

JAN 21 2022

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;



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 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.

11 INTRODUCED BY:





S.B. NO. 2336

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.

