

ACT 167

H.B. NO. 1019

A Bill for an Act Relating to the Uniform Information Practices Act (Modified).

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 92F-12, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any provision to the contrary notwithstanding, each agency shall also disclose:

- (1) Any government record, if the requesting person has the prior written consent of all individuals to whom the record refers;
- (2) Government records which, pursuant to federal law or a statute of this State, are expressly authorized to be disclosed to the [individual] person requesting access;
- (3) Government records pursuant to a showing of compelling circumstances affecting the health or safety of any individual;
- (4) Government records requested pursuant to an order of a court;
- (5) Government records pursuant to a subpoena from either house of the state legislature; and
- (6) Information from the motor vehicle registration files, provided that the person requesting such files shall have a legitimate reason as determined by rules.”

SECTION 2. Section 92F-18, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Each agency shall compile a public report describing the records it routinely uses or maintains using forms prescribed by the office of information practices. The public reports shall be filed with the office of information practices on or before [July 1, 1991.] September 30, 1992. The public reports shall include:

- (1) The name and location of each set of records;
- (2) The authority under which the records are maintained;
- (3) The categories of individuals for whom records are maintained;
- (4) The categories of information or data maintained in the records;
- (5) The categories of sources of information in the records;
- (6) The categories of uses and disclosures made of the records;
- (7) The agencies and categories of persons outside of the agency which routinely use the records;
- (8) The records routinely used by the agency which are maintained by:

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- (A) Another agency; or
- (B) A person other than an agency;
- (9) The policies and practices of the agency regarding storage, retrievability, access controls, retentions, and disposal of the information maintained in records;
- (10) The title, business address, and business telephone number of the agency officer or officers responsible for the records;
- (11) The agency procedures whereby an individual may request access to records; and
- (12) The number of written requests for access within the preceding year, the number denied, the number of lawsuits initiated against the agency under this part, and the number of suits in which access was granted.”

SECTION 3. Section 11, Act 192, Session Laws of Hawaii 1989, is amended to read as follows:

“SECTION 11. Each agency, as defined in Chapter 92F, Hawaii Revised Statutes, shall file its public report describing the records it routinely uses or maintains, in accordance with section 92F-18, Hawaii Revised Statutes; provided that each agency shall have filed with the office of information practices twenty-five per cent of its public report forms on or before [September 30, 1990,] December 31, 1991, fifty per cent on or before [December 31, 1990,] March 31, 1992, seventy-five percent on or before [March 31, 1991] July 1, 1992 and one hundred per cent on or before [July 1, 1991.] September 30, 1992.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 23, 1991.)