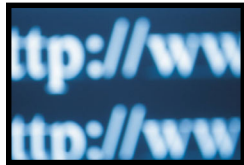


OIP's Web Site: New Look, Easy to Use

The Office of Information Practices announces a new look for its web site, at www.state.hi.us/oip. The site is still loaded with content, but it has been simplified and made easier to navigate.




The OIP developed the new site with the help of the Hawaii Information Consortium ("HIC"), which has been assisting State agencies in making more information and services available on the Internet. For more about HIC, see www.ehawaii.gov/aboutegov/html/faq.

Take a minute to check out the home page, reproduced below. Then go online and test drive it. You will see links to a

great deal of information about State government, as well as general information about Hawaii.

As before, of course, you will find the text of Hawaii's public records law and Sunshine law, the OIP's administrative rules and opinion letters, model forms for requesting access to State and county government records and responding to such requests, guidance letters, and answers to frequently asked questions.

You will also find copies of *Openline* back to November 1997, the OIP's last three annual reports and other reports, and related links in Hawaii and around the world. The site will also feature a handy search function, allowing you to search the entire site using key words. 

link to the State home page: State government agencies and information about Hawaii

link to the State's many online services

link to important Hawaii information, alphabetized

find out when the site was last updated

The screenshot shows the OIP website home page. At the top left is the 'ehawaii.gov' logo. To its right are two navigation buttons: 'State Online Services' and 'Hawaii Information Link Index'. Below these are several small thumbnail images. The main header area features the text 'Office of Information Practices' in a large font, with a 'Last updated April 23, 2003' timestamp to the right. A large graphic of the Hawaiian flag is positioned behind the main text. On the left side, there is a vertical menu with links for 'Laws / Rules / Opinions', 'Forms', 'Openline / Guidance', 'Reports', 'Related Links', 'Search', and 'What's New'. The main content area contains a map of Hawaii and a welcome message: 'Aloha! Thank you for visiting the Office of Information Practices ("OIP"). The OIP administers Hawaii's open records law, the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes ("UIPA"). The OIP also advises, and accepts complaints, regarding Part I of chapter 92, Hawaii Revised Statutes (open meetings or "Sunshine Law").' Below this is a 'Contact the OIP' link. At the bottom, there are links for 'eHawaiiGov Home', 'eHawaiiGov Terms of Use', and 'eHawaiiGov Privacy Policy', along with a copyright notice: 'Copyright © 2002 State of Hawaii/eHawaiiGov - All rights reserved.'

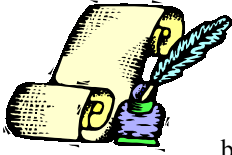
main menu: link to laws, rules, opinions, forms, guidance, reports

contact information

Recent OIP Opinions

Sunshine Law: Charter School Boards

New Century Charter Schools and their boards are not subject to the "Sunshine Law" at chapter 92, Hawaii Revised Statutes, because section 302A-1184, Hawaii Revised Statutes, states that charter schools "shall be exempt from all applicable state laws" except for those concerning collective bargaining, discriminatory practices, and health and safety requirements. [OIP Op. Ltr. No. 03-01, February 5, 2003]



Crime Victim Compensation Commission

Two exceptions to disclosure authorize the Crime Victim Compensation Commission ("Commission") to withhold access to information contained in its files concerning applicants for assistance from the Commission. The first involves privacy rights of applicants; the second involves the Commission's legitimate government function of assisting crime victims.

Unless disclosure of information to which privacy rights attach would shed light on how the Commission is aiding victims of criminal acts, the Commission can withhold access based on the exception permitting non-disclosure of information contained in governments records which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy.

Given that some of the Commission's programs include information about individuals involved in witness protection programs, and given that the Commission is only authorized to award compensation because of certain violent crimes, the OIP held that disclosure could cause frustration of the Commission's legitimate government function, and that withholding of access was therefore authorized.



As to personal records, section 92F-22(2), Hawaii Revised Statutes, for withholding access to records such as victim statements, and section

92F-22(4), Hawaii Revised Statutes, allows withholding of access to records such as police reports, to the extent that those records would not be disclosed by the originating agency. [OIP Op. Ltr. No. 03-02, February 7, 2003]

Judicial Selection Commission List of Nominees

The Governor and the Chief Justice are not required to make public the list of six nominees selected by the Judicial Selection Commission ("JSC") to fill judicial vacancies ("List of Nominees") after the list is delivered to them and prior to confirmation of their respective appointments by the Senate.

While a nominee has a significant privacy interest in being nominated under section 92F-14(b)(4), Hawaii Revised

New Openline Distribution



To conserve its limited resources, the OIP encourages those who are **not** in Hawaii State and county government to access *Openline* on the Internet at www.state.hi.us/oip.

Beginning with the May issue, the OIP will no longer mail the newsletter to these non-government subscribers. If you will no longer be receiving *Openline* by mail, and would like to be notified when a new issue is online, just send your email address to oip@state.hi.us.

You can also click on "What's New" at any time to see the latest issue. *Openline* appears online before paper copies are distributed, and it's in color! In addition, you can download and print earlier issues, back to November 1997.

For those in Hawaii government, on all the islands, State and county messengers and the postal service will continue to deliver the newsletter, including copies to the libraries. Thank you to all our readers for your understanding and support! 📧

Statutes, when weighed against the importance of a judicial appointment, the public interest in opening up the workings of government is greater, and disclosure would not be a clearly unwarranted invasion of personal privacy under section 92F-13(1), Hawaii Revised Statutes.

However, the importance of the judicial appointment process necessitates the conclusion that the appointing authority may withhold disclosure of the List of Nominees before the Senate confirms appointment of an individual from the List of Nominees.

If a List of Nominees is made public before the appointing authority makes his or her selection, the possibility that interested groups will "lobby" the appointing authority, either in favor of or against a nominee, and that the selection process will be manipulated to circumvent the appointing authority's appointment power, is sufficiently serious.

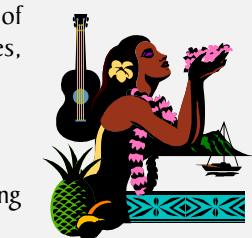
Such conduct would frustrate a legitimate government function. Thus, the appointing authority may withhold disclosure of the List of Nominees to the public under section 92F-13(3), Hawaii Revised Statutes. [OIP Op. Ltr. No. 03-03, April 1, 2003] 📧

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