

JAN 21 2011

A BILL FOR AN ACT

RELATING TO THE PUBLIC'S RIGHT TO KNOW.

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

1 SECTION 1. (a) The legislature finds that government
2 agency compliance with Hawaii Revised Statutes chapter 92,
3 public agency meetings and records, and chapter 92F, the uniform
4 information practices act, which together are known as Hawaii's
5 freedom of information laws, is not consistent across agencies.
6 This is often viewed as a source of frustration by the public
7 and has resulted in complaints. In addition, agency personnel
8 who receive inquiries on these statutes may not be fully aware
9 or understand provisions in these laws. This decreases
10 department cost efficiency and increases employee frustration.

11 The legislature finds that requiring state and county
12 departments to appoint a freedom of information public liaison
13 to serve as a point of contact for freedom of information
14 inquiries will increase cost efficiency and decrease frustration
15 by:

16 (1) Increasing understanding of chapter 92, on public
17 agency meetings and records, and chapter 92F, the
18 uniform information practices act, which will aid the



1 departments in responding to public inquiries
2 regarding these laws; and
3 (2) Reducing the number of freedom of information
4 inquiries directed to the office of information
5 practices.

6 The freedom of information public liaison for a department
7 is meant to assist department employees with freedom of
8 information inquiries. The freedom of information public
9 liaison for a department is not meant to be the sole contact for
10 public access to the department records.

11 (b) The purpose of this Act is to require:

12 (1) State and county departments to designate a freedom of
13 information public liaison for freedom of information
14 inquiries; and

15 (2) The office of information practices to provide
16 training to the departmental freedom of information
17 public liaisons.

18 SECTION 2. Chapter 92F, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:

21 "§92F- State and county departments; freedom of
22 information public liaisons. Each state and county department



1 shall designate an employee to be the department's freedom of
2 information public liaison to serve as a point of contact for
3 freedom of information inquiries under this chapter and chapter
4 92. These persons shall attend office of information practices
5 training classes pursuant to section 92F-42(19). Requests for
6 information may be made directly to other personnel within the
7 agency."

8 SECTION 3. Section 92F-42, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§92F-42 Powers and duties of the office of information**
11 **practices.** The director of the office of information practices:

12 (1) Shall, upon request, review and rule on an agency
13 denial of access to information or records, or an
14 agency's granting of access; provided that any review
15 by the office of information practices shall not be a
16 contested case under chapter 91 and shall be optional
17 and without prejudice to rights of judicial
18 enforcement available under this chapter;

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



- 1 (10) Shall assist agencies in complying with the provisions
- 2 of this chapter;
- 3 (11) Shall inform the public of the following rights of an
- 4 individual and the procedures for exercising them:
- 5 (A) The right of access to records pertaining to the
- 6 individual;
- 7 (B) The right to obtain a copy of records pertaining
- 8 to the individual;
- 9 (C) The right to know the purposes for which records
- 10 pertaining to the individual are kept;
- 11 (D) The right to be informed of the uses and
- 12 disclosures of records pertaining to the
- 13 individual;
- 14 (E) The right to correct or amend records pertaining
- 15 to the individual; and
- 16 (F) The individual's right to place a statement in a
- 17 record pertaining to that individual;
- 18 (12) Shall adopt rules that set forth an administrative
- 19 appeals structure which provides for:
- 20 (A) Agency procedures for processing records
- 21 requests;



- 1 (B) A direct appeal from the division maintaining the
2 record; and
- 3 (C) Time limits for action by agencies;
- 4 (13) Shall adopt rules that set forth the fees and other
5 charges that may be imposed for searching, reviewing,
6 or segregating disclosable records, as well as to
7 provide for a waiver of fees when the public interest
8 would be served;
- 9 (14) Shall adopt rules which set forth uniform standards
10 for the records collection practices of agencies;
- 11 (15) Shall adopt rules that set forth uniform standards for
12 disclosure of records for research purposes;
- 13 (16) Shall have standing to appear in cases where the
14 provisions of this chapter are called into question;
- 15 (17) Shall adopt, amend, or repeal rules pursuant to
16 chapter 91 necessary for the purposes of this chapter;
17 [and]
- 18 (18) Shall take action to oversee compliance with part I of
19 chapter 92 by all state and county boards including:
- 20 (A) Receiving and resolving complaints;
- 21 (B) Advising all government boards and the public
22 about compliance with chapter 92; and



1 (C) Reporting each year to the legislature on all
 2 complaints received pursuant to section
 3 92-1.5[-]; and

4 (19) Shall provide state and county department freedom of
 5 information public liaisons designated under section
 6 92F- with training on this chapter and chapter 92."

7 SECTION 4. Statutory material to be repealed is bracketed
 8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.

10

INTRODUCED BY:











Report Title:

Office of Information Practices; County; State; Freedom of Information Public Liaison

Description:

Requires each state and county department to designate a freedom of information public liaison for freedom of information inquiries involving Hawaii's freedom of information laws (chapters 92 and 92F); requires office of information practices to provide training to the departmental freedom of information public liaisons.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

