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House JUD Committee  
Tuesday 3/16/10 at 2:15PM in Room 325  
SB2937 SD1

TESTIMONY

Nikki Love, Executive Director, Common Cause Hawaii

Chair Karamatsu, Vice Chair Ito, and Committee Members:

I would like to submit **comments regarding SB2937 SD1 relating to information practices.**

This bill establishes a process for the Office of Information practices to determine if someone is a “vexatious requester” and restrict their exercise of rights under Chapter 92F.

Chapter 92F is a very important law for citizens, as it is key to accessing government information. This access is vital to democracy and the ability of citizens, media and interest groups to carefully watch and participate. We understand the concerns regarding recent abuse of this law, but we urge the Committee to be cautious in crafting any changes that limit the public’s right to access.

One specific concern is the proposed reason #7 for potentially determining someone is a vexatious requester:

*(7) Requests that only marginally promote the public interest in disclosure under this chapter, including requests focused on an agency's handling of the requester's own requests or correspondence.*

This seems to conflict with the basic rights that this law mentions in Section 92F-42:

- (11) Shall inform the public of the following rights of an individual and the procedures for exercising them:*
- (A) The right of access to records pertaining to the individual;*
  - (B) The right to obtain a copy of records pertaining to the individual;*
  - (C) The right to know the purposes for which records pertaining to the individual are kept;*
  - (D) The right to be informed of the uses and disclosures of records pertaining to the individual;*
  - (E) The right to correct or amend records pertaining to the individual; and*
  - (F) The individual's right to place a statement in a record pertaining to that individual;*

We would ask for more information and explanation about what is being addressed by reason #7.

Finally, we note that having the Office of Information Practices as the determining agency underscores its importance for the protection of open government and the public interest. We urge legislators to ensure that OIP has the resources it needs to do its work.

Mahalo for the opportunity to submit testimony.

**karamatsu1-Kenji**

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**From:** Sandra Herndon [pb1wahine@gmail.com]  
**Sent:** Tuesday, March 16, 2010 10:16 AM  
**To:** JUDtestimony  
**Subject:** Testimony in SUPPORT of SB 2441-relating to Endangered Species

Chair Karamatsu, Vice Chair Ito and Members of the Judiciary Committee:

Thank you for hearing SB2441. My name is Sandra Herndon. I am in strong support of SB 2441 which establishes the crime of intentional or knowing taking of a Hawaiian monk seal as a class C felony.

It is critical that our legislature take action against the three recent seal shootings. The Hawaiian monk seal population is so critically endangered that every intentional killing is a sad loss to the species' recovery. Increased penalties would serve as a deterrent for future killings. It sends a strong message that we will no longer allow this senseless violence against our beloved and endangered seal.

I urge this committee to support SB2441 and show that our legislature is committed to helping in the recovery our critically endangered Hawaiian monk seal, our official state mammal.

Mahalo,  
Sandra Herndon  
Kapaa, Kauai