

JAN 17 2007

A BILL FOR AN ACT

RELATING TO INFORMATION PRACTICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that private donations to
2 the University of Hawaii are critical to the success of the
3 university's educational mission. Many donors wish to remain
4 anonymous. If their identities are subject to disclosure under
5 the open government records law, they may become discouraged
6 from making donations.

7 The legislature finds that the intent of the Uniform
8 Information Practices Act was not to require disclosure of
9 private donor information, but rather to open government
10 operations to public scrutiny. Section 92F-2, Hawaii Revised
11 Statutes, provides in pertinent part:

12 "Opening up the government processes to
13 public scrutiny and participation is the only
14 viable and reasonable method of protecting the
15 public's interest. Therefore the legislature
16 declares that it is the policy of this State that
17 the formation and conduct of public policy--the



1 discussions, deliberations, decisions, and action
2 of government agencies--shall be conducted as
3 openly as possible.

4 The policy of conducting government business
5 as openly as possible must be tempered by a
6 recognition of the right of the people to
7 privacy."

8 The legislature finds that the University of Hawaii
9 Foundation has a significant privacy interest in protecting
10 donor records from disclosure, as provided in section 92F-14,
11 Hawaii Revised Statutes.

12 The purpose of this Act is provide a qualified exemption
13 from disclosure of donor records of the University of Hawaii and
14 the University of Hawaii Foundation.

15 SECTION 2. Section 92F-13, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§92F-13 Government records; exceptions to general rule.**

18 This part shall not require disclosure of:

- 19 (1) Government records ~~[which,]~~ that, if disclosed, would
20 constitute a clearly unwarranted invasion of personal
21 privacy;



- 1 (2) Government records pertaining to the prosecution or
2 defense of any judicial or quasi-judicial action to
3 which the State or any county is or may be a party, to
4 the extent that [~~such~~] the records would not be
5 discoverable;
- 6 (3) Government records that, by their nature, must be
7 confidential in order for the government to avoid the
8 frustration of a legitimate government function;
- 9 (4) Government records [~~which,~~] that, pursuant to state or
10 federal law including an order of any state or federal
11 court, are protected from disclosure; [~~and~~]
- 12 (5) Inchoate and draft working papers of legislative
13 committees, including budget worksheets and unfiled
14 committee reports; work product; records or
15 transcripts of an investigating committee of the
16 legislature [~~which~~] that are closed by rules adopted
17 pursuant to section 21-4 and the personal files of
18 members of the legislature[~~-~~]; and
- 19 (6) Government records that contain information about or
20 pertain to any individual donor or potential
21 individual donor to the University of Hawaii or the
22 University of Hawaii Foundation or donor solicitation



1 strategy, other than the name of the donor; provided
2 that the donor did not request anonymity, and the
3 date, amount, and purpose of the donation."

4 SECTION 3. Nothing in this Act shall be construed to imply
5 that the University of Hawaii Foundation is a governmental or
6 quasi-governmental agency or body for purposes of chapters 92 or
7 92F, Hawaii Revised Statutes, or any other laws of the State of
8 Hawaii.

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

12

INTRODUCED BY: Norman Sakuma



Report Title:

Government Records; University of Hawaii

Description:

Provides a qualified exemption to the University of Hawaii and the University of Hawaii Foundation from disclosure of donor information.

