

# **The Uniform Information Practices Act -- Part 1**

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



“[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.”

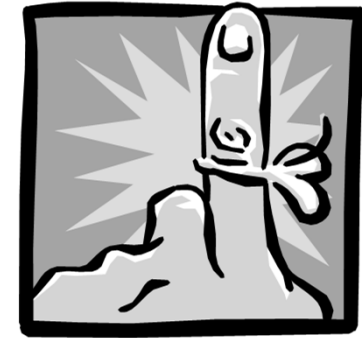


# What is the Purpose of the UIPA?

- To protect the public's interest in disclosure;
- To open the governmental process to public scrutiny and public participation; and
- To make government accountable to individuals in the collection, use, and dissemination of information relating to them



# UIPA Power Points (things to remember)



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

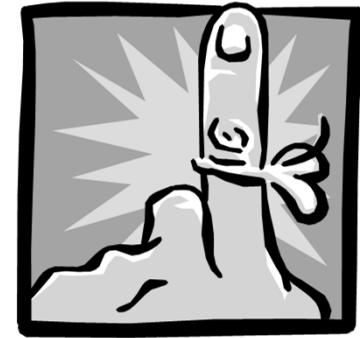


# General Rule

All government records are open to public inspection and copying unless restricted or closed by law



# UIPA Power Points (things to remember)



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- 5 exceptions to disclosure
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# Government Records

Public Records  
UIPA Part II

Personal Records  
UIPA Part III

Exceptions  
92F-13

Exemptions  
92F-22



# **PUBLIC RECORDS**

## **Part II of the UIPA**



# Required Disclosure

## Examples:

- Agency rules, policy and interpretations
- Final opinions and orders
- Government purchasing information
- Land ownership records and state leases
- Contract hires and consultants
- Minutes of agency meetings
- Certified payroll records
- Building permit information
- Rosters of licensees and permit holders
- Government personnel information
- Employee misconduct
- Written consent of individual to whom the record refers
- Federal or state law authorizes disclosure



# 5 Exceptions to Disclosure

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



# Privacy Exception



- “clearly unwarranted invasion of personal privacy”
  - “Significant privacy interest” and
  - Not outweighed by public interest in disclosure



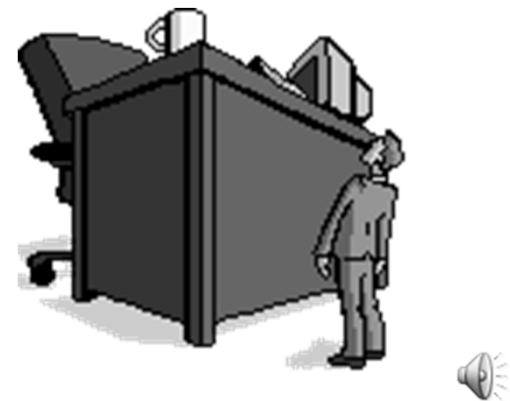
# Significant Privacy Interests

- Health information
- Social Security Numbers
- Personal contact information
- Financial information
- Criminal law investigation
- Social services or welfare benefits
- Personnel file type information



# Public Interest In Disclosure

- Sheds light on agency's performance and conduct of government officials
- Promotes government accountability



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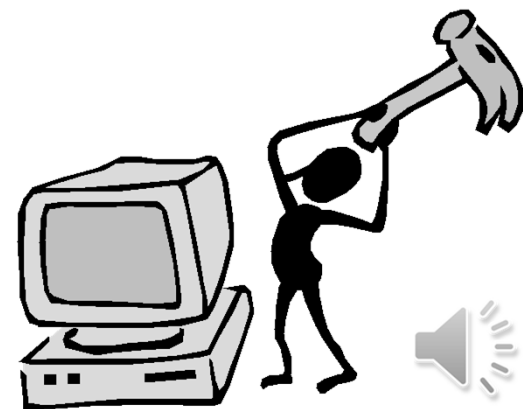
# Frustration Exception

- Avoid frustrating a legitimate government function



# Examples of “Frustration”

- Open Investigation
- Confidential Sources
- Proprietary Information
- Confidential Business Information
- Examination Materials



# Examples of “Frustration”

- Confidential Business Information
  - Trade secrets
  - Confidential commercial and financial information
  - Substantial competitive harm



# Interagency Disclosure

Required for performance of duties,  
and

- Compatible with purpose, and
- Consistent with expected use



# Interagency Disclosure

- To state archives
- For civil or criminal law enforcement activities
- To the legislature or county council
- Pursuant to court order
- To the auditor, LRB or Ombudsman
- To DHRD or personnel offices



# Break Time!

This concludes the first half of the training.

Please read the Shrimp Board Records (available on OIP's website). When you're ready, begin the UIPA Part 2 video for the second half.

A hui hou!