision is made by the office of information
14 practices.

15 (b) If the decision is to disclose, the office of
16 information practices shall notify the person and the agency,
17 and the agency shall make the record available. If the denial
18 of access is upheld, in whole or in part, the office of
19 information practices shall, in writing, notify the person of
20 the decision, the reasons for the decision, and the right to
21 bring a judicial action under section 92F-15(a).



1 (c) The decision on the appeal shall be delivered within
 2 ten business days from the date the appeal is filed with the
 3 office of information practices. The ten-day period may be
 4 extended for an additional twenty business days if the office of
 5 information practices provides to the individual, within the
 6 initial ten business days, a written explanation of unusual
 7 circumstances causing the delay."

8 SECTION 5. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect upon its approval.


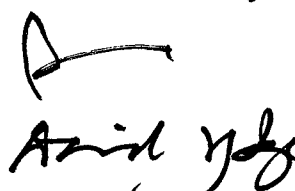


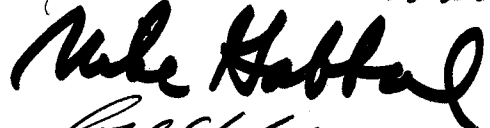
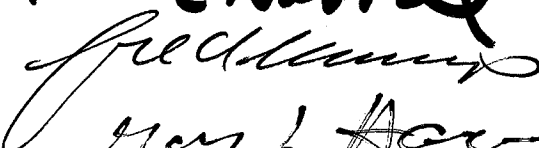

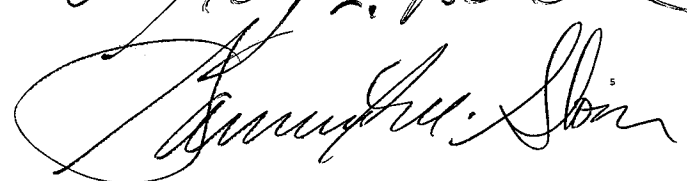
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INTRODUCED BY: _____



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By Request

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Report Title:

Public Information

Description:

Establishes time limits for an agency to permit review and copy records under the Uniform Information Practices Act; for an agency to render a decision on appeal of a denial of access; and for a court to hear an appeal of a denial of access.

