
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 agency 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 agency
9 functions by ensuring that these records remain accessible under
10 chapter 92F, Hawaii Revised Statutes, or more commonly known as
11 the State'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 agency functions on behalf of public
15 agencies are subject to the State's Uniform Information
16 Practices Act.



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

4 "§92F- Agency function contracts. (a) Each contract
5 with an agency to perform an agency function shall require the
6 contractor to:

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

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

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

15 (c) This section shall not apply to contracts entered into
16 by the employees' retirement system."

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

20 "Agency function" means a service, program, or activity
21 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 on January 1, 2525.



Report Title:

UIPA; Agency Function Contracts; Contractors; Record Retention and Access Requirements; Government Records; Exceptions

Description:

Amends the Uniform Information Practices Act (UIPA) to require the contracted party of each contract to perform an agency function to retain records following the retention schedule of the agency and to provide the agency access to the records upon request. Establishes that all records retained by an agency function contractor shall be deemed government records for the purposes of the UIPA. Exempts contracts entered into by the Employees' Retirement System. Effective 1/1/2525. (SD1)

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

