

Honolulu, Hawaii

FEB 12 2025

RE: S.B. No. 1255  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Sir:

Your Committee on Government Operations, to which was  
referred S.B. No. 1255 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify that government records subject to disclosure requirements under the Uniform Information Practices Act include information that is created, received, maintained, or used by private contractors in performance of a government function outsourcing contract;
- (2) Establish requirements for parties to government function outsourcing contracts; and
- (3) Allow the Office of Information Practices to conduct inquiries regarding compliance by a private contractor and investigate possible violations.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, Grassroot Institute of Hawaii, and one individual.



Your Committee received testimony in opposition to this measure from the Department of the Attorney General and Department of Corrections and Rehabilitation.

Your Committee received comments on this measure from the Office of Information Practices and Public First Law Center.

Your Committee finds that outsourcing contracts that hire contractors to perform government functions often result in the public losing access to documents that would have otherwise been available for inspection as government records under the Uniform Information Practices Act. This is contrary to the intention of the State's Sunshine Law, which aims to provide public access to government decision-making and actions. This measure remedies this loss of access by clarifying that government records produced as a result of a government function outsourcing contract are subject to the Uniform Information Practices Act.

Your Committee has amended this measure by:

- (1) Deleting its contents and inserting language amending chapter 92F, Hawaii Revised Statutes, the Uniform Information Practices Act to:
  - (A) Require each contract to perform a government function to expressly require the contractor to retain records in accordance with the retention schedule of the agency and provide the agency with access to all records subject to the Uniform Information Practices Act;
  - (B) Define "government function" and "trade secret";
  - (C) Clarify that "government record" includes information that is created, received, maintained, or used by a private person in performance of a government function contract; and
  - (D) Prohibit agencies from denying a request for access to records of a contractor used in the performance of a government function on the basis of trade secret or other proprietary information;



- (2) Inserting an effective date of January 1, 2491, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1255, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1255, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Government  
Operations,



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ANGUS L.K. MCKELVEY, Chair



**Record of Votes**  
**Committee on Government Operations**  
**GVO**

\*Only one measure per Record of Votes