

HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

CHAPTER 16

PERSONAL RECORDS

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§20-16-1 Purpose. This chapter is adopted pursuant to chapter 92E, Hawaii Revised Statutes, to establish procedures governing an individual's access to the individual's personal record and access to that personal record by the public and governmental agencies. [Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4) (Imp: HRS §92E-10)

§20-16-2 Definitions. As used in this chapter: The definitions of "agency", "individual" and "personal record" as contained in section 92E-1, HRS, are incorporated by reference.

"President" means the president of the University of Hawaii.

"University" means University of Hawaii.
[Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4) (Imp: HRS §92E-1)

§20-16-3 Individual's access to personal record. (a) An individual seeking access to the individual's personal record shall make a request in writing on a form provided by the university. The request shall be submitted to the custodian of the personal record of the appropriate campus.

(b) Prior to production of the personal record, the university may require the requesting individual to produce verification of identity such as a driver's license or other photo identification.

(c) Except as provided in subsection (d), within ten working days following the date of receipt of the request, the university shall permit the individual to review the record. The ten-day period may be extended for an additional twenty working days if the university provides to the individual within the initial ten working days, a written explanation of the unusual circumstances causing the delay.

(d) The individual may be denied access to the record if:

- (1) The request is exempted under section 92E-3, HRS; or
- (2) The individual is unable to produce verification of identity in accordance with this chapter.

Where the university denies access to the record, it shall provide to the individual, in writing, the reasons for the denial within the time period prescribed in subsection (c).

(e) The individual reviewing the personal record may request a copy of any portion or all of the individual's personal record. The copy shall be provided within the time period prescribed in subsection (c). The agency shall charge the individual for any copy and for certification of copies. The cost shall include the cost of duplication, transcription of the record, if necessary, and any search required to find the record involved.

(f) At the request of the individual, the university shall provide an explanation of any machine readable code or any code or abbreviation which is employed for internal agency use and which is contained in the record. [Eff. APR 04 1988]
 (Auth: §§91-2, 92E-10, 304-2, 3, 4) (Imp: HRS §92E-2, 92E-3, 92E-6, 92E-7)

§20-16-4 Correction of personal record. (a) If, after reviewing the individual's personal record, an individual believes that there is a factual error, misrepresentation, or misleading entry in the record, the individual may request that the record be corrected. A request for correction shall:

- (1) Be in writing;
- (2) Specify the portion of the record sought to be corrected;
- (3) Explain why the record should be corrected; and
- (4) Be accompanied by any documentary support for the correction. Any request for correction shall be submitted to the office of the university which maintains the record involved.

(b) Within twenty working days after receipt of the request for correction and evidence in support thereof, the university shall respond to the request either by correcting the record and notifying the requesting individual of the correction or by informing the requesting individual that the record will not be corrected, the reasons why the record will not be corrected, and the university's procedures for review of the refusal. [Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4) (Imp: HRS §92E-8)

§20-16-5 Public access to personal record. (a) Except as provided in subsection (b), the personal record of an individual shall not be disclosed to any person other than the individual to whom the record pertains.

(b) The personal record may be disclosed to a person other than the individual to whom the record pertains if that disclosure is authorized by sections 92E-4 or 92E-13, HRS, or both, provided that:

- (1) Where the person who requests access to the personal record claims to be an authorized agent of the individual to whom the record pertains, the university may require the agent to present written authorization or other documentation establishing the agent's authority to act on behalf of the individual and to obtain access to the individual's personal record;
- (2) The university may require a person seeking disclosure for compelling circumstances affecting the health or safety of any individual to provide proof establishing those circumstances.
[Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4) (Imp: HRS §§92E-4, 92E-13)

§20-16-6 Disclosure of personal record to other agencies. The university may disclose information contained in a personal record to other agencies provided that the agencies demonstrate that the disclosure falls into one or more of the categories enumerated in section 92E-5, HRS. [Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4) (Imp: HRS §92E-5)

§20-16-7 Review procedures; denial of request for access or correction. (a) If the university denies a request for access to a personal record or denies an individual's request to correct the individual's personal record, the affected person may request a review of the decision of the university. A request for review shall be filed with the office of the president within twenty working days after the date of the university's denial, and shall explain why the person believes that the university's determination is erroneous.

(b) Within thirty working days after receipt of the request for review of the university's decision, the president or the president's designee shall respond to the request either by ordering a correction of or access to the record and so notifying the requesting individual, or by informing the requesting individual that the university's decision will not be changed and why it will not be changed. If the president or the president's designee affirms the university's refusal to correct the record or refusal to grant access to the record, the president or the president's designee shall inform the individual of the right to seek judicial review of the university's decision pursuant to section 92E-11, HRS, and shall permit the individual to submit, for inclusion in the record, a concise statement of the reasons why the individual believes the personal record sought to be corrected should be corrected.
[Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4)
(Imp: HRS §§92E-9, 92E-11)

§20-16-8 Conflict of law. The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g shall prevail in the event of a conflict with this chapter regarding a record which meets the definition of an "education record" under that federal act. [Eff. APR 04 1988] (Auth: HRS §§92E-10, 304-2, 3, 4)
(Imp: HRS §92E-10)

§20-16-9 Implementation. The president or the president's designee may issue such guidelines and procedures as may be appropriate to implement these rules.
[Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4)
(Imp: HRS §304-4)