

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

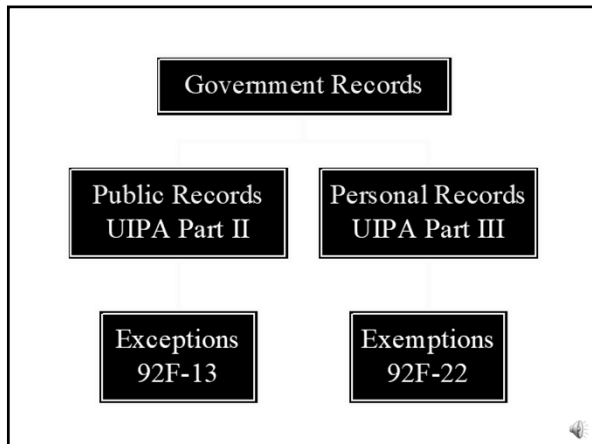
Step 6

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




“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



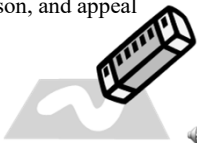
Agency’s Response

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




Right to Correct

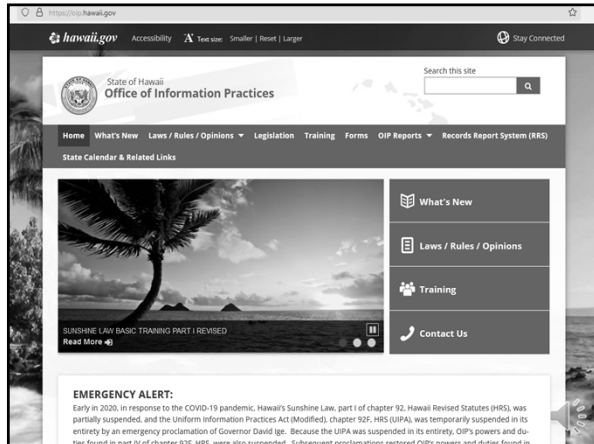
- Any misleading or incorrect fact
- Within 20 days of receipt of written request, acknowledge receipt and:
 - Make correction or amendment,
 - or
 - Inform requester of refusal, reason, and appeal procedures



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





Need Help?

- Call AOD 586-1400



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