

The Office of Information Practices (“OIP”) administers Hawaii’s open records law, the Uniform Information Practices Act (Modified), chapter 92F, HRS (the “UIPA”), and Hawaii’s open meetings law, chapter 92, HRS (the “Sunshine Law”).

2007 Legislature Review

During the 2007 legislative session, OIP reviewed and monitored 140 bills and resolutions affecting government information practices and public meetings.

OIP also introduced six bills designed to address compliance with the UIPA and the Sunshine Law, and to address a specific issue regarding disclosure of personal information contained in a record that must be made public by statute. The following is a brief synopsis of the bills introduced.

H.B. 1392/ S.B. 1478

These companion bills sought to amend the Sunshine Law to give OIP the ability to render decisions under the Sunshine Law, to make board compliance with those decisions mandatory, and to allow OIP to obtain court enforcement of its decisions, if necessary.

OIP believes that the amendments sought would have given the public a convenient, timely alternative to bringing an action in court in order to seek board compliance with, or to prevent a violation of, the Sunshine Law.

Status: Both bills have failed to crossover.

H.B. 1393/ S.B. 1479

These bills sought to amend the UIPA to allow agencies to withhold individuals’ home addresses contained in (1) certified payroll records on public works contracts; and (2) contracts for agency contract hires and consultants.

As currently written, the UIPA mandates disclosure of these records in their entirety except for social security numbers contained in the records. If either of these bills passes, agencies would also be allowed to redact home addresses that may be listed in the records.

Status: H.B. 1393 has passed through both houses and is awaiting the Governor’s approval.

HB1394/SB1480

These bills sought to amend the Sunshine Law to allow any number of board members to discuss the selection of board officers or assignment of board members to committees outside of a public meeting.



The current law permits more than two but less than a quorum of the board’s members to discuss the selection of officers outside of a public meeting without limitation or subsequent reporting.

Several boards have informed

OIP that the limitation on this discussion to less than a quorum of members severely limits a board’s ability from a practical standpoint to change leadership.

Given this expressed concern, the partial exception granted for leadership discussions, and the organizational nature of leadership selection and committee assignments, OIP believed that the legislature should consider whether to extend the exception to allow more than a quorum to discuss these issues outside of a public meeting.

Status: Both bills have failed to crossover. 🗳️

Sunshine Week Recap

Sunshine Week is a week long event held nationally to raise awareness of the importance of open government and to promote the public’s right to know. Sunshine Week was held this year from March 11 to 17.



During this week, OIP offered a free public workshop on Hawaii’s open meetings and public records laws. The workshop provided a general overview of the public’s rights under both the UIPA and the Sunshine laws.

This included practical information on the public’s rights to participate in meetings of government boards and how to obtain government records.

Recent OIP Opinions

UIPA Firearm Permit Information

In response to an inquiry from the Honolulu Police Department (“HPD”), OIP concluded that firearm permit information that identifies an individual permit holder by name or address must be deemed to be “registration data” protected under § 134-3(b), HRS, and therefore should be withheld under § 92F-13(4), HRS, of the UIPA.



Other permit information that could reasonably identify the individual permit holder (such as the individual’s social security number, fingerprints, and photograph) should also be segregated and withheld under the UIPA’s frustration exception (§ 92F-13(3)) to maintain the confidentiality of the individual’s identity.

OIP concluded that, under the UIPA’s privacy exception (§ 92F-13(1)), HPD may generally withhold information that allows the identification of individuals who have been denied permits, as well as those who did not apply for a permit, who did not complete the application process, or who were granted a permit, but allowed it to lapse without acquiring a firearm.



OIP noted that circumstances may alter the usual balance between the individual’s privacy interests and the public interest in disclosure.

Thus, HPD must determine, on a case-by-case basis, whether circumstances diminish the individual’s privacy interest and/or give rise to a heightened public interest that tips the balance in favor of disclosure.

In both of the above cases, once identifying information is properly redacted, HPD must disclose the remaining information in an application or application file unless it falls within another exception to disclosure. [OIP Op. Ltr. No. 07-01]

Motions to Reconsider

Requesters sought an opinion on whether the Hawaii County Council’s agendas, which noticed the possibility of reconsideration motions, provided sufficient notice under the Sunshine Law.



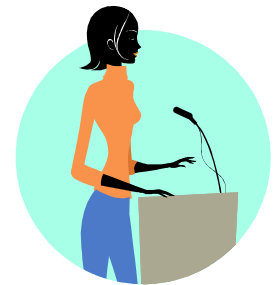
OIP concluded that that the Council did not provide sufficient notice to allow the Council’s substantive discussion, deliberation and decision on the motions to reconsider final action taken on two legislative bills.

OIP found that the Sunshine Law required the Council to specifically list the motions to reconsider, with the bill numbers listed, in an agenda filed more than six calendar days prior to the meeting at which the motions would be considered.


The agendas did, however, provide sufficient notice to allow placing the motions of reconsideration on an agenda for a future meeting where they could be properly noticed. [OIP Op. Ltr. No. 07-02]

Public Testimony

A Honolulu City Council member asked for an advisory opinion on whether the Council must accept oral testimony on (1) an agenda item that has been cancelled; and (2) an agenda item which the council considers but postpones for further consideration.



OIP opined that the Council is not required to accept oral testimony on an agenda item that is cancelled before the Council begins to consider it.

The Council must, however, accept oral testimony on any agenda item where the Council has begun to consider the item, even if it then defers further action on the item to another meeting or indefinitely. [OIP Op. Ltr. No. 07-03] 

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