

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

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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, 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 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 State and county 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 2021, when this plan was prepared, the COVID-19 pandemic continued worldwide with new variants. Although tourists had started returning and federal assistance had been received, Hawaii's economy continued to struggle, and substantially lower tax revenues have been projected for several years into the future. Due to staffing shortages, OIP's backlog increased significantly in FY 2021 and continued the uptrend in FY 2022. It is against this background and uncertainty that OIP's Action Plan was developed.

B. Legal Guidance and Assistance

1. Past Year Accomplishments

- a. OIP received 874 total requests for assistance in FY 2021, 95% (828) of which were resolved in the same fiscal year, and 82% (719) were informal requests typically resolved the same day through OIP's Attorney of the Day (AOD) service.
- b. In late March-early April 2021, OIP was exempted from the State's hiring freeze and allowed to fill two of three vacancies in 8.5 total positions.
- c. OIP successfully advocated for passage of Act 220, SLH 2021 that will allow Sunshine Law boards to conduct remote online meetings effective January 1, 2022, and therefore, OIP revised the training materials on its website.
- d. OIP continued to add historical materials to the new "Legislation" page at oip.hawaii.gov, namely Act 220, SLH 2021, amending the Sunshine Law. Here, OIP has 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.
- b. 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.
- c. In light of emergency restrictions on gatherings and OIP's limited resources, focus on preparing and improving online training and communication to reflect

the changes in the Sunshine Law allowing boards to conduct remote hearings online, as will become effective on January 1, 2022.

3. Year 2 Action Plan

- a. 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, conditioned on the prior completion of the Attorney General's legal review of OIP's draft rules.
- b. Assuming adoption, implement OIP's new administrative rules, including the creation of new training materials and a revised UIPA Record Request Log.
- c. Update and improve OIP's online training materials, as may be necessary.
- d. 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. Evaluate recently implemented rules and determine whether additional rules or revisions are necessary.
- 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.

B. Investigations and Dispute Resolution

1. Past Year Accomplishments

- a. OIP received a total of 874 formal and informal requests for assistance in FY 2021, and OIP resolved 95% of them in the same year and typically resolved 82% within the same day.
- b. Of the 155 formal cases opened in FY 2021, 109 (70%) were resolved in the same fiscal year.
- c. Of the 93 cases that remained pending at the end of FY 2021, 46 (49.5%) were opened in FY 2021 and 47 (50.5%) were opened in FY 2020 or earlier, one of which is still pending in litigation.

2. Year 1 Action Plan

- a. Obtain approval to hire and train new employees to fill vacancies.
- b. Strive to resolve all formal cases filed before FY 2021, 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 2021, 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.
- 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. 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 and has at least five trained staff attorneys.
- 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.

C. Open Data

1. Past Year Accomplishments

- a. Prepared UIPA Record Request Log reports summarizing results for FY 2020 from 199 State and 85 county agencies, including the Governor's office, Lt. Governor's office, Judiciary, Legislature, UH, OHA, all Mayors' offices, and all county councils.
- b. Distributed 27 *What's New* articles to keep government personnel and the general public informed of open government issues, including proposed legislation.
- c. Received 29,273 unique visits from Hawaii to OIP's website and 101,170 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 vacancies.
- b. Encourage and assist State and county agencies to electronically post open data, including the results of their UIPA Record Request Logs.
- c. Complete data and prepare reports of the Log results for FY 2021 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 the 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 (RRS)

1. Past Year Accomplishments

- a. For FY 2021, State and county agencies reported 28,612 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 2021, OIP successfully obtained passage of SB 1034, SD 1, HD 2, CD 1, which was signed by Governor David Ige and enacted into law as Act 220, SLH 2021. Effective January 1, 2022, Act 220 amends the Sunshine Law to allow boards to remotely conduct online hearings.
- b. Additionally, in FY 2021, OIP reviewed and monitored 161 bills and resolutions and testified on 41 of them.
- c. In FY 2021, OIP monitored 45 cases in litigation, of which 13 were new cases.

2. Year 1 Action Plan

- a. Obtain approval to hire and train new employees to fill vacancies.

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.

4. Year 5 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.

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 OIP 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; 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 percentage of formal or informal requests for assistance resolved in the same year of the request and the number of formal cases pending at the end of each fiscal year.