

Office of Information Practices

UIPA Record Request Log

Hawaii's Public Records Law
Chapter 92F, HRS



Effective July 1, 2013

Thank you for taking the time to learn how to use the **UIPA Record Request Log** to track and report on requests for public records under the Uniform Information Practice's Act, HRS Chapter 92F.

The Log is currently being rolled out to the State Executive Branch and the Judiciary. The Counties and Legislature will also find the Log very helpful and are welcome to use it, but are not being required to do so at this time.

**For detailed UIPA Log Instructions,
Frequently Asked Questions,
& other training materials:**

- visit OIP's website hawaii.gov/oip
- click on Laws/Rules/Opinions,
then the UIPA page:
[http://hawaii.gov/oip/
laws-rules-opinions/uipa](http://hawaii.gov/oip/laws-rules-opinions/uipa)



Full instructions for using the UIPA Log, along with frequently asked questions, and other training materials, are available on OIP's website at [**hawaii.gov/oip**](http://hawaii.gov/oip), on the UIPA page.

Today's training assumes that you have basic knowledge about the UIPA's requirements. If not, please first study OIP's online videos and training materials about the UIPA at [**hawaii.gov/oip**](http://hawaii.gov/oip). We will not discuss the various exemptions from disclosure or other nuances of the UIPA in this training. While this presentation will explain many of the UIPA's requirements, it is primarily for the purpose of helping you fill out the Log.

OIP has separate training on how to upload an agency's Log to the Master Log at data.hawaii.gov, which you will also find on the website.

To log in a written request for records...

- The Excel spreadsheet has pop-up instructions ... just mouse over the column heading.



Using the Log should not be a problem for those who already understand the UIPA law. The Log itself is intuitive and easy to fill out. Besides having instructions in the headings, the Log also has **pop-up instructions**, which provide helpful reminders of the UIPA's requirements. Just move the cursor over a column heading to get instructions to pop up.

Or you can go to **hawaii.gov/oip** and print out a copy of the full instructions to keep by your computer as you fill out the Log.



Hawaii's Public Records Law

HRS § 92F-18 requires each agency to:

- **Inform employees** of the UIPA's requirements
- Compile a report **using forms prescribed by OIP**
- Ensure that the information remains **accurate and complete**

Why do agencies need to use the Log? Because the **UIPA** (HRS § 92F-18) **requires agencies to:**

- (1) take steps to assure that its **employees are informed** of the UIPA's requirements;
- (2) compile a public **report using forms prescribed by OIP**;
- (3) and annually report to OIP to **ensure the information remains accurate and complete.**

OIP created the Log to help agencies meet their UIPA obligations and ensure that the information they report to OIP is accurate and complete. Through the State's new centralized website, **data.hawaii.gov**, the Log totals can now be easily collected, summarized, and analyzed to provide much more relevant and useful information regarding the UIPA.

Rather than being criticized for incidents reported by the media, your department will now have objective data to show the public how well you are responding to requests for public records and fulfilling your core function of providing open, transparent, and accountable government services. If you're not doing well, then the Log will help to identify where the problem areas are and possibly how to fix them.

Benefits! ... the UIPA Log helps an agency to:

- **T**rack its written requests for records & the agency's response
- **R**eport requests & outcomes onto data.hawaii.gov
- **A**ssist requesters
- **C**alculate fees & costs
- **K**eep government open



The UIPA Log helps to keep agencies on **TRACK** when they receive **formal written requests** for records. It is still up to the agencies to keep track on their own and report to OIP the number of routine requests they receive, such as those for DOH birth certificates and UH transcripts, for which UIPA notices to requesters are not sent by the agencies. But agencies should use the Log to keep track of formal requests **where the agencies must send out UIPA notices or acknowledgments to requesters.**

The Log helps the agencies by providing the following **benefits**:

- 1) The Log is a tool to help agencies keep **TRACK** of written requests for public and personal records, and when and how the agency responded.
- 2) The Log provides a uniform method to **REPORT** the numbers and types of record requests and the outcomes.
- 3) The Log helps agencies to properly **ASSIST** requesters and comply with the UIPA.
- 4) The Log helps agencies to **CALCULATE** fees and costs.
- 5) The Log furthers the UIPA's goal to **KEEP GOVERNMENT OPEN** and agencies accountable to the public.

Once the Log data is uploaded to data.hawaii.gov, the results can be summarized and reviewed to account to the public and show how well agencies are meeting their UIPA responsibilities.

The UIPA Log has 3 main parts:

- Identification
- Resolution of requests
- Fees & costs



What is the Log? The UIPA Log is an Excel spreadsheet that can be downloaded from OIP's website onto your agency's computer. Although it has many columns, don't be intimidated by them. Eleven of the columns are automatically populated by the Log and will calculate for you such things as fees and costs. In the Request Resolution section, out of 9 columns, you may only have to input data into two columns. For a simple typical request, you may only have to input 12 data entries for the Log. The many areas that are highlighted on the Log require no data entry.

The Log can be broken down into three main parts:

The first part basically **identifies** the department, agency, record requester, agency employee working on the response, and type of record request.

The second part **records how and when** the requests were **resolved**.

The third part **calculates fees & costs** based on the agency's input of hours, costs, and fee waivers.

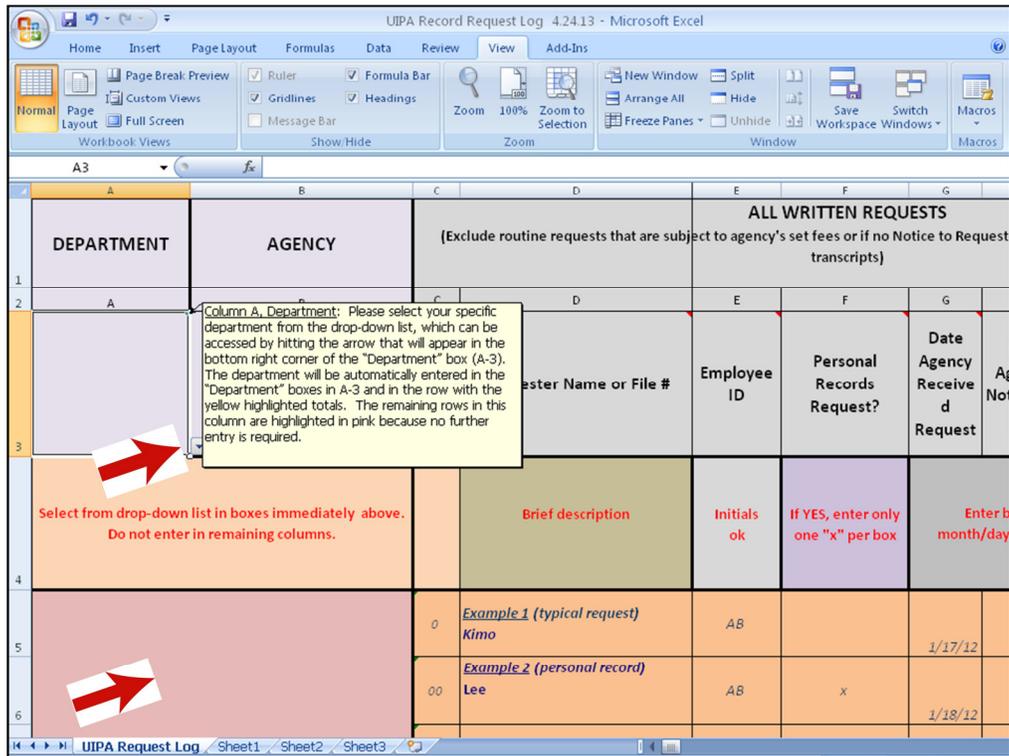
The UIPA Log-- First part is:

1. Identification



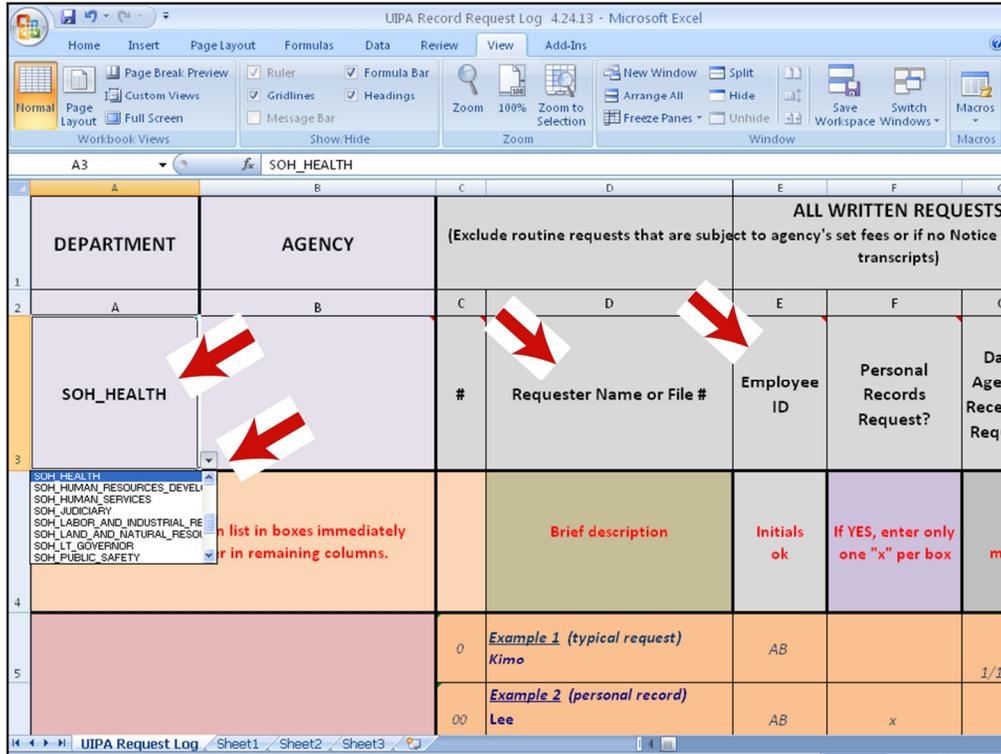
2. Resolution of requests
3. Fees & costs

Now, let's go back to explaining the first part of the Log, which **identifies** who and what we're dealing with, and who is responsible for resolving the request.



This slide shows the pop-up instruction on how to select your department from the drop-down list that will appear when you place the cursor over the bottom right corner of the Department and Agency boxes in Row 3.

The department and agency names **need to be entered only once** on the Log. In the lower left corner of this screen shot, you will see that the Columns A & B have been **highlighted**. **Since the area is highlighted, you know that you don't have to enter any data there.**



Here, you see how the department name has been selected from the drop-down list and added into the box.

Do the same in the agency box, B-3, by placing your cursor in the bottom right corner to open up the drop-down list that will appear.

After the first person has properly entered your department and agency into the Log heading, you don't have to do this again.

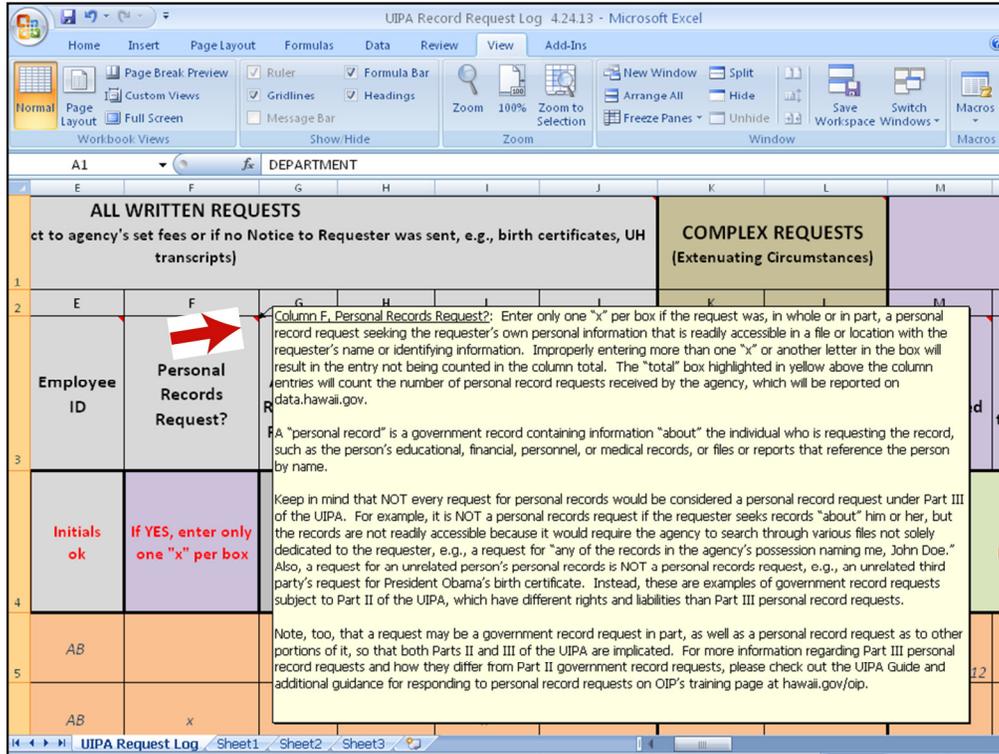
Now, let's go to the right side of the screen, to **see what you have to do each time you enter data**. You must start by identifying the requester's name or file number and the initials of the employee who will be responding to the request in Columns D and E.

Columns D & E: **Requester Name or File # and Employee ID**

- These are for the agency's benefit to identify the request and who is responsible to work on it.
- The names/ID will be redacted before the log is uploaded to Data.hawaii.gov.

Entering a requester name or file number in Column D is needed just to **identify** the request, so that the agency can find it again later, if necessary. Column E asks for the initials of the employee responsible for responding to the request. The identifying information in both Columns D and E are not included in the row of "Totals" and **will not be uploaded to data.hawaii.gov.**

Note, however, that **if this Log is produced by the agency in response to a government records request**, then the requester's name is generally **not** considered confidential information and should **not** be redacted. (*See* OIP Op. Ltr. No. 90-37.) But, while OIP has not formally ruled on the issue, if the Log is also tracking personal records requests, **personal record requesters' names may arguably be confidential**, if disclosure could identify them, for example, as crime victims or could expose confidential financial information related to their creditworthiness. If you have any questions about the redaction of names or confidential information, please check with OIP.



If you need a refresher as to “**What is a personal records request?**,” the answer will pop up in Column F, or you can study OIP’s online training materials at hawaii.gov/oip, including the “Quick Review: Responding to a Personal Record Request.”

It is important to properly identify a request as being a personal records request, because **different rules apply**. For example, there may be confidentiality or privacy concerns; search, review, and segregation fees cannot be charged; and the fee waivers are not applicable to personal records requests. Additionally, within certain time limits and procedures, **an agency must correct any factual error, misrepresentation, or misleading entry** in his or her personal record.

If litigated, a court could impose court costs and \$1,000 or more for actual damages resulting from an agency’s knowing or intentional failure to properly maintain a personal record. Additionally, a court may award reasonable attorney fees and litigation costs against an agency if the complainant substantially prevails, or against the complainant who brings frivolous charges in a personal records case.

Column F:

Q. What is a “personal record?”



A. A “personal record” is a government record that contains information “about” the individual who is requesting the record.

This includes an individual’s educational, financial, or medical records, or items that reference the individual by name or otherwise.

What is a “personal record?” The T-shirt here is not the official legal answer, but it’s one easy way to remember what constitutes a personal record. The T-shirt says “**It’s All About Me.**”

A “personal record” is a government record that contains information “about” the individual who is requesting the record, such as the individual’s educational, financial, personnel, or medical records, or items that reference the individual by name or otherwise. The information can be in a file specifically labeled with the requester’s name, or it could be in another file.

Note: Not every request for personal records would be considered a personal record request under UIPA, Part III.



- For example, it is not a personal records request if the requester seeks records “about” him or her, but the records are not readily accessible because it would require the agency to search through various files not solely dedicated to the requester.
- Also, a request for an unrelated person’s personal records is not a personal records request.

But if the agency cannot readily find or identify the requester’s personal records, then those records are not “accessible” and need not be disclosed. (HRS 92F-21) In other words, the agency need not expend an unreasonable amount of time or effort to search through all of its files to try to find information about the requester.

As another example, **a request for an unrelated person’s personal records is not a personal records request.** President Obama can make a personal records request for his own birth certificate. But, if an **unrelated third party** makes a request for President Obama’s birth certificate, then it would be a **government record request subject to Part II of the UIPA, which has different requirements from personal record requests under Part III of the UIPA.**

#	Requester Name or File #	Employee ID	Personal Records Request?	Date Agency Received Request	Date Agency's Notice Was Sent	Notice or Acknowledgment Sent Within 10 Work Days	Request Needed Initial Clarification	Date Agency's Acknowledgment Was Sent	Dates of Agency's Incremental Responses	Date Completed	# of Weekdays to Complete	Request Granted in Full?	Request Denied in Full?	Request Denied in Part?
0	Example 1 (typical request) Kimc	AB		1/17/12	1/27/12		x			1/27/12	0			
100	Example 2 (personal records) Lee		x	1/18/12	2/19/12					2/19/12	0			
200	Example 3 (not personal records) Anonymous birther			1/20/12	2/12/12					2/12/12	0			x
300	Example 4 (complex request) Honolulu News			1/23/12	2/19/12		x	2/19/12	3/22/12, 4/19/12	5/17/12	0			
	TOTALS →→→		0	0	0	0	0	0	0	0	818,194	0	0	

Let’s learn how to enter a personal records request by looking at Examples 2, 3, and 4 on the UIPA Log. Requester “Lee” in Example 2 has made a **personal records request** for information about himself. So we have entered one “x,” and only one “x,” under “Personal Records Request?” in Column F. The sums won’t tally properly if you enter more than one “x” or a different symbol.

In contrast, look at Example 3 by an “Anonymous Birther” seeking someone else’s birth certificate. First, a **personal record request cannot be made anonymously** because you have to know that the person is the one entitled to obtain the information about himself or herself. Second, a request for an **unrelated** person’s personal record, such as a birth certificate, is not a personal record request for your own record. Therefore, no “x” has been entered in Column F for the Anonymous Birther’s request because it is not a personal records request.

Finally, in Example 4, we see that the agency needed initial clarification of the request before it could respond, so it entered one “x” in Column J.

Columns G thru J:

- Date of agency's **receipt** of request
- Date agency's **notice** to requester was sent
- Was notice or acknowledgment **sent within 10 work days?**
- Did agency need **initial clarification** of the request in order to respond?



Now that we know whether or not the request was for personal records, let's move on to Columns G through J, which ask for the **dates that the agency received** the request and **sent its notice to requester, whether the notice or acknowledgment was sent within ten work days**, and **whether the agency needed initial clarification of the request** in order to respond.

ALL WRITTEN REQUESTS						
(Exclude routine requests that are subject to agency's set fees or if no Notice to Requester was sent, e.g., birth cert transcripts)						
#	Requester Name or File #	Employee ID	Personal Records Request?	Date Agency Received Request	Date Agency's Notice Was Sent	Notice or Acknowledgment Sent Within 10 Work Days
	Brief description	Initials ok	If YES, enter only one "x" per box	Enter by month/day/year		If yes, ente one "x" pe
	Example 1 (typical request)					

Here we see that Columns G and H ask for the dates that the agency received the request and when the agency sent out its notice to the requester. The dates that the agency enters in these two boxes will be counted as entries in the yellow highlighted “Totals” row to provide the total numbers of requests the agency receives and the notices that it sends out. The date that the agency received the request will also be used to calculate the agency’s median response time in a later column.

Column I asks whether the agency’s notice, or the acknowledgment in complex cases, was sent within ten work days, as is required by the UIPA. Blanks in Column I should serve as **reminders to the agency that it needs to act within ten work days**, and will be **one indicator of whether the agency is timely responding to requests**.

ALL WRITTEN REQUESTS <small>(Exclude routine requests that are subject to agency's set fees or if no Notice to Requester was sent, e.g., birth certificates, UH transcripts)</small>							COMPLEX REQUESTS <small>(Extenuating Circumstances)</small>		RE...			
#	Requester Name or File #	Employee ID	Personal Records Request?	Date Agency Received Request	Date Agency's Notice Was Sent	Notice or Acknowledgement Sent Within 10 Work Days	Date Agency's Acknowledgement Was Sent	Dates of Agency's Incremental Responses	Date Completed	# of Weekdays to Complete	Request Granted in Full?	Request Denied in Full?
	Brief description	Initials ok	If YES, enter only one "x" per box	Enter by month/day/year		If yes, enter only one "x" per box	Enter by month/day/year				For Column M For Columns N the If more than one "x" or if no "x" properly co	
0	Example 1 (typical request) Kimo	AB		1/17	1/27	x			1/27/12	8	x	
00	Example 2 (personal record) Lee		x	1/18/12	2/1/12	x			2/1/12	10		
000	Example 3 (not personal record) Anonymous birther	AB		1/20/12	2/9/12	x			2/9/12	10		x
0000	Example 4 (complex request) Honolulu News	CD		1/23/12	2/17/12	x		2/21/12, 3/20/12, 4/19/12	5/17/12	83		
										Median		
0	TOTALS →→→		0	0	0	0	0	0	0	#NUM!	0	0

Let's see how this section was entered by looking at Example 2.

In Column G, we see that the agency received the request on January 18th. Column H shows that the agency sent the notice to requester on February 1st. And in Column L, the date completed is also February 1st.

So at a glance, we have the **key dates** for Lee's records request and know that the agency timely sent its notice **within 10 business days**, which is why Column I has been marked with an "x."

UIPA Record Request Log 4.25.13 FOR TRAINING SCREENSHOTS - Microsoft Excel											
ALL WRITTEN REQUESTS											
COMPLEX REQUESTS (Extenuating Circumstances)				FINAL RESOLUTION OF REQUESTS							
Notice or Acknowledgment Sent Within 10 Work Days	Request Needed Initial Clarification	Date Agency's Acknowledgment Was Sent	Dates of Agency's Incremental Responses	Date Completed	# of Weekdays to Complete	Request Granted in Full?	Request Denied in Full?	Request Denied in Part?	Agency Unable to Respond to Request?	Requester Withdrew?	Request Abandoned or Request Failed to Pay?
If yes, enter only one "x" per box		Enter by month/day/year		For Column M, enter month/day/year. Column N will be automatically calculated. Check only one box in Columns O thru T. IF YES, ENTER ONLY ONE "x" in the box. If more than one "x" or if another symbol is entered in a box, then the data will not be properly counted in the column total amount. Column U may be checked in addition to one of Columns O thru T.							
x				1/27/12	8	x					
x				2/1/12	10			x			
x				2/3/12			x				x

Column J asks whether the agency initially sought clarification of a request so that it could understand what was being sought by the requester. OIP’s “Notice to Requester” form has a box indicating that the agency cannot grant a request because the “Agency needs a further description or clarification of the records requested. Please contact the agency and provide the following information: _____” If this box was checked by the agency in its Notice to Requester, then one “x” should be placed in Column J.

Note that even if the request is unclear, the Notice to Requester seeking initial clarification should be sent within 10 work days of receiving the request. Thereafter, the requester has 20 work days to provide the agency with clarification of the request. If clarification is not provided by the requester, then the request may be deemed abandoned, as shown in Column T.

If the requester does provide initial clarification, the agency may ultimately determine that it does not maintain the record or that it is being asked to create a summary or compilation from records that are not readily retrievable. If this is the reason why the agency is ultimately unable to respond, then the agency should check off Column R in the “Final Resolution of Requests” section, and not Column J. Column J only relates to the agency’s initial need for clarification, and should not be checked off as the agency’s final resolution of the request.

Columns K & L:
**Complex Requests
(voluminous records or
extenuating circumstances):**

Is it a complex request?

- Date agency's acknowledgment was sent
- Dates of agency's incremental responses



The Acknowledgment is sent only for **complex requests**, which involve **voluminous records** or **extenuating circumstances**. **Once the Acknowledgment is sent within 10 work days of the request, the agency has additional time to send its notice to the requester, for a total of 20 work days from the time it received the request.** Columns K and L must be filled out only if the agency receives a complex request.

The pop-up instructions will refer you to the “OIP’s Informal Guide to Processing Large or Complex Record Requests,” which can be found on the Openline/Guidance page of the OIP website.

What follows next is an example and brief summary of the agency’s obligations in a complex request involving a large number of records or extenuating circumstances.

ALL WRITTEN REQUESTS (Exclude routine requests that are subject to agency's set fees or if no Notice to Requester was sent, e.g., birth certificates, UH transcripts)													COMPLEX REQUESTS (Extenuating Circumstances)		FINAL RESOLUTION	
#	Requester Name or File #	Employee ID	Personal Records Request?	Date Agency Received Request	Date Agency's Notice Was Sent	Notice or Acknowledgment Sent Within 10 Work Days	Request Needed Initial Clarification	Date Agency's Acknowledgment Was Sent	Dates of Agency's Incremental Responses	Date Completed	# of Weekdays to Complete	Request Granted in Full?	Request Denied in Full?			
	Brief description	Initials ok	If YES, enter only one "x" per box	Enter by month/day/year		If yes, enter only one "x" per box		Enter by month/day/year			For Column N will check only one box in Columns O if more than one "x" or if another s properly count Column U may be checked					
0	Example 1 (typical request) Kimc	AB		1/17/12	1/27/12	x				1/27/12	8	x				
00	Example 2 (personal record) Lee	AB	x	1/18/12	2/1/12					2/1/12	10					
000	Example 3 (not personal record) Anonymous births	AB		1/20/12	2/1/12					2/20/12	10		x			
0000	Example 4 (complex request) Honolulu News			1/23/12	2/6/12	x	x	2/6/12	3/20/12, 4/19/12	5/17/12	83					
	TOTALS →→→		0	0	0	0	0	0	0	0	Median	0	0			

Take a look at the arrow at the lower left, which points to **Example 4**, a **complex request** from the “**Honolulu News**,” which was made on January 23, as shown in Column G. Because this was a complex request involving voluminous records, the agency needed additional time to respond. Therefore, the agency sent the requester an **Acknowledgement** within 10 business days, on February 6, as shown in Column K, and it entered one “x” in the box in Column I indicating that the Notice or Acknowledgement was sent, as required, within 10 work days.

While attempting to respond to the request, the agency realized that it needed additional clarification of what was being requested, so it checked off **Column J** for “**Request Needed Initial Clarification**” and sent a **Notice to Requester** on February 10, as shown in Column H. On the Notice form, the agency checked the boxes indicating that the request cannot be granted because the agency needed a further description or clarification of the records requested and asked the requester to contact the agency to provide information described in the Notice. Note that if the agency knew upon receiving the request that it needed additional clarification, then the agency should have sent the Notice to Requester instead of the Acknowledgment within 10 business days of receiving the request.

Upon receiving clarification of the request from the requester on February 14, 2012, **the agency then had an additional ten work days to respond**. On February 28, 2012, it sent a second Notice to Requester stating that it would grant the request in increments, after pre-payment by the requester of 50% of the estimated SRS fees and 100% of the estimated costs. **The date of the second Notice to Requester was entered in Column H**. The requester made the prepayment on March 13. **Within 5 work days of receiving the prepayment**, on March 20, 2012, **the agency made the first of three incremental responses**, as shown in Column L. The first incremental response was made on March 20, 2012. **The second incremental disclosure was due within 20 business days** (excluding weekends and state holidays) after disclosure of the previous increment. Thus, as Column L shows, the second incremental disclosure was made on April 19, 2012.

The final disclosure was made on May 17, which is the “**date completed**” in **Column M**, and leads us into the “Final Resolution of Requests” section.

The UIPA Log-- Second part is:

1. Identification



2. Resolution of requests

3. Fees & costs

Having identified the request, let's look at the section that records how requests are ultimately resolved.

Columns M & N:
Final Request Resolution

- Date completed?
- # of weekdays to complete is **automatically calculated**, based on date the request was received and date of completion.



The “Final Resolution of Requests” section starts by asking for the date of completion (Col. M), which is when the agency either provided or made the records available, or denied the request in whole or in part, or when the requester withdrew or abandoned the request.

Based on when the request was received, the Log will automatically calculate the number of weekdays that it took the agency to complete each response. This calculation does not include the date the request was received, or weekends, but it does include holidays, so it is merely an estimate and is not an official accounting of the number of work days taken to complete a request.

ALL WRITTEN REQUESTS (Exclude routine requests that are subject to agency's set fees or if no Notice to Requester was sent, e.g., birth certificates, UH transcripts)										COMPLEX REQUESTS (Exenuating Circumstances)		FINAL RESOLUTION OF REQUESTS				
#	Requester Name or File #	Employee ID	Personal Records Request?	Date Agency Received Request	Date Agency's Notice Was Sent	Notice or Acknowledgment Sent Within 10 Work Days	Request Needed Initial Clarification	Date Agency's Acknowledgment Was Sent	Dates of Agency's Incremental Responses	Date Completed	# of Weekdays to Complete	Request Granted in Full?	Request Denied in Full?	Request Denied in Part?	Agency Unavailable Response to Request	
	Brief description	Initials ok	If YES, enter only one "x" per box	Enter by month/day/year	Enter by month/day/year	If yes, enter only one "x" per box		Enter by month/day/year		For Column M, enter month/day/year. For Column N, enter month/day/year. Check only one box in Columns O thru T. IF YES, ENTER "X". IF MORE THAN ONE "X" OR IF ANOTHER SYMBOL IS ENTERED, THE REQUEST IS NOT PROPERLY COUNTED IN THE COLUMN TOTALS. Column U is checked in addition to other columns.						
0	Example 1 (typical request) Kline	ABR		1/12/12	1/27/12	x				1/27/12	8	x				
00	Example 2 (personal records) Lee	ABR	x	1/12/12	2/12/12					2/12/12	10			x		
000	Example 3 (not personal records) Anonymous letter	ABR		1/20/12	2/20/12	x				2/20/12	10			x		
000	Example 4 (complex request) Honolulu News	CD		1/20/12	2/20/12	x	x	2/16/12	3/20/12, 4/19/12	5/17/12	83				x	
0	TOTALS		0	0	0	0	0	0	0	0	418.00	0	0	0	0	

In column N, you'll see 8, 10, 10, 83, which the Log automatically calculated to show how many weekdays the agency took to complete each of the four examples.

Once the agency enters data in the rows below, then the yellow highlighted total box in Column N will calculate the **median** number of days that it takes the agency to complete record requests, meaning that half of them take longer and the other half take a shorter period of time to complete. Thus, in our four examples, the median would be 10 weekdays. This gives a better indication of the time that it took the agency to respond to most requests, because it throws out the high and the low numbers. If we had used the average of all four days, we would have had a average of nearly 28 weekdays to complete requests, because the complex request that took 83 days to complete would have skewed the results. (This slide does not show a median number of days in the yellow highlighted box in Column N because no actual data has been entered below.)

The Log helps the agency to keep track of requests so that they don't fall between the cracks, in case a staff person is sick, goes on vacation, or leaves the agency. **The agency will be able to easily see in Column M where there are blank spaces, which means that those requests were not completed and require follow-up.** The agency can also tell how timely its responses are by looking at the median number of days for completion in the yellow highlighted "Totals" box in Column N (which will be automatically calculated, once actual data has been entered).

Columns O thru T: **Final Request Resolution**

Check only one box in Columns O through T to explain how the request was ultimately resolved.

- Request granted in full?
- Denied in full?
- Denied in part?
- Unable to respond?
- Request withdrawn?
- Requester abandoned or failed to pay fees & costs?



Columns O thru T must be filled out by the agency to report how a UIPA request was finally resolved. Each of these columns has **pop-up instructions** to guide the agency. The agency **must check off only one box in Columns O through T to show how the request was ultimately resolved.**

Whether a request was **granted in full** (Column O) is easy to determine. A request may instead be **denied in full or in part** (Columns P or Q) because the agency is claiming an exception to the disclosure requirement. These denials are different from being **unable to respond** (Column R), which is where the agency did not have any responsive records, or the requester sought a summary or compilation from records that are not readily retrievable. Note that **Column R** should be checked only if the agency was **ultimately** unable to respond; if an agency was **initially** unable to respond because it needed clarification of the request by the requester, then **Column J** should have been checked instead.

The request may be voluntarily withdrawn by the requester (Column S). Alternatively, the request may be deemed **abandoned** (Column T) if the agency's notice to requester asked for initial clarification of the request or for payment of fees, and the requester failed to provide the clarification or payment within 20 business days. The request may also be deemed abandoned if the requester has asked to pick up the records and failed to do so. **If a request is abandoned, then the date that the agency sent the notice or made the records available becomes the completion date for Column M.** (See Example 3, Anonymous Birther.)

Column U: **Final Request Resolution**

- Lawsuit filed?



The last column in the “Final Resolution of Requests” section asks if a UIPA lawsuit was filed against the agency.

If the agency knows that a requester has sued to obtain the requested records, then it should indicate that a **lawsuit has been filed** in Column U. Please note that the agency may not know at the time it uploads the Log to data.hawaii.gov whether a lawsuit has been filed against it. The agency should just do its best to fill out the Log and should separately report lawsuit information to OIP when it becomes aware of the lawsuit.

Column U can be checked **in addition** to checking one of the other boxes in Columns O through T.

Let’s see how this works in the next slide demonstrating Example 4, for Honolulu News.

COMPLEX REQUESTS (Extenuating Circumstances)		FINAL RESOLUTION OF REQUESTS										Actual Search Hours			TOTAL Actual SRS & Legal Review Hours
Date Agency's Acknowledgment Was Sent	Dates of Agency's Incremental Responses	Date Completed	# of Weekdays to Complete	Request Granted in Full?	Request Denied in Full?	Request Denied in Part?	Agency Unable to Respond to Request?	Requester Withdrawn?	Request Abandoned or Requester Failed to Pay?	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/ Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	
Enter by month/day/year		For Column M, enter month/day/year. Column N will be automatically calculated. Check only one box in Columns O thru T. IF YES, ENTER ONLY ONE "x" in the box. If more than one "x" or if another symbol is entered in a box, then the data will not be properly counted in the column total amount. Column U may be checked in addition to one of Columns O thru T.										.25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour	Auto ca		
		1/27/12	8	x							0.25			0.25	
		2/1/12	10			x					0.50	0.25		0.75	
		2/3/12	10		x				x		0.75	3.00		3.75	
	3/20/12, 4/19/12	5/17/12	83			x				x	95.00	20.50	15.50	131.00	
			Median												

Here's the entire "Final Resolution of Requests" section for the "Honolulu News" example, which was completed on 5/17/12 when the last incremental set of records was provided to the requester. The Log has automatically calculated in Column N that it took 83 weekdays (including holidays) to complete the request.

In Column Q, the agency has entered one "x" for "Request Denied in Part." Apparently, the agency gave the requester some records, but denied others on the basis of a claimed exception to disclosure.

Finally, in Column U, the agency entered an "x" for "UIPA lawsuit filed against agency" because the requester filed a lawsuit challenging the agency's partial denial.

Again, please notice all the **single "x's"** in the boxes in the Request Resolution section. Please **enter only one "x" per box** so that the data will be **properly counted** in the **column's total amount**. If more than one "x" is entered or if another character is entered, the data will not be properly counted in the "Totals" row below the examples.

Please also note that only one of the boxes (in this case, Column Q) in the Columns O through T has been checked to show how the request was ultimately resolved. In this example, Column U has also been checked because a lawsuit was filed.

The UIPA Log-- Third part is:

1. Identification

2. Resolution of requests

3. Fees & costs



Having identified the request and tracked its resolution, let's now go on to the third part of the Log, which automatically calculates **fees & costs** based on the agency's input of search, review, and segregation hours, copying and delivery costs, and fee waivers.

UIPA Log, Part 3: Fees & Costs

Automatic Calculations based on agency's input of hours, costs, & fee waivers

- Search, review, segregation fees (SRS)
-- Fee waivers
- Copy/delivery costs
- Total fees and costs



The Fees and Costs section breaks out the agency's expenses by (1) **search, review, segregation fees, including fee waivers** and (2) **copy and delivery costs**.

Based on the agency's input, the Log calculates for the agency the **total fees and costs** by: (1) what the agency actually incurred, (2) what it can properly charge, (3) what the requester actually paid, and (4) what the agency incurred but could not recover.

Ultimately, this data helps to evaluate the costs and benefits of the UIPA and whether amendments to OIP's administrative rules, adopted in 1998, should be made.

UIPA Record Request Log 4.25.13 FOR TRAINING SCREENSHOTS - Microsoft Excel

Home Insert Page Layout Formulas Data Review View Add-Ins

Normal Page Break: Preview Custom Views Full Screen Workbook Views

Ruler Formula Bar Gridlines Headings Message Bar Show/Hide

Zoom 100% Zoom to Selection Zoom

New Window Split Arrange All Hide Freeze Panes Unhide Save Switch Workspace Windows Macros

C1 ALL WRITTEN REQUESTS

SEARCH, REVIEW, SEGREGATION FEES (SRS) (No SRS fees chargeable for personal records requests, but keep track of time)												COPY/D (Exclu
Request Abandoned or Requester Failed to Pay?	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver	Minus \$60 Fee Waiver	Fees for Personal Records	TOTAL Net SRS Fees CHARGEABLE	Gross Copy/Deliv Costs the Agency INCURRE
the box will not be		.25 = 15 minutes; .50 = 30 min; .75 = 45 min; 1.0 = 1 hour			Automatically calculated		Estimate	Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver		Automatically calculated. Negative number does NOT mean that a refund is due.		INCLUDE redacted co costs
		0.25			0.25	\$2.50		-\$30.00		\$0.00	-\$27.50	\$1
		0.50	0.25		0.75	\$10.00				-\$10.00	\$0.00	\$1
x		0.75	3.00		3.75	\$67.50		-\$30.00		\$0.00	\$37.50	\$
	x	95.00	20.50	15.50	131.00	\$1,360.00	\$5,000.00	-\$60.00		\$0.00	\$1,300.00	\$4

UIPA Request Log / Sheet1 / Sheet2 / Sheet3

This slide shows the section of the Log for **Search, Review, & Segregation (“SRS”)** fees.

Search, Review, Segregation Fees (SRS) Q & A

■ What are SRS fees?

These are fees that the agency may charge for time spent searching for, reviewing, and segregating government records in response to a request:

\$2.50 per fifteen minutes or fraction thereof for **searching** for the record; and

\$5.00 per fifteen minutes or fraction thereof for **reviewing and segregating** the record.



SRS Fees are fees that the agency may charge for time spent **searching** for, **reviewing**, and **segregating** or redacting government records in response to a request.

To **search** for the record, the agency may charge \$2.50 per 15 minutes or fraction thereof.

To **review** and **segregate** the record, the agency may charge \$5.00 per 15 minutes or fraction thereof.

Search, Review, Segregation Fees (SRS) Q & A

■ Are these fees in OIP's administrative rules?

Yes, at §2-71-31 of “Agency Procedures and Fees for Processing Government Records Requests.”

See the rules on OIP's website.



These fees are set out in OIP's administrative rules (HAR section 2-71-31), which were adopted in 1998, and can be found on OIP's website.

UIPA Record Request Log 4.25.13 FOR TRAINING SCREENSHOTS - Microsoft Excel

STTS			SEARCH, REVIEW, SEGREGATION FEES (SRS) (No SRS fees chargeable for personal records requests, but keep track of time)									
Requester Withdrew?	Request Abandoned or Requester Failed to Pay?	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver	Minus \$60 Fee Waiver	Fees for Personal Records	TOTAL Net SRS Fees CHARGEABLE
Only ONE "x" in the box. If more than one "x" is entered, the data will not be submitted. 			.25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour			Automatically calculated	Estimate	Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver		Automatically calculated. Negative number does NOT mean that a refund is due.		
			0.25			0.25	\$2.50		-\$30.00		\$0.00	-\$27.50
			0.50	0.25		0.75	\$10.00				-\$10.00	\$0.00
	x		0.75	3.00		3.75	\$67.50		-\$30.00		\$0.00	\$37.50
		x	95.00	20.50	15.50	131.00	\$1,360.00	\$5,000.00		-\$60.00	\$0.00	\$1,300.00

Like the other sections of the Log, below the column headings are **additional instructions** that may span across several affected columns. In this slide, the instructions under Columns V, W, and X show how to enter the time in quarterly increments per hour, so .25 = 15 minutes, .50 = 30 minutes, .75 = 45 minutes, 1.0 = 1 hour.

Below those instructions, the agency has entered the **time it spent in search, review, and segregation efforts** for the **four record request examples**. Under Column V for “**Actual Search Hours**,” each example shows varying amounts of time the agency spent on searching to locate and determine if the agency, or another party under the agency’s administrative control, “maintains” the requested record.

Example 1 shows “0.25” for a 15-minute search, which is the minimum time that should be entered.

Example 2 shows “0.50” for a 30-minute search.

Example 3 shows “.75” for a 45-minute search.

Example 4 shows “95.0” for 95 search hours on a complex record request.

Note: While the Log can also be used as a tool to calculate estimated fees and costs for prepayment by a requester, please enter the actual search, review, and segregation hours in the Log that will be uploaded to the Master Log at data.hawaii.gov.

STS			SEARCH, REVIEW, SEGREGATION FEES (SRS) (No SRS fees chargeable for personal records requests, but keep track of time)									
Requester Withdrawn?	Request Abandoned or Requester Failed to Pay?	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver	Minus \$60 Fee Waiver	Fees for Personal Records	TOTAL Net SRS Fees CHARGEABLE
			.25 = 15 minutes; .75 = 45 min.; 1.0 = 1 hour			Automatically calculated	Estimate	Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver			Automatically calculated. Negative number does NOT mean that a refund is due.	
			0.25			0.25	\$2.50		-\$30.00		\$0.00	-\$27.50
			0.50	0.25		0.75	\$10.00				-\$10.00	\$0.00
	x		0.75	3.00		3.75	\$67.50		-\$30.00		\$0.00	\$37.50
		x	95.00	20.50	15.50	131.00	\$1,360.00	\$5,000.00		-\$60.00	\$0.00	\$1,300.00

Here, in Column W, the agency has entered the time spent reviewing and segregating the records. Under “**Actual Review/Segregation Hours,**” each example shows varying amounts of time the agency spent to review the record to determine which portions, if any, may be exempt from disclosure, and then redacting the exempt portions.

Example 1 shows no time spent reviewing and segregating.

Example 2 shows “0.25” for 15 minutes.

Example 3 shows “3.0” for 3 hours.

Example 4 shows “20.5” for 20 hours and 30 minutes spent reviewing and segregating for a complex record request.

Typically, supervisors, managers, or attorneys would be doing the review and segregation. Column W includes attorneys’ time spent actually reviewing and segregating a record, but not their time to do legal research for possible exemptions from disclosure. Instead, such **non-chargeable legal review time is separately entered in the next column, X.**

UIPA Record Request Log 4.25.13 FOR TRAINING SCREENSHOTS - Microsoft Excel

STTS			SEARCH, REVIEW, SEGREGATION FEES (SRS) No SRS fees chargeable for personal records requests, but keep track of time									
Requester Withdrew?	Request Abandoned or Requester Failed to Pay?	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/ Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver	Minus \$60 Fee Waiver	Fees for Personal Records	TOTAL Net SRS Fees CHARGEABLE
			.25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour			Automatically calculated		Estimate	Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver		Automatically calculated. Negative number does NOT mean that a refund is due.	
			0.25			0.25	\$2.50		-\$30.00		\$0.00	-\$27.50
			0.50	0.25		0.75	\$10.00				-\$10.00	\$0.00
	x		0.75	3.00		3.75	\$67.50		-\$30.00		\$0.00	\$37.50
		x	95.00	20.50	15.50	131.00	\$1,360.00	\$5,000.00		-\$60.00	\$0.00	\$1,300.00

Looking at Column X, the agency has entered the **non-chargeable time spent for legal review by its attorney(s)**. This is not a fee that can actually be charged by an agency under OIP’s current rules, which do not allow an agency to charge for attorneys’ time to research possible exemptions from disclosure or to determine and advise the agency on the propriety of the agency’s response. OIP, however, is collecting the legal review data to get a full picture of how much time and resources are being devoted to fulfilling UIPA record requests.

Under “**Actual Legal Review Hours, (Column X)**”, the first three examples show no time spent for legal review. **Example 4**, however, shows “15.5” for 15 hours and 30 minutes spent for legal review in a complex records request case.

STTS			SEARCH, REVIEW, SEGREGATION FEES (SRS) (Not chargeable for personal records requests, but keep track of time)									
Requester Withdrawn?	Request Abandoned or Requester Failed to Pay?	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver	Minus \$60 Fee Waiver	Fees for Personal Records	TOTAL Net SRS Fees CHARGEABLE
			.25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour			Automatically calculated		Estimate	Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver		Automatically calculated. Negative number does NOT mean that a refund is due.	
			0.25			0.25	\$2.50		-\$30.00		\$0.00	-\$27.50
			0.50	0.25		0.75	\$10.00				-\$10.00	\$0.00
	x		0.75	3.00		3.75	\$67.50		-\$30.00		\$0.00	\$37.50
		x	95.00	20.50	15.50	131.00	\$1,360.00	\$5,000.00		-\$60.00	\$0.00	\$1,300.00

Column Y shows the “**TOTAL Actual SRS & Legal Review Hours.**”

These totals are **automatically calculated**, by adding the hours inputted by the agency from the previous three columns: search hours, review/segregation hours, and legal review hours. Again, note that this is not the basis for the amount of fees that can be charged to a requester, but Column Y gives a more accurate picture of how much time the agency has actually incurred in responding to the request.

Example 1, the typical record request, shows a total of “0.25” hours, or 15 minutes.

Example 2, the personal record request, shows a total of “0.75” hours, or 45 minutes.

Example 3, the anonymous birther requester, shows a total of “3.75” hours, or 3 hours and 45 minutes.

Example 4, the complex request from the Honolulu News, shows a total of “131” hours.

STTS			SEARCH, REVIEW, SEGREGATION FEES (SRS) (No SRS fees are assessed for personal records requests, but keep track of time)									
Requester Withdrawn?	Request Abandoned or Requester Failed to Pay?	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/ Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver	Minus \$60 Fee Waiver	Fees for Personal Records	TOTAL Net SRS Fees CHARGEABLE
			.25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour			Automatically calculated	Estimate		Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver		Automatically calculated. Negative number does NOT mean that a refund is due.	
			0.25			0.25	\$2.50		-\$30.00		\$0.00	-\$27.50
			0.50	0.25		0.75	\$10.00				-\$10.00	\$0.00
	x		0.75	3.00		3.75	\$67.50		-\$30.00		\$0.00	\$37.50
		x	95.00	20.50	15.50	131.00	\$1,360.00	\$5,000.00		-\$60.00	\$0.00	\$1,300.00

In Column Z, the log has **automatically calculated** the “**TOTAL SRS Fees Incurred.**”

This is the **total gross fees** incurred for Search, Review, and Segregation, **excluding the legal review time, and not accounting for any fee waivers.** Again, this is **not** the amount that may actually be charged by the agency.

Example 1, the typical record request, shows \$2.50 for the total SRS fees incurred.

Example 2, the personal record request, shows a total of \$10.00.

Example 3, the anonymous birther request, shows a total of \$67.50 incurred for SRS fees.

Example 4, the complex request from the Honolulu News, shows a total of \$1,360.00 incurred for SRS fees.

STTS			SEARCH, REVIEW AND SEGREGATION FEES (SRS) (No SRS fees chargeable for personal records requests, but keep track of time)									
Requester Withdrawn?	Request Abandoned or Requester Failed to Pay?	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/ Segre- gation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver	Minus \$60 Fee Waiver	Fees for Personal Records	TOTAL Net SRS Fees CHARGEABLE
			.25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour			Automatically calculated	Estimate	Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver			Automatically calculated. Negative number does NOT mean that a refund is due.	
			0.25			0.25	\$2.50		-\$30.00		\$0.00	-\$27.50
			0.50	0.25		0.75	\$10.00				-\$10.00	\$0.00
	x		0.75	3.00		3.75	\$67.50		-\$30.00		\$0.00	\$37.50
		x	95.00	20.50	15.50	131.00	\$1,360.00	\$5,000.00		-\$60.00	\$0.00	\$1,300.00

Column AA is where the agency enters “**Additional Response Fees Incurred But Not Chargeable.**” Most times, there will be no entry for this column.

But, there may be times when an agency incurs additional fees that **cannot** be recovered by the agency under the UIPA or OIP’s rules. For example, the agency may incur, but cannot charge for, **special counsel’s legal fees or an expert witness’s fees to defend a lawsuit** brought by a requester to compel disclosure. The agency in that case should **estimate** and list such nonrecoverable fees in this column.

Example 4 at the bottom of Column AA shows the agency’s estimate of \$5,000.00 in additional fees spent in defending the lawsuit in the complex case brought by the Honolulu News.

Search, Review, Segregation Fees (SRS) Q & A

■ What are fee waivers?

The agency **must** waive the first \$30 in fees for search, review, and segregation ...

OR the first \$60 where the agency finds that the requester has met the requirements under OIP's administrative rules for a public interest waiver.



Now, we know what fees the agency has incurred in responding to a request. Next, we need to determine whether any of these fees must be **waived**. **Remember that we are discussing waivers only for SRS fees, and not for copying and delivery costs that are not subject to OIP's waiver rules.**

OIP's rules provide for **two kinds of waivers for SRS fees**:

- (1) The agency must waive the **first \$30** in fees for search, review, and segregation ... **OR**
- (2) the **first \$60 if a public interest waiver** applies. Before granting the request for a public interest waiver, the agency must find that the requester has met the requirements under OIP's administrative rules for a public interest waiver, which will be discussed in greater detail shortly.

Search, Review, Segregation Fees (SRS) Q & A

■ How are fee waivers recorded on the log?

Enter the waiver as a negative number (“-30.00” or “-60.00”).

For a personal records request, do not enter the \$30 or \$60 fee waiver because SRS fees may not be charged in the first place.



To record a fee waiver on the log, the agency must **enter the waiver as a negative number** (either “-30.00” or “-60.00”) in Columns AB or AC.

For a personal records request, do not enter the \$30 or \$60 fee waiver because no SRS fees may be charged in the first place.

STANDARD			SEARCH, REVIEW, SEGREGATION (SRS) (No SRS fees chargeable for personal records requests. Please keep track of time)									
Requester Withdrew?	Request Abandoned or Requester Failed to Pay?	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver	Minus \$60 Fee Waiver	Fees for Personal Records	TOTAL Net SRS Fees CHARGEABLE
			.25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour				Automatically calculated	Estimate	Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver		Automatically calculated. Negative number does NOT mean that a refund is due.	
			0.25			0.25	\$2.50		-\$30.00		\$0.00	-\$27.50
			0.50	0.25		0.75	\$10.00				-\$10.00	\$0.00
	x		0.75	3.00		3.75	\$67.50		-\$30.00		\$0.00	\$37.50
		x	95.00	20.50	15.50	131.00	\$1,360.00	\$5,000.00		-\$60.00	\$0.00	\$1,300.00

Here, in Columns AB and AC, we see how an agency has **recorded fee waivers**.

In Column AB, we see that two **\$30 waivers** have been granted in Examples 1 and 3, and recorded as a **negative** \$30 (“-30.00”). Note that there is no waiver for the personal records request, which was in Example 2, because personal record requests are not subject to SRS fees.

In Column AC, we see that a **\$60 public interest fee waiver** (“-60.00”) has been granted for the “Honolulu News” in Example 4.

SEARCH, REVIEW, SEGREGATION FEES (SRS) (No SRS fees chargeable for personal record requests, but keep track of time)										COPY/D
Request Abandoned or Requester Failed to Pay?	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL SRS Fees Incurred	Addition, Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver		
		.25 = 15 minutes; .50 = 30 min; .75 = 45 min; 1.0 = 1 hour			Automatically calculated		Estimate	Enter as a number, personal request, do \$30 or \$60 fee		
		0.25			0.25	\$2.50		-\$30.00		-\$27.50
		0.50	0.25		0.75	\$10.00			-\$10.00	\$0.00
x		0.75	3.00		3.75	\$67.50		-\$30.00	\$0.00	\$37.50
	x	95.00	20.50	15.50	131.00	\$1,360.00	\$5,000.00	-\$60.00	\$0.00	\$1,300.00

By clicking on the red triangle at the top right in the column description box, instructions will pop-up for the **\$30 fee waiver** in Column AB.

As the instructions state, under OIP’s administrative rules, the **first \$30 in SRS fees must generally be waived by an agency for government record requests.** § 2-71-31(a), H.A.R. If a **public interest fee waiver** applies, there is a **\$60 fee waiver** instead. **Either the \$30 fee waiver or the \$60 public interest fee waiver applies – not both.**

Again, do **not** enter the \$30 fee waiver if this is a **personal** record request (see Example 2), or if the **\$60 public interest fee waiver** is granted (see Example 4).

SEARCH, REVIEW, SEGREGATION FEES (SRS) Chargeable for personal records requests, but keep track of time)				COPY/DELIVERY COSTS (Exclude SRS Fees)			
TOTAL SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver	Minus \$60 Fee Waiver				
Automatically Calculated	Estimate	Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver					
\$2.50		-\$30.00		\$0.00	-\$27.50	\$10.00	\$10.00
\$10.00				-\$10.00	\$0.00	\$15.00	\$5.00

Column AC, Minus \$60 Fee Waiver: The agency must grant the \$60 public interest waiver of SRS fees (not copying/delivery costs) for a government record request when (1) the request for such waiver is supported by a statement of facts, including the requester's identity, and (2) the agency finds that the waiver would be in the public interest. § 2-71-32 (a) H.A.R. A \$60 public interest fee waiver is in the public interest when (1) the requested record pertains to an agency's operation or activities (but the record's relative importance to the public is not applicable in applying the waiver); (2) the record is not readily available in the public domain; and (3) the requester has the primary intention and actual ability to widely disseminate information from the government record to the general public at large. § 2-71-32 (b) H.A.R. Enter as a negative number "-60" in this box if the public interest fee waiver is granted by the agency. (See Example 4.) Do not enter the \$60 fee waiver if this is a personal record request (see Example 2) or if the \$30 fee waiver is granted (see Examples 1 and 3).

Although the waiver is entered as a negative dollar amount so that fees can be properly calculated, the column "total" highlighted in yellow will calculate the number of \$60 fee waivers granted by the agency, which will be reported to data.hawaii.gov.

Column AC shows the **\$60 fee waiver**, with detailed pop-up instructions about when to grant this **public interest waiver**.

As the pop-up instructions state, the \$60 public interest fee waiver must be granted when **(1)** the request for such waiver is supported by a statement of facts, including the requester's identity, **and (2)** the agency finds that the waiver would be in the public interest. § 2-71-32 (a) H.A.R.

A \$60 public interest fee waiver is in the public interest when **(1)** the requested record pertains to an agency's operation or activities (but the record's relative importance to the public is not applicable in applying the waiver); **(2)** the record is not readily available in the public domain; **and (3)** the requester has the primary intention and actual ability to widely disseminate information from the government record to the general public at large. § 2-71-32 (b) H.A.R.

Search, Review, Segregation Fees (SRS) Q & A

■ What about personal records?

No SRS fees are chargeable for personal records requests, but keep track of time.

■ What about net SRS fees?

Net SRS fees chargeable will be automatically calculated (without personal record amounts or fee waivers).

Although under current OIP rules, no SRS fees can be charged for personal record requests, agencies should still keep track of the time spent fulfilling them.

As for **net SRS fees chargeable** (Col. AE), these chargeable fees will be **automatically calculated by Log**, and will leave out personal record amounts or fee waivers. But for this calculation to work, **the agency must properly identify the request as a personal records request in Column F.**

The next three slides show the pop-up instructions for fees incurred **for personal records**, and **total net SRS fees chargeable**.

UIPA Record Request Log 4.25.13 FOR TRAINING SCREENSHOTS - Microsoft Excel

Requester Name or File #

SEARCH, REVIEW, SEGREGATION FEES (SRS) (No SRS fees chargeable for personal records requests, but keep track of time)										COPY/DELIVERY COSTS (Exclude SRS Fees)		
Actual Search Hours	Actual Review/ Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver	Minus \$60 Fee Waiver	Fees for Personal Records				
.25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour			Automatically calculated	Estimate	Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver	Automatically calculated number does NOT mean due		Column AD Fees for Personal Records: Automatically calculated. Because individuals may NOT be charged SRS fees when requesting their accessible personal records under Part III of the UIPA, the amount of SRS incurred fees that was automatically calculated in Column Z will be automatically entered as a negative number in Column AD and will be subtracted from the net SRS fees chargeable in Column AE. For this calculation to work, the agency must properly identify a personal records request by marking an "P" in Column F. A negative number in Column AD does not mean that the requester is entitled to a refund.				
0.25			0.25	\$2.50		-\$30.00		\$0.00	-\$27.50	\$10.00	\$10.00	
0.50	0.25		0.75	\$10.00				-\$10.00	\$0.00	\$15.00	\$5.00	
0.75	3.00		3.75	\$67.50		-\$30.00		\$0.00	\$37.50	\$0.00	\$0.00	
95.00	20.50	15.50	131.00	\$1,360.00	\$5,000.00		-\$60.00	\$0.00	\$1,300.00	\$45.00	\$20.00	

In Column AD, we see instructions for “Fees for Personal Records.”

These fees are **automatically calculated**, but are **not chargeable to the requester**.

Note that a **negative** number, as in Example 2 in Column AD, does **not** mean that the requester is entitled to a refund.

SEARCH, REVIEW, SEGREGATION FEES (SRS) (No SRS fees chargeable for personal records requests, but keep track of time)							COPY/DELIVERY COSTS (Exclude SRS Fees)		TOTAL	
Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver	Minus \$60 Fee Waiver	Fees for Personal Records	TOTAL Net SRS Fees CHARGEABLE			
= 30 min; = 1 hour	Automatically calculated		Estimate	Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver		Automatically calculated. Negative number does NOT mean that a refund is due.				
	0.25	\$2.50		-\$30.00		\$0.00	-\$27.50	\$0.00	\$10.00	\$10.00
	0.75	\$10.00				-\$10.00	\$0.00	\$0.00	\$5.00	\$5.00
	3.75	\$67.50		-\$30.00		\$0.00	\$37.50	\$0.00	\$0.00	\$0.00
15.50	131.00	\$1,360.00	\$5,000.00		-\$60.00	\$0.00	\$1,300.00	\$45.00	\$20.00	\$1,315.00

What is chargeable to the requester is found in Column AE, where we have the **Total Net SRS Fees Chargeable**. This amount is based on the SRS times entered by the agency, and excludes amounts for personal records requests, waivers, and fees incurred but not chargeable. Column AE automatically calculates the net amount that an agency may charge in SRS fees.

For our first two examples, no fees are chargeable. The first example of a typical request shows in Column Z that only \$2.50 in SRS fees were incurred, and this falls within the \$30 waiver. **Although Example 1 shows a negative \$27.50 in net fees chargeable in Column AE, this does not mean that the requester is entitled to a refund.** The negative number simply shows that no fees are chargeable.

The **second example** also shows that no SRS fees can be charged, because it was a **personal record request**.

The **third example** is by an anonymous requester for President Obama's birth certificate, which is a government records request, not a personal records request, and therefore, SRS fees can be charged. In that case, SRS fees of \$67.50 were incurred, and the log automatically subtracts the \$30 fee waiver, so the total net SRS fees chargeable to the requester is \$37.50, as shown in Column AE.

The next slide explains the SRS fees for Example 4

UIPA Record Request Log 4.25.13 FOR TRAINING SCREENSHOTS - Microsoft Excel

SEARCH, REVIEW, SEGREGATION FEES (SRS) (No SRS fees chargeable for personal records requests, but keep track of time)							COPY/DELIVERY COSTS (Exclude SRS Fees)		TOTAL	
Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver	Minus \$60 Fee Waiver	Fees for Personal Records	TOTAL Net SRS Fees CHARGEABLE			
= 30 min.; - 1 hour	Automatically calculated		Estimate	Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver		Automatically calculated. Negative number does NOT mean that a refund is due.				
	0.25	\$2.50		-\$30.00		\$0.00	-\$27.50	\$10.00	\$10.00	\$10.00
	0.75	\$10.00				-\$10.00	\$0.00	\$15.00	\$5.00	\$5.00
	3.75	\$67.50		-\$30.00		\$0.00	\$37.50	\$0.00	\$0.00	\$0.00
	15.50	131.00	\$1,360.00	\$5,000.00	-\$60.00	\$0.00	\$1,300.00	0	\$20.00	\$1,315.00

Column AE, Total Net SRS Fees Chargeable: This column is highlighted because the total net SRS fees (after waivers or personal record amounts) that may be charged by an agency will be automatically calculated, based on the hours entered by the agency for SRS times. Note that a negative number in this column does not mean that the requester is entitled to a refund. For total net fees and costs that an agency may charge, look at Column AI.

The column "total" highlighted in yellow will show the total dollar amount of SRS fees that may be charged by the agency, which will be reported to data.hawaii.gov.

The arrow at the bottom points to the total net SRS fees chargeable in Column AE for the “Honolulu News” request (Example 4).

This was a **large, complex request** that incurred \$1,360 in SRS fees (Column Z) and the requester was entitled to receive the \$60 public interest fee waiver (Column AC). Therefore, the Log automatically calculated the net fees chargeable by subtracting the \$60 fee waiver from \$1,360 in SRS fees incurred, resulting in total net SRS fees chargeable of \$1,300 (Column AE).

Columns AF & AG: **Copy/Delivery Costs**



- **Gross** copy/delivery costs that agency actually **incurred**, but may not have totally recovered
 - Include copies made for redaction

- **Net** copy/delivery costs properly **chargeable** to requester
 - Exclude copies made for redaction
 - Include copies made of electronic record if requester wants them faxed, mailed, or provided in a physical form

Separate from SRS fees, OIP rules (HAR §2-17-19) allows an agency to recover “[a]ny other lawful fees,” such as copy and delivery costs, for responding to a records request. Each agency, not OIP, sets its own schedule of photocopying costs, which is governed by HRS §92-21 and is outside of OIP’s jurisdiction.

Column AF is where the agency enters the **gross copy/delivery costs** that it **incurred**. For gross costs, the agency should **include** all costs of copies, even those made for the agency’s use in redacting the record.

Column AG asks for the **net copy/delivery costs** that the agency can charge to the requester. For net costs, **the agency should exclude extra copies made for the agency’s use in redacting a record – OIP’s rules allow the agency to charge for only the redacted copy that is provided to the requester.** The agency can **include** copies made of an **electronic** record **if** the requester asked them to be faxed, mailed, or otherwise provided in a physical form.

SEGREGATION FEES (SRS) Personal records requests, but keep track of time)					COPY/DELIVERY COSTS (Exclude SRS Fees)		TOTAL FEES AND COSTS			
Additional Response Fees Incurred But Not Chargeable	Minus \$30 Fee Waiver	Minus \$60 Fee Waiver	Fees for Personal Records	TOTAL Net SRS Fees CHARGEABLE	Gross Copy/Delivery Costs that Agency INCURRED	Net Copy/Delivery Costs CHARGEABLE to Requester	TOTAL Fees & Costs ACTUALLY PAID by Requester	TOTAL Net Fees & Costs CHARGEABLE	TOTAL Gross Fees & Costs Agency INCURRED	TOTAL Gross Fees & Costs INCURRED BUT NOT CHARGED
Estimate	Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver		Automatically calculated. Negative number does NOT mean that a refund is due.		INCLUDE redacted copy costs	EXCLUDE redacted copy costs	Enter amount, which may be less than column AF	Automatically calculated		
	-\$30.00		\$0.00		\$10.00	\$10.00	\$10.00	\$10.00	\$12.50	\$2.50
			-\$10.00		\$15.00	\$5.00	\$5.00	\$5.00	\$25.00	\$20.00
	-\$30.00		\$0.00		\$0.00	\$0.00	\$0.00	\$37.50	\$67.50	\$67.50
\$5,000.00		-\$60.00	\$0.00		\$45.00	\$20.00	\$1,315.00	\$1,320.00	\$6,715.00	\$5,400.00

In this slide, Columns AF and AG show the section of the Log for **Copy/Delivery Costs**.

In the case of Example 2, you see that all copying and delivery costs totaled \$15 in column AF, but that only \$5 of that amount could be charged, as shown in Column AG. This implies that \$10 of the total costs were for copies that the agency made for its own purposes to redact the record, which the agency could not charge the requester. Only the cost of copying the redacted record for the requester could be properly charged to the requester.

Similarly, Example 4 shows that \$25 of the \$45 in copying costs was disallowed, as Column AG shows only \$20 of net costs chargeable to the requester.

Columns AH thru AK:
Total Fees & Costs



(this last section shows the “bottom line”
for agency fees & costs)

Agency to input:

- Total fees & costs **actually paid** by requester

Log automatically calculates (for statistical purposes):

- Total net fees & costs **chargeable**
- Total gross fees & costs **incurred**
- Total gross fees & costs **incurred but not charged**

Finally, we come to the **bottom line** for **total agency fees & costs**. These statistics will show agencies what it is costing them to respond to records requests, and what fees and costs they are actually recovering from requesters.

First, in Column AH, the agency inputs the total fees & costs **actually paid by the requester**. Note that this amount **should not exceed the total net chargeable fees and costs in Column AI**.

The Log **automatically calculates Column AI, AJ, and AK:**

1. Total net fees & costs **chargeable** (Column AI);
2. Total gross fees & costs **incurred** by the agency (Column AJ); and
3. Total gross fees & costs **incurred but that cannot be charged or were not paid, and are unrecoverable** (Column AK).

UIPA Record Request Log 4.25.13 FOR TRAINING SCREENSHOTS - Microsoft Excel										
TIONS FEES (SRS) requests, but keep track of time)				COPY/DELIVERY COSTS (Exclude SRS Fees)		TOTAL FEES AND COSTS				
AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	
Minus \$30 Fee Waiver	Minus \$60 Fee Waiver	Fees for Personal Records	TOTAL Net SRS Fees CHARGEABLE	Gross Copy/Delivery Costs that Agency INCURRED	Net Copy/Delivery Costs CHARGEABLE to Requester	TOTAL Fees & Costs ACTUALLY PAID by Requester	TOTAL Net Fees & Costs CHARGEABLE	TOTAL Gross Fees & Costs Agency INCURRED	TOTAL Gross Fees & Costs INCURRED BUT NOT CHARGED	
Enter as a negative number. For a personal records request, do not enter \$30 or \$60 fee waiver		Automatically calculated. Negative number does NOT mean that a refund is due.		INCLUDE redacted copy costs	EXCLUDE redacted copy costs	Enter amount, which may be less than column AF	Automatically calculated			
-\$30.00		\$0.00	-\$27.50	\$10.00		\$10.00	\$10.00	\$12.50	\$2.50	
		-\$10.00	\$0.00	\$15.00		\$5.00	\$5.00	\$25.00	\$20.00	
-\$30.00		\$0.00	\$37.50	\$0.00		\$0.00	\$37.50	\$67.50	\$67.50	
	-\$60.00	\$0.00	\$1,300.00	\$45.00		\$1,315.00	\$1,320.00	\$6,715.00	\$5,400.00	

Let's look at the **four examples** in the "Total Fees and Costs" section.

In **Example 1** (typical request), Column AH shows that the requester actually paid \$10, which is also the total net fees and costs that could be charged, as shown in Column AI. Per Column AJ, the actual total gross fees and costs that an agency incurred is \$12.50, so Column AK shows that the agency incurred \$2.50 in gross fees and costs that it cannot recover.

In **Example 2** (personal record request), Column AH shows that the requester actually paid \$5, which is the net chargeable amount in Column AI. Column AJ, however, shows that the agency actually incurred \$25 to fulfill this request, and since only \$5 was actually paid, Column AK shows that \$20 in gross fees and costs were incurred but not charged by the agency.

In **Example 3** (anonymous birther), Column AH shows that the requester paid nothing, because she had abandoned the request (Column T). Column AI shows that \$37.50 could have been charged by the agency, and Column AJ shows that the agency actually incurred \$67.50 in gross fees and costs, which it could not recover per Column AK.

Finally, in **Example 4** (Honolulu News), we see that the total fees and costs actually paid by the requester was \$1,315 (Column AH), which is under the \$1,320 in Column AI that could be charged by the agency. The agency actually incurred total gross fees and costs of \$6,715 shown in Column AJ, leaving it with \$5,400 in unrecoverable fees and costs per Column AK.

UIPA Record Request Log



Mahalo!

The total fees and costs that are automatically calculated by the Log will provide important objective data regarding the cost of meeting UIPA record requests. Once the Log is uploaded to data.hawaii.gov, even more statistics can be calculated to determine how well agencies are responding to UIPA requests. For example, it will be possible to calculate the percentages of requests that were completed within 10 business days, how they were completed, and how many were complex requests.

Thanks to your efforts in filling out the Log and uploading the totals to data.hawaii.gov, we will finally have detailed, relevant, and useful data to help analyze the costs and benefits of Hawaii's open records law and to show how well the government is meeting its UIPA responsibilities.

**For detailed UIPA Log Instructions,
Frequently Asked Questions,
& other training materials:**

- see OIP's website hawaii.gov/oip
- click on Laws/Rules/Opinions,
then the UIPA page:
[http://hawaii.gov/oip/
laws-rules-opinions/uipa](http://hawaii.gov/oip/laws-rules-opinions/uipa)



Now that you've been trained to fill out the Log, where do you go for help when you're actually doing it? Remember that you have some instructions in the Log's headings, as well as pop-up instructions in the on-line version of the Log.

You have already found this PowerPoint presentation on OIP's website, where you can also find other help, including:

- 1) The full set of UIPA Log instructions;
- 2) Frequently Asked Questions about the Log; and
- 3) The UIPA training guide.

Need Help?

■ Call OIP [586-1400](tel:586-1400)



■ E-mail: ois@hawaii.gov

■ OIP website:
www.hawaii.gov/ois



In addition to OIP's website, you can get help from OIP's staff attorneys by calling (808) 586-1400 or emailing ois@hawaii.gov.

OIP welcomes your comments on this training and we hope that we have answered all of your questions about how to fill out the UIPA Record Request Log. We also welcome any suggestions that you may have to improve the Log or our training.

Thank you for attending this training session and for your work in ensuring the public's right to open records and government transparency.