

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
ANNUAL REPORT ON GOALS, OBJECTIVES AND POLICIES

January 2018

Program ID/Title: AGS 105/Enforcement of Information Practices  
Contact Person/Phone No: Cheryl Kakazu Park/586-1400

## I. Goals

The primary goal of the Office of Information Practices (OIP) is to fairly and reasonably construe and apply the Uniform Information Practices Act (Modified), chapter 92F, HRS (UIPA), and the Sunshine Law, Part I of chapter 92, HRS, in order to achieve the common purpose of both laws, which is as follows:

In a democracy, the people are vested with the ultimate decision-making power. Government agencies exist to aid the people in the formation and conduct of public policy. Opening up the government processes to public scrutiny and participation is the only viable and reasonable method of protecting the public's interest. Therefore, the legislature declares that it is the policy of this State that the formation and conduct of public policy—the discussions, deliberations, decisions, and action of government[al] agencies—shall be conducted as openly as possible.

With the passage of Act 263, SLH 2013 (see HRS § 27-44), OIP has adopted another goal to assist the Office of Enterprise Technology Services (ETS) properly implement Hawaii's Open Data policy, which seeks to increase public awareness and electronic access to non-confidential and non-proprietary data and information available from state agencies; to enhance government transparency and accountability; to encourage public engagement; and to stimulate innovation with the development of new analyses or applications based on the public data made openly available by the state.

## II. Objectives and Policies

**A. Legal Guidance and Assistance.** Provide training and assistance to members of the public and all state and county agencies to promote compliance with the UIPA and Sunshine Law.

1. Provide accessible training guides, audio/visual presentations, and other materials online at **oip.hawaii.gov** and supplement OIP's online training with customized live training for state and county government entities.
2. Provide prompt informal advice and assistance to members of the public and government agencies through OIP's Attorney of the Day (AOD) service.
3. Adopt and revise administrative rules, as necessary.

**B. Investigations and Dispute Resolution.** Assist the general public, conduct investigations, and provide a fair, neutral, and informal dispute resolution process as a free alternative to court actions regarding the UIPA and Sunshine Law, and resolve appeals under section 231-19.5(f), HRS, arising from the Department of Taxation's decisions concerning the disclosure of the text of written opinions.

1. Focus on reducing the age and number of OIP's backlog of formal cases in a manner that is fair to all requesters.

**C. Open Data.** Assist ETS and encourage all state and county entities to increase government transparency and accountability by posting open data online, in accordance with the UIPA, Sunshine Law, and the State's Open Data Policy.

1. Post all of OIP's opinions, training materials, reports, and What's New communications at **oip.hawaii.gov**, which links to the State's open data portal at **data.hawaii.gov**.
2. Encourage state agencies to electronically post appropriate data sets onto **data.hawaii.gov** and to use the UIPA Record Request Log to record and report their record requests.

**D. Records Report System.** Maintain the Records Report System (RRS) and assist agencies in filing reports for the RRS with OIP.

1. Promote the use of the RRS to identify and distinguish private or confidential records from those that are clearly public and could be posted as open data on government websites.

**E. Legislation and Lawsuits.** Monitor legislative measures and lawsuits involving the UIPA and Sunshine Law.

1. Provide testimony or legal intervention, as may be necessary, to uphold the requirements and common purpose of the UIPA and Sunshine Law.

### **III. Action Plan with Timetable**

#### **A. Legal Guidance and Assistance**

##### **1. Past Year Accomplishments**

- a. Received 1,234 total requests for assistance in FY 2017, of which 956 (77%) were informal requests typically resolved the same day through OIP's AOD service.
- b. Conducted 9 live training sessions for state and county agencies and boards.
- c. Added or updated 4 training materials on OIP's website.
- d. Prepared all new documents and presentations on OIP's website to be accessible to disabled persons.
- e. Prepared drafts of new rules for personal records and revisions to OIP's existing rules.

##### **2. Year 1 Action Plan**

- a. Focus OIP's limited resources on preparing and improving online training and communication to cost-effectively provide services to the greatest potential number of people and increase compliance by more government agencies, and customize live presentations for advanced or special training.
- b. Maintain current efforts to promptly provide general legal guidance through OIP's AOD service, so that approximately 80% of requests for OIP's assistance can be resolved within one work day.
- c. Conduct informational briefings and a public hearing to obtain agency and public input on OIP's new administrative rules and revisions to its existing rules, obtain all

necessary approvals, prepare training for agencies on the new rules, and revise OIP's forms and training materials, including the UIPA Record Request Log, before the end of FY 2017.

### **3. Year 2 Action Plan**

- a. Implement OIP's new administrative rules.
- b. Update and improve OIP's online training materials, as may be necessary.

### **4. Year 5 Action Plan**

- a. Evaluate recently implemented rules and determine whether additional rules or revisions are necessary.

## **B. Investigations and Dispute Resolution**

### **1. Past Year Accomplishments**

- a. OIP received a total of 1,234 formal and informal requests for assistance in FY 2017, and OIP resolved 93% of them in the same year, with most of them resolved the same day.
- b. OIP resolved 956 AOD inquiries in FY 2017, which is over 77% of total requests for assistance (1,234) received by OIP.
- c. Of the 278 formal cases opened in FY 2017, 193 (69.4%) were resolved in the same fiscal year.
- d. Despite the 40.4% increase in the number of new formal cases filed in FY 2017 (278) compared to the year before (198), OIP was able to resolve 232 formal cases and all cases filed before FY 2015.
- e. Of the 150 cases that remained pending at the end of FY 2017, 85 (57%) were opened in FY 2017, 33 (22%) were opened in FY 2016, and 32 (21%) were opened in FY 2015.

### **2. Year 1 Action Plan**

- a. Strive to resolve all formal cases filed before July 1, 2015, if they are not in litigation or filed by requesters who have had two or more cases resolved by OIP in the preceding 12 months.

### **3. Year 2 Action Plan**

- a. Strive to resolve all formal cases filed before July 1, 2016, if they are not in litigation or filed by requesters who have had two or more cases resolved by OIP in the preceding 12 months.

### **4. Year 5 Action Plan**

- a. Strive to resolve all formal cases within 12 months of filing, if they are not in litigation or filed by requesters who have had two or more cases resolved by OIP in the preceding 12 months.

## **C. Open Data**

### **1. Past Year Accomplishments**

- a. Prepared reports of the UIPA Record Request Log summarizing results for FY 2016 from 177 state and 74 county agencies, including the Governor's Office, Lt. Governor's Office, Judiciary, Legislature, University of Hawaii, and Office of Hawaiian Affairs.
- b. Distributed 22 What's New articles and participated in two televised or online programs to keep government personnel and the general public informed of open government issues, including proposed legislation.
- c. Received 29,320 unique visits on OIP's website and 96,621 website page views (excluding OIP's and home page hits).

### **2. Year 1 Action Plan**

- a. Assist state and county agencies to electronically post open data, including the results of their UIPA Record Request Logs.

- b. Prepare reports of the UIPA Record Request Log results for FY 2017 from all state and county agencies.
- c. Utilize Log data to develop and evaluate proposed OIP rules concerning the UIPA record request process and fees.
- d. Post information on OIP's website at oip.hawaii.gov to provide transparency and obtain public input on the rule-making process.

### **3. Year 2 Action Plan**

- a. Continue to assist state and county agencies to electronically post open data and report on their results of state and county agencies' UIPA Record Request Logs.

### **4. Year 5 Action Plan**

- a. Continue to assist state and county agencies to electronically post open data and report on the results of state and county agencies' UIPA Record Request Logs.

## **D. Records Report System (RRS)**

### **1. Past Year Accomplishments**

- a. Conducted two live trainings of the RRS.
- b. For FY 2017, state and county agencies reported 29,838 record titles on the RRS.

### **2. Year 1 Action Plan**

- a. Continue to train and advise other state and county agencies on how to use the access classification capabilities of the RRS to uniformly identify and protect private or confidential records, while promoting open access to public data that may be disclosed.

### **3. Year 2 Action Plan**

- a. Continue to train and advise other state and county agencies on how to use the access classification capabilities of the RRS to uniformly identify and protect private or

confidential records, while promoting open access to public data that may be disclosed.

#### **4. Year 5 Action Plan**

- a. Continue to train and advise other state and county agencies on how to use the access classification capabilities of the RRS to uniformly identify and protect private or confidential records, while promoting open access to public data that may be disclosed.

### **E. Legislation and Lawsuits**

#### **1. Past Year Accomplishments**

- a. After years of disagreement, OIP gained consensus from key stakeholders and successfully advocated for the adoption of Sunshine Law revisions embodied in House Bill 165, House Draft 1, Senate Draft 2, Conference Draft 1, which was signed into law by Governor David Ige as Act 64 (SLH 2017). Among other things, the new law will allow public inspection of Sunshine Law boards' packets; require meeting notices to be filed on state and county electronic calendars; require postal or electronic mailings of notices to requesters; allow meeting minutes to be kept in recorded form; and require minutes to be posted online within 40 days after a board meeting.
- b. OIP also successfully advocated for passage of Senate Bill 572, Senate Draft 1, House Draft 1, Conference Draft 1, which allows OIP to adopt additional administrative rules concerning record request procedures under the UIPA that all state and county agencies must follow. This bill was enacted as Act 165, (SLH 2017), and will provide for the uniform and consistent administration of the UIPA.
- c. OIP obtained legislative approval to convert its long-time "temporary" employees to permanent status.
- d. In FY 2017, OIP reviewed 108 bills and resolutions and testified on 26 of them.
- e. In FY 2017, OIP monitored 31 cases in litigation, of which 11 were new cases.

#### **2. Year 1 Action Plan**

- a. For the 2018 legislative session, OIP will continue to seek an increase its appropriations to be able to provide competitive salaries that will help it to retain its experienced employees and institutional memory.

### **3. Year 2 Action Plan**

- a. Continue to monitor legislation and lawsuits and to take appropriate action on matters affecting the UIPA, Sunshine Law, open data, or OIP.
- b. Obtain sufficient funding and position authorizations to train and retain OIP staff so as to keep up with anticipated increases in OIP's workload while reducing the formal case backlog.

### **4. Year 5 Action Plan**

- a. Continue to monitor legislation and lawsuits and to take appropriate action on matters affecting the UIPA, Sunshine Law, or OIP.
- b. Obtain sufficient funding and position authorizations to recruit, train, and retain legal and administrative personnel to ensure the long-term stability and productivity of OIP.

## **IV. Performance Measures**

- A. Customer Satisfaction Measure – Monitor evaluations submitted by participants after training or informational sessions as well as comments or complaints made to the office in general, and take appropriate action.
- B. Program Standard Measure – Measure the number of: formal cases and AOD inquiries received and resolved; opinions issued; lawsuits monitored; legislative proposals monitored; unique visits to OIP's website; live training sessions and public presentations; training materials added or revised; and public communications.
- C. Cost Effectiveness Measure – Considering the number and experience levels of OIP personnel in comparison to similar agencies, monitor the total numbers of requests for assistance and the numbers of state or county agencies or the general public who are



assisted by OIP; the types of services provided by OIP; the number of state and county agencies submitting the UIPA Record Request Log; and the overall Log results.