

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

Program ID/Title: AGS 105/Enforcement of Information Practices

Contact Person/Phone No: Cheryl Kakazu Park/586-1400

Goals, Objectives, and Action Plan

Pursuant to Act 100, SLH 1999, as amended by Act 154, SLH 2005, the state Office of Information Practices (OIP) presents its Goals, Objectives, and Action Plan for One, Two, and Five Years, including a report on its performance in meeting previously stated goals, objectives, and actions.

OIP's Mission Statement

“Ensuring open government while protecting individual privacy.”

I. Goals

OIP's primary goal is to fairly and reasonably construe and administer 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:

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 the Open Data Law, OIP adopted another goal to assist the Office of Enterprise Services to 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 and boards 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 government entities.
 2. Provide prompt informal advice and assistance to members of the public and government entities 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 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, 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 and county 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 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

As of October 2020, when this plan was prepared, the COVID-19 pandemic continued to devastate Hawaii's economy, resulting in substantially lower tax revenues being projected for several years into the future. State budget cuts and employee furloughs were anticipated but not yet finalized and a general hiring freeze was in place at a time when OIP uncharacteristically had three vacancies due to retirement and personal reasons. Despite OIP's success in FY 2019, when it was fully staffed, in reducing its formal case backlog to the lowest level in over a decade, OIP's backlog increased significantly in FY 2020 as new cases continued to be filed while OIP waited for approval to fill one-third of its 8.5 positions. It is against this background and uncertainty that OIP's Action Plan was developed.

B. Legal Guidance and Assistance

1. Past Year Accomplishments

- a. Received 1,168 total requests for assistance in FY 2020, 96% of which were resolved in the same fiscal year, and 85% (990) were informal requests typically resolved the same day through OIP's AOD service.
- b. Despite the temporary suspension of OIP's powers and duties due to COVID-19 emergency proclamations, reduced OIP's formal case backlog by over 18% to 67 pending cases, which is the lowest level in more than a decade.
- c. Issued 24 formal or informal opinions.
- d. Conducted 6 live training sessions for state and county agencies and boards before the COVID-19 pandemic restricted in-person gatherings.
- e. Added or updated 11 training materials on OIP's website regarding changes to the laws that OIP administers, including guidance on "virtual" online meetings allowable under the Governor's emergency proclamations during the COVID-19 pandemic.
- f. Created a new "Legislation" page at oip.hawaii.gov where OIP compiled for easy public access the legislative history leading to the enactment or amendment of the UIPA, Sunshine Law, and tax statute allowing appeals to OIP from challenges to the disclosure of written tax opinions.

2. Year 1 Action Plan

- a. Obtain approval to hire and train new employees to fill one Administrative Assistant and two Staff Attorney positions.
- b. Conduct informational briefings and a public hearing to obtain government and public input on OIP's new administrative rules and revisions to its

existing rules, obtain all necessary approvals, prepare training for agencies and boards on the new rules, and revise OIP's forms and training materials, including the UIPA Record Request Log, before the end of FY 2021, conditioned on the completion of the Attorney General's legal review of OIP's draft rules.

- c. Continue to promptly provide general legal guidance through OIP's AOD service, so that approximately 80% of requests for OIP's assistance can be informally resolved within one workday.
 - d. 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, particularly because in-person events may continue to be restricted by the COVID-19 pandemic.
3. Year 2 Action Plan
 - a. Implement OIP's new administrative rules, including the creation of a revised UIPA Record Request Log.
 - 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 1,168 formal and informal requests for assistance in FY 2020, and OIP resolved 96% of them in the same year and typically resolved 85% within the same day.
 - b. OIP resolved 990 AOD inquiries in FY 2020, which is 85% of total requests for assistance (1,168) received by OIP.
 - c. Of the 178 formal cases opened in FY 2020, 130 (73%) were resolved in the same fiscal year.
 - d. Of the 67 cases that remained pending at the end of FY 2020, 48 (72%) were opened in FY 2020, 16 (24%) were opened in FY 2019, 1 was opened in FY 2018, 1 was opened in FY 2017, and one case filed in FY 2015 was still pending in litigation.

2. Year 1 Action Plan

- a. Obtain approval to hire and train new employees to fill critical legal or administrative vacancies.
- b. Strive to resolve all formal cases filed before FY 20, 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 FY 21, 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 24 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 and provided that OIP is fully staffed.

C. Open Data

1. Past Year Accomplishments

- a. Prepared Log reports summarizing results for FY 2019 from 188 state and 88 county agencies, including the Governor's office, Lt. Governor's office, Judiciary, Legislature, UH, and OHA.
- b. Distributed 26 *What's New* articles to keep government personnel and the general public informed of open government issues, including proposed legislation.
- c. Received 29,678 unique visits from Hawaii to OIP's website and 87,892 website page views (excluding OIP's and home page hits).

2. Year 1 Action Plan

- a. Obtain approval to hire and train new employees to fill critical legal or administrative vacancies.
- b. Encourage state and county agencies to electronically post open data, including the results of their Logs.

- c. Complete data and prepare reports of the Log results for FY 2020 from all state and county agencies.
 - d. Utilize Log data to develop and evaluate proposed OIP rules concerning the UIPA record request process and fees.
 - e. 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' Logs.
 - b. Revise UIPA Record Request Log and related training materials, if new administrative rules are adopted.
 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' Logs.

D. Records Report System

1. Past Year Accomplishments
 - a. For FY 2020, state and county agencies reported 29,762 record titles on the RRS.
2. Year 1 Action Plan
 - a. Continue to train and advise 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 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 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. In FY 2020, OIP reviewed and monitored 146 bills and resolutions and testified on 25 of them.
- b. In FY 2020, OIP monitored 45 cases in litigation, of which 11 were new cases.

2. Year 1 Action Plan

- a. Obtain approval to hire and train two new employees to fill critical legal or administrative vacancies.
- b. For FY 2021, OIP will continue to monitor legislation and lawsuits affecting the UIPA, Sunshine Law, open data, or OIP.

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 recruit, 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.