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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 guidance on an agency denial of access to information  
7 or records, or an agency's granting of access;  
8 provided that any review by the office of information  
9 practices shall not be a contested case under chapter  
10 91 and shall be optional and without prejudice to  
11 rights of judicial enforcement available under this  
12 chapter; provided further that all rulings and  
13 guidance issued pursuant to this section, or summaries  
14 thereof, shall be made publicly available online  
15 within a reasonable amount of time from the issuance  
16 of the ruling or guidance;



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



- 1           (8) Shall receive complaints from and actively solicit the
- 2                    comments of the public regarding the implementation of
- 3                    this chapter;
- 4           (9) Shall review the official acts, records, policies, and
- 5                    procedures of each agency;
- 6           (10) Shall assist agencies in complying with the provisions
- 7                    of this chapter;
- 8           (11) Shall inform the public of the following rights of an
- 9                    individual and the procedures for exercising them:
- 10                   (A) The right of access to records pertaining to the
- 11                            individual;
- 12                   (B) The right to obtain a copy of records pertaining
- 13                            to the individual;
- 14                   (C) The right to know the purposes for which records
- 15                            pertaining to the individual are kept;
- 16                   (D) The right to be informed of the uses and
- 17                            disclosures of records pertaining to the
- 18                            individual;
- 19                   (E) The right to correct or amend records pertaining
- 20                            to the individual; and



- 1 (F) The individual's right to place a statement in a  
2 record pertaining to that individual;
- 3 (12) Shall adopt rules [~~which~~] that set forth an  
4 administrative appeals structure which provides for:
- 5 (A) Agency procedures for processing records  
6 requests;
- 7 (B) A direct appeal from the division maintaining the  
8 record; and
- 9 (C) Time limits for action by agencies;
- 10 (13) Shall adopt rules that set forth the fees and other  
11 charges that may be imposed for searching, reviewing,  
12 or segregating disclosable records, as well as to  
13 provide for a waiver of fees when the public interest  
14 would be served;
- 15 (14) Shall adopt rules which set forth uniform standards  
16 for the records collection practices of agencies;
- 17 (15) Shall adopt rules that set forth uniform standards for  
18 disclosure of records for research purposes;
- 19 (16) Shall have standing to appear in cases where the  
20 provisions of this chapter or part I of chapter 92 are  
21 called into question;



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

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

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

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

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

13 As used in this section, "guidance", means an informal  
14 written discussion of the major legal and factual issues raised  
15 by an inquiry, including the most likely resolution of a  
16 complaint made in the inquiry, if applicable. "Guidance" does  
17 not include a ruling in the form of a formal opinion providing  
18 firm and final legal determination of all issues raised by an  
19 inquiry. "Guidance" may, in the discretion of the director of  
20 the office of information practices, be issued in lieu of a  
21 ruling."



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

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



**Report Title:**

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

**Description:**

Allows 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. (SD1)

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

