

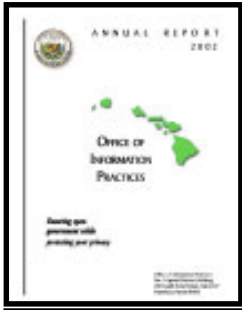
Annual Report (from p. 1)

► Legislation

The OIP reviewed and monitored 194 initiatives as they moved through the Legislature in 2002. These bills and resolutions affected government's information practices,

public access to government records and meetings, or the privacy rights of individuals.

The OIP staff attorneys and Director appeared frequently at the Legislature to testify about bills insofar as they related to these subjects. The report discusses a dozen of these bills.



The OIP also tracks litigation to monitor the issues and concerns under the UIPA that are not resolved through the OIP. The report summarizes ten such court cases.

► Administrative Rules

The OIP in 2002 continued its work on several sets of administrative rules: administrative appeals, personal record requests, records collection practices, and uniform standards for disclosure of records for research purposes.

► Informing the Community

The report also updates the OIP's ongoing efforts to inform the public and government agencies about the UIPA and the open meetings law. These include the monthly *Openline* newsletter (the OIP distributes over 5,000 copies of each issue throughout Hawaii and the world), the annual report, and model forms for requesting government records and responding to requests.

The OIP's web site is another valuable resource for informing the community. Continuing the trend of increased traffic on the site, in FY 2002 there were 186,704 "hits" (requests for web site files), an average of 528 requests per day.

Finally, the report details the OIP's work in education and training, including an annual presentation on information practices and the Sunshine Law to members of the State's Boards and Commissions, and training sessions for the Department of Commerce and Consumer Affairs, the Department of Land and Natural Resources, and Hawaii County. 📄

New Year's Wishes

As a new year arrives throughout the world, and last of all in Hawaii, all of us at the Office of Information Practices send you warm holiday wishes from the islands.



To our colleagues and their loved ones, to our neighbors in downtown Honolulu, to all of those with whom we interact throughout the year – government employees, members of the public, and those in the private sector – and to our many readers near and far, we say mahalo for your interest and support during the past year, and we wish you a happy, healthy, and prosperous New Year!

Moya T. Davenport Gray
Carlotta Dias
Jennifer L. Brooks
Susan R. Kern

Joy E. Fujimoto
Adrienne Dacuag
Michael Little

Investigation: Responding to Requests

The OIP recently received a complaint from a member of the public that a county agency had ignored his record request. The OIP routinely investigates apparent violations of the UIPA or Chapter 2-71, Hawaii Administrative Rules. In this case the OIP investigated and confirmed that the agency had not met the ten-day deadline for responding to record requests at section 2-71-13, Hawaii Administrative Rules.

The OIP discovered, however, that the agency had, in fact, gone above and beyond the call of duty. The agency had been diligently tracking down the requested information, which, as it turned out, is maintained by another county agency.

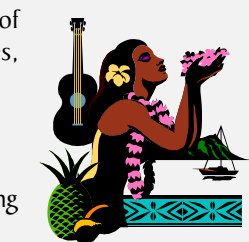
The lessons in this cautionary tale are important to remember: (1) agencies are advised to keep the record requester informed by providing notice within ten days; and (2) record requesters are advised not to assume the worst. 📄

Openline is a monthly publication of the Office of Information Practices, State of Hawaii.

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Highlights from the 2002 Annual Report

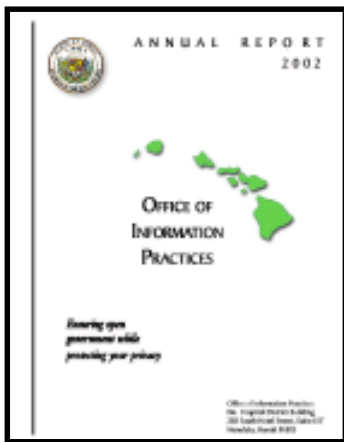
The Office of Information Practices *Annual Report 2002*, currently being distributed, is also available on the OIP's web site at www.state.hi.us/oip/annual.htm.

This report to the Governor and the Legislature describes the work of the OIP in implementing the State of Hawaii's public records law, chapter 92F, Hawaii Revised Statutes, known as the Uniform Information Practices Act (Modified), and the open meetings law, Part I of chapter 92, Hawaii Revised Statutes, from July 1, 2001, to June 30, 2002. Here are some highlights from the report.

► From the Director's Message

"In looking to the future, it is important that the goals of an open government be supported by the leaders of our government through the adoption of structural changes. Therefore, I strongly recommend the following:

- ✓ That all 'good government' agencies be provided with a dedicated source of adequate funding;
- ✓ That all government agency employees be trained in the open records and open meetings laws;
- ✓ That all government agencies establish that certain positions be held accountable for the department's compliance with the law."



► Budget

The OIP's annual budget has stabilized at a bare bones level of about \$350,000 per year since Fiscal Year 1999. During Fiscal Year 2002, the OIP operated with personnel costs of \$320,278 and operational costs of \$38,179.

The OIP's current staffing is a director, three staff attorneys, and three other staff members. Although there is an additional staff attorney position, the OIP does not have the funds to fill this position. The OIP continues to look for ways

to cut its operational costs while increasing the productivity of its employees.

► Enforcement

The OIP opened 12 new investigations into the actions of government agencies in FY 2002. Some of these were opened following complaints made by members of the public.

Upon completion of the investigation, should the OIP find there was a violation, the OIP will recommend either training or discipline of the employees involved.

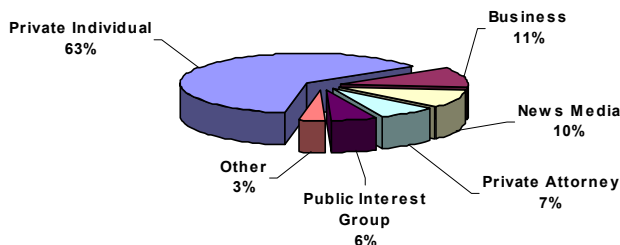
► Legal Assistance

Over the past five years, the OIP has received a total of 4,005 requests for Attorney of the Day ("AOD") services. The AOD service provides rapid legal advice.

The report contains information about types of requesters as well as the government agencies concerned.

Some requests result in legal opinions. The report includes summaries of legal assistance provided by the OIP staff attorneys through the AOD service and informal opinion letters, as well as summaries of nine formal opinion letters.

Telephone Requests from the Public FY 2002



See *Annual Report*, p. 2