
A BILL FOR AN ACT

RELATING TO GOVERNMENT RECORDS.

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

1 SECTION 1. Section 92F-11, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Except as provided in section 92F-13, each agency
4 upon request by any person shall [make]:

5 (1) Make government records available for inspection and
6 copying during regular business hours[-]; and

7 (2) Provide for the certification of the authenticity of
8 copies of government records available under paragraph

9 (1)."

10 SECTION 2. 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



- 1 contested case under chapter 91 and shall be optional
2 and without prejudice to rights of judicial
3 enforcement available under this chapter;
- 4 (2) Upon request by an agency, shall provide and make
5 public advisory guidelines, opinions, or other
6 information concerning that agency's functions and
7 responsibilities;
- 8 (3) Upon request by any person, may provide advisory
9 opinions or other information regarding that person's
10 rights and the functions and responsibilities of
11 agencies under this chapter;
- 12 (4) May conduct inquiries regarding compliance by an
13 agency and investigate possible violations by any
14 agency;
- 15 (5) May examine the records of any agency for the purpose
16 of paragraphs (4) and (18) and seek to enforce that
17 power in the courts of this State;
- 18 (6) May recommend disciplinary action to appropriate
19 officers of an agency;
- 20 (7) Shall report annually to the governor and the state
21 legislature on the activities and findings of the



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- 1 office of information practices, including
2 recommendations for legislative changes;
- 3 (8) Shall receive complaints from and actively solicit the
4 comments of the public regarding the implementation of
5 this chapter;
- 6 (9) Shall review the official acts, records, policies, and
7 procedures of each agency;
- 8 (10) Shall assist agencies in complying with the provisions
9 of this chapter;
- 10 (11) Shall inform the public of the following rights of an
11 individual and the procedures for exercising them:
- 12 (A) The right of access to records pertaining to the
13 individual;
- 14 (B) The right to obtain a copy of records pertaining
15 to the individual;
- 16 (C) The right to know the purposes for which records
17 pertaining to the individual are kept;
- 18 (D) The right to be informed of the uses and
19 disclosures of records pertaining to the
20 individual;



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1 (E) The right to correct or amend records pertaining
2 to the individual; and

3 (F) The individual's right to place a statement in a
4 record pertaining to that individual;

5 (12) Shall adopt rules that set forth an administrative
6 appeals structure which provides for:

7 (A) Agency procedures for processing records
8 requests;

9 (B) A direct appeal from the division maintaining the
10 record; and

11 (C) Time limits for action by agencies;

12 (13) Shall adopt rules that set forth the fees and other
13 charges that may be imposed for searching, reviewing,
14 certifying, or segregating disclosable records, as
15 well as to provide for a waiver of fees when the
16 public interest would be served;

17 (14) Shall adopt rules which set forth uniform standards
18 for the records collection practices of agencies;

19 (15) Shall adopt rules that set forth uniform standards for
20 disclosure of records for research purposes;



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1 (16) Shall have standing to appear in cases where the
 2 provisions of this chapter or part I of chapter 92 are
 3 called into question;

4 (17) Shall adopt, amend, or repeal rules pursuant to
 5 chapter 91 necessary for the purposes of this chapter;
 6 and

7 (18) Shall take action to oversee compliance with part I of
 8 chapter 92 by all state and county boards including:

9 (A) Receiving and resolving complaints;

10 (B) Advising all government boards and the public
 11 about compliance with chapter 92; and

12 (C) Reporting each year to the legislature on all
 13 complaints received pursuant to section 92-1.5."

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

16 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Certified Copies; Freedom of Information; Office of Information Practices

Description:

Requires state agencies, upon request, to provide certified copies of documents available under the Uniform Information Practices Act. Requires the office of information practices to adopt rules that set forth fees and other charges for certifying disclosable records.

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

