

JAN 21 2011

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# A BILL FOR AN ACT

RELATING TO GOVERNMENT RECORDS.

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

1       SECTION 1. The legislature finds that current law requires  
2 a minimum charge of 5 cents per page for copies of most  
3 government records, but does not establish a maximum cost per  
4 page. This makes it difficult for the public to determine  
5 accurately the cost of requesting copies of documents, and may  
6 deter requests.

7       The legislature further finds that government agency  
8 compliance with the disclosure requirements of the Uniform  
9 Information Practices Act is inconsistent and frustrates the  
10 public. Requiring a government agency to keep a written record  
11 of requests for disclosure of government records will address  
12 this issue and enhance compliance with the requirements of the  
13 Uniform Information Practices Act.

14       The purpose of this Act is to make government more  
15 accountable to the public by requiring that:

16       (1) Per-page copies of most government records not exceed  
17             10 cents per page; and



1           (2) Government agencies keep a written record of requests  
2           for disclosure of government records.

3           SECTION 2. Section 92-21, Hawaii Revised Statutes, is  
4 amended to read as follows:

5           "**§92-21 Copies of records; other costs and fees.** Except  
6 as otherwise provided by law, a copy of any government record,  
7 including any map, plan, diagram, photograph, photostat, or  
8 geographic information system digital data file, which is open  
9 to the inspection of the public, shall be furnished to any  
10 person applying for the same by the public officer having charge  
11 or control thereof upon the payment of the reasonable cost of  
12 reproducing such copy. Except as provided in section 91-2.5,  
13 the cost of reproducing any government record, except geographic  
14 information system digital data, shall not be [~~less~~] more than  
15 [5] 10 cents per page, sheet, or fraction thereof. The cost of  
16 reproducing geographic information system digital data shall be  
17 in accordance with rules adopted by the agency having charge or  
18 control of that data. Such reproduction cost shall include but  
19 shall not be limited to labor cost for search and actual time  
20 for reproducing, material cost, including electricity cost,  
21 equipment cost, including rental cost, cost for certification,  
22 and other related costs. All fees shall be paid in by the



1 public officer receiving or collecting the same to the state  
2 director of finance, the county director of finance, or to the  
3 agency or department by which the officer is employed, as  
4 government realizations; provided that fees collected by the  
5 public utilities commission pursuant to this section shall be  
6 deposited in the public utilities commission special fund  
7 established under section 269-33."

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

10 **"§92F-11 Affirmative agency disclosure responsibilities.**

11 (a) All government records are open to public inspection unless  
12 access is restricted or closed by law.

13 (b) Except as provided in section 92F-13, each agency upon  
14 request by any person shall make government records available  
15 for inspection and copying during regular business hours;  
16 provided that an agency shall not be required to make government  
17 records available or respond to a person's subsequent  
18 duplicative request, if:

19 (1) After conducting a good faith review and comparison of  
20 the earlier request and the pending request, the  
21 agency finds that the pending request is duplicative  
22 or substantially similar in nature;



1           (2) The pending request has already been responded to  
2                 within the past year; and

3           (3) The agency's response to the pending request would  
4                 remain unchanged.

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

8           (d) Each agency shall assure reasonable access to  
9                 facilities for duplicating records and for making memoranda or  
10                abstracts.

11           (e) Each agency shall keep a written record of each  
12           request by any person; provided that the written record shall  
13           include the following information, at a minimum:

- 14           (1) The specific government record requested;
- 15           (2) The date the request was made;
- 16           (3) Whether the agency granted or denied the request; and
- 17           (4) If the request was denied, the basis for the denial.

18           The written record shall constitute a government record that  
19           shall be disclosed upon request.

20           [~~(e)~~] (f) Each agency may adopt rules, pursuant to chapter  
21           91, to protect its records from theft, loss, defacement,  
22           alteration, or deterioration and to prevent manifestly excessive



1 interference with the discharge of its other lawful  
2 responsibilities and functions."

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

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

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INTRODUCED BY: \_\_\_\_\_



**Report Title:**

Government Records; Cost of Copying; Written Records of Requests for Public Information

**Description:**

Require that per-page copies of most government records not exceed 10 cents per page; requires government agencies to keep a written record of requests for disclosure of government records.

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

