
A BILL FOR AN ACT

RELATING TO RECORDS.

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

1 SECTION 1. The legislature finds that true accountability
2 is fostered when state and county governmental agencies provide
3 open access to their records. Often, agencies will need to
4 access each other's records in order to carry out their duties
5 under the law. While agencies often provide copies to other
6 agencies free of charge, some agencies do assess fees, even when
7 the requestor of the record is a fellow governmental agency.

8 The purpose of this Act is to promote transparency,
9 accountability, and governmental efficiency by:

10 (1) Clarifying that the current statutory language that
11 prohibits a state governmental department from
12 collecting a fee from another state governmental
13 department for the provision of copies of governmental
14 records also applies to all units of government in
15 this State, except those agencies excluded by section
16 92F-3 of the Hawaii Revised Statutes;



1 (2) Expanding the scope of the foregoing prohibition by
2 prohibiting state and county agencies from collecting
3 fees from each other for the provision of copies of
4 governmental records; and

5 (3) Placing the administration of this prohibition within
6 the scope of the duties of the office of information
7 practices.

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

10 **"PART III. COPIES OF RECORDS; COSTS AND FEES**

11 **§92-21 Copies of records; other costs and fees. (a)**

12 Except as otherwise provided by law, a copy of any government
13 record, including any map, plan, diagram, photograph, photostat,
14 or geographic information system digital data file, which is
15 open to the inspection of the public, shall be furnished to any
16 person applying for the same by the public officer having charge
17 or control thereof upon the payment of the reasonable cost of
18 reproducing such copy. Except as provided in section 91-2.5,
19 the cost of reproducing any government record, except geographic
20 information system digital data, shall not be less than 5 cents
21 per page, sheet, or fraction thereof. The cost of reproducing



1 geographic information system digital data shall be in
2 accordance with rules adopted by the agency having charge or
3 control of that data. Such reproduction cost shall include but
4 shall not be limited to labor cost for search and actual time
5 for reproducing, material cost, including electricity cost,
6 equipment cost, including rental cost, cost for certification,
7 and other related costs. All fees shall be paid in by the
8 public officer receiving or collecting the same to the state
9 director of finance, the county director of finance, or to the
10 agency or department by which the officer is employed, as
11 government realizations; provided that fees collected by the
12 public utilities commission pursuant to this section shall be
13 deposited in the public utilities commission special fund
14 established under section 269-33.

15 (b) This section shall not be held to amend or repeal
16 section 92F-19(c) or 94-4."

17 SECTION 3. Section 92F-19, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§92F-19 Limitations on disclosure of government records**
20 **to other agencies.** (a) No agency may disclose or authorize



1 disclosure of government records to any other agency unless the
2 disclosure is:

3 (1) Necessary for the performance of the requesting
4 agency's duties and functions and is also:

5 (A) Compatible with the purpose for which the
6 information was collected or obtained; or

7 (B) Consistent with the conditions or reasonable
8 expectations of use and disclosure under which
9 the information was provided;

10 (2) To the state archives for the purposes of historical
11 preservation, administrative maintenance, or
12 destruction;

13 (3) To another agency, another state, or the federal
14 government, or foreign law enforcement agency or
15 authority, if the disclosure is:

16 (A) For the purpose of a civil or criminal law
17 enforcement activity authorized by law; and

18 (B) Pursuant to:

19 (i) A written agreement or written request, or

20 (ii) A verbal request, made under exigent

21 circumstances, by an officer or employee of



- 1 the requesting agency whose identity has
2 been verified, provided that such request is
3 promptly confirmed in writing;
- 4 (4) To a criminal law enforcement agency of this State,
5 another state, or the federal government, or a foreign
6 criminal law enforcement agency or authority, if the
7 information is limited to an individual's name and
8 other identifying particulars, including present and
9 past places of employment;
- 10 (5) To a foreign government pursuant to an executive
11 agreement, compact, treaty, or statute;
- 12 (6) To the legislature, or a county council, or any
13 committee or subcommittee thereof;
- 14 (7) Pursuant to an order of a court of competent
15 jurisdiction;
- 16 (8) To authorized officials of another agency, another
17 state, or the federal government for the purpose of
18 auditing or monitoring an agency program that receives
19 federal, state, or county funding;
- 20 (9) To the offices of the legislative auditor, the
21 legislative reference bureau, or the ombudsman of this



1 State for the performance of their respective
2 functions;
3 (10) To the department of human resources development,
4 county personnel agencies, or line agency personnel
5 offices for the performance of their respective duties
6 and functions, including employee recruitment and
7 examination, classification and compensation reviews,
8 the administration and auditing of personnel
9 transactions, the administration of training and
10 safety, workers' compensation, and employee benefits
11 and assistance programs, and for labor relations
12 purposes; or

13 (11) Otherwise subject to disclosure under this chapter.

14 (b) An agency receiving government records pursuant to
15 subsection (a) shall be subject to the same restrictions on
16 disclosure of the records as the originating agency.

17 (c) One agency shall not be required to pay any fee to any
18 other agency for the preparation, duplication, or certification
19 by the latter of any government record."

20 SECTION 4. Section 92-26, Hawaii Revised Statutes, is
21 repealed.



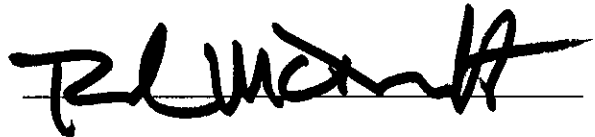
1 ~~["§92-26 Fees; exemption. One department of the state~~
2 ~~government shall not be required to pay any fee to any other~~
3 ~~department of the state government for the preparation and~~
4 ~~certification by the latter of any government record, nor shall~~
5 ~~section 92-21 be held to amend or repeal section 94-4."]~~

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2015.

9

INTRODUCED BY:



JAN 28 2015



H.B. NO. 1303

Report Title:

Uniform Information Practices Act; Government Records

Description:

Clarifies the law that prohibits the collection of fees when a state agency obtains a copy of a governmental record from another state agency. Expands the scope of the prohibition to include records from county agencies. Places administrative responsibilities under the office of information practices.

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

