

The Uniform Information Practices Act -- Part 1

Hawaii's Public Records
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

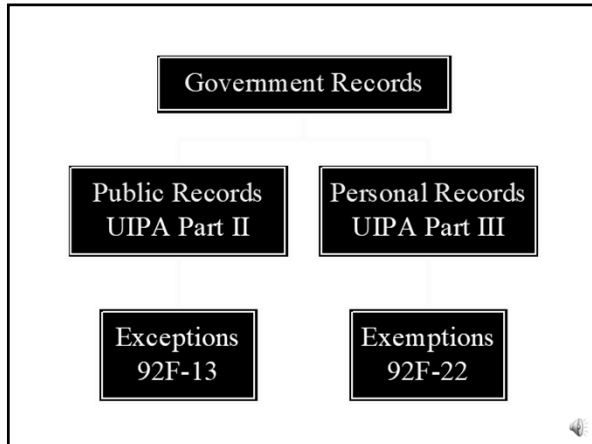
All government records are open to public inspection and copying unless restricted or closed by law



UIPA Power Points (things to remember)





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- 5 exceptions to disclosure
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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
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- ### 5 Exceptions to Disclosure
1. Privacy Exception
 2. Litigation Privilege Exception
 3. Frustration Exception
 4. Law or Order Exception
 5. Legislature Exception
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- ### Privacy Exception
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- “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
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Public Interest In Disclosure

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



5 Exceptions to Disclosure

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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!