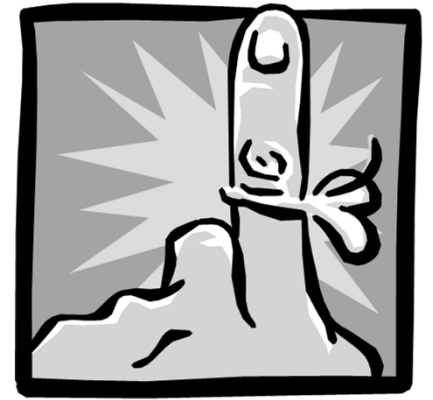


The Uniform Information Practices Act – Part 2



**Hawaii's Public Records Law
Chapter 92F, HRS**

UIPA Power Points (things to remember)



- Records presumed public
- 5 exceptions to disclosure
- Respond in 10 business days
- “Personal” records are different



Within 10 Business Days

Provide:

- Record,
- Notice, or
- Acknowledgement



Step 1

Identify the requested record



Step 2

Determine whether the agency
has the record



Step 3

Determine if an exception
applies



5 Exceptions to Disclosure

1. Privacy Exception
2. Litigation Privilege Exception
3. Frustration Exception
4. Law or Order Exception
5. Legislature Exception



Step 4

Within 10 days, provide:

- Record

- Notice

- or -

- Acknowledgement



Fees

- May charge for:
 - search, review, and segregation; and
 - any other lawful fees (e.g., copying fees)
- Prepayment allowed
 - 50% of estimated search, review and segregation fee and
 - 100% of other estimated fees



Step 5

Search, review, and
segregate

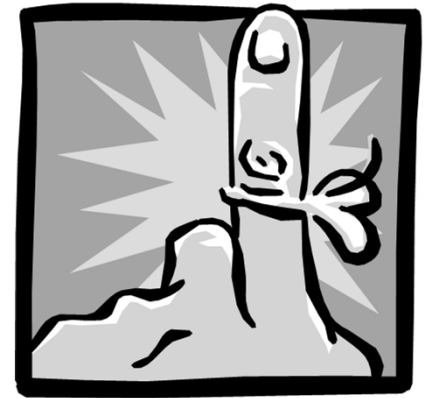


Step 6

Provide the record



UIPA Power Points (things to remember)



- Records presumed public
- 5 exceptions to disclosure
- Respond in 10 business days
- “Personal” records are different



Government Records

```
graph TD; A[Government Records] --> B[Public Records  
UIPA Part II]; A --> C[Personal Records  
UIPA Part III]; B --> D[Exceptions  
92F-13]; B --> E[Exemptions  
92F-22]; C --> F[Exemptions  
92F-22];
```

Public Records
UIPA Part II

Personal Records
UIPA Part III

Exceptions
92F-13

Exemptions
92F-22



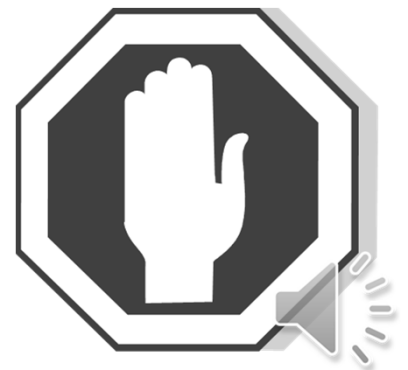
“Personal Record”

- “About” the requester
- Contains or makes reference to the requester’s name, social security number or other identifying particular



Personal Record Exemptions

1. Criminal Law Enforcement Records
2. Confidential Source Records
3. Government Examination Materials
4. Investigative Reports or Materials
5. Records Protected by Law



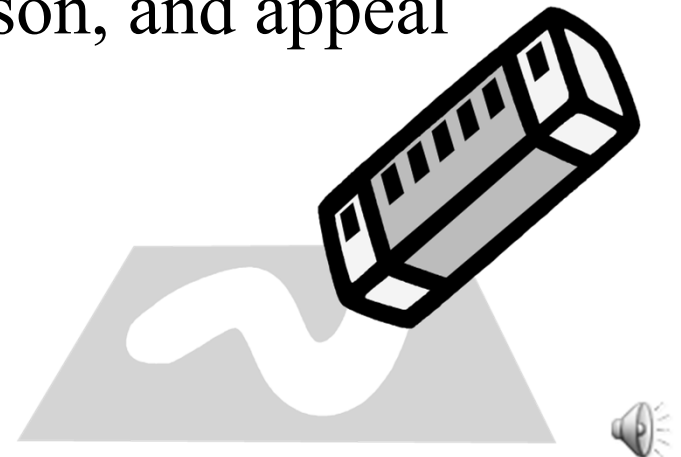
Agency's Response

- Access within 10 business days
- Additional 20 business days if unusual circumstances exist



Right to Correct

- Any misleading or incorrect fact
- Within 20 days of receipt of written request, acknowledge receipt and:
 - Make correction or amendment,
or
 - Inform requester of refusal, reason, and appeal procedures



Penalties

- Knowing or intentional violation:
 - actual damages (but not less than \$1,000) and attorney's fees and costs
- Complainant substantially prevails:
 - attorney's fees and costs





State of Hawaii Office of Information Practices

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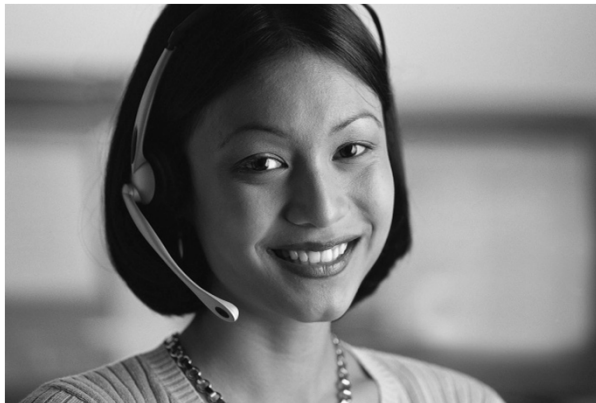
EMERGENCY ALERT:

Early in 2020, in response to the COVID-19 pandemic, Hawaii's Sunshine Law, part I of chapter 92, Hawaii Revised Statutes (HRS), was partially suspended, and the Uniform Information Practices Act (Modified), chapter 92F, HRS (UIPA), was temporarily suspended in its entirety by an emergency proclamation of Governor David Ige. Because the UIPA was suspended in its entirety, OIP's powers and duties found in part IV of chapter 92F, HRS, were also suspended. Subsequent proclamations restored OIP's powers and duties found in



Need Help?

- Call AOD 586-1400



- E-mail AOD: ois@hawaii.gov
- OIP Website: www.ois.hawaii.gov

