

JAN 21 2026

A BILL FOR AN ACT

RELATING TO GOVERNMENT CONTRACTS.

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

1 SECTION 1. The legislature finds that transparency and
2 accountability in government operations are fundamental to
3 public trust. The legislature also finds that public agencies
4 in the State increasingly rely on private contractors to perform
5 government functions, including creating, maintaining, or using
6 records critical to public oversight. The legislature believes
7 it is critical to prevent the circumvention of public agencies'
8 transparency obligations through the outsourcing of their
9 government functions by ensuring that these records remain
10 accessible under chapter 92F, Hawaii Revised Statutes, or more
11 commonly known as Hawaii's Uniform Information Practices Act.

12 Accordingly, the purpose of this Act is to clarify that
13 records created, received, maintained, or used by private
14 contractors performing government functions on behalf of public
15 agencies are subject to Hawaii's public records law.



SECTION 2. Chapter 92F, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

"§92F- Government contracts. (a) A contract with an agency to perform a government function shall require the contractor to:

(1) Retain all records related to the performance of that function, following the agency's records retention schedule; and

(2) Provide the agency with access to those records upon request.

(b) All records retained by a contractor pursuant to this section shall be deemed government records for purposes of this part."

SECTION 3. Section 92F-3, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Government function" means a service, program, or activity that an agency is authorized or required by law to perform."



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Karl Rhoads



S.B. NO. 2312

Report Title:

Government Contracts; Contractors; Public Records

Description:

Clarifies that records created, received, maintained, or used by private contractors performing government functions on behalf of public agencies shall be subject to the Uniform Information Practices Act.

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

