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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:**

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

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

(1) Shall, upon request, review and either rule or provide guidance on an agency denial of access to information or records, or an agency's granting of access; provided that any review by the office of information practices shall not be a contested case under chapter 91 and shall be optional and without prejudice to rights of judicial enforcement available under this chapter;

(2) Upon request by an agency, shall provide and make public advisory guidelines, opinions, or other information concerning that agency's functions and 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 provides for:

20           (A) Agency procedures for processing records  
21               requests;



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

(C) Time limits for action by agencies;

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

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

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

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

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

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



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

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

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

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 Statutory material to be repealed is bracketed and stricken.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

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

INTRODUCED BY:

*Don B12*

JAN 24 2022



# H.B. NO. 2037

**Report Title:**

Uniform Information Practices Act; Sunshine Law; Office of  
Information Practices

**Description:**

Requires the Office of Information Practices to resolve open meeting and open record complaints through either a legal determination on whether a violation occurred or guidance on the relevant legal requirements.

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

