

OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Judiciary and Labor

From: Cheryl Kakazu Park, Director

Date: February 5, 2015, 9:00 a.m.
State Capitol, Conference Room 016

Re: Testimony on S.B. No.475
Relating to Open Government

Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices ("OIP") supports this bill, which would provide for electronic posting of meeting notices under the Sunshine Law, part I of chapter 92, HRS, as well as e-mail notice to persons on a board's mailing list, with one amendment.

The Sunshine Law's notice scheme is still essentially the same as it was when the law was first passed in 1975; it does not reference or take advantage of newer technologies such as the internet or e-mail. This bill would rectify that by adding electronic notice as a requirement for giving notice of a board meeting, without taking away any of the forms of notice that currently exist. In other words, boards would still be required to file or post notice in all the ways they presently do, but would also be required to post electronic notice on the appropriate state or county online calendar. It does not set technical standards for the file format in which an online notice is posted, thus appropriately leaving that issue to the state or county website administrators to provide for based on the most current technical standards.

This bill would also add e-mail notice as an additional option for those people who ask to receive copies of a board's notices and agendas, without taking away the option of receiving notices and agenda by postal mail, which the only option the current law provides.

This bill also includes provisions clarifying how the question of whether notice was timely posted online may be resolved in the event of a dispute, and adds electronic posting and notice into the notice provisions for holding an emergency meeting.

OIP does recommend one change to the bill: **on bill page 2, line 14, the words "whenever feasible" should be restored to the provision requiring that notice be posted at the site of a meeting**, because as the current law recognizes, there are times when it is not feasible for a board to leave a notice at the meeting site for the six days leading up to the meeting.

This bill adds required electronic notification via online posting and e-mail without taking away any of the Sunshine Law's currently required forms of notice. It would thus bring the Sunshine Law into the 21st century without leaving behind anyone still relying on the paper filings and mailed notification provided for by the current law. OIP supports this bill and respectfully recommends that this Committee pass it out, with the amendment noted above.

Thank you for the opportunity to testify.