

TESTIMONY OF THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

TO THE

HOUSE COMMITTEE ON FINANCE

MARCH 2, 1988

ON

H.B. 2002, H.D. 1

TITLE: RELATING TO PUBLIC RECORDS

PURPOSE: The purpose of this bill is to adopt the Uniform Information Practice Act (Modified).

COMMENTS: The Department of Accounting and General Services supports the purpose and intent of H.B. 2002, H.D. 1 which encourages accurate, timely maintenance of government records, broadens accessibility to government records, while still protecting individual privacy. Archives Division, however, will have a difficult time complying with § -36 "report of record-keeping policies and practices" due to limited clerical staffing and voluminous agency records transferred for administrative maintenance and historic preservation.

RECOMMENDATION: The department recommends passage of H.B. 2002, H.D.1, but we request that the State Archives be exempt from § -36 because it performs the unique function of servicing as the repository for records of other agencies.

1 Date of Hearing: March 2, 1988 Number: HB 2002, H.D. 1

2 Committee: Finance

3 Department: Health

4 Person Testifying: JOHN C. LEWIN, M.D., Director

5 Title: RELATING TO PUBLIC RECORDS

6 Purpose: To clarify the laws relating to public records and individual
7 privacy.

8 Department's Position: We believe that the changes made definitely improve
9 the bill.

10 We do, however, have serious concerns about the significantly increased
11 staffing which would be required in our Vital Statistics Office by Section -26
12 and Section -28. We, therefore, request exemption from the provisions of
13 these sections until we have fully completed our computerization process. We
14 estimate this process to take approximately three years.

15 Section 22(a), lines 1-5, page 16, does not indicate who, or what
16 agency, is to decide when a "compelling public interest" has developed. If
17 this decision making body is to be the Office of Information Practices (Part
18 IV), we believe this should be so indicated. Perhaps, it would be better to
19 refer this particularly sensitive issue back to the Governor's Committee for
20 further study.

21 In respect to the new section 578-16, we offer the comment that the only
22 information the department has relating to geographic location of the natural
23 parent is that given on the original birth certificate. This information is
24 outdated within a few months of the birth in most instances, and thus,
25 contacting the natural parent will be successful in only a very small percent
26 of the attempts. We believe we could develop a more fruitful system for the
27 future by coordinating with the Family Court which also has a significant
28 interest in this matter.

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PRESENTATION OF THE
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

TO THE
HOUSE COMMITTEE ON FINANCE

FOURTEENTH STATE LEGISLATURE
REGULAR SESSION, 1988

March 2, 1988

STATEMENT ON HOUSE BILL NO. 2002, H.D. 1

THE HONORABLE JOSEPH SOUKI, CHAIRMAN,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs appreciates the opportunity to testify on House Bill No. 2002, H.D. 1, Relating to Public Records. While there is no question that this bill will impose many new burdens on agencies, we welcome the total overhaul of our current laws in this area. There can be no doubt that a new records law would help restore public faith in government, would provide a clear delineation of the public policy in this area, and would provide a firm foundation for the clear and consistent administrative implementation of the records law.

Having been a part of the process which led to this bill and these hearings, I have no desire to "nit-pick" this bill. Like any uniform law (modified or not) it has some provisions I like more than others. It is however, on the whole, an immense step forward and I urge the Committee's favorable consideration of this measure.

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