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HAWAII

Hawaii's Public Records Agency Is Picking Up The Pace A Bit

The Office of Information Practices receives hundreds of requests a year regarding release of public records and meeting notifications.

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The state agency that oversees Hawaii's laws on public access to government information and meetings is reducing its backlog of cases, according to its annual report released Wednesday

The report covers the 2016 fiscal year that ended June 30.

The Office of Information Practices administers the state's open records law, known as the [Uniform Information Practices Act](#), and the [Sunshine Law](#), which governs public meetings.

Members of the public, inmates, government workers, attorneys, private business leaders and the news media submit questions to the agency about whether certain documents maintained by state or county departments should be made available, if the public was properly notified of meetings and a broad range of other issues.

With a small staff and a small budget, the agency can seem to move at a glacial pace, but the annual report indicates it's making some progress.



Office of Information Practices Director Cheryl Kakazu Park heads an agency that has few resources and big responsibilities.

The Office of Information Practices handles the vast majority of inquiries informally through its attorney-of-the-day service, in which a staff attorney answers general questions over the phone or by email.

Some inquiries are more complex and require lengthy legal opinions.

The agency issued five [formal opinions](#) in fiscal 2016, which ended June 30, and 11 [informal opinions](#), an in-between step of sorts.

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The formal opinions in fiscal 2016 reinforced legal requirements for government agencies to adequately inform the public about where public meetings were planned and posting the agendas at least six days in advance.

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There were 1,162 total requests for the office's services in fiscal 2016, a decrease from its high of 1,313 in 2014.

The agency is down to 104 cases that it has yet to resolve, aside from pending litigation. The backlog was 147 last year.

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More significant, perhaps, is the office's work in reducing the age of the oldest case to two years. The oldest in 2012 was 12 years, a length of time that likely renders any opinion moot for the issue it was intended to address.

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OIP has been working with the equivalent of 8.5 full-time positions, including five staff attorneys. Its fiscal 2016 budget was \$564,000.

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Civil Beat has been reporting on Hawaii's public records laws and how they are followed — or not — for several years, including a [six-part series](#) in 2013 and most recently a fight over [prison records](#).

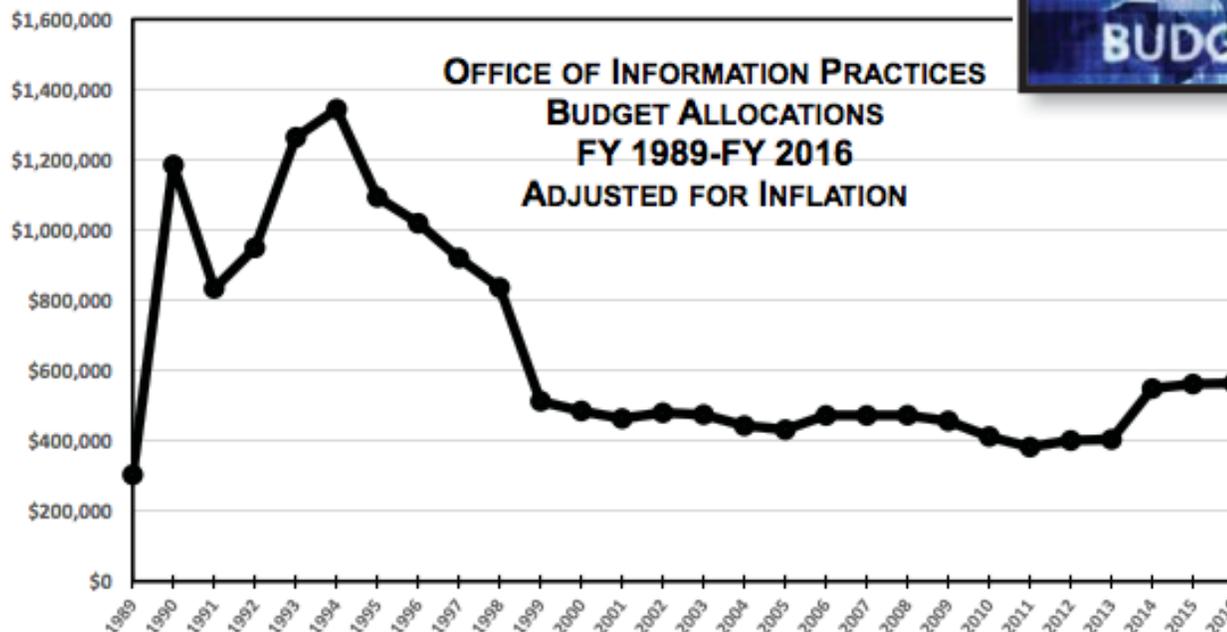
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The agency started off strong in the early 1990s under Gov. John Waihee's administration. Its timely opinions shaped policy debates and improved the public's overall access to government, whether it was the release of employee misconduct files or the disclosure of police records.

In the mid-1990s, a few years after lawmakers created the agency, its budget was \$827,537 (roughly \$1.4 million when adjusted for inflation to today's value) and there were 15 staff members.

But an ensuing combination of legislative actions and leadership decisions — beginning with Gov. Ben Cayetano and continuing with Govs. Linda Lingle and Neil Abercrombie — have hampered OIP's ability to do its job.

OIP's responsibilities doubled and its budget was halved during Cayetano's first term. The agency has never completely recovered, despite pleas from good-government groups and candidates' assurances on the campaign trail.



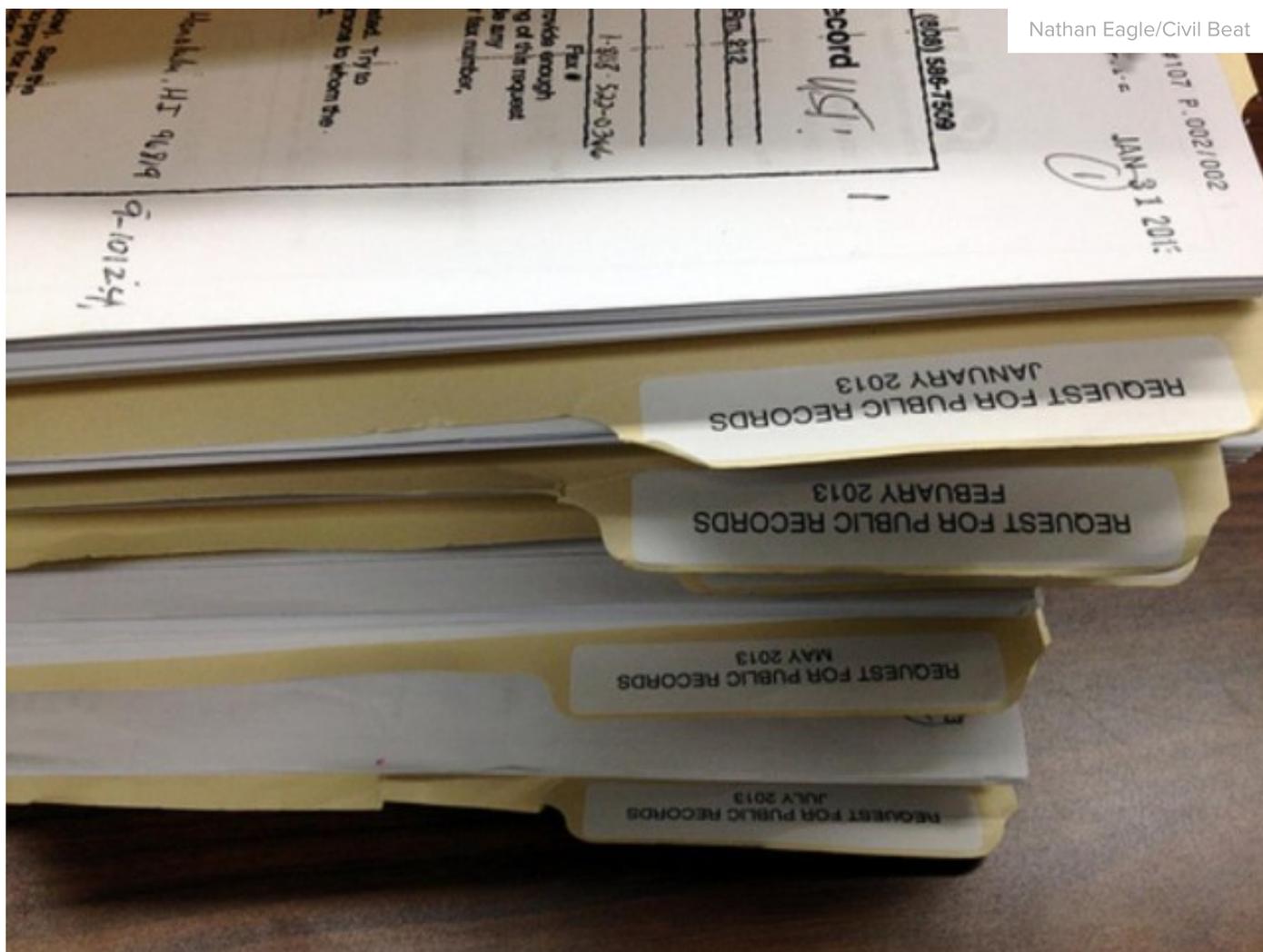
The Office of Information Practices budget, adjusted for inflation, from fiscal years 1989 to 2016.

The agency’s goal in the coming years is to get to a point where it can 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.

Three members of the public accounted for 19 percent of the formal cases filed in fiscal 2016, and inmates accounted for 18 percent, according to the annual report.

The attorney-of-the-day inquiries, which accounted for 83 percent of all requests in 2016, mostly came from government boards and agencies seeking direction on what they need to do to comply with the law.

The rest came from private individuals, the media, private attorneys and businesses.



The Office of Information Practices advises the public and government officials on what documents need to be released and what can be redacted.

The requests in 2016 mainly involved five state departments: Commerce and Consumer Affairs; Education; Land and Natural Resources; Health; and Transportation.

OIP plans to push next year for additional money to make its staff attorneys' salaries more competitive with other government attorney jobs. It's asking for \$75,000 a year, state budget documents show.

The office lost two staff attorneys in the past three years to better-paying government jobs, including one that paid more than the OIP director, Chreyl Kakazu Park. She could not be reached for comment Wednesday.

The Department of the Attorney General received nearly \$2 million last year for pay raises and Honolulu city attorneys received 5 percent pay increases.

Gov. David Ige's proposed OIP budget for each of the next two fiscal years is \$651,855, up from \$578,226 this fiscal year.

In the coming years, OIP anticipates police body camera issues consuming a "large portion" of its resources, according to state budget documents.

Read the office's 2016 annual report below.

To print the document, click the "Original Document" link to open the original PDF. At this time it is not possible to print the document with annotations.

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