
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-3, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 "Opinion" means a written discussion of legal and factual
5 issues raised by an inquiry, including the findings and
6 conclusions reached by the director of the office of information
7 practices regarding those issues, regardless of whether the
8 inquiry alleges violations of this chapter or part I of chapter
9 92 or otherwise raises disputed issues of law or fact, or the
10 inquiry seeks an advisory legal interpretation of this chapter
11 or part I of chapter 92.

12 "Ruling" means a written opinion providing firm and final
13 legal determination of all disputed issues raised by an inquiry
14 alleging violations of this chapter or part I of chapter 92."

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



1 **"§92F-42 Powers and duties of the office of information**

2 **practices.** (a) The director of the office of information

3 practices:

4 (1) Shall, upon request, review and [~~rule~~] provide either
5 a ruling or guidance in writing on an agency denial of
6 access to information or records, or an agency's
7 granting of access; provided that any review by the
8 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 adopt rules that set forth uniform standards for
9 disclosure of records for research purposes;

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

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

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

18 (A) Receiving and resolving complaints[+], either by
19 providing a ruling or guidance in writing on
20 whether a violation occurred;



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

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

5 (b) For purposes of this section, "guidance" means a
6 written discussion of the major legal and factual issues raised
7 by an inquiry, including the most likely resolution of a
8 complaint made in the inquiry, if applicable, but does not rise
9 to the level of an opinion."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2112;
13 provided that on June 30, 2027, this Act shall be repealed and
14 section 92F-42, Hawaii Revised Statutes, shall be reenacted in
15 the form in which it read on the day before the effective date
16 of this Act.

17



H.B. NO. 2037 H.D. 2

Report Title:

Uniform Information Practices Act; Open Meetings; OIP

Description:

Requires the director of OIP to provide either a ruling or guidance in writing on open records responses and open meetings complaints. Defines "guidance", "opinion", and "ruling". Effective 7/1/2112. Sunsets 6/30/2027. (HD2)

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

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