

BOARD PACKET

OFFICE OF INFORMATION PRACTICES

What is a Board Packet?

Documents or meeting materials distributed to board members before a meeting for use at the meeting, to the extent they are public under Hawaii Revised Statutes (HRS) chapter 92F, the Uniform Information Practices Act (UIPA). This could include draft minutes, reports, applications, written testimony and other documents relating to an agenda item. Below is a checklist to help boards meet the board packet requirements under section 92-7.5, HRS.

Board Packet Preparation & Distribution

- Collect materials for board packet (if using one)
- Create public version of board packet if some documents won't be public (public disclosure is not required for executive session minutes, license applications, or records with nonpublic information that cannot be reasonably redacted in time)
- Distribute board packet to board members at least **three full business days** before the meeting
 - Written testimony is not subject to the three-day deadline and may be distributed to board members before a meeting.

Public Access Requirements

- Available in the board's office at the same time it is sent to board members.
- Posted on the board's website as soon as practicable
- Other electronic access (such as email) upon request

Notification Requirements

- Send a notice (different from the meeting notice) to people on the board's mailing list under section 92-7(e), HRS, at the same time the board packet is sent to board members
 - Boards must maintain lists of names and postal or email addresses of people wanting meeting notifications.
- The notice must include:
 - A list of documents in the board packet, and
 - A statement that the board packet is available for inspection in the board's office.
 - There is no requirement to attach the board packet to the notice

PRACTICE TIPS

- As you prepare the board packet, make two versions: a public version and a non-public version, if applicable.
- Review each document to determine if it must be included in the public board packet and apply redactions if needed.
- Have a pdf copy of the public board packet ready to be emailed upon request.
- Consider attaching a copy of the board packet or linking it in the email notification to help reduce requests for a copy.
- If written testimony is included in the board packet, the meeting notice can inform the public that their testimony will be publicly available so testifiers may want to avoid sharing personal information.

FREQUENTLY ASKED QUESTIONS

Q: *What is a business day?*

A: Section 11-1, HRS, excludes "Saturdays, Sundays, and state or federal holidays" from the definition of a business day. Thus, federal-only holidays (e.g., Discoverers'/Indigenous Peoples'/Columbus Day, and Juneteenth National Independence Day) count the same as a state holiday only for the purpose of calculating the board packet deadline.

Q: *What is considered a "full" business day?*

A: Six hours before the board's office closes for the day. For example, if the office closes at 4:30 p.m. and the meeting is on Thursday, the board packet must be available by 10:30 a.m. the preceding Monday, assuming no holidays.

Q: *Can staff give board members meeting materials less than 3 business days before the meeting?*

A: No. testimony may be distributed as it is received, but staff should wait to distribute other last-minute materials at the meeting.

Q: *Are boards required to post documents online if they're distributed at the meeting?*

A: No, there is no legal requirement to do so, but it is a good practice in the interest of transparency.