

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

January 2017

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 in order 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](http://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 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 filed under 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 and 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 common purpose of the UIPA and Sunshine Law.

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

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

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

- a. Received 1,162 total requests for assistance in FY 2016, of which 964 (83%) were informal requests typically resolved the same day through OIP's Attorney of the Day (AOD) service.
- b. Conducted 11 live training sessions for state and county agencies and boards.
- c. Added or updated 12 training materials to OIP's website.
- d. Prepared all new documents and presentations on OIP's website to be accessible to disabled persons.

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

- a. Focus OIP's limited resources on preparing and improving online training and communication in order to cost-effectively provide services to the greatest potential number of people and increase compliance by more government agencies, and reserve 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 the same day.
- c. By the end of FY 2017, prepare drafts of new rules for personal records and revisions to OIP's existing rules.

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

- a. Obtain agency and public input on OIP's proposals for administrative rules and conduct public hearings in FY 2018, so that final rules can be adopted and implemented in FY 2019.
- b. Continue to update and improve OIP's online training materials.

##### **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's Accomplishments**

- a. Of the 198 formal cases opened in FY 2016, 152 (77%) were resolved in the same fiscal year.
- b. After averaging more than 20% increases each year for three consecutive years, OIP finally saw a 15% decrease in the number of new formal cases opened in FY 2016 (198 total opened cases). At the same time, OIP continued to resolve 20% more cases (of 241 total closed cases) in FY 2016 than in the prior year. Consequently, OIP substantially reduced its formal case backlog by 41%, from 147 pending cases at the end of FY 2015 to 104 pending cases at the end of FY 2016.
- c. Of the 104 cases that remained pending at the end of FY 2016, 46 (44%) were opened in FY 2016 and 40 (38%) were opened in FY 2014 or FY 2015.
- d. No cases remained pending at the end of FY 2016 that were filed before FY 2014.

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

- a. Strive to resolve all formal cases filed before January 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.

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

- a. Strive to resolve all formal cases filed before January 1, 2017, 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's Accomplishments**

- a. Prepared reports of the UIPA Record Request Log summarizing results for FY 2015 from 287 state and county agencies, including the Governor's

Office, Lt. Governor's Office, Judiciary, Legislature, University of Hawaii, and Office of Hawaiian Affairs.

- b. Created a new Checklist form and updated online training materials for the UIPA Record Request Log.
- c. Conducted live training sessions on Oahu, Maui, Kauai, and the Big Island regarding the UIPA Record Request Log.
- d. Distributed 30 public communications to keep government personnel and the general public informed of open government issues, including proposed legislation.
- e. Received 38,054 unique visits on OIP's website and 116,119 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 2016 from all state and county agencies.
- c. Utilize Log data to develop and evaluate proposed OIP rules concerning the UIPA.

## **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**

### **1. Past Year's Accomplishments**

- a. Conducted one live training of the RRS.

- b. For FY 2016, state and county agencies reported 29,838 records 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's Accomplishments**

- a. With DAGS' assistance and cooperation, OIP smoothly transitioned from being administratively housed in the Lt. Governor's Office to DAGS, effective July 1, 2016, and is now a permanent state agency falling under a principal department, pursuant to Act 92, SLH 2015. OIP continues to retain its independence over substantive matters within its jurisdiction and is statutorily authorized to directly communicate with the Governor and Legislature under HRS Section 92F-41.
- b. In FY 2016, OIP reviewed 175 bill and resolutions and testified on 24 of them.
- c. In FY 2016, OIP monitored 28 cases in litigation, of which 8 were new cases.

**2. Year 1 Action Plan**

- a. For the 2017 legislative session, OIP will seek to convert its temporary employees to permanent status and to increase its appropriations to be

able to provide competitive salaries that will help it to retain its experienced employees and, if necessary, recruit new employees.

**3. Year 2 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 train and retain OIP staff in order to keep up with the anticipated increases 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 retain trained and experienced staff to ensure the long-term stability and productivity of OIP.

**IV. Performance Measures**

- A. Customer Satisfaction Measure – Monitor evaluations submitted by participants after training sessions as well as comments or complaints made to the office in general, and take appropriate action.
- B. Program Standard Measure – Monitor the number of formal and informal requests for assistance; AOD inquiries received; 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 - Provide OIP's services with little or no additional cost and without exceeding OIP's budget amount. Monitor number, percentage, or age of cases opened and closed; pending cases; agencies posting their data onto the Master UIPA Record Request Log; and hits on OIP's website.