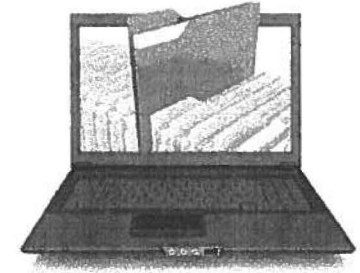


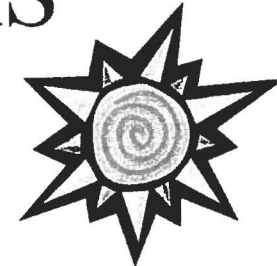
OIP AND THE UIPA OVERVIEW

- An introduction to Hawaii's Office of Information Practices (OIP)
- An overall summary of the UIPA, Sec.92F, HRS
- More detailed and free resources online at *oip.hawaii.gov*
- Get What's New articles by emailing your request to *OIP@hawaii.gov*

OIP administers:



- Uniform Information Practices Act (“UIPA”), HRS Chapter 92F
– **open records**
- Sunshine Law, Part I of HRS
Chap. 92 – **open meetings**



Penalties and Consequences:



- **Public and media complaints**
- **Adverse OIP and court decisions**
- **Fines**
- **Final action voided**
- **Lawsuits, attorney fees and costs**

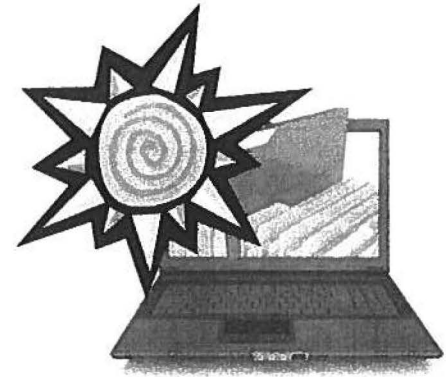
Need Help?



Attorney of the Day:

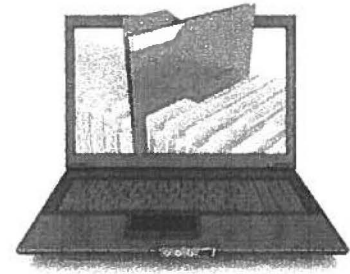
- Call **586-1400**
- E-mail **oip@hawaii.gov**
- Fax **586-1412**
- Write **250 S. Hotel Street, #107
Honolulu, Hawaii 96813**
- Website **oip.hawaii.gov**

Common policy of UIPA and Sunshine Law:



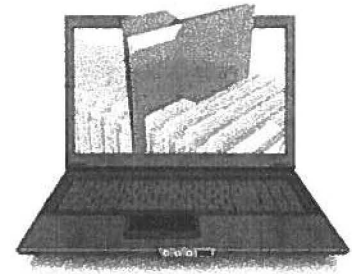
“[I]t is the policy of this State that the formation and conduct of public policy -- the discussions, deliberations, decisions and actions of government agencies -- shall be conducted as openly as possible.”

UIPA: Purposes



- Promote the **public interest in disclosure**;
- Provide for **accurate, relevant, timely, & complete government records**;
- Enhance **governmental accountability** through a general **policy of access** to government records;
- **Make government accountable to individuals** in the collection, use, and dissemination of information relating to them; and
- Balance the individual privacy interest and the public access interest, **allowing access unless it would constitute a clearly unwarranted invasion of personal privacy.**

UIPA:



**UIPA is a disclosure statute
requiring public access,
unless access is restricted
or closed by law.**

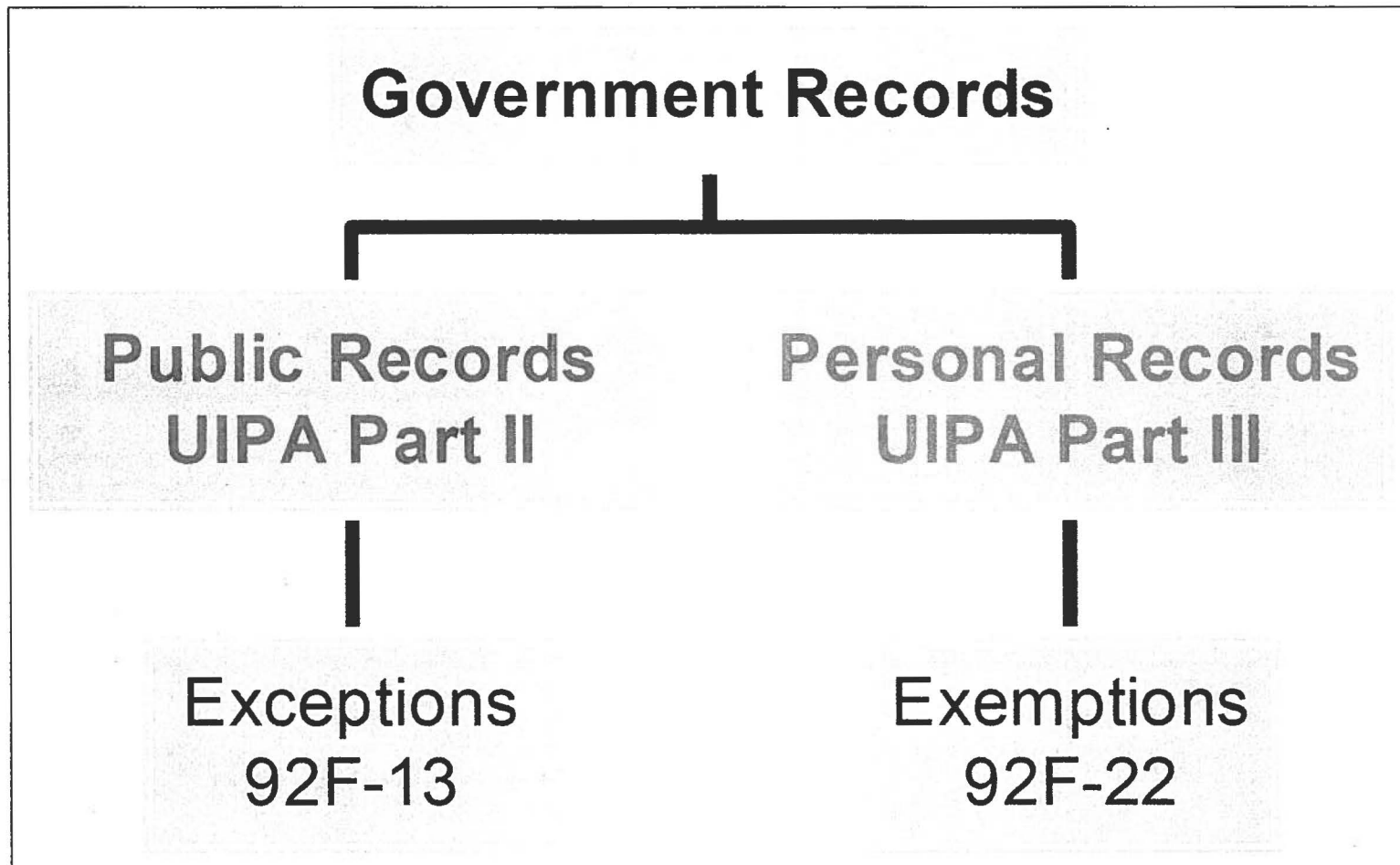
UIPA:

- A “government record’ means information **maintained by an agency** in written, auditory, visual, electronic, or other physical form.” (HRS sec. 92F-3)

- Includes **emails** and **texts**.



Uniform Information Practices Act



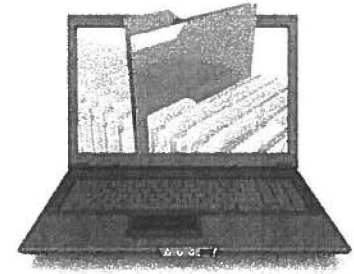
“Personal Record”



- **“About” the individual requester**
- **Contains or makes reference to the person’s name, social security number or other identification**

UIPA:

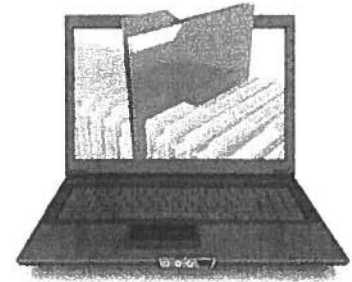
Certain types of specified records must be disclosed to the public, **including**



1. **minutes** of all public meetings;
2. “information collected and maintained for the purpose of making information **available to the general public**” – e.g., agency brochures, final public reports;
3. employee names, compensation, job titles/descriptions, business address, and other **specified employment information**;
4. for contract hires and consultants: **contract** itself, amount of **compensation**, contract’s **duration**, and its **objectives**;
5. government **purchasing information**, including all **bid results**, “except to the extent prohibited by section 92F-13.”

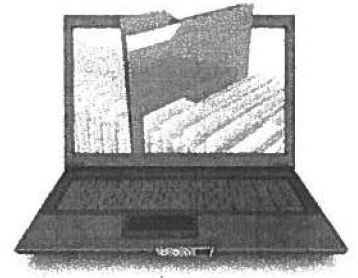
UIPA:

Other non-specified records **must** also be **disclosed** to the public (HRS Sec. 92F-12(b)) if they fall within these **categories**:



1. Requester has the **prior written consent** of all individuals to whom the record refers;
2. Record is **expressly authorized by federal or state law** to be disclosed to the requester;
3. **Compelling circumstances affecting an individual's health or safety**;
4. **Court order**; or
5. House or Senate **subpoena**.

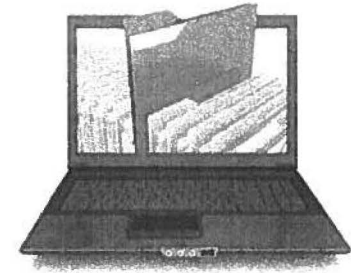
UIPA:



Agency may disclose to any other agency for various reasons, including if the disclosure is:

1. **Necessary for the performance of the requesting agency's duties and functions, and is (1) compatible with the purpose** for which the information was collected, **or (2) consistent with the conditions or reasonable expectation of use and disclosure under which it was provided** – e.g. sharing information in a mutual investigation or research project
2. **Otherwise subject to disclosure under the UIPA;**
3. Pursuant to **court order.**
4. To the **legislature**, or a county **council** or any committee or subcommittee thereof, **the offices of the legislative auditor**, the **legislative reference bureau**, or the **state ombudsman**;
5. To the state, county, or agency **personnel offices**; or
6. **To another agency for the purpose of auditing or monitoring** an agency program that receives federal, state, or county funding.

UIPA:



HRS Sec. 92F-13 Exceptions to Disclosure

Agency could keep records confidential if:

1. Disclosure would constitute a **clearly unwarranted invasion of personal privacy** – this is not applicable to businesses;
2. The records would **not be discoverable** in litigation in which the state or county is or may be a party;
3. The records must be confidential in order for the government to avoid the **frustration of a legitimate government function**;
4. The records are protected from disclosure by state or federal **law or court order**; or
5. The records fall into a limited exception relating to legislative records:

UIPA's Procedural Requirements

The request should be made in **writing**.

OIP has a form on its website for requesters to use that helps to make clear **who** the requester is, **when** the request was made, **what** is being requested, and **where and how** the agency's response should be provided, and also lists the **requester's responsibilities**, such as possible payment of **fees and costs**.

But **requesters need not use this form** – the request may be oral or made via email or a letter or other writing.

The **agency may ask** for a formal written request and for clarification if the request is not clear.

Within 10 Business Days:

Provide:

- **Record,**
- **Notice, or**
- **Acknowledgement**



Use the **UIPA Record Request Log** to keep in compliance and to track and report record requests.

oip.hawaii.gov/training

The UIPA Record Request Log helps an agency to

- **Track** its written requests for records & the agency's response
- **Report** requests & outcomes onto data.hawaii.gov
- **Assist** & **account** to the public
- **Calculate** fees & costs
- **Keep** government open





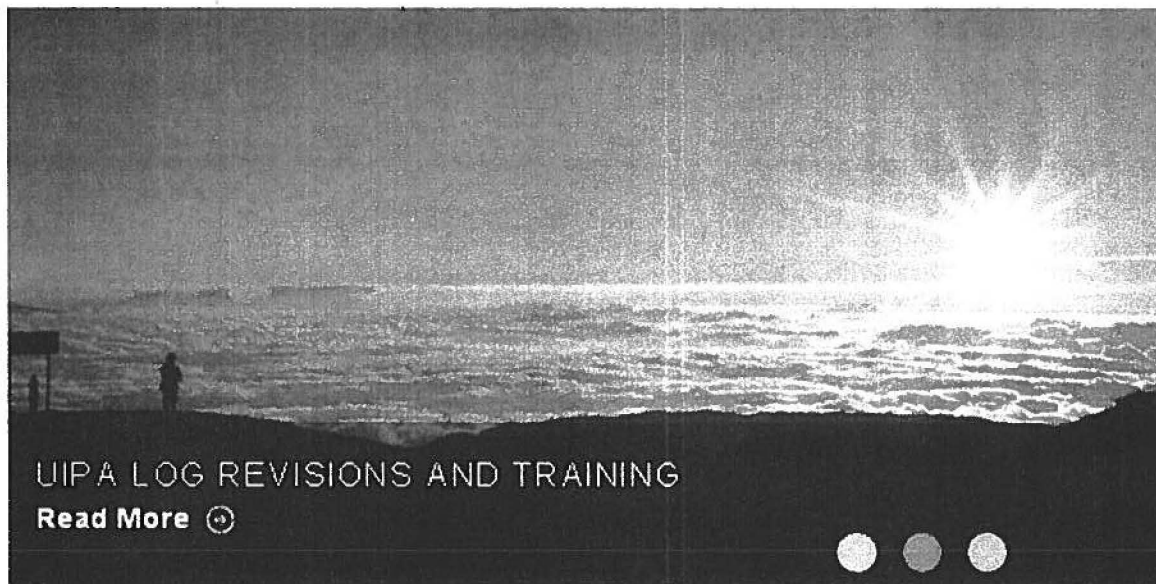
State of Hawaii
Office of Information Practices

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