

SB2881



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

NEIL ABERCROMBIE
GOVERNOR

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Written Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism

before the

SENATE COMMITTEE ON JUDICIARY AND LABOR

Tuesday, February 18, 2014
10:00 a.m.

State Capitol, Conference Room 016

in consideration of

**SB 2881
RELATING TO PUBLIC RECORDS.**

Chair Hee, Vice Chair Shimabukuro, and Members of the Senate Committee on Judiciary and Labor.

The Department of Business, Economic Development, and Tourism (DBEDT) **supports** SB 2881 which would repeal the sunset date for the provision exempting government agencies from the obligation to repeatedly respond to duplicate record requests from single requestor within a year, provided that the agency to which the request was made responded properly the first time.

This provision will help to deter frivolous requests for records that the department has already provided or has been properly denied under the UIPA.

Thank you for the opportunity to offer testimony in support of this measure.

OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Judiciary and Labor

From: Cheryl Kakazu Park, Director

Date: February 18, 2014 at 10:00 a.m.
State Capitol, Conference Room 016

Re: Testimony on S.B. No. 2881
Relating to Public Records

Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) strongly supports this bill which would repeal the sunset date for the provision exempting government agencies from the obligation to repeatedly respond to duplicate record requests from a single requester within a year, provided that the agency to which the request was made responded properly the first time.

Prior to July 2010, there was no exception from an agency’s obligation to respond to a public record request made under the Uniform Information Practices Act (Modified), chapter 92F, HRS, (UIPA), even if the agency had already responded to the same request one or more times. This was a long-standing source of frustration whenever an agency was faced with a requester who repeatedly made the same request, whether due to inability to understand that the request had been answered already or for some other reason. The problem was made worse due to a high volume of duplicative requests made to one agency in particular, the Department of Health, relating to President Barack Obama’s birth certificate. The UIPA was amended effective July 1, 2010, to provide that when an agency has

already responded properly to the same or a substantially similar record request by the same person within the last year, and the agency's response would remain unchanged, the agency was not required to respond again to that duplicative response. The new provision left unchanged a requester's right to make any number of new non-duplicative record requests to the same agency

The provision was given a four-year trial period before its sunset date to allow assessment of how it worked in practice. During the three and a half years the provision has been in force, the state Office of Information Practices (OIP) is not aware of any significant negative effect it has had on record requesters' ability to access government records, nor has OIP had any UIPA appeals involving a complaint about an agency's use of this provision.

Although the large number of duplicate requests made to the Department of Health has declined since 2010, there continue to be requesters who make duplicative requests to one agency or another. Although this is not a large-scale problem at any given time, it can be very frustrating for an agency finding itself obligated to respond repeatedly to a request for records it has already provided or has properly denied under the UIPA. Because OIP has not seen negative impact from the provision relieving that obligation, and has seen positive impact in relieving agency personnel from a frustrating obligation that presented an inefficient use of their time, OIP believes the provision's sunset date should be removed and the provision should be allowed to remain as part of the UIPA.

Thank you for the opportunity to testify.