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# A BILL FOR AN ACT

RELATING TO RESEARCH.

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

1           SECTION 1. Chapter 92F, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§92F-       Disclosure of research records. Notwithstanding  
5 section 92F-13, an agency may disclose government records to a  
6 researcher for a research purpose."

7           SECTION 2. Section 92F-3, Hawaii Revised Statutes, is  
8 amended by adding two new definitions to be appropriately  
9 inserted and to read as follows:

10           ""Research purpose" means a non-commercial objective to  
11 develop, study, or report aggregate or anonymous information  
12 that is not intended to be used in any way in which the identity  
13 of an individual is material to the results.

14           "Researcher" means a government agency, hospital,  
15 educational institution, news media, nonprofit organization, or  
16 other similar organization that requests a research record."



1 SECTION 3. Section 92F-42, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§92F-42 Powers and duties of the office of information**  
4 **practices.** The director of the office of information practices:

- 5 (1) Shall, upon request, review and rule on an agency  
6 denial of access to information or records, or an  
7 agency's granting of access; provided that any review  
8 by the office of information practices shall not be a  
9 contested case under chapter 91 and shall be optional  
10 and without prejudice to rights of judicial  
11 enforcement available under this chapter;
- 12 (2) Upon request by an agency, shall provide and make  
13 public advisory guidelines, opinions, or other  
14 information concerning that agency's functions and  
15 responsibilities;
- 16 (3) Upon request by any person, may provide advisory  
17 opinions or other information regarding that person's  
18 rights and the functions and responsibilities of  
19 agencies under this chapter;



- 1           (4) May conduct inquiries regarding compliance by an  
2           agency and investigate possible violations by any  
3           agency;
- 4           (5) May examine the records of any agency for the purpose  
5           of paragraphs (4) and (18) and seek to enforce that  
6           power in the courts of this State;
- 7           (6) May recommend disciplinary action to appropriate  
8           officers of an agency;
- 9           (7) Shall report annually to the governor and the state  
10          legislature on the activities and findings of the  
11          office of information practices, including  
12          recommendations for legislative changes;
- 13          (8) Shall receive complaints from and actively solicit the  
14          comments of the public regarding the implementation of  
15          this chapter;
- 16          (9) Shall review the official acts, records, policies, and  
17          procedures of each agency;
- 18          (10) Shall assist agencies in complying with the provisions  
19          of this chapter;
- 20          (11) Shall inform the public of the following rights of an  
21          individual and the procedures for exercising them:



- 1 (A) The right of access to records pertaining to the
- 2 individual;
- 3 (B) The right to obtain a copy of records pertaining
- 4 to the individual;
- 5 (C) The right to know the purposes for which records
- 6 pertaining to the individual are kept;
- 7 (D) The right to be informed of the uses and
- 8 disclosures of records pertaining to the
- 9 individual;
- 10 (E) The right to correct or amend records pertaining
- 11 to the individual; and
- 12 (F) The individual's right to place a statement in a
- 13 record pertaining to that individual;
- 14 (12) Shall adopt rules that set forth an administrative
- 15 appeals structure which provides for:
- 16 (A) Agency procedures for processing records
- 17 requests;
- 18 (B) A direct appeal from the division maintaining the
- 19 record; and
- 20 (C) Time limits for action by agencies;



1           (13) Shall adopt rules that set forth the fees and other  
2                   charges that may be imposed for searching, reviewing,  
3                   or segregating disclosable records, as well as to  
4                   provide for a waiver of fees when the public interest  
5                   would be served;

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

8           (15) [~~Shall~~] May adopt rules that set forth uniform  
9                   standards for disclosure of records to researchers for  
10                  research purposes;

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

14          (17) Shall adopt, amend, or repeal rules pursuant to  
15                  chapter 91 necessary for the purposes of this chapter;  
16                  and

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

19                  (A) Receiving and resolving complaints;

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



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

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:

Dan Carnas

JAN 14 2025



**Report Title:**

Research; Office of Information Practices; Government Records;  
Disclosure

**Description:**

Allows agencies to disclose government records to researchers  
for certain research purposes.

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

