

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 received legislative approval and funding in the State's operating budget for fiscal biennium 2024-2025 to establish and fill two new permanent positions, effective July 1, 2023.
- b. OIP received 1,416 total requests for assistance in FY 2023, 97% (1,374) of which were resolved in the same fiscal year, and 90% of which (1,275) were informal requests typically resolved the same day through OIP's AOD service.
- c. OIP resolved over 70% (99) of the 141 new formal cases filed in FY 2023 in the same year.
- d. OIP wrote 13 formal and informal opinions.
- e. OIP provided additional updates to its online training materials to reflect the new remote meeting provisions of the Sunshine Law that were passed during the 2023 legislative session.
- f. OIP responded to SCR 192, SLH 2022, by convening a Working Group, keeping the public informed via a new webpage on OIP's webpage on OIP's website, and providing the

Working Group's report and legislative proposal to the 2023 Legislature regarding a new statutory exception to the UIPA that would improve government decision-making.

2. Year 1 Action Plan

- a. Expeditiously receive approvals to establish and hire, and then train the two new positions authorized by the Legislature in Act 164, SLH 2023.
- b. Continue to promptly provide informal guidance through OIP's AOD service, so that approximately 90% 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. Train the new Staff Attorney and Legal Assistant to help OIP reduce its backlog of appeals and keep up with its increasing workload.
- b. 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 and depending on whether statutory changes are made by the Legislature.
- c. Assuming adoption, implement OIP's new administrative rules, including the creation of new training materials and a revised UIPA Record Request Log.
- d. 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. Assuming adoption, 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 still training four new employees, OIP resolved 97% of all formal and informal requests for its services received in FY 2023 in the same year, and often times same day.
- b. Of the 141 formal cases opened in FY 2023, 99 (70%) were resolved in the same year.
- c. Of the 98 cases that remained pending at the end of FY 2023, 42 were opened in FY 2023 and 56 were opened between FY 2021 and 2023, with the exception of one that was pending in litigation.

2. Year 1 Action Plan

- a. Establish, recruit, and train two new positions authorized by the Legislature in Act 164, SLH 2023, and retain experienced 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 2024.
- c. 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.

3. Year 2 Action Plan

- a. Strive to resolve all formal cases filed before FY 2024, 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. Train new positions and retain experienced OIP staff 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 2022 from 184 State and 84 county agencies, including the Governor's office, Lt. Governor's office, Judiciary, Legislature, UH, OHA, all Mayors' offices, and all county councils.
- b. Distributed 29 *What's New* articles, 1 Star-Advertiser article, and 3 reports to keep government personnel and the general public informed of open government issues, including proposed legislation.
- c. Received 44,531 unique visits from Hawaii to OIP's website and 198,831 website page views (excluding OIP's and home page hits).

2. Year 1 Action Plan

- a. Establish new position, hire and train OIP's Legal Assistant 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 collection and prepare reports of the Log results for FY 2023 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 the 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

1. Past Year Accomplishments

- a. For FY 2023, State and county agencies reported 29,763 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 2023, OIP convened and supported a Working Group pursuant to ACR 192 passed by the Legislature in 2022, which was charged with developing 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 make sound and informed decisions. OIP provided the Working Group's report and proposed legislation to the Legislature before the 2023 session.
- b. During the 2023 legislative session, OIP reviewed and monitored 180 bills and resolutions and testified on 31 of them.
- c. In FY 2023, OIP monitored 40 cases in litigation, of which 3 were new cases. Since 14 litigation files were closed, 26 cases remained pending at the end of FY 2023.

2. Year 1 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.

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.