

## CHAPTER XIV

### DISCLOSURE

A. Purpose.

To provide guidelines on the procedures for disclosure of DOSH documents.

B. Policy.

The division's policy regarding the disclosure of documents in investigation and other files is based on court interpretation of Section 396-14, HRS, by the attorney general.

C. Background.

The deputy attorney general's memoranda dated June 20, 1979, and October 10, 1979, provide the interpretation of Section 396-14, HRS, and chapter 92-21, HRS, provides the basis for setting costs and fees for copies of records.

D. Procedures.

1. The request will initially be directed to the administrator who will determine the nature and scope of response.
2. If the request involves oral deposition or testimony, the requestor should be referred to the deputy attorney general as an initial point of contact. Thereafter the deputy attorney general will issue guidance regarding a course of action.
3. If the requestor submits written interrogatories, they shall be referred to the deputy attorney general through the administrator. The deputy attorney general will advise the inspector regarding appropriate answers.
4. The following information will not be released: the Accident/Inspection Report, statements of witnesses, information received from witnesses, and the identity of witnesses.
5. The following information normally is releasable: Citation and Notification of Proposed Penalty, electronic software, and actual facts observed by the inspector, i.e., measurements, sketches, etc.
6. For control and record purposes, a notation shall be made in the case file on the activity diary (HIOSHL-40) indicating precisely the information provided and to whom. All information transmitted shall be forwarded over the signature of the administrator, with an information copy to the deputy attorney general.
7. All requests from other than a government agency will be subject to a search fee of \$5.00 per hour with a \$1.00 minimum, photograph reproduction at cost, and xerox copies at \$.25 each. Monies shall be collected and receipted for by the Account Clerk.
8. Waiver of Fees. It is DOSH policy, subject to the requirements of '92-F, to waive fees otherwise assessable under the Uniform Information Practices Act when providing copies of disclosable portions of the accident investigation files to surviving family members or family members representing workers totally disabled by a work accident.

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