



Senate Committee on Judiciary  
Honorable Karl Rhoads, Chair  
Honorable Mike Gabbard, Vice Chair

**RE: Testimony in Support of S.B. 846, Relating to Emergency Powers**  
Hearing: January 31, 2025 at 9:15 a.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency.

Thank you for the opportunity to submit testimony **in support** of S.B. 846. We also **recommend an amendment** to better effectuate the intent of this measure.

Government transparency is especially crucial during emergencies. Transparency holds government accountable for its actions and decisions. And it helps government address the misinformation that can proliferate in times of crisis and erode the public's trust in government. Transparency builds trust by providing clarity about a given situation and the steps being taken to address it.

Public records laws are a critical mechanism to ensure government transparency. This bill seeks to safeguard that mechanism for the public during emergencies. As written, however, it only safeguards one part of the public records law. We thus recommend the following amendment (in bold) to Section 2:

(a) The governor or mayor shall not, through any proclamation or declaration of emergency or any rule or order adopted pursuant to this chapter, suspend **[agency response deadlines for requests] access to: [Public records] Records** pursuant to **[part II of]** chapter 92F . . .

This amendment would ensure that members of the public are still able to access their personal records under part III of chapter 92F. It would also ensure that the Office of Information Practices (OIP) remains empowered, under part IV of chapter 92F, to administer the public records law – this would address the operational challenges faced by OIP when former Governor David Ige suspended the entirety of chapter 92F during the COVID-19 pandemic.

Thank you again for the opportunity to testify in support of S.B. 846.

