

MAR 08 2019

SENATE CONCURRENT RESOLUTION

REQUESTING THE OFFICE OF INFORMATION PRACTICES TO EXPLORE A
TRIAL APPEALS RESOLUTION PROCESS WITH A RANDOMLY CHOSEN
SELECTION OF ALL INCOMING PUBLIC APPEALS.

1 WHEREAS, the Office of Information Practices is able to
2 informally resolve most public questions, complaints, and
3 appeals under the Uniform Information Practices Act and Sunshine
4 Law without the Office issuing a formal enforceable ruling; and
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6 WHEREAS, some public appeals to the Office of Information
7 Practices under the Uniform Information Practices Act and
8 Sunshine Law cannot be resolved without the Office issuing a
9 formal enforceable ruling; and
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11 WHEREAS, when public appeals cannot be resolved without a
12 formal enforceable ruling by the Office of Information
13 Practices, the Office normally prepares enforceable rulings on a
14 first-come first-served basis; and
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16 WHEREAS, the preparation of formal enforceable rulings by
17 the Office of Information Practices is time-consuming and
18 expensive; and
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20 WHEREAS, the Office of Information Practices estimates that
21 it will need three new positions costing \$345,000 per year for
22 at least two years to address its backlog of pending appeals
23 that cannot be resolved without a formal enforceable ruling by
24 the Office; and
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26 WHEREAS, unless additional resources are provided to the
27 Office of Information Practices or unless the Office experiments
28 and finds an effective way to modify its procedures, the Office
29 of Information Practices will be unable to quickly resolve those
30 incoming public appeals that require a formal enforceable ruling
31 by the Office; and
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1 WHEREAS, experimenting with trial processes, new
2 procedures, or revised practices can be a source of useful
3 information, which can provide guidance for later changes or
4 actions; now, therefore,
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6 BE IT RESOLVED by the Senate of the Thirtieth Legislature
7 of the State of Hawaii, Regular Session of 2019, the House of
8 Representatives concurring, that the Office of Information
9 Practices is requested to explore a trial appeals resolution
10 process with a randomly chosen selection of all incoming public
11 appeals under the Uniform Information Practices Act and the
12 Sunshine Law; and
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14 BE IT FURTHER RESOLVED that for each appeal in the randomly
15 chosen selection, but not for other appeals, the Office of
16 Information Practices is requested to prepare short, informal,
17 non-enforceable guidance within two weeks of receiving the final
18 response of the agency and other parties involved; and
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20 BE IT FURTHER RESOLVED that for each appeal in the randomly
21 chosen selection, the Office of Information Practices is also
22 requested to provide a formal enforceable ruling at a future
23 time, to be determined by the Office's usual policies, if the
24 informal guidance does not resolve the appeal; and
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26 BE IT FURTHER RESOLVED that the Office of Information
27 Practices is requested to submit a report of its findings and
28 recommendations, including a comparison of the outcomes and
29 impacts on staff workload for the trial appeals resolution
30 process with the outcomes and impacts on staff workload for
31 other appeals resolved by the Office to the Legislature twenty
32 days prior to the convening of the Regular Session of 2020; and
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34 BE IT FURTHER RESOLVED that if the trial appeals resolution
35 process improves outcomes and positively impacts staff workload
36 for the randomly chosen selection of incoming public appeals
37 under the Uniform Information Practices Act and the Sunshine
38 Law, the Office of Information is requested to appropriately the
39 trial appeals resolution process as a standard practice; and
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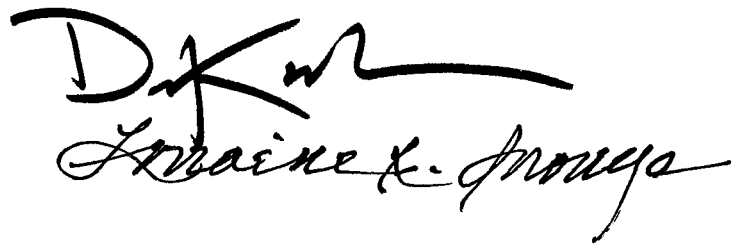


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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Director of the
3 Office of Information Practices, President of the Senate, and
4 Speaker of the House of Representatives.
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OFFERED BY:




Lorraine E. Inouye

