
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 written 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;



- 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 fees when the public interest
8 would be served;
- 9 (14) Shall adopt rules which set forth uniform standards
10 for the records collection practices of agencies;
- 11 (15) Shall adopt rules that set forth uniform standards for
12 disclosure of records for research purposes;
- 13 (16) Shall have standing to appear in cases where the
14 provisions of this chapter or part I of chapter 92 are
15 called into question;
- 16 (17) Shall adopt, amend, or repeal rules pursuant to
17 chapter 91 necessary for the purposes of this chapter;
18 and
- 19 (18) Shall take action to oversee compliance with part I of
20 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 on July 1, 2112.



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 written
guidance on the relevant legal requirements. Effective
7/1/2112. (HD1)

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not legislation or evidence of legislative intent.*

