

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

CHAPTER 15

GOVERNMENT AND PERSONAL RECORDS

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Historical Note: Chapter 17-15 is based on Section 2 of Parts I and II of Rule 6 of the department of social services and housing. [Eff 3/25/64; R 6/4/84]

§17-15-1 Definitions. As used in this chapter:
"Individual" shall be as defined in section 92F-3, HRS.
"Personal record" shall be as defined in section 92F-3, HRS.
"Government record" shall be as defined in section 92F-3, HRS. [Eff 11/5/84; am and comp APR 13 1995]
(Auth: HRS §§26-38, 92F-11) (Imp: HRS §§92F-3)

§17-15-2 Conflict with division rules. This chapter is general in nature and is superseded by the rules adopted by a division where applicable. [Eff 11/5/84; comp APR 13 1995] (Auth: HRS §§26-38, 346-14, 348-3) (Imp: HRS §§26-38, 346-14, 348-3)

§17-15-3 Government records. (a) Government records shall be available for inspection in accordance with section 92F-11, HRS and this chapter.

(b) Requests to inspect or obtain copies of government records shall be made in writing to the department. The request shall identify or describe the government record and state the purpose for which the

request is made.

(c) When denying a request for inspection of government records, the department shall state its reason for refusal and procedures for review of the refusal.

(d) A reasonable fee, determined in accordance with section 92-21, HRS, shall be charged for copies of government records furnished. [Eff 11/5/84; am and comp APR 13 1995] (Auth: HRS §26-38,) (Imp: HRS §§91-2, 92F-11)

§17-15-4 Access of individual to own personal record. (a) An individual's request for access to the individual's personal record may be made either verbally or in writing to the department. Unless exempted by section 92F-22, HRS, other applicable law, or this chapter, the personal record shall be made available for review during the normal business hours of the department. The individual shall provide adequate identification prior to this review.

(b) The department shall furnish a copy of the personal record when requested by the individual. Charges shall be determined in accordance with section 92-21, HRS.

(c) The agent of an individual, when so designated and authorized in writing by the individual, shall have access to the personal record of the individual as provided in this section.

(d) When denying the request for access to an individual's personal record, the department shall inform the individual in writing of its refusal, the reason for the refusal, and procedures for review of the refusal. [Eff 11/5/84; am and comp APR 13 1995] (Auth: HRS §§26-38, 346-14) (Imp: HRS §§92F-21, 92F-22, 92F-23)

§17-15-5 Correction or amendment of a personal record. To correct or amend a personal record in accordance with section 92F-24, HRS, the individual shall submit a written request to the department that contains the following information:

- (1) Name and address of the individual;
- (2) Title of the personal record;
- (3) Information to be corrected or amended; and
- (4) Supporting evidence or information. [Eff 11/5/84; am and comp APR 13 1995] (Auth:

HRS §§26-38, 346-14) (Imp: HRS §92F-24)

§17-15-6 Review procedures. An individual shall submit a written request to the director for a review of the department's refusal to allow access to, or correction or amendment of a personal record. It may contain any additional pertinent information or evidence." [Eff 11/5/84; comp APR 13 1995] (Auth: HRS §§26-38, 346-14) (Imp: HRS §92F-25)

6. Material, except source notes, to be repealed is bracketed. New material is underscored.

7. Additions to update source notes to reflect these amendments and compilations are not underscored.

8. These amendments to and compilations of Chapters 17-1, 17-2, 17-3, 17-4, and 17-15, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.