

MAR 08 2019

SENATE CONCURRENT RESOLUTION

REQUESTING THE OFFICE OF INFORMATION PRACTICES TO INCLUDE IN THE EXECUTIVE SUMMARY OF ITS ANNUAL REPORT TO THE LEGISLATURE A TABULATED REPORT WITH INFORMATION RELATING TO UNRESOLVED COMPLAINTS.

1 WHEREAS, the Office of Information Practices was created to
2 provide the public a forum for speedy resolution of disputes
3 about access to public records; and
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5 WHEREAS, the legislative history shows that the Legislature
6 exempted the Office of Information Practices from contested case
7 requirements to ensure that the review would be "expeditious,
8 informal, and at no cost to the public"; and
9

10 WHEREAS, however, the average time for the Office of
11 Information Practices to resolve public complaints has been well
12 over a year with numerous complaints pending for two years or
13 more, which has discouraged members of the public from bringing
14 disputes to the Office; and
15

16 WHEREAS, many states with an agency similar to the Office
17 of Information Practices impose a deadline on that agency to
18 resolve public disputes within a reasonable period of time; and
19

20 WHEREAS, those states with an informal dispute resolution
21 process require the complaints to be resolved within six months,
22 with most measured in days, and many other states without
23 deadlines have a history of resolving public complaints in less
24 than six months; and
25

26 WHEREAS, timely access to public records is critical and
27 unnecessary delays in accessing government information increase
28 public mistrust of, and disillusionment with, its representative
29 government; and
30



1 WHEREAS, although the Office of Information Practices is
2 required to submit an annual report to the Legislature pursuant
3 to section 92F-42(7), Hawaii Revised Statutes, that contains
4 statistical information on case load and case resolutions, the
5 required information on case load and case resolution is spread
6 out throughout the annual report and fails to provide
7 statistical information on the Office's complaint backlogs; now,
8 therefore,

9
10 BE IT RESOLVED by the Senate of the Thirtieth Legislature
11 of the State of Hawaii, Regular Session of 2019, the House of
12 Representatives concurring, that the Office of Information
13 Practices is requested to include in the executive summary of
14 its annual report to the Legislature a tabulated report with the
15 following information:

- 16
17 (1) The number of complaints received by the Office of
18 Information Practices regarding an agency's denial of
19 access to information or records pursuant to section
20 92F-42(1), Hawaii Revised Statutes, including:
21
22 (A) A summary of the facts and the nature of each
23 complaint; and
24
25 (B) The identification of all resolved and unresolved
26 complaints;
27
28 (2) The number of complaints received by the Office of
29 Information Practices regarding compliance with open
30 public agency meetings pursuant to section 92F-42(18),
31 Hawaii Revised Statutes, including:
32
33 (A) A summary of the facts and the nature of each
34 complaint; and
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36 (B) The identification of all resolved and unresolved
37 complaints;
38
39 (3) In each successive annual report, updated information
40 on complaints that have been resolved since the
41 previous annual report that references:
42



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- 1 (A) Where each newly resolved complaint appeared in
- 2 the prior annual report and the basis of the
- 3 resolution for each particular complaint;
- 4
- 5 (B) A summary of the facts and the nature of each
- 6 complaint; and
- 7
- 8 (C) The identification of all resolved and unresolved
- 9 complaints; and
- 10
- 11 (4) Number of complaints not resolved by opinion or
- 12 informal decision; and
- 13

14 BE IT FURTHER RESOLVED that a certified copy of this
 15 Concurrent Resolution be transmitted to the Director of the
 16 Office of Information Practices.

17 OFFERED BY:

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