
A BILL FOR AN ACT

RELATING TO PUBLIC RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 92-21, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~92-21 Copies of records; other costs and fees. Except
4 as otherwise provided by law, a copy of any government record,
5 including any map, plan, diagram, photograph, photostat, or
6 geographic information system digital data file, ~~[which]~~ that is
7 open to the inspection of the public, shall be furnished to any
8 person applying for the same by the public officer having charge
9 or control thereof upon the payment of the reasonable cost of
10 reproducing ~~[such]~~ the copy. Except as provided in section
11 91-2.5, the cost of reproducing any government record, except
12 maps, photographs, geographic information system digital data,
13 audio recordings, digital or electronic records, and other types
14 of physical records, shall not ~~[be less than 5]~~ exceed 25 cents
15 per page, sheet, or fraction thereof. The first one hundred
16 pages shall be reproduced at no charge to the requester if the
17 record's disclosure serves the public interest, will likely



1 contribute significantly to the public understanding of the
2 government's operations or activities, and is not primarily in
3 the commercial interest. Reproduction costs shall not be
4 charged for producing documents provided to requesters in an
5 electronic format; provided that the agency maintains those
6 documents in an electronic format; provided further that
7 requesters shall be charged for the agency's provision of
8 documents requested in an electronic format that are not
9 maintained by the agency in an electronic format and must be
10 manually faxed or converted into an electronic format. The cost
11 of reproducing maps, photographs, geographic information system
12 digital data, audio recordings, digital or electronic records,
13 and other types of physical records shall be in accordance with
14 rules adopted by the office of information practices that are
15 applicable to every agency having charge or control of that
16 data. [Such] The reproduction cost shall ~~[include but shall not~~
17 ~~be limited to labor cost for search and actual time for~~
18 ~~reproducing, material cost, including electricity cost,~~
19 ~~equipment cost, including rental cost, cost for certification,~~
20 ~~and other related costs.] represent the reasonable direct cost~~
21 of making the copies and be limited to the salary of the



1 operator of the reproduction machinery as well as the cost of
2 the machinery. All fees [~~shall be paid in~~] received or
3 collected by the public officer [~~receiving or collecting the~~
4 ~~same to~~] shall be deposited with the state director of finance,
5 the county director of finance, or [~~to~~] the agency or department
6 by which the officer is employed, as government realizations;
7 provided that fees collected by the public utilities commission
8 pursuant to this section shall be deposited in the public
9 utilities commission special fund established under section 269-
10 33."

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

13 "**§92F-42 Powers and duties of the office of information**
14 **practices.** The director of the office of information practices:

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



- 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~~] (15) and seek to enforce
14 that 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 that set forth ~~[an]~~ :
- 4 (A) An administrative appeals structure ~~[which]~~ that
5 provides for:
- 6 ~~[(A)]~~ (i) Agency procedures for processing
7 records requests;
- 8 ~~[(B)]~~ (ii) A direct appeal from the division
9 maintaining the record; and
- 10 ~~[(C)]~~ (iii) Time limits for action by agencies;
- 11 ~~[(13)]~~ ~~Shall adopt rules that set forth the]~~
- 12 (B) The fees and other charges that may be imposed
13 for searching, reviewing, or segregating
14 disclosable records ~~[, as well as to provide for a~~
15 ~~waiver of fees when the public interest would be~~
16 ~~served,]~~ The rules shall:
- 17 (i) Set forth fees not exceeding \$5 per fifteen
18 minutes or fraction thereof for the search
19 for the record;



1 (ii) Set forth fees not exceeding \$7.50 per
2 fifteen minutes or fraction thereof for the
3 review and segregation of the record; and
4 (iii) Provide for a waiver of fees when the public
5 interest would be served by the record's
6 disclosure; provided that the waiver shall
7 require that the search for or review or
8 segregation of records be provided at no
9 charge to the requester if disclosure of the
10 record is in the public interest because the
11 disclosure is likely to contribute
12 significantly to public understanding of the
13 operations or activities of the government
14 and is not primarily in the commercial
15 interest; and

16 ~~[(14) Shall adopt rules which set forth uniform]~~

17 (C) Uniform standards for [the]:

18 (i) The records collection practices of
19 agencies; and

20 ~~[(15) Shall adopt rules that set forth uniform standards for~~
21 disclosure]



- 1 (ii) Disclosure of records for research purposes;
- 2 [~~(16)~~] (13) Shall have standing to appear in cases where the
- 3 provisions of this chapter or part I of chapter 92 are
- 4 called into question;
- 5 [~~(17)~~] (14) Shall adopt, amend, or repeal rules pursuant to
- 6 chapter 91 necessary for the purposes of this chapter;
- 7 and
- 8 [~~(18)~~] (15) Shall take action to oversee compliance with
- 9 part I of chapter 92 by all state and county boards
- 10 including:
- 11 (A) Receiving and resolving complaints;
- 12 (B) Advising all government boards and the public
- 13 about compliance with chapter 92; and
- 14 (C) Reporting each year to the legislature on all
- 15 complaints received pursuant to section 92-1.5."

16 SECTION 3. There is appropriated out of the general
 17 revenues of the State of Hawaii the sum of \$ or so
 18 much thereof as may be necessary for fiscal year 2023-2024 and
 19 the same sum or so much thereof as may be necessary for fiscal
 20 year 2024-2025 for two full-time equivalent (2.0 FTE) permanent



1 positions to be placed within the office of information
2 practices.

3 The sums appropriated shall be expended by the office of
4 information practices for the purposes of this Act.

5 SECTION 4. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on June 30, 3000;
8 provided that sections 1 and 2 shall take effect on June 30,
9 3000.



Report Title:

Commission to Improve Standards of Conduct; Public Records;
Costs; Disclosure; Public Interest; Waiver; Office of
Information Practices; Positions; Appropriation

Description:

Imposes a cap on charges for the reproduction of certain government records. Waives reproduction costs charged for the first one hundred pages if the disclosure serves the public interest. Waives the cost of duplication of government records provided to requestors in an electronic format. Imposes a cap on charges for searching for, reviewing, and segregating records. Provides for a waiver of fees when the public interest is served by a record's disclosure. Appropriates funds for positions in the Office of Information Practices. Effective 6/30/3000. (SD1)

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

