
A BILL FOR AN ACT

RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED).

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

1 SECTION 1. Section 92F-18, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[[§92F-18]] Agency implementation. (a) Each agency
4 shall:

- 5 (1) Issue instructions and guidelines necessary to
6 effectuate this chapter; and
7 (2) Take steps to assure that all its employees and
8 officers responsible for the collection, maintenance,
9 use, and dissemination of government records are
10 informed of the requirements of this chapter.

11 (b) Each agency shall compile a public report describing
12 the records it routinely uses or maintains. The public reports
13 shall be filed with the office of information practices on or
14 before July 1, 1991, in accordance with a schedule set forth by
15 the office and shall include:

- 16 (1) The name and location of each set of records;
17 (2) The authority under which the records are maintained;
18 (3) The categories of individuals for whom records are
19 maintained;

- 1 (4) The categories of information or data maintained in the
2 records;
- 3 (5) The categories of sources of information in the
4 records;
- 5 (6) The categories of uses and disclosures made of the
6 records;
- 7 (7) The agencies and categories of persons outside of the
8 agency which routinely use the records;
- 9 (8) The records routinely used by the agency which are
10 maintained by[;]:
11 (A) Another agency; or
12 (B) A person other than an agency;
- 13 (9) The policies and practices of the agency regarding
14 storage, retrievability, access controls, retentions,
15 and disposal of the information maintained in records;
- 16 (10) The title, business address, and business telephone
17 number of the agency officer or officers responsible
18 for the records;
- 19 (11) The agency procedures whereby an individual may request
20 access to records; and
- 21 (12) The number of written requests for access within the
22 preceding year, the number denied, the number of

1 lawsuits initiated against the agency under this part,
2 and the number of suits in which access was granted.
3 (c) Each agency shall supplement or amend the public report
4 filed pursuant to this section or file a new report, on or before
5 July 1st of each even numbered year, to ensure that the
6 information remains accurate and complete. The agency shall file
7 the supplemental, amended, or new report with the office of
8 information practices, which shall make the reports available for
9 public inspection."

10 SECTION 2. Section 92F-26, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "[[]§92F-26[[]] Rules. [Each agency] The office of
13 information practices shall [adopt] propose rules[, under chapter
14 91, establishing procedures necessary to implement or administer
15 this part.

16 Such procedures and rules, subject to the direction of and
17 review by the attorney general in the case of state agencies and
18 by the corporation counsel or county attorney of each county in
19 the case of county agencies, shall be uniform, insofar as
20 practicable, respectively, among state agencies and among the
21 county agencies of each county.], which, insofar as practicable,

1 the agencies shall adopt, under chapter 91, in order to ensure
2 uniformity among state and county agencies."

3 SECTION 3. Section 92F-41, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) There shall be within the department of the attorney
6 general, for administrative purposes only, an office of
7 information practices."

8 SECTION 4. Section 92F-42, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "[~~§~~92F-42~~§~~] Powers and duties of the office of
11 information practices. (a) The director of the office of
12 information practices:

13 (1) Shall, upon request, review and rule on an agency
14 denial of access to information or records, or an
15 agency's granting of access; provided that any review
16 by the office of information practices shall not be a
17 contested case under chapter 91;

18 (2) Upon request by an agency, shall provide and make
19 public advisory guidelines, opinions, or other
20 information concerning that agency's functions and
21 responsibilities;

- 1 (3) Upon request by any person, may provide advisory
2 opinions or other information regarding that person's
3 rights and the functions and responsibilities of
4 agencies under this chapter;
- 5 (4) May conduct inquiries regarding compliance by an agency
6 and investigate possible violations by any agency;
- 7 (5) May examine the records of any agency for the purpose
8 of paragraph (4) and seek to enforce that power in the
9 courts of this State;
- 10 (6) May recommend disciplinary action to appropriate
11 officers of an agency;
- 12 (7) Shall report annually to the governor and the state
13 legislature on the activities and findings of the
14 office of information practices, including
15 recommendations for legislative changes;
- 16 (8) Shall receive complaints from and actively solicit the
17 comments of the public regarding the implementation of
18 this chapter;
- 19 (9) Shall review the official acts, records, policies, and
20 procedures of each agency;
- 21 (10) Shall assist agencies in complying with the provisions
22 of this chapter;

1 (11) Shall inform the public of the following rights of an
2 individual and the procedures for exercising them:

3 (A) The right to access to records pertaining to the
4 individual;

5 (B) The right to obtain a copy of records pertaining
6 to the individual;

7 (C) The right to know the purposes for which records
8 pertaining to the individual are kept;

9 (D) The right to be informed of the uses and
10 disclosures of records pertaining to the
11 individual;

12 (E) The right to correct or amend records pertaining
13 to the individual; and

14 (F) The individual's right to place a statement in a
15 record pertaining to that individual;

16 (12) Shall adopt rules that set forth an [internal]
17 administrative appeals structure which provides for (A)
18 agency procedures for processing records requests; (B)
19 a direct appeal from the division maintaining the
20 record; and (C) time limits for action by agencies;

21 (13) Shall adopt rules that set forth the fees and other
22 [changes] charges that may be imposed for searching,

reviewing, or segregating disclosable records, as well as to provide for a waiver of such fees when the public interest would be served;

- (14) Shall adopt rules which set forth uniform standards for the records collection practices of agencies; [and]
- (15) Shall adopt rules that set forth uniform standards for disclosure of records for research purposes, which agencies shall adopt, insofar as practicable;
- [(15)] (16) Shall have standing to appear in cases where the provisions of this chapter are called into question[.]; and
- (17) Shall adopt, amend, or repeal rules pursuant to chapter 91 necessary for the purposes of this chapter."

SECTION 5. Statutory material to be repealed is bracketed.
New statutory material is underscored.

SECTION 6. This Act shall take effect upon July 1, 1989.