

Operation Hire Hawai'i: Jobs Available Now!



State of Hawaii

Office of Information Practices

[Home](#) » Basic Q&A on access to government records

BASIC Q&A ON ACCESS TO GOVERNMENT RECORDS

Basic Q&A on access to government records:

- What is a government record?
- What is a personal record?
- Which agencies are covered by the UIPA?
- Who can request a record?
- What types of records are public?
- What government records are restricted or closed by law?
- What are an individual's rights if denied a record?
- What are the agencies' responsibilities to an individual?
- What are the guidelines for inspecting government records?
- What are the possible responses to your request?

What is a government record?

The Uniform Information Practices Act (Modified), Chapter 92F, Hawaii Revised Statutes ("UIPA") defines "government records" as: information maintained by a government agency in written, auditory, visual, electronic, or other physical form.

[Haw. Rev. Stat. §92F-3]

These records would include written documents, maps, tape recordings, films, video tapes, microfiche, and information stored in computers.

What is a personal record?

A "personal record" is defined as: any item, collection, or grouping of information about an individual that is maintained by a government agency. Under the UIPA, individuals may also gain ac-

cess to most of the “personal records” that government maintains about them.

[Haw. Rev. Stat. § 92F-3]

For example, personal records include records on an individual’s education, financial, medical, or employment history. “Government records” include “personal records.”

Which agencies are covered by the UIPA?

All government agencies at the state and county level, including the executive, legislative, and judicial branches, are subject to the UIPA.

The definition of “agency” includes State or county authorities, boards, bureaus, commissions, councils, departments, institutions and offices of state or county government, or any corporation or other establishment owned, operated, or managed by or on behalf of the State or any county.

The term “agency” does not include the nonadministrative functions of the judiciary.

[Haw. Rev. Stat. § 92F-3]

Who can request a record?

Any person may ask to inspect and copy government records.

Under the UIPA, a “person” can be: an individual, corporation, government, governmental subdivision or agency, business trust, estate trust, partnership, association, or any other legal entity.

[Haw. Rev. Stat. § 92F-3]

Only individuals may ask to inspect and copy their accessible personal records.

[Haw. Rev. Stat. § 92F-21]

An “individual” means a natural person.

[Haw. Rev. Stat. § 92F-3]

What types of records are public?

All government records are open to public inspection unless access is restricted or closed by law.

[Haw. Rev. Stat. § 92F-11(a)]

Some of the records that are mandated as public and are available for public inspection include:

- Agency rules of procedure and statements of general policy;
- Minutes of all agency meetings required by law to be public;
- Results of environmental tests and water service consumption data;

- Consultant contracts and certified payroll records on public works contracts;
- Records about present and former officers and employees of an agency, including: name, compensation (salary or salary range), job title, business address and telephone number, education and training background, previous work experience, and dates of first and last employment;
- Building permit information within the control of the agency;
- Land ownership, transfer, and lien records; and
- Records required to be disclosed by federal laws or Hawaii court orders.

[Haw. Rev. Stat. § 92F-12]

What government records are restricted or closed by law?

The law does not require disclosure of:

Records which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy.

[Haw. Rev. Stat. § 92F-13(1)]

Records that must be confidential in order for government to avoid the frustration of a legitimate government function.

[Haw. Rev. Stat. § 92F-13(3)]

Records pertaining to the prosecution or defense of any judicial or quasi-judicial action to which the state or any county is or may be a party, to the extent that such records would not be discoverable.

[Haw. Rev. Stat. § 92F-13(2)]

Records that are protected from disclosure by state or federal law, including records protected by court order.

[Haw. Rev. Stat. § 92F-13(4)]

Partial and draft working papers of legislative committees, the personal files of members of the Legislature and unfiled committee reports.

[Haw. Rev. Stat. § 92F-13(5)]

See OIP's [opinion letters](#) for further discussion of these exceptions.

What are an individual's rights if denied a record?

Under the UIPA, an individual can:

- appeal a denial of access to a government record, including personal records, to the OIP;
- or

[Haw. Rev. Stat. § 92F-15.5]

- bring an action against the agency in circuit court.

[Haw. Rev. Stat. § 92F-15]

An individual does not have to appeal to the OIP before filing a lawsuit.

[Haw. Rev. Stat. § 92F-15.5]

What are the agencies' responsibilities to an individual?

Inspection

Under the UIPA, if the requested record is required to be disclosed, the agency must make the requested government record available for inspection and copying during regular business hours (Monday through Friday, 7:45 a.m. to 4:30 p.m.). The copying and inspection of information cannot cause excessive interference with an agency's lawful responsibilities and functions. In addition, the agency may take reasonable measures to protect the record.

[Haw. Rev. Stat. § 92F-11(b), (e)]

Copying

The agency must assure reasonable access to facilities for duplicating and for making memoranda or abstracts. [Haw. Rev. Stat. § 92F-11(d)]

The requester, however, may be required to pay for the copies. Other laws outside the UIPA require agencies to charge copy fees of not less than 5 cents per page. The costs for reproducing geographic information systems data are different. [see Haw. Rev. Stat. § 92-21 (Supp. 2002)]

Other charges

In addition to copying charges, the agency may charge for searching for, reviewing, and segregating government records in accordance with OIP rules. [HAR § 2-71-31]

Compilations not required

An agency is not required to prepare a compilation or summary of its records if the requested information is not readily retrievable in the form requested.

[Haw. Rev. Stat. § 92F-11(c)]

Correction/amendment

An individual has the right to have any factual error, misrepresentation, or misleading entries within that individual's record corrected or amended by the agency. [Haw. Rev. Stat. § 92F-24]

If an agency refuses to make the requested changes, an individual can ask the agency to review its denial. If the agency still refuses to correct or amend the individual's record, and after appropriate administrative remedies have been exhausted, the individual may bring a civil action against the agency in circuit court. [Haw. Rev. Stat. § 92F-25]

What are the guidelines for inspecting government records?

Describe

Clearly and specifically describe the records or information you are seeking.

Identify agency

Determine which government agency maintains the information.

Contact agency

Request the record or information you want by calling, faxing, or writing to the officer in charge of the record at the agency maintaining the information. You do not have to say why you are requesting the record.

Arrange notification

It may be helpful to provide the agency with:

- your name (or an alias under which you can be contacted if you do not wish to use your real name);
- your mailing address; and
- a phone number or email address where you can be reached with questions or notifications about your request.

Identification

Although you do not have to identify yourself in order to view a public record, the agency should ask you to provide personal identification if you are requesting access to your own personal record. In addition, the agency may ask to hold your personal identification while you are viewing your personal record.

Written requests

Although not required, everyone is encouraged to provide the above information in writing. This makes it possible to keep track of your request and contact you for correspondence about your request.

Costs

If you wish, specify the total dollar amount you are prepared to pay for reproduction costs associated with filling your request. Before your request is filled, you may ask to be notified if the costs will exceed this amount.

What are the possible responses to your request?

Full disclosure: All requested information is disclosable.

Partial disclosure: The record contains both disclosable and non-disclosable information. Certain information must be segregated before copies of the record are provided.

No disclosure: The requested information is not disclosable.

Request cannot be filled: the record is not maintained by the agency that received the request; the requester needs to clarify what information is being sought; or no such records exist. The UIPA does not apply to the requested record.

Use of this website

This website includes the [full text of the UIPA](#), as well as summaries or descriptions of the UIPA. These summaries or descriptions are provided for general guidance only.

For a complete understanding of the UIPA, please refer to the statute's relevant case law and [opinions](#) issued by the Office of Information Practices.