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# A BILL FOR AN ACT

RELATING TO THE OFFICE OF INFORMATION PRACTICES.

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

1           SECTION 1. 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 either rule or provide  
6           written guidance on an agency denial of access to  
7           information or records, or an agency's granting of  
8           access; provided that any review by the office of  
9           information practices shall not be a contested case  
10          under chapter 91 and shall be optional and without  
11          prejudice to rights of judicial enforcement available  
12          under this chapter;

13          (2) Upon request by an agency, shall provide and make  
14          public advisory guidelines, opinions, or other  
15          information concerning that agency's functions and  
16          responsibilities;



- 1           (3) Upon request by any person, may provide advisory  
2           opinions or other information regarding that person's  
3           rights and the functions and responsibilities of  
4           agencies under this chapter;
- 5           (4) May conduct inquiries regarding compliance by an  
6           agency and investigate possible violations by any  
7           agency;
- 8           (5) May examine the records of any agency for the purpose  
9           of paragraphs (4) and (18) and seek to enforce that  
10          power in the courts of this State;
- 11          (6) May recommend disciplinary action to appropriate  
12          officers of an agency;
- 13          (7) Shall report annually to the governor and the state  
14          legislature on the activities and findings of the  
15          office of information practices, including  
16          recommendations for legislative changes;
- 17          (8) Shall receive complaints from and actively solicit the  
18          comments of the public regarding the implementation of  
19          this chapter;
- 20          (9) Shall review the official acts, records, policies, and  
21          procedures of each agency;



- 1       (10) Shall assist agencies in complying with the provisions
- 2             of this chapter;
- 3       (11) Shall inform the public of the following rights of an
- 4             individual and the procedures for exercising them:
- 5             (A) The right of access to records pertaining to the
- 6                 individual;
- 7             (B) The right to obtain a copy of records pertaining
- 8                 to the individual;
- 9             (C) The right to know the purposes for which records
- 10                pertaining to the individual are kept;
- 11            (D) The right to be informed of the uses and
- 12                disclosures of records pertaining to the
- 13                individual;
- 14            (E) The right to correct or amend records pertaining
- 15                to the individual; and
- 16            (F) The individual's right to place a statement in a
- 17                record pertaining to that individual;
- 18       (12) Shall adopt rules that set forth an administrative
- 19             appeals structure [~~which~~] that provides for:
- 20             (A) Agency procedures for processing records
- 21                 requests;



- 1 (B) A direct appeal from the division maintaining the
- 2 record; and
- 3 (C) Time limits for action by agencies;
- 4 (13) Shall adopt rules that set forth the fees and other
- 5 charges that may be imposed for searching, reviewing,
- 6 or segregating disclosable records, as well as to
- 7 provide for a waiver of these fees when the public
- 8 interest would be served;
- 9 (14) Shall adopt rules [~~which~~] that set forth uniform
- 10 standards for the records collection practices of
- 11 agencies;
- 12 (15) Shall adopt rules that set forth uniform standards for
- 13 disclosure of records for research purposes;
- 14 (16) Shall have standing to appear in cases where the
- 15 provisions of this chapter or part I of chapter 92 are
- 16 called into question;
- 17 (17) Shall adopt, amend, or repeal rules pursuant to
- 18 chapter 91 necessary for the purposes of this chapter;
- 19 and
- 20 (18) Shall take action to oversee compliance with part I of
- 21 chapter 92 by all state and county boards including:



1 (A) Receiving and resolving complaints[~~+~~], either by  
2 determining whether a violation occurred or  
3 providing written guidance;

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

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

8 SECTION 2. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Uniform Information Practices Act; Sunshine Law; OIP

**Description:**

Requires the OIP director to rule or provide written guidance on an agency denial or granting of access to information or records. Requires the OIP director to receive and resolve complaints under Hawaii's sunshine law either by determining whether a violation occurred or providing written guidance.  
(HD1)

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

