

**"CHAPTER 94  
PUBLIC ARCHIVES; DISPOSAL OF RECORDS**

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" **§94-1 Duties of department.** The department of accounting and general services shall collect all public archives; preserve, arrange, describe, and inventory the same; provide for their safekeeping; and compile and furnish information concerning them. The department may adopt and use a seal and may adopt, amend, or revise from time to time such rules and regulations as it may consider expedient for the conduct of its business. [L 1905, c 24, §2; RL 1945, §31; am L 1945, c 238, §1; RL 1955, §13-5; am L Sp 1959 2d, c 1, §12; HRS §94-1; am L 2013, c 88, §2]

### **Cross References**

General authority of department, see §26-6.

### **Case Notes**

Cited: 35 H. 608, 619.

" **[\$94-1.1] Definitions.** For the purposes of this chapter, unless the context clearly indicates otherwise:

"Disposition" means actions resulting in the transfer to the state archives or destruction of records as documented in the records retention and disposition schedule or other authority.

"Enduring value" means the continued significance of records determined by their legal, fiscal, administrative, or historical value that warrants their preservation by the state archives.

"Preservation" means a series of managed activities necessary to protect machine readable records from loss, alteration, deterioration, and technological obsolescence to ensure an accurate rendering of those records in perpetuity in an environment independent from that which produced them.

"Records" means information with fixed form and content, regardless of physical form or characteristics, created or received in the course of government activity and set aside as evidence of that activity. In databases, "records" mean a collection of related data fields.

"Records retention and disposition schedule" means a records disposition authorization (form SA-1) or general records schedule issued by the state comptroller, pursuant to section 94-3. [L 2013, c 88, pt of §1]

" **[§94-1.2] The state archivist.** The department of accounting and general services shall fulfill its responsibilities for the public archives through the state archivist. The state archivist shall:

- (1) Administer the state archives, records management, and digital archives programs and facilities;
- (2) Advise and assist state agencies in the preparation of retention and disposition schedules for government records; and provide records management training and technical assistance services to agencies;
- (3) Issue guidelines and standards, including those applicable to computer hardware and software, for the preservation of government records maintained by state recordkeeping systems, including digital imaging processes for scanning of records and technology for creating and storing electronic records;
- (4) Adopt rules as may be necessary to effectuate the responsibilities established under paragraph (1), and for the acquisition, maintenance, access, and preservation of government records, as well as the use of records or other materials, in the custody of the state archives; and
- (5) Request and obtain an electronic copy of any government record of enduring value currently in digital format for the digital archives to ensure the long-term preservation of the record. [L 2013, c 88, pt of §1]

" **§94-2 REPEALED.** L 2013, c 88, §5.

" **§94-3 Disposal of government records generally.** (a) Each public officer, except public officers of the judiciary and the legislative branch of government, having the care and custody of any government records shall submit to the state comptroller a list of records for disposition authorization, which shall include the name of the office, department, or bureau, the description of the records for disposal, the inclusive dates of the records, and the retention period. The comptroller shall determine the disposition of the records; stating whether the records should be retained by the office, department, or bureau; be transferred to the state archives, or other agency; or be destroyed. The comptroller shall have full power of disposal of all records submitted for this purpose. The disposition authorization of all records, including lists submitted by the public officers, and the action taken by the comptroller, shall

be kept on proper forms, specified by the comptroller, one copy of which shall be filed in the office, department, or bureau where the records originated, one copy shall be filed in the office of the attorney general, and the original shall be filed in the state archives.

(b) If requested, the comptroller shall provide assistance to the legislative branch of government or any agency or entity therein in establishing policies relating to the disposal of government records. [L 1949, c 65, §1; RL 1955, §7-8; am L 1957, c 46, §§1, 2 and c 152, §1; am L Sp 1959 2d, c 1, §12; HRS §94-3; am L 1984, c 258, §2; am L 2005, c 177, §6; am L 2013, c 88, §3]

" **§94-4 Certificate to same.** The comptroller of the State and the state archivist or other officer performing the duties of state archivist or custodian of the state archives are severally authorized and empowered to certify, as true and correct, copies or reproductions of any of the documents, papers, writings, or other government records, or excerpts therefrom in their custody. Fees for copying, certification, and other services shall be prescribed by the comptroller in direct relation to the cost of the services.

The above fees shall not be charged where the work involved is required by any department or branch of the federal, state, or county governments. [L 1909, c 8, §2; RL 1925, §2603; am L 1932 2d, c 21, §1; RL 1935, §3842; RL 1945, §9890; am L 1945, c 109, §1; am L 1953, c 159, §1; RL 1955, §224-11; am L 1957, c 83, §1; am L Sp 1959 2d, c 1, §12; HRS §94-4; am L 2013, c 88, §4]

" **§94-5 Disposal of examination records.** All statutory boards or commissions authorized or empowered to hold examinations for candidates or applicants shall preserve all records of each examination, including, without prejudice to the generality of the foregoing, applications, questions, answers, and grades, until after the end of the legislative session following the examination. [L 1941, c 198, §1; RL 1945, §461; RL 1955, §7-9; HRS §94-5]

" **§94-6 REPEALED.** L 2013, c 88, §6.

" **§94-7 Access to restricted records in the state archives.** Historical records which are transferred to the state archives shall be retained for posterity and title shall vest in the state archives. All restrictions on access to government

records which have been deposited in the state archives, whether confidential, classified, or private, shall be lifted and removed eighty years after the creation of the record. [L 1989, c 79, §1; am L 1991, c 145, §2]

" **[§94-8] State archives preservation and long-term access special fund; state archives preservation fee.** (a) There shall be established in the state treasury the state archives preservation and long-term access special fund for the preservation of and long-term access to government records.

(b) All revenues collected from fees for services provided by the state archives shall be deposited in the state archives preservation and long-term access special fund and be expended by the comptroller to carry out the purposes of this section, including funding for staff positions and for administrative and operational costs of the program. All interest earned or accrued on moneys deposited in the fund shall become part of the fund.

(c) In addition to any other fee authorized by law, a state archives preservation fee of \$1 shall be assessed for each document that is filed or registered by members of the public with a governmental entity and listed on an authorized records retention and disposition schedule as permanent. The preservation fee shall be collected and deposited in the state archives preservation and long-term access special fund and used to preserve and keep accessible electronic records of such documents in a usable state for the good of the public. [L 2013, c 88, pt of §1]