

# OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Ways and Means

From: Cheryl Kakazu Park, Director

Date: February 22, 2013, 9:00 a.m.  
State Capitol, Conference Room 211

Re: Testimony on S.B. No. 1385  
Relating to the University of Hawaii

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Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) takes no position on the substance of this bill, which would require the Board of Regents of the University of Hawaii to be trained annually on topics including the Sunshine Law, part I of chapter 92, Hawaii Revised Statutes (“HRS”), and the Uniform Information Practices Act, chapter 92F, Hawaii Revised Statutes (“UIPA”), and suggests that OIP be the agency to conduct the training.

OIP is willing to provide the annual Sunshine Law and UIPA training proposed by this bill. OIP administers both laws and regularly provides training on them. OIP already has training materials (including videos, written guides, and other guidance on specific topics) available online for government agencies and boards and the general public to easily access and study at their convenience 24/7. OIP also provides specialized in-person training, subject to OIP’s staffing resources.

OIP notes, however, that the Sunshine Law is only part I of chapter 92. This bill as written requires training on the entirety of chapter 92. The remainder of chapter 92 addresses miscellaneous other matters such as default

quorum requirements, special provisions for neighborhood boards, and copying fees for government records, which is not under OIP's jurisdiction. **If this Committee's intent is to require chapter 92 training only as to the Sunshine Law portion of the chapter, which addresses the issues specifically mentioned in this bill, then OIP suggests amending the references to chapter 92 in the bill to instead refer to part I of chapter 92 (at bill page 2, lines 1 and 16, and page 3, line 2).**

Additionally, OIP notes that responding to UIPA record requests is typically a matter handled by the staff, such that the individual regents' need for training in on this law may be minimal.

OIP further notes that the bill requires the training agency to provide each regent with a certification that the regent successfully completed the training and states that such certification may include the passage of a test. While OIP can readily certify whether someone has attended its in-person training (as it does for continuing legal education courses), it is still in the process of developing tests to verify that someone has completed OIP's online training. Because the tests may not be completed when the bill goes into effect, which is "upon its approval." **OIP recommends that the effective date of the bill be changed to July 1, 2013.**

Thank you for the opportunity to testify.



# **UNIVERSITY OF HAWAII SYSTEM**

## **Legislative Testimony**

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Testimony Presented Before the  
Senate Committees on Ways and Means  
Friday, February 22, 2013 at 9:00am  
by  
The University of Hawai'i Board of Regents

SB 1385 – RELATING TO THE UNIVERSITY OF HAWAII

Chair Ige, Vice Chair Kidani, and members of the committee:

The Board of Regents strives to meet the highest standard of the open meetings (“Sunshine”) and ethics laws and has regularly consulted with both the Office of Information Practices and the State Ethics Commission office with regard to compliance with the applicable laws to accomplish the mission and purpose of the University of Hawai'i. In this regard, the Board of Regents has already contacted the Office of Information Practices and the Hawai'i State Ethics Commission to schedule training sessions in the coming months. The sessions will include overviews featuring the respective specialties of each office, with training that is specific to the Board of Regents.

At the Senate Higher Education and Judiciary and Labor Committee hearing, the Office of Information Practices noted in their testimony that at this time, they are still in the process of developing tests and requested that the effective date be delayed. The Board of Regents is in agreement that there be certification upon completion of training but is opposed to any testing requirement at this time.

Thank you for the opportunity to testify on this measure.