

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 UIPA and the Sunshine Law 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 Technology Services (ETS) 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 impartial 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 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 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 (RRS). 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 and provide impartial, objective information and assistance to the Legislature regarding legislative proposals.

1. Provide testimony, legislative proposals, reports, 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. OIP was able to fill the last of its three staff attorney vacancies in March 2022, after overcoming delays in obtaining authorization to hire.
- b. OIP received 1,633 total formal and informal requests for assistance in FY 2022, 97% (1,580) of which were resolved in the same fiscal year, and 89% (1,456) were informal requests typically resolved the same day through OIP's AOD service.
- c. Despite training new attorneys and experiencing more than double the number of AOD inquiries compared to the previous year, OIP responded to 1,456 inquiries typically within the same day.
- d. OIP extensively updated its online training materials to reflect the new remote meeting provisions of the Sunshine Law that went into effect on January 1, 2022, as well as provided notice and guidance regarding other statutory changes made during the 2022 legislative session. Additional updates to OIP's online training materials were posted in early FY 2023.

2. Year 1 Action Plan

- a. Obtain sufficient funding and position authorizations to recruit, train and retain legal and administrative personnel to keep up with anticipated increases in OIP's workload, while reducing the formal case backlog.
- b. Continue to promptly provide informal guidance through OIP's AOD service, so that approximately 80% of requests for OIP's assistance can be timely answered or resolved within one workday, which promotes compliance with the law and helps to prevent disputes from escalating to formal complaints.
- c. Create a new Senate Concurrent Resolution (SCR) 192 webpage at oip.hawaii.gov to keep the government agencies and the general public informed of the efforts of the Working Group convened in July 2022 pursuant to SCR 192 to develop a new statutory exception to the UIPA that would improve government decision-making.
- d. Continue to update OIP's online training materials to reflect statutory revisions and provide free and readily accessible guidance for government agencies as well as the general public.

3. Year 2 Action Plan

- a. 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, 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 legal and administrative personnel to ensure the long-term stability and productivity of OIP.

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. Despite an increase of 14% in the number of new formal cases filed in FY 2022, OIP resolved 10% more formal cases (171) than in the prior year (155).
- b. Of the 177 formal cases opened in FY 2022, 124 (70%) were resolved in the same fiscal year.
- c. Of the 99 cases that remained pending at the end of FY 2022, 53 (54%) were opened in FY 2022 and 46 (46%) were opened in FY 2021 or earlier, one of which is still pending in litigation.

2. Year 1 Action Plan

- a. Obtain sufficient funding and position authorizations to recruit, train and retain legal and administrative personnel to keep up with anticipated increases in OIP's workload, while reducing the formal case backlog.
- b. Strive to resolve 70% of all formal cases opened in FY 2023.
- c. Strive to resolve all formal cases filed before FY 2022, 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 2023, 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 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, and provided that OIP is sufficiently staffed.
- 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 2021 from 209 State and 80 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 and 3 reports to keep government personnel and the general public informed of open government issues, including proposed legislation.
- c. Received 51,745 unique visits from Hawaii to OIP's website and 212,108 website page views (excluding OIP's and home page hits).

2. Year 1 Action Plan

- a. Obtain approval to hire and train another employee to assist with open data and other duties.
- b. Encourage and assist 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 2022 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. Encourage agencies to associate public access status with database fields to meet the State's data quality, open data, and interagency data sharing goals.

D. Records Report System

1. Past Year Accomplishments

- a. For FY 2022, State and county agencies reported 29,780 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 2022, OIP reviewed and monitored 235 bills and resolutions and testified on 62 of them.
- b. In FY 2022, OIP monitored 47 cases in litigation, of which 8 were new cases. Since 10 litigation files were closed, 37 cases remained pending at the end of FY 2022.

2. Year 1 Action Plan

- a. Convene and support a Working Group pursuant to SCR 192 passed by the Legislature in 2022 to develop recommendations for a new UIPA statutory exception and other recommendations for deliberative and pre-decisional agency records to reasonably balance the public's interest in disclosure and the agency's

ability to fully consider and made sound and informed decisions, and provide a report to the Legislature before the 2023 session.

- b. Continue to monitor legislation and lawsuits and to take appropriate action on matters 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.

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.

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; 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.