

JAN 21 2010

S.B. NO. 2368

---

---

# 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. (a) The legislature finds that government  
2 agency compliance with Hawaii Revised Statutes chapter 92,  
3 public agency meetings and records, and chapter 92F, uniform  
4 information practices act, which together are known as Hawaii's  
5 freedom of information laws, is not consistent across agencies.  
6 This is often viewed as a source of frustration by the public  
7 and has resulted in complaints. In addition, agency personnel  
8 who receive inquiries on these statutes may not be fully aware  
9 or understand provisions in these laws. This decreases  
10 department cost efficiency and increases employee frustration.  
11           Thus the legislature believes that requiring state and  
12 county departments to appoint a freedom of information public  
13 liaison to serve as a point of contact for freedom of  
14 information inquiries will increase cost efficiency and decrease  
15 frustration by:  
16           (1) Increasing understanding of chapter 92, on public  
17           agency meetings and records, and chapter 92F, uniform



1 information practices act, which will aid the  
2 departments in responding to public inquiries  
3 regarding these laws; and

4 (2) Reducing the number of freedom of information  
5 inquiries directed to the office of information  
6 practices.

7 The freedom of information public liaison for the  
8 department is meant to assist department employees with freedom  
9 of information inquiries. The freedom of information public  
10 liaison for the department is not meant to be the sole contact  
11 for public access to the department records.

12 (b) The purpose of this Act is to require:

13 (1) State and county departments to designate a freedom of  
14 information public liaison for freedom of information  
15 inquiries; and

16 (2) The office of information practices to provide  
17 training to the departmental freedom of information  
18 public liaisons.

19 SECTION 2. Chapter 92F, Hawaii Revised Statutes, is  
20 amended by adding a new section to be appropriately designated  
21 and to read as follows:



1        "§92F- State and county departments; freedom of  
2 information public liaisons. Each state and county department  
3 shall designate an employee to be the department's freedom of  
4 information public liaison for freedom of information inquiries  
5 including chapter 92, public agency meetings and records, and  
6 chapter 92F, uniform information practices act. These persons  
7 shall attend office of information practices training classes  
8 pursuant to section 92F-42(19). Requests for information may be  
9 made directly to other personnel within the agency."

10       SECTION 3. Section 92F-42, Hawaii Revised Statutes, is  
11 amended to read as follows:

12       "**§92F-42 Powers and duties of the office of information**  
13 **practices.** The director of the office of information practices:

14       (1) Shall, upon request, review and rule on an agency  
15       denial of access to information or records, or an  
16       agency's granting of access; provided that any review  
17       by the office of information practices shall not be a  
18       contested case under chapter 91 and shall be optional  
19       and without prejudice to rights of judicial  
20       enforcement available under this chapter;

21       (2) Upon request by an agency, shall provide and make  
22       public advisory guidelines, opinions, or other



- 1 information concerning that agency's functions and  
2 responsibilities;
- 3 (3) Upon request by any person, may provide advisory  
4 opinions or other information regarding that person's  
5 rights and the functions and responsibilities of  
6 agencies under this chapter;
- 7 (4) May conduct inquiries regarding compliance by an  
8 agency and investigate possible violations by any  
9 agency;
- 10 (5) May examine the records of any agency for the purpose  
11 of paragraph (4) and seek to enforce that power in the  
12 courts of this State;
- 13 (6) May recommend disciplinary action to appropriate  
14 officers of an agency;
- 15 (7) Shall report annually to the governor and the state  
16 legislature on the activities and findings of the  
17 office of information practices, including  
18 recommendations for legislative changes;
- 19 (8) Shall receive complaints from and actively solicit the  
20 comments of the public regarding the implementation of  
21 this chapter;



- 1           (9) Shall review the official acts, records, policies, and  
2           procedures of each agency;
- 3           (10) Shall assist agencies in complying with the provisions  
4           of this chapter;
- 5           (11) Shall inform the public of the following rights of an  
6           individual and the procedures for exercising them:
- 7           (A) The right of access to records pertaining to the  
8           individual;
- 9           (B) The right to obtain a copy of records pertaining  
10          to the individual;
- 11          (C) The right to know the purposes for which records  
12          pertaining to the individual are kept;
- 13          (D) The right to be informed of the uses and  
14          disclosures of records pertaining to the  
15          individual;
- 16          (E) The right to correct or amend records pertaining  
17          to the individual; and
- 18          (F) The individual's right to place a statement in a  
19          record pertaining to that individual;
- 20          (12) Shall adopt rules that set forth an administrative  
21          appeals structure which provides for:



- 1           (A) Agency procedures for processing records
- 2                 requests;
- 3           (B) A direct appeal from the division maintaining the
- 4                 record; and
- 5           (C) Time limits for action by agencies;
- 6       (13) Shall adopt rules that set forth the fees and other
- 7                 charges that may be imposed for searching, reviewing,
- 8                 or segregating disclosable records, as well as to
- 9                 provide for a waiver of fees when the public interest
- 10                would be served;
- 11       (14) Shall adopt rules which set forth uniform standards
- 12                 for the records collection practices of agencies;
- 13       (15) Shall adopt rules that set forth uniform standards for
- 14                 disclosure of records for research purposes;
- 15       (16) Shall have standing to appear in cases where the
- 16                 provisions of this chapter are called into question;
- 17       (17) Shall adopt, amend, or repeal rules pursuant to
- 18                 chapter 91 necessary for the purposes of this chapter;
- 19                 [and]
- 20       (18) Shall take action to oversee compliance with part I of
- 21                 chapter 92 by all state and county boards including:
- 22                 (A) Receiving and resolving complaints;



- 1 (B) Advising all government boards and the public
- 2 about compliance with chapter 92; and
- 3 (C) Reporting each year to the legislature on all
- 4 complaints received pursuant to section
- 5 92-1.5 [-]; and

6 (19) Shall provide state and county department freedom of  
 7 information public liaisons designated under section  
 8 92F- with training on chapter 92, public agency  
 9 meetings and records, and chapter 92F, uniform  
 10 information practices act."

11 SECTION 4. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

14

INTRODUCED BY:

*[Handwritten signatures]*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**Report Title:**

Office of Information Practices; County; State; Freedom of Information Public Liaison

**Description:**

Requires each state and county department to designate a freedom of information public liaison for freedom of information inquiries involving Hawaii's freedom of information laws (chapter 92 and 92F); requires office of information practices to provide training to the departmental freedom of information public liaisons.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

