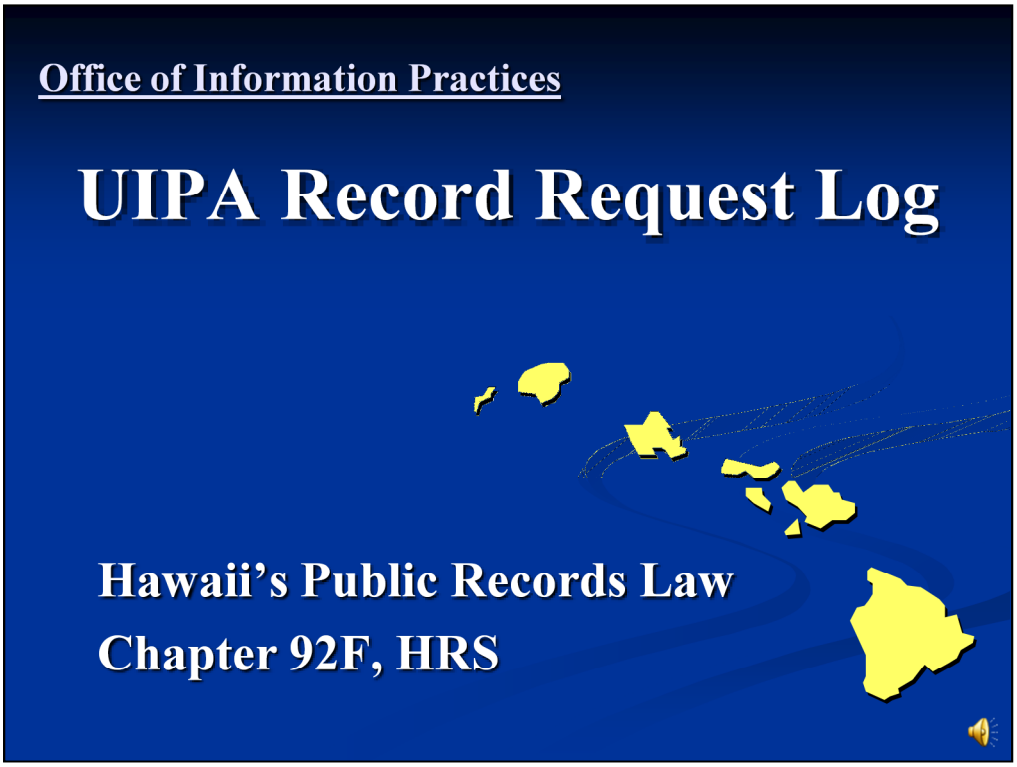


(June 2014)

Thank you for taking the time to learn how to use the **UIPA Record Request Log,** designed to track and report on formal written requests for public records, which are made under the Uniform Information Practices Act, HRS Chapter 92F.

Formal requests are those that are made in writing by a requester and for which the agency sends a "Notice to Requester." Routine requests need not be logged, such as when someone asks for agency brochures, or when the request is processed without review or a Notice to Requester, as in the case of birth certificates or UH student transcripts.

Sample of UIPA Log entry mistakes 12.4.13 for MVL screenshots - Microsoft Excel

D11 AVERAGES

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	DEPT.	AGENCY	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, HH transcripts)								COMPLEX REQUESTS (Extenuating Circumstances)			
2	A	B	C	D	E	F	G	H	I	J	K	L	M	N
3			#	Requester Name or File #	Employee ID	Personal Records Request?	Date Agency Received Request	Date Agency's Notice Was Sent	Agency's Initial Response Sent Within 10 Work Days	Request Needed Initial Clarification	Complex Request?	Agency Gave Incremental Responses?	Date Completed	# of Workdays to Complete
4	Start Log by selecting the department and agency from the drop-down list in boxes immediately above. Do this only once; do not enter data into the highlighted rows below.			Description of data to be entered in each column →	Initials ok	If YES, enter ONLY ONE "x" per cell	Enter ONLY ONE date by month/day/year		If yes, enter ONLY ONE "x" per cell. If more than one "x" or if another symbol is entered in a cell, then data will not be properly counted in the column total amount.				Enter ONLY ONE date by mo/day/year	Automatically Calculated
5			0	Example 1 (typical request) Kimo	AB		1/17/12		x				1/17/12	1
6			00	Example 2 (personal record)	AB	x	1/18/12	2/10/12					2/10/12	18
7			000	Example 3 (not personal record) Anonymous	AB		1/19/12	1/22/12	x				2/17/12	22
8			0000	Example 4 (complex request)	CD		1/23/12	2/17/12	x	x	x	x	5/17/12	84
9			# of requests	Description of "Totals" →	Initials ok	# of personal records	# of requests	# of notices sent (exclude Acknowledgments)	# of Notices, Acknowledgments, or completions w/in 10 workdays	# needed initial clarification	# of complex requests	# of requests with incremental responses	# of completed requests	# of workdays to complete ALL requests
10			4	TOTALS to upload →		1	4	3	2	1	1		4	125
11				AVERAGES →										31.25
12			1	Kimo	AB		1/17/12		x				1/17/12	1
13			2	Lee	AB	x	1/18/12	2/10/12					2/10/12	18
14			3	Anonymous	AB	yes	1/19/12	1/22/12	xx	?			2/17/12	22
15			4	Honolulu News	CD		1/23/12	2/17/12	x	x	x	3	5/17/12	84
16			5											

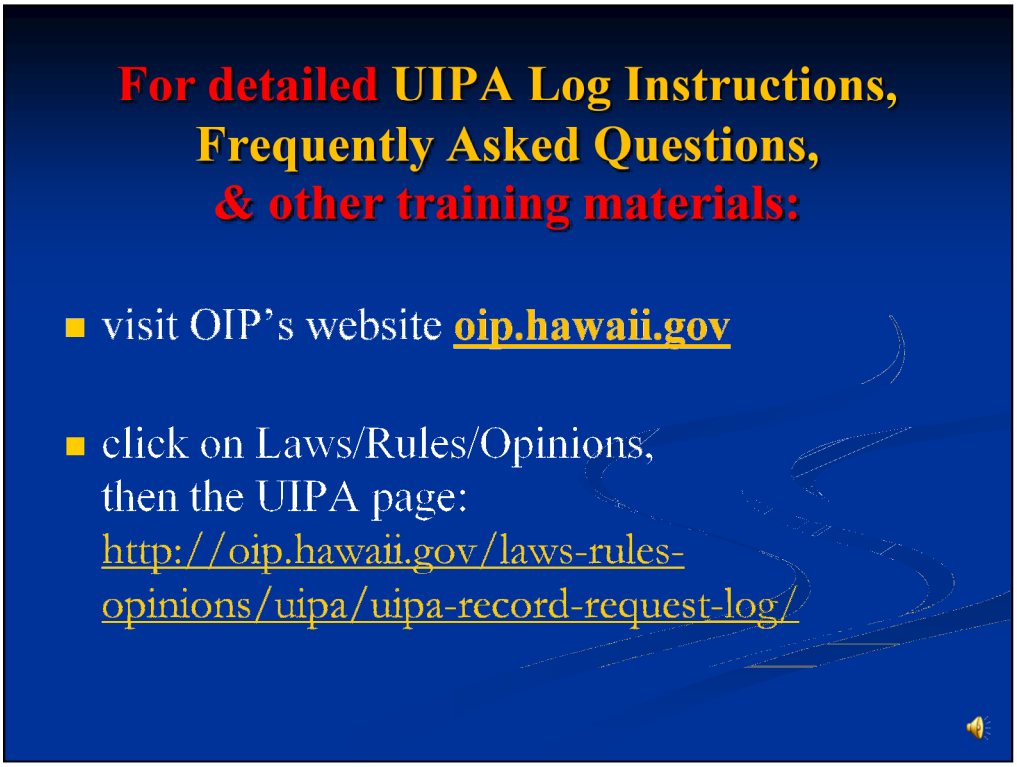
SAMPLE Log | UIPA Record Request Log form

Cell M1 commented by Cindy Yee

The Log is an Excel spreadsheet found on OIP's website at oip.hawaii.gov. **One worksheet is the Log form** itself, in which the Examples have been minimized and cannot be viewed so that the agency will have an easier time entering its own data on the Log form's white rows, beginning at row 12 (not to be confused with the request numbers in Column C). **The other worksheet is a Sample Log, as shown in this slide**, which can be used for practice and training. Also on OIP's website is a pre-formatted four-page PDF version of the Sample Log, which you should print out, preferably in color, to use during this training.

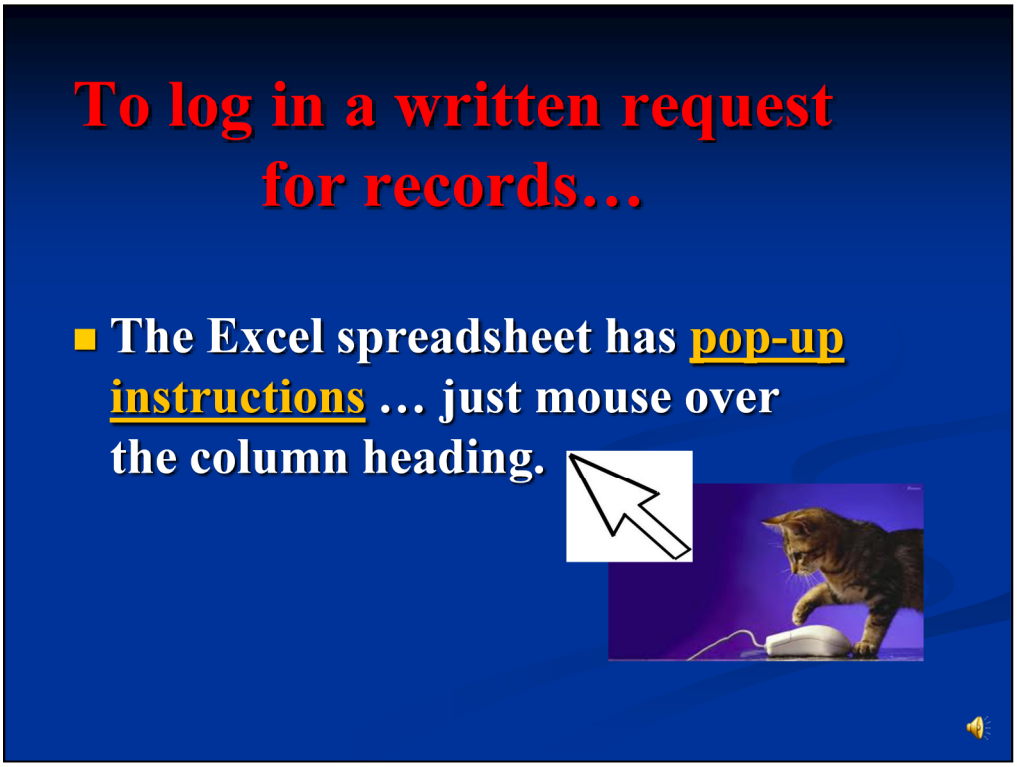
The Sample Log contains **four Examples of how to properly enter data in highlighted rows** 5 through 8. **The white rows 12 through 15 show data that has been erroneously entered.** By the end of this training, you should be able to identify the cells in the white data entry rows that contain the mistakes and know why they are mistakes. (You can find the answers on slides 61-63.)

Today's training will show you how to properly enter the data onto your agency's Log. Even if you are a supervisor or manager who will not be doing the data input yourself, you need to know how to spot mistakes in Log data entries and how to use the Log to better manage your agency's processing of UIPA record requests. Among other things, the Log will provide you with information at a glance to see how many record requests your agency receives and completes, how quickly your agency is responding to them, how much time agency personnel is spending on search, review, and segregation responsibilities, and how much your agency can charge versus how much it cannot recover in fees and costs for record requests. After all Logs are uploaded by departments onto data.hawaii.gov, information will be available department-wide and State-wide, so that your agency can compare its performance with others.



Full instructions for using the UIPA Log, along with **frequently asked questions**, and other training materials, are also available on OIP's website at **oip.hawaii.gov**, on the UIPA page.

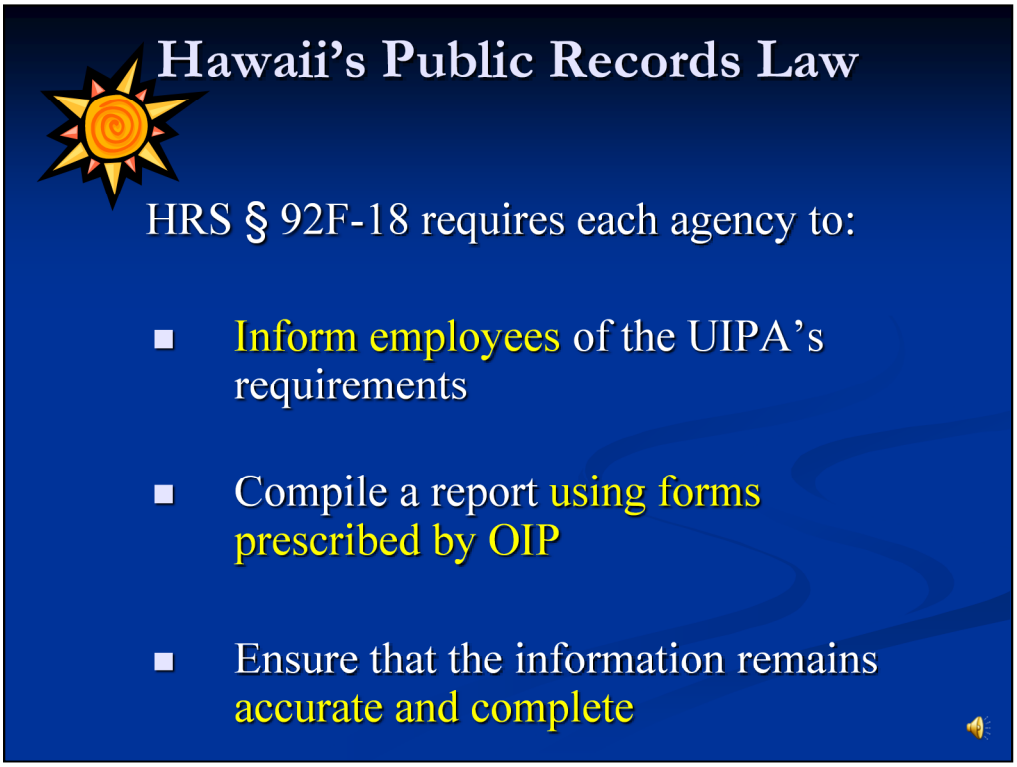
Today's training assumes that you have basic knowledge about the UIPA's requirements. If not, please first study OIP's online videos and training materials about the UIPA, at **oip.hawaii.gov**. We will not discuss the various exemptions from disclosure or other nuances of the UIPA in this training.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



The Log itself is an Excel spreadsheet that walks you through the record request process. 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 **oip.hawaii.gov** and print out a copy of the full instructions to keep by your computer as you fill out the Log.

Don't be intimidated by the number of columns that you will see in the Log. More than half of the columns are automatically populated by the Log for you. 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 entire Log.

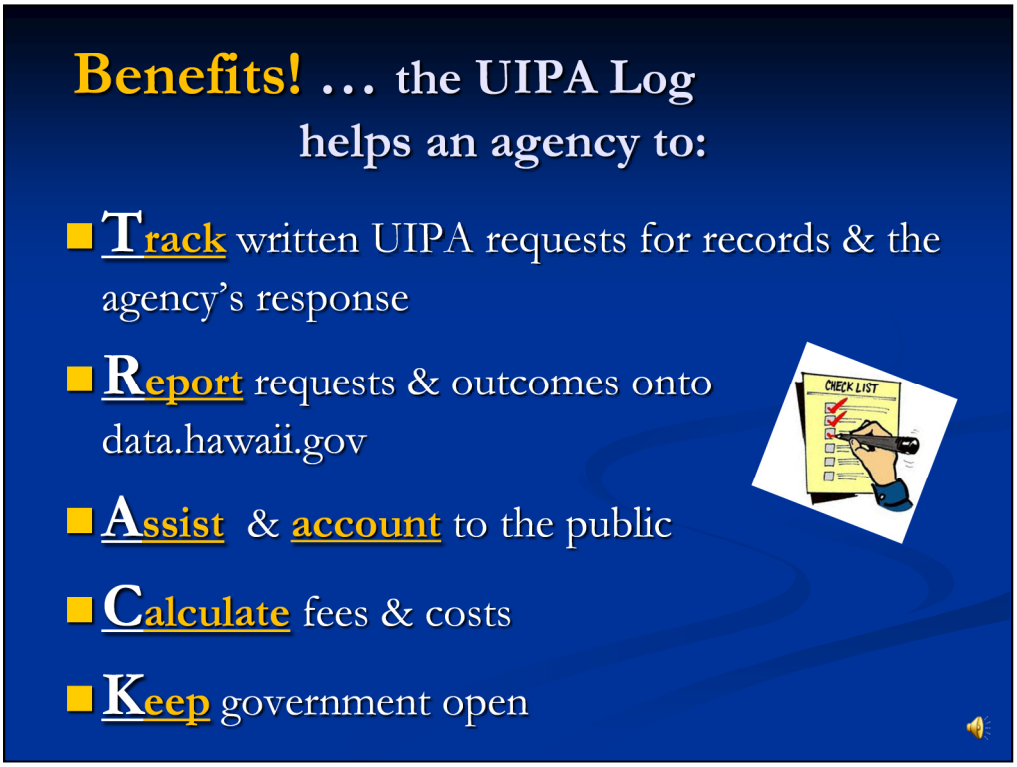


Why do agencies need use the Log? Because the UIPA (HRS § 92F-18) requires agencies to:

• take steps to assure that its **employees are informed** of the UIPA's requirements;

• compile a public **report using forms prescribed by OIP**;

• and annually report to OIP to **ensure the information remains accurate and complete**.



The Log provides a uniform method for agencies to **stay on TRACK and and comply with the UIPA regarding formal written requests for records where the agencies must send out notices to requesters.**

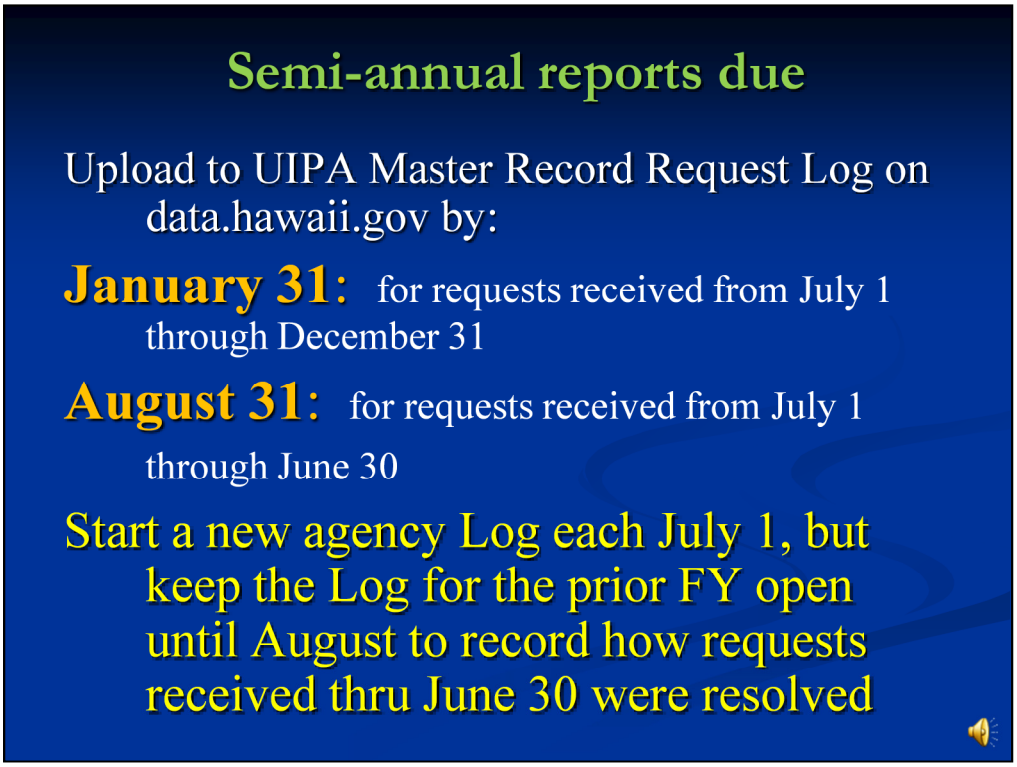
1) The Log is a tool to help agencies keep **TRACK** of written requests for public and personal records, and when and how the agency responded.

2) The Log provides a uniform method to **REPORT** the numbers and types of record requests and their outcomes onto the State's open data website at data.hawaii.gov.

3) The Log helps agencies to properly **ASSIST** requesters and comply with the UIPA.

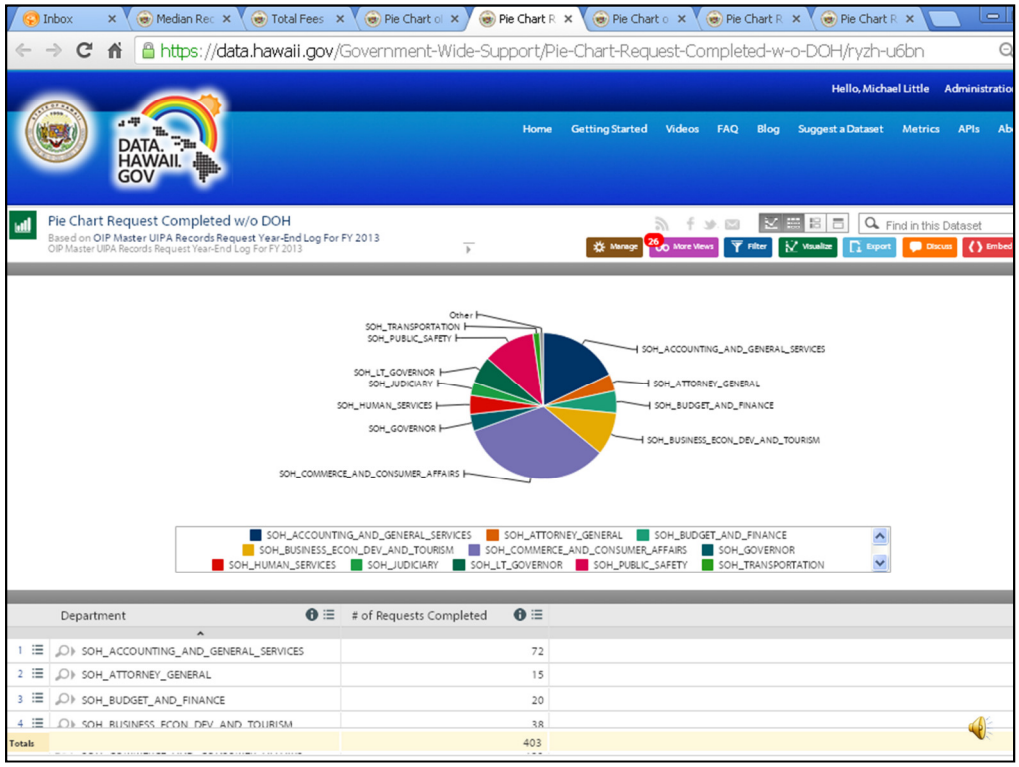
4) The Log helps agencies to **CALCULATE** fees and costs.

5) The Log advances the UIPA's goal to **KEEP GOVERNMENT OPEN** and agencies accountable to the public.



Twice a year, the **agency** should make an electronic copy of its Log and upload the yellow highlighted row of "Totals" onto its State department's or County's Log, which will then be uploaded onto the UIPA Master Record Request Log at data.hawaii.gov. **Each State department, County, or independent organization such as the University of Hawaii** must upload all of its agencies' Totals onto the Master Log at data.hawaii.gov: (1) **by January 31**, to cover requests received during the semi-annual period from July 1 through December 31, and (2) **by August 31,** to cover requests received during the entire prior fiscal year from July 1 through June 30. The extra time to report the fiscal year-end totals should give the agencies enough time to enter completion data for requests received through June 30 of the prior fiscal year.

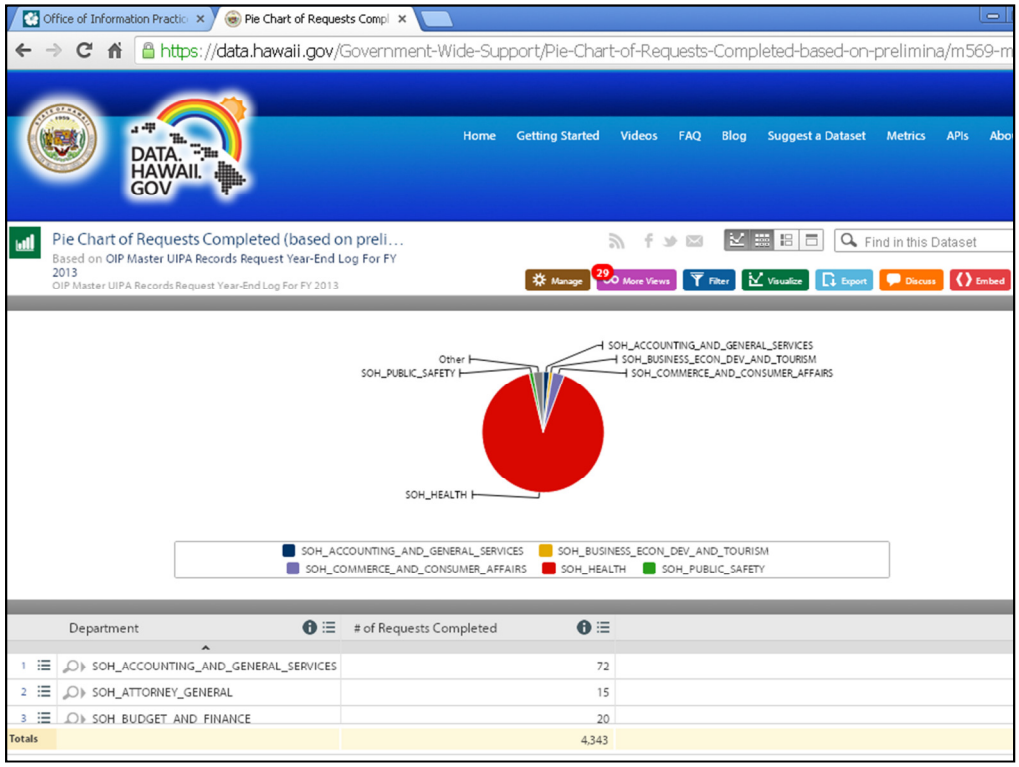
The agency should start a new Log each July 1 for requests received when the new fiscal year begins. Because all requests will not be completed in the same fiscal year they were made, agencies should keep open the Log fro the prior fiscal year until August, in order to record how requests received through June 30 were resolved. Therefore, for a brief time, agencies will be using two Logs when one fiscal year ends and the other begins.



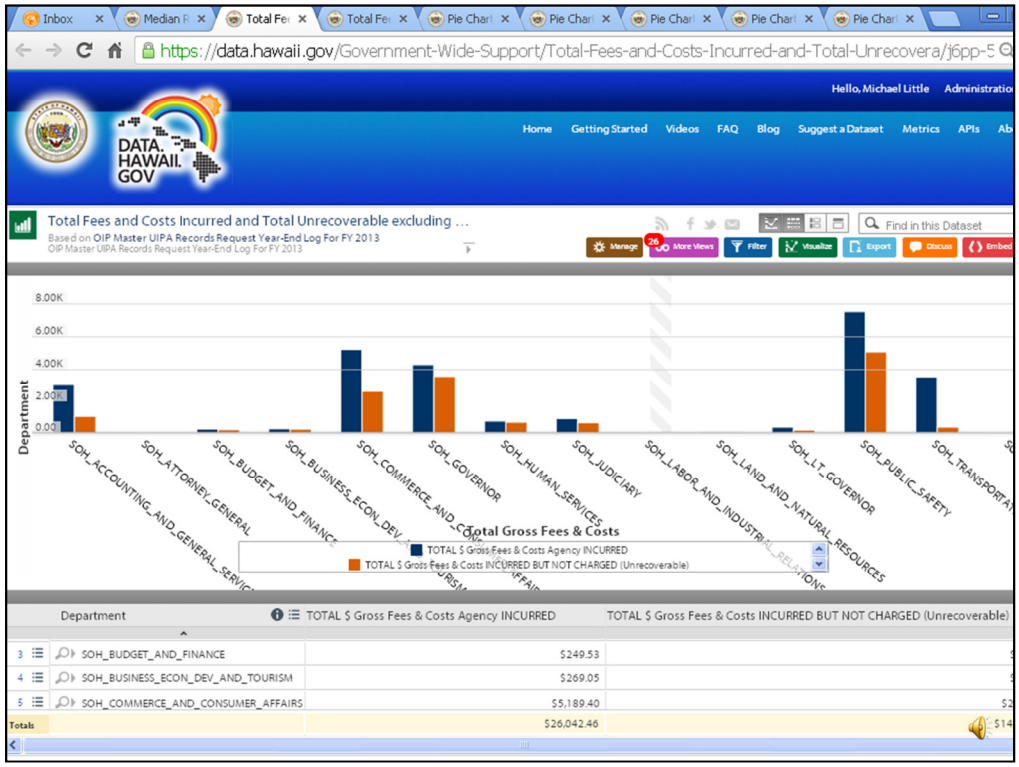
After agencies' totals are uploaded to the UIPA Master Record Request Log at data.hawaii.gov, anyone can analyze the data and prepare different charts, graphs, and other visualizations to determine and compare how well agencies are meeting their UIPA obligations.

For example, based on the data collected on the Master Log for FY 2013, this pie chart was created to show the number of requests completed by the Executive Branch Departments. Because the Department of Health reported a substantially larger number of requests than all other departments, it was excluded from this chart.

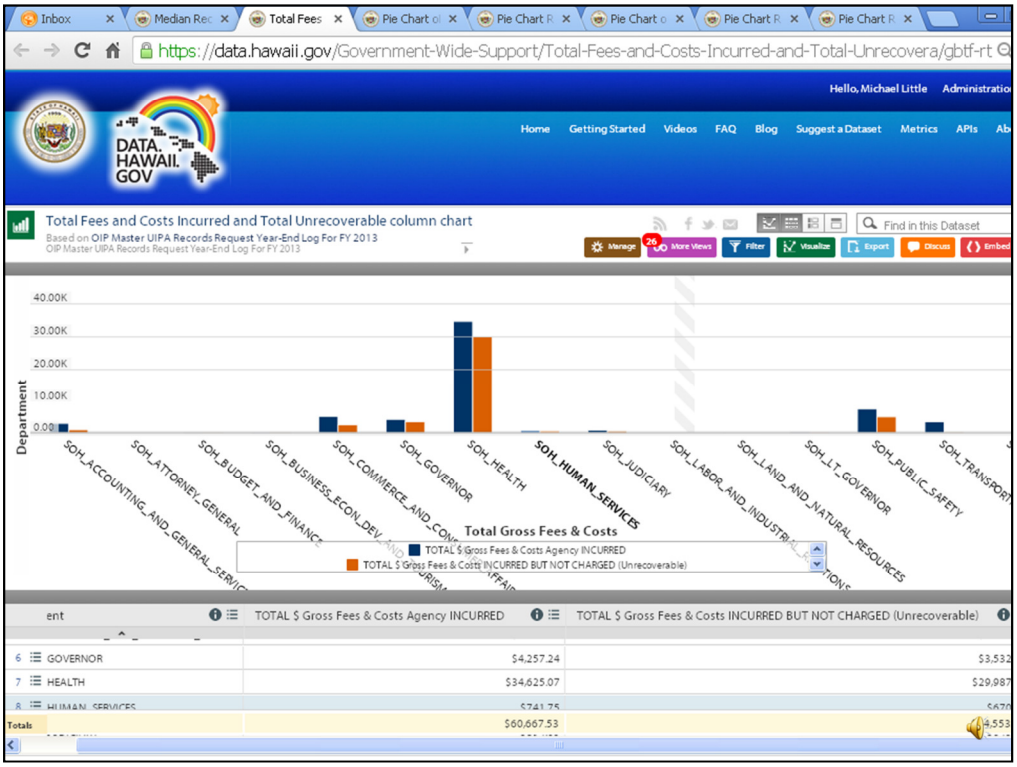
Below the pie chart, you can see the data that was used to create the chart, *i.e.,* the actual numbers of requests that were completed by each department.



Here is a chart showing the same data, including the Department of Health's figures.



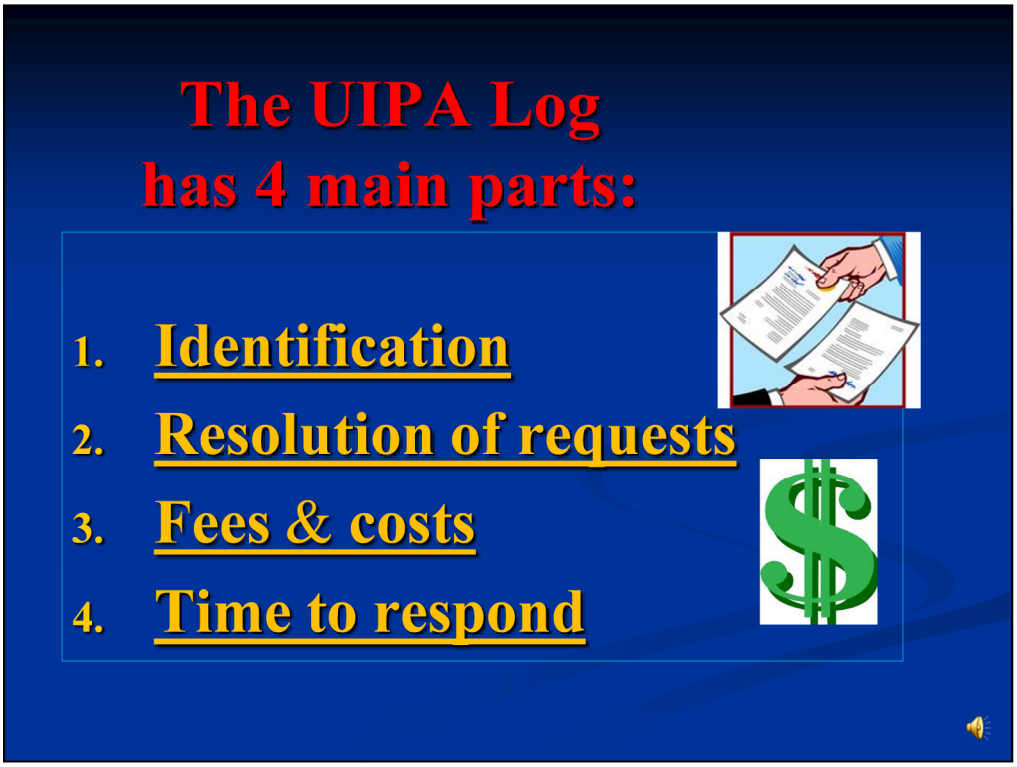
This chart shows in blue the total fees and costs that were incurred by each department, except the Department of Health, as reported on the Master Log for FY 2013. The orange bar shows the amount that could not be recovered from the requesters by the departments.



This is the same data as in the previous slide, but includes the Department of Health's total fees and costs incurred versus what was unrecoverable.

OIP will continue to develop and post additional visualizations on data.hawaii.gov using the data that the agencies report on the Master Log, so that people can make sense of the data being collected. Agencies and members of the public can also do the same, on their own. Eventually, we will have many other visualizations, such as how long it takes to complete requests, how much time is spent on searching for records versus the review and segregation of records, the average cost per request, and the percentage of requests that were granted in full versus denied in full or in part. And with the new information being collected by the revised Log, we can break down the numbers between complex, noncomplex, and personal record requests.

OIP realizes that the data collected in the initial years of the Log's introduction may not be very reliable because many agencies are still learning how to use the Log and not all departments have been as diligent as the Department of Health in their reporting. That is why, however, it is important for ALL agencies to learn how to use the Log and to uniformly and consistently report their data.



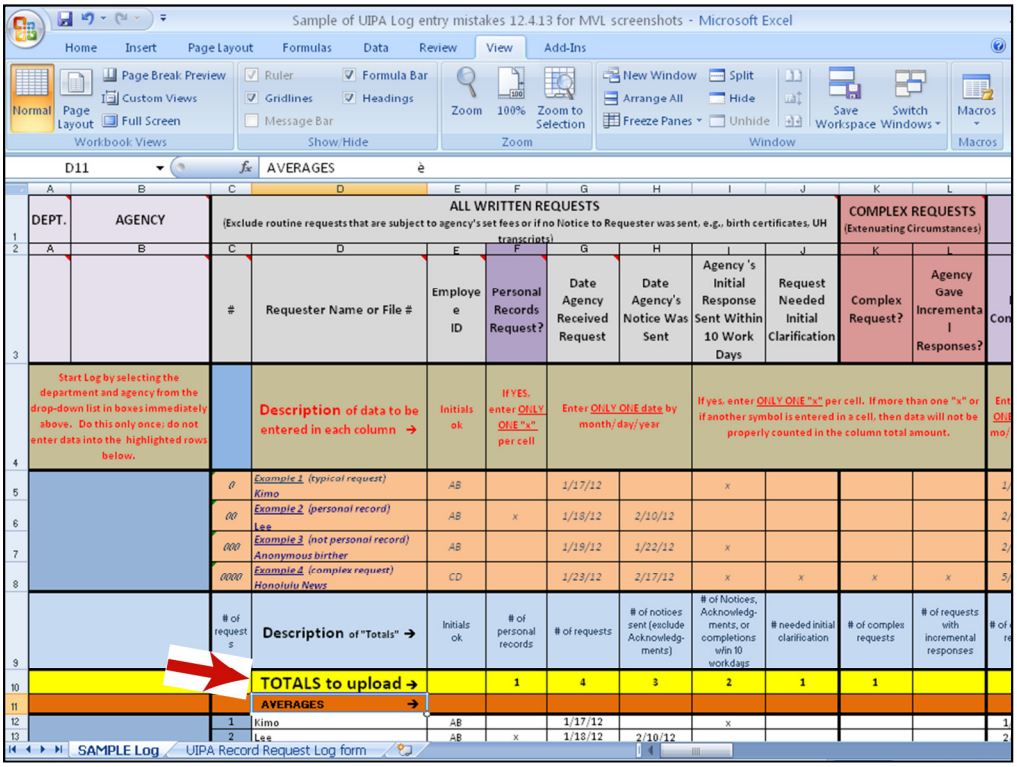
So, let's learn how to use the Log by first breaking down this Excel spreadsheet into its four main parts.

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.**

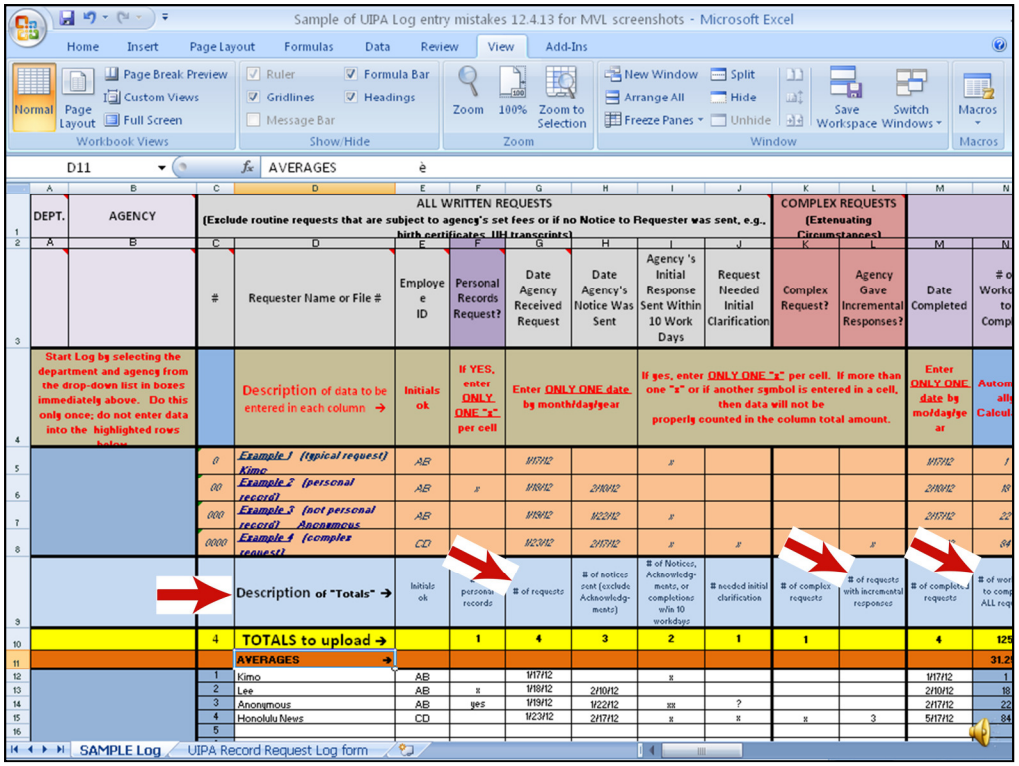
The third part **calculates fees & costs** based on the agency's input of hours, costs, and fee waivers.

The fourth part **calculates the time to respond** to record requests.



What is found in all parts of the Log is the yellow highlighted row of "Totals" (Row 10) just under the examples. These totals are calculated from the agency's entries in the white rows below, and do not include the hypothetical numbers from the examples above it. The totals are posted at the top in Row 10 like this, so that the agency can enter data in the rows below for as many record requests that it may receive, while always being able to view their totals. If the agency receives more than 1,000 record requests in a year, it can add new rows at the bottom or call OIP for help.

The yellow highlighted row of "Totals" will be partially redacted and it is the only portion of the agency's Log that will be uploaded onto the Master Log at data.hawaii.gov, where OIP or any member of the public can then create their own summaries and visualizations to see how each agency, each department, and the State as a whole are doing in fulfilling UIPA record requests.

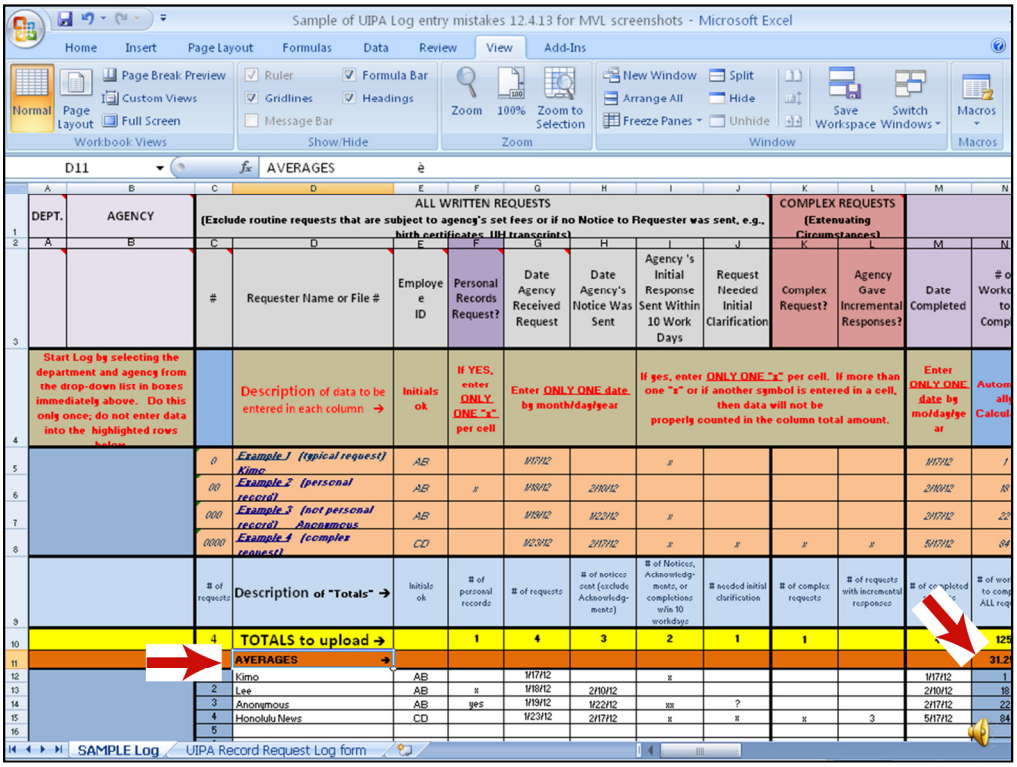


Directly above the yellow highlighted row of "Totals" and below the examples is a blue row (Row 9). This row briefly describes how the yellow highlighted "Totals" and orange "Averages" have been calculated. Some of the blue cells have additional pop-up explanations.

For example, while Column G shows the dates when requests were received by agencies, the blue row explains that the "Total" in cell G10 is for **"# of requests**" and equates to the total number of record requests received by the agency.

In Column L where the agency enters an "x" when it provides incremental responses, the blue row explains that the total in cell L10 is for the total "**# of <u>requests</u> with incremental responses**," which is <u>not</u> the total number of incremental <u>responses</u> sent by the agency.

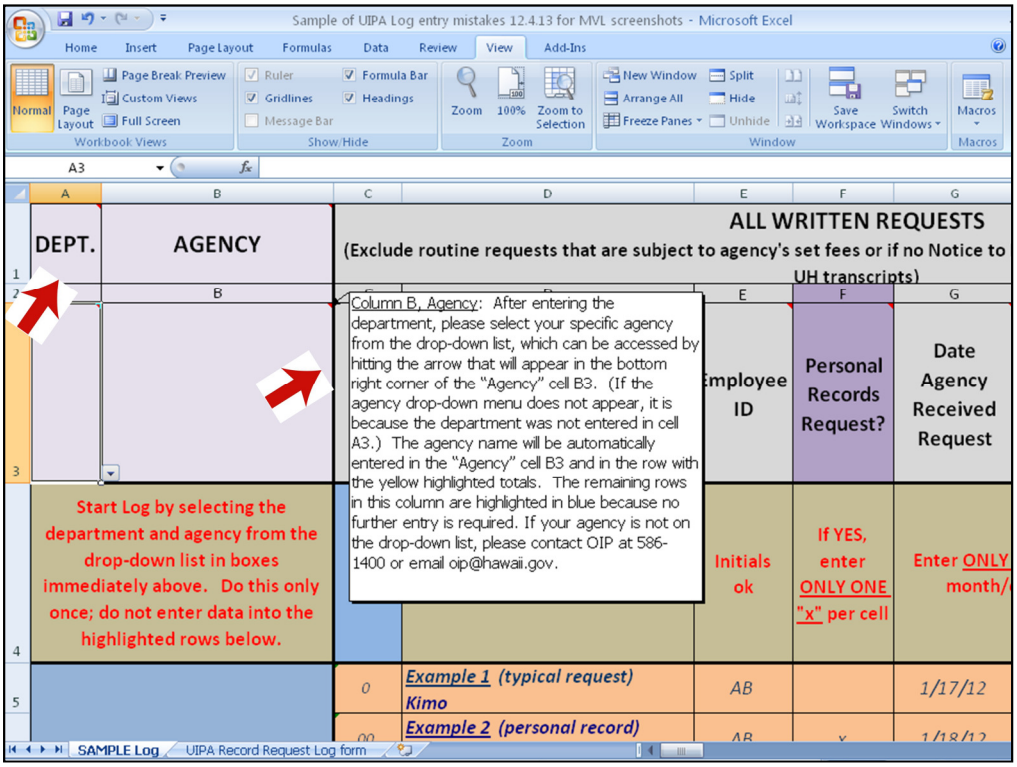
In Column N, the "Total" in yellow highlighted cell N10 calculates the total number of days to complete all requests, as this number will be used in another database to calculate the averages on a department-wide, State-wide, or County-wide basis.



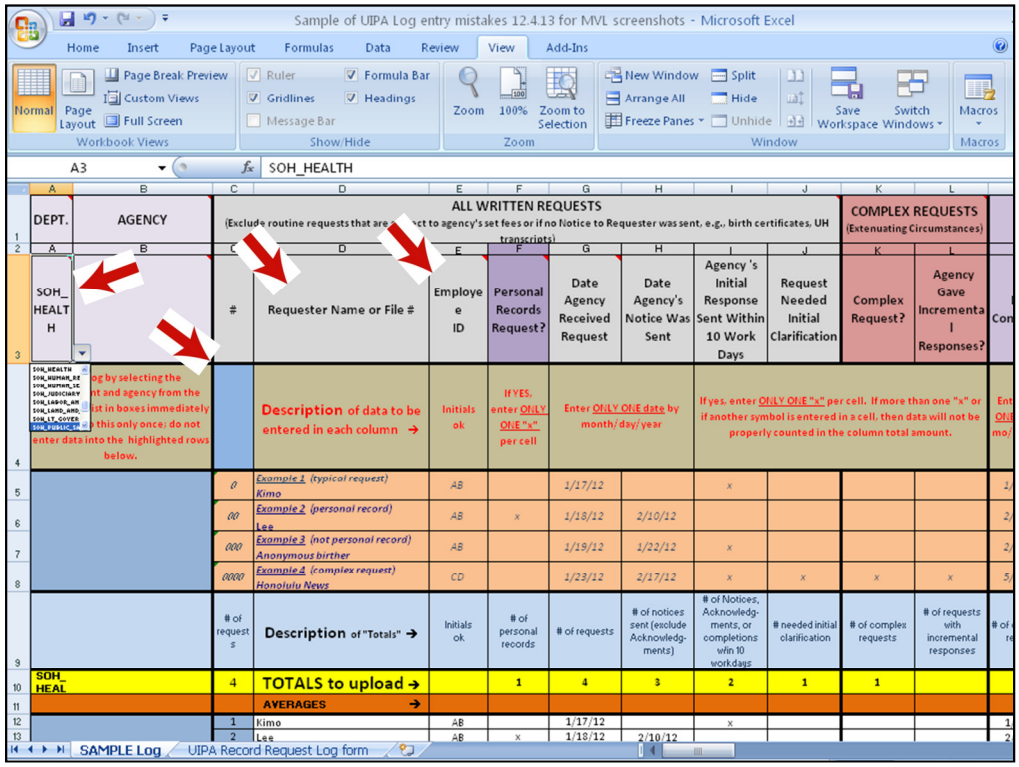
The agency's own averages are calculated by the Log in orange highlighted Row 11. Based on the completion date entered by the agency in Column N, orange cell N11 will now calculate the agency's average number of days that it takes to complete a request.

Later in the Log, you will see that other averages have been calculated for the agency. The agency's averages can be compared to the department's, State's, or County's averages that will be calculated from data entered onto the Master Log at data.hawaii.gov.

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



The department and agency names **need to be entered only once** on the Log, using the drop-down menus that will appear when you place the cursor over the bottom right corner of the cells in Row 3.



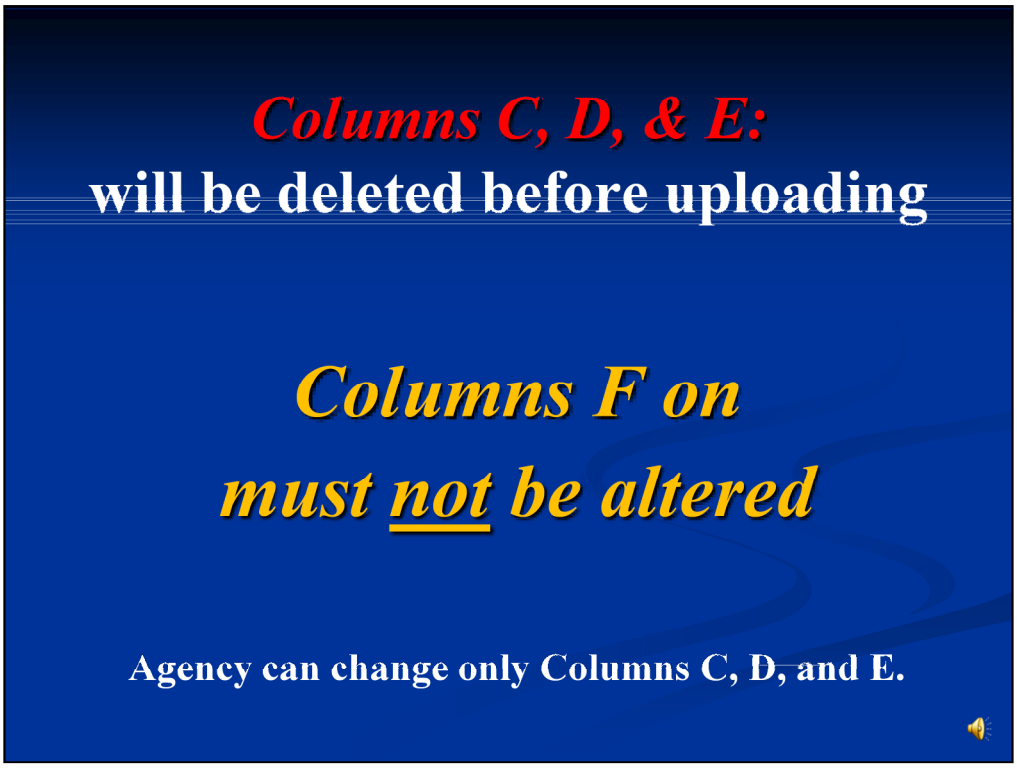
Here, you see how the department name has been selected from the drop-down list and added into cell A3. Do the same in the "Agency" box by selecting your agency from the drop-down menu that will appear when you move your cursor over the bottom right corner of cell B3. Note that the "Agency" drop-down list will <u>not</u> appear unless a department is first entered in cell A3.

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

The rest of Columns A & B have been **highlighted, because the agency does not need to enter any data** in them. All **blue highlighted columns are or will be automatically populated** by the Log, based on data that the agency enters in the white cells beginning in Row 12.

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

No data entry is required for Column C, which sequentially numbers the requests and is <u>not</u> the row number for the Excel spreadsheet. Note that when a row is inserted or deleted, the Column C numbers are <u>not</u> renumbered.



Columns C, D, and E **will be deleted** before Log data is uploaded onto data.hawaii.gov, so agencies may alter these columns to suit their needs.

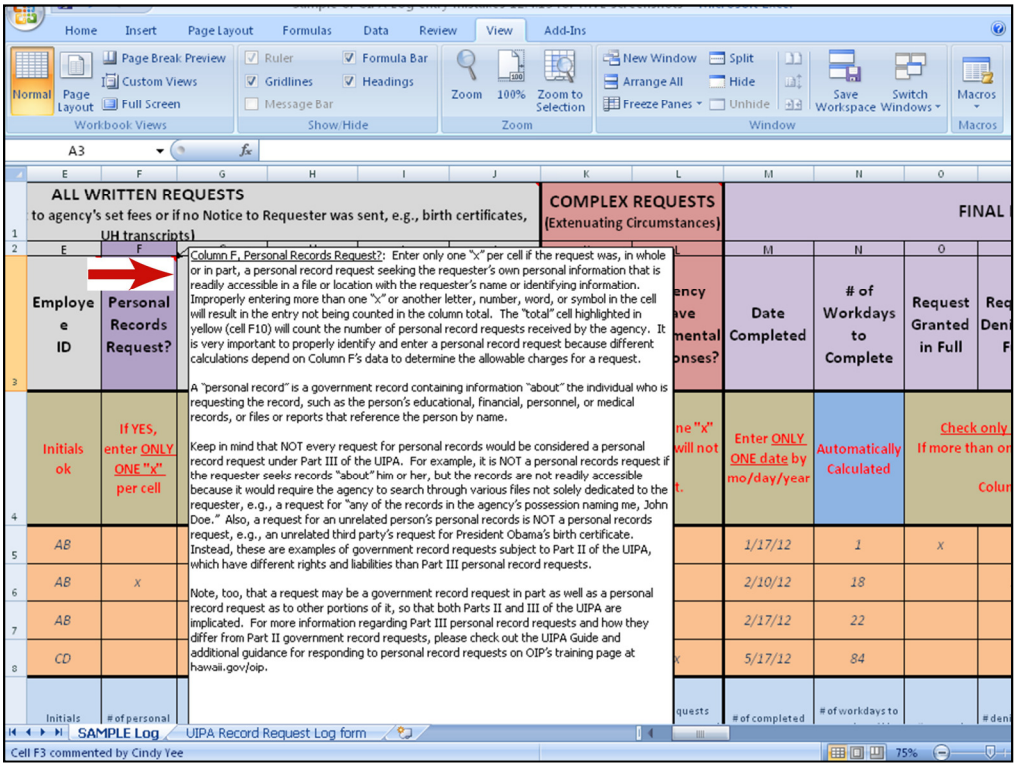
But **Column F on must not be altered** because changes may adversely affect the Log's formulas or drop-down menus and the data that is eventually uploaded onto data.hawaii.gov may not align with the Master Log.

If the agency wants to make any changes to the Log, it should only use Columns C, D, and E.

Requesters' names on the UIPA Log

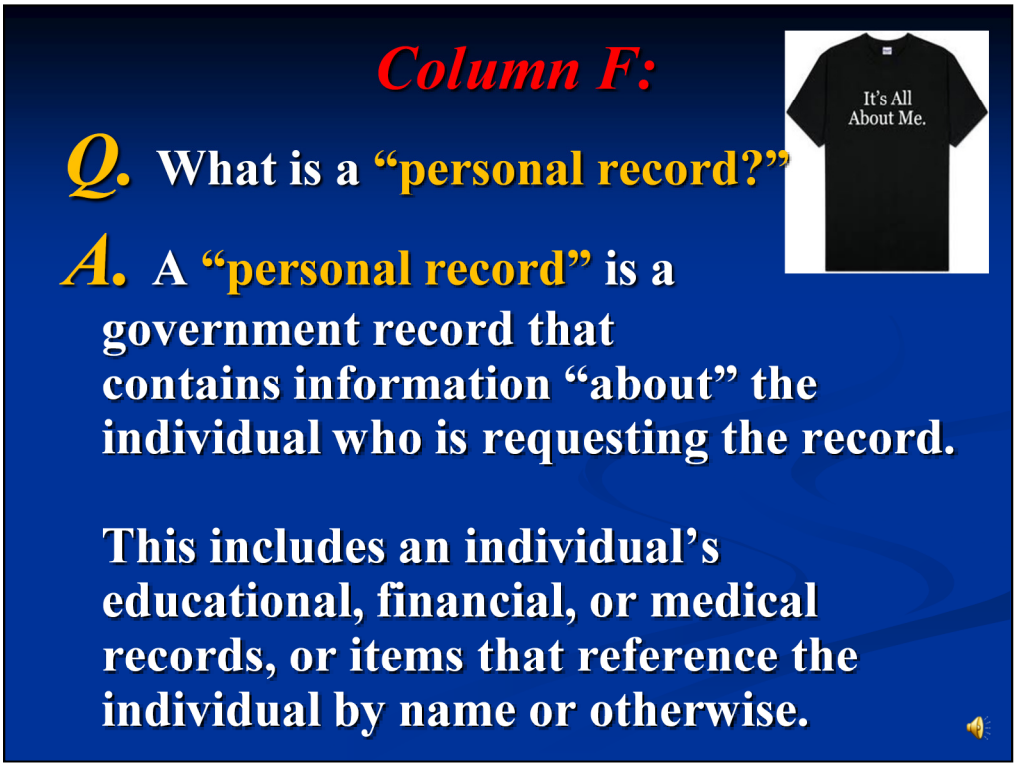
- Column D will be deleted before the agency's Log is uploaded onto the Master Log at data.hawaii.gov
- If the Log itself must be provided in response to a government records request, requesters' names are usually not redacted
- But if the Log itself contains mostly personal records requests, then requesters' names might have to be redacted – call OIP for help

Note that the **requesters' names in Column D will be redacted** before uploading onto data.hawaii.gov. But if a request is made to produce the agency's Log itself, then the requesters' names may have to be left intact, depending on whether the requesters had sought **government records under Part II of the UIPA versus their own personal records under Part III of the UIPA**. **If the Log itself is provided to a requester seeking government records,** then the requester's name is generally **not** considered confidential information and should **not** be redacted. (*See* OIP Op. Ltr. No. 90-37.) In contrast, while OIP has not formally ruled on the issue, **personal record requesters' names may arguably be confidential** and thus could be redacted because disclosure could possibly identify private information about them, such as being crime victims or exposing confidential financial information related to their creditworthiness. If you have questions about the redaction of names or confidential information, please check with OIP.



It is really important for you to understand the difference between a government record and a personal record, because **different rules and charges** apply, and the Log will do **different calculations** depending on how you identify the request. Additionally, **agencies** should be aware that they **have different duties and potential liability with personal record requests**, which could result in the court's imposition of actual damages of no less than $1,000 for a knowing or intentional violation by the agency.

If you need a refresher as to **"What is a personal records request?,"** the answer will pop up in Column F. Let's take a closer look at personal records.



The T-shirt on this slide is not the official legal answer, but it's one way to remember what a personal record is. As 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. The record may be the individual's educational, financial, 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.

But if the agency cannot readily find or identify other files containing 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.

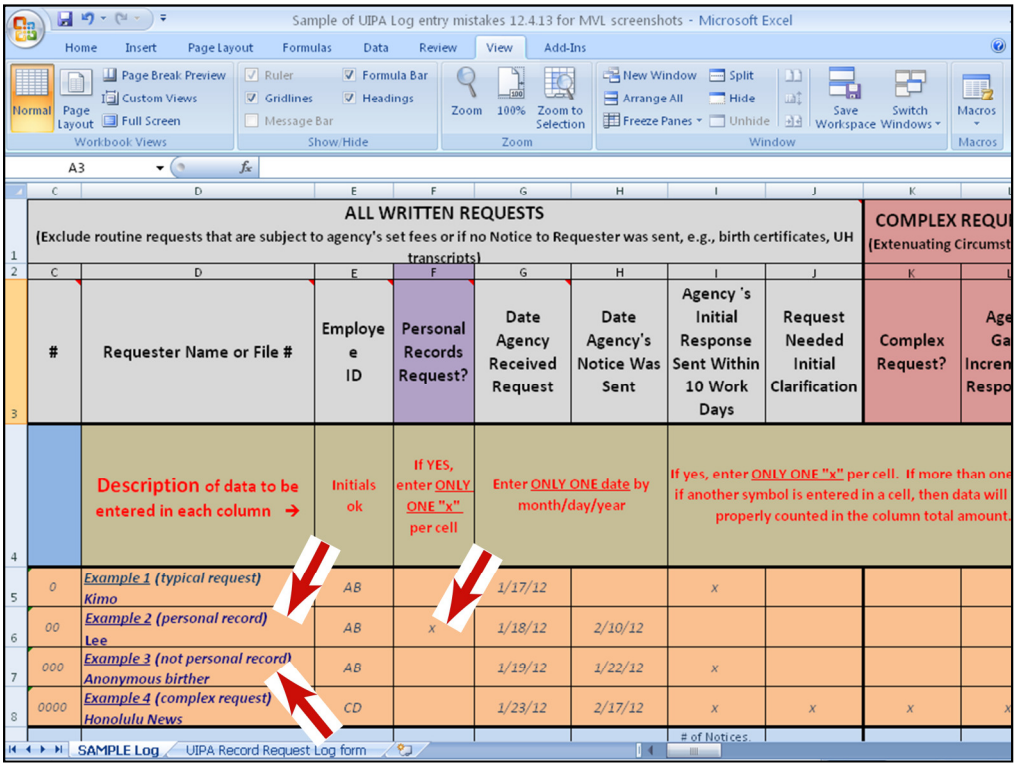
Note: **Not every request for personal records would be considered a personal record request under UIPA, Part III.**

- 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.

Not every request for what may normally seem to be personal records would be considered a personal record request under Part III of the UIPA.

For example, as noted previously, if a requester seeks information "about" him that is **not readily accessible** because the agency would have to search through all of its files for such information, then it is not a personal records request.

As another example, **a request for an unrelated person's personal records, such as a birth certificate, 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, it would be a **government record request subject to Part II of the UIPA, which has different requirements from personal record requests.**



Let's learn how to enter personal records requests by looking at Examples 2 and 3 on the Sample 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. Note that **the sums won't tally correctly and the formulas will not work properly if you enter more than one "x" or a different symbol.**

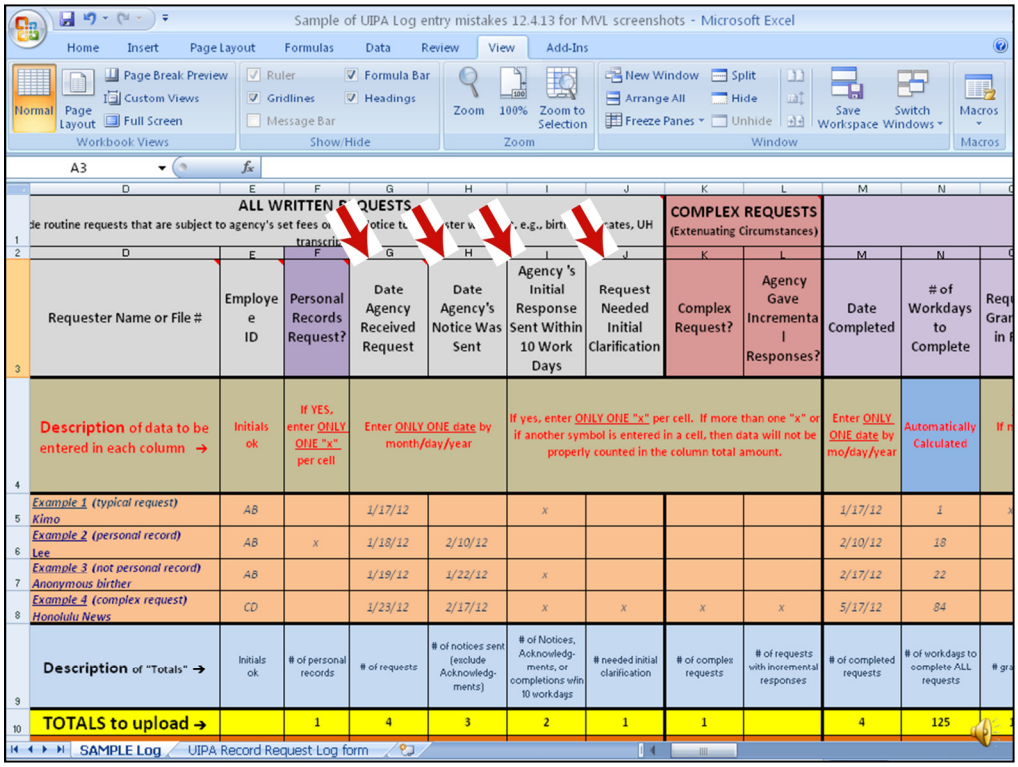
Also, when you properly enter a single "x" in Column F to identify a personal record, then you'll see later that the Log will automatically highlight in purple the corresponding cells in Columns AB and AC to remind you that fee waivers should not be entered since no search, review, and segregation fees can be charged in the first place for personal records.

Let's turn now to Example 3 by the Anonymous Birther. This is not a personal records request. Why? A **personal record request cannot be made anonymously** because you have to know that the person is the individual entitled to obtain the information about himself or herself. Additionally, 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.

Columns G thru J:

- Date of agency's **receipt** of request
- Date agency sent its **Notice to Requester**
- Did agency initially **respond within 10 work days?**
- Did request need **initial clarification?**

Now that we know whether or not the request was for personal records, let's move on to Columns G through J, which asks you to enter the **dates that the agency received** the request and **sent its "Notice to Requester,"** whether the agency **initially responded within ten work days,** and whether the request needed **an initial clarification**.



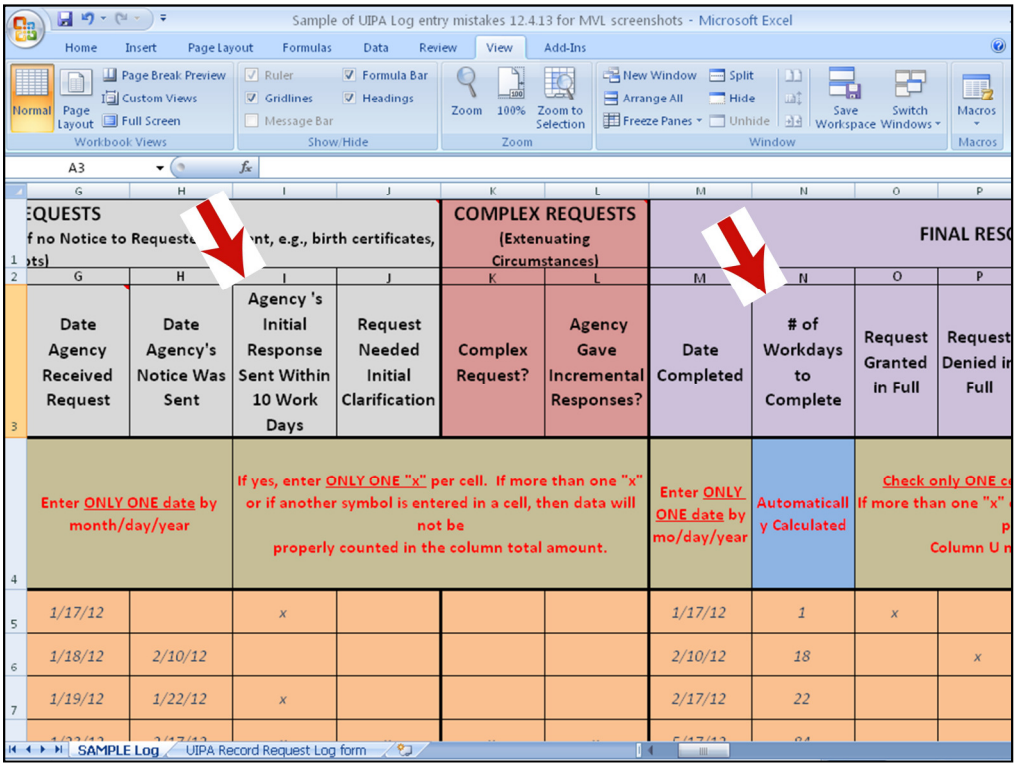
Requester Name or File #	Employee ID	Personal Records Request?	Date Agency Received Request	Date Agency's Notice Was Sent	Agency's Initial Response Sent Within 10 Work Days	Request Needed Initial Clarification	Complex Request?	Agency Gave Incremental Responses?	Date Completed	# of Workdays to Complete
Description of data to be entered in each column →	Initials ok	If YES, enter ONLY ONE "x" per cell	Enter ONLY ONE date by month/day/year		If yes, enter ONLY ONE "x" per cell. If more than one "x" or if another symbol is entered in a cell, then data will not be properly counted in the column total amount.				Enter ONLY ONE date by mo/day/year	Automatically Calculated
Example 1 (typical request) Kimo	AB		1/17/12		x				1/17/12	1
Example 2 (personal record) Lee	AB	x	1/18/12	2/10/12					2/10/12	18
Example 3 (not personal record) Anonymous birther	AB		1/19/12	1/22/12	x				2/17/12	22
Example 4 (complex request) Honolulu News	CD		1/23/12	2/17/12	x	x	x	x	5/17/12	84
Description of "Totals" →	Initials ok	# of personal records	# of requests	# of notices sent (exclude Acknowledg-ments)	# of Notices, Acknowledg-ments, or completions w/in 10 workdays	# needed initial clarification	# of complex requests	# of requests with incremental responses	# of completed requests	# of workdays to complete ALL requests
TOTALS to upload →		1	4	3	2	1	1		4	125

Column G asks for the **date that the agency received the request**. Note that the yellow highlighted "total" in cell G10 will count each entry as a request and will provide the total number of record requests received by the agency. As the instructions in row 4 remind you, enter only one date per request in order for it to be properly added in the "Totals" cell G10. **Remember, too, that the numbers in the yellow "Totals" row are based on the data entries in the white rows below, beginning at row 12.** The "Totals" are only being shown on this slide to explain how they were calculated and are not based on the entries in the Examples exhibited.

Column H asks for the **date that the agency sent its "Notice to Requester**." The UIPA requires the Notice to be sent within 10 work days after receiving a request. In complex cases involving extenuating circumstances or voluminous records, the agency can instead send an **Acknowledgment** within 10 work days, but it must still send out the Notice to Requester within 20 work days after receiving the request. **In complex cases, therefore, please enter the date that the Notice**, not the Acknowledgment, was sent. Only one date must be entered, so that the yellow "Totals" cell H10 will add it to the total number of Notices sent by the agency.

Column I is not automatically calculated for you. Please manually add one "x" when **the agency initially responded within 10 work days after** the receiving the request. The "initial response" is defined as a Notice, Acknowledgment, or even the completion of the case by sending all requested records. If the agency initially responded or completed the case within 10 work days after receiving the request, then **one "x" should be entered in Column I to indicate that the agency sent its initial response in a timely manner. Do not count the day that the request was received, but do count the day that the response was sent.**

Sometimes, the agency cannot check Column I because it is unable to respond to a request that is unclear and it will need to have the request clarified by the requester. If so, then the agency should enter one "x" in **Column J, to show that the request needed initial clarification .** This data will help to explain why an agency may not have been able to send out its initial response within ten days.

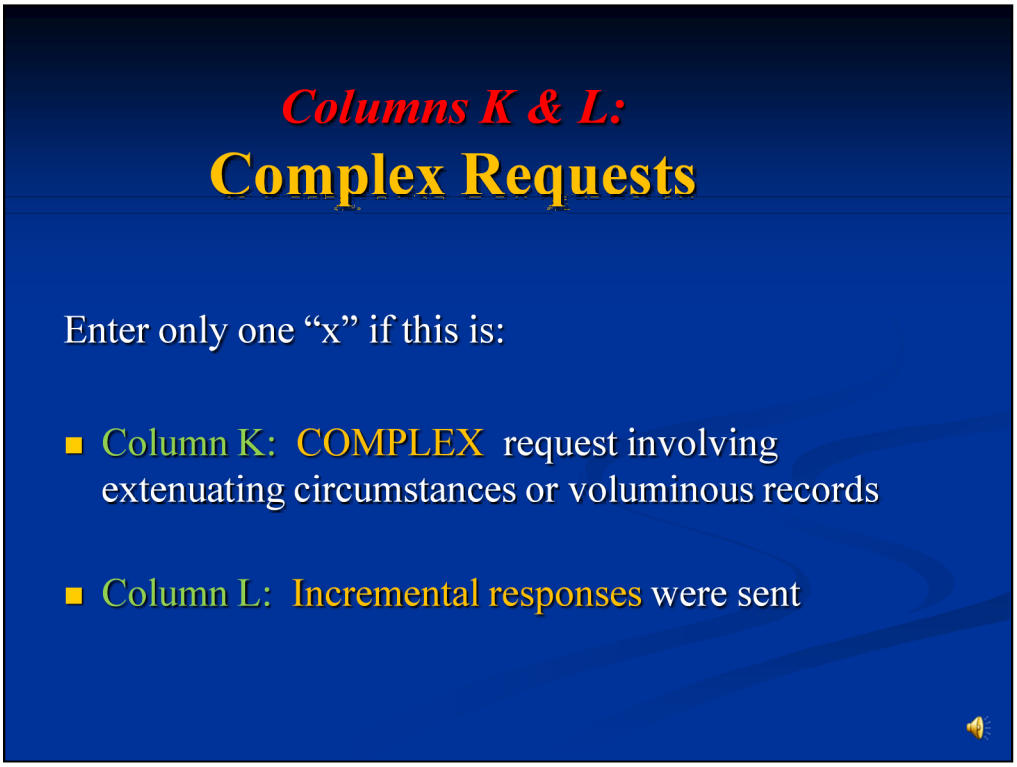


<u>Entry Tip</u>: Column I operates as a reminder to the agency that it needs to initially act within ten work days after receiving a request, and will be one indicator of whether the agency is timely responding.

Note that Column I can be checked even if Column H shows that the date of the Notice in a **complex** case was more than 10 days after receipt of the request, **so long as the agency sent its Acknowledgement to the requester within the first 10 days**.

Additionally, **if the Column N number of workdays to complete the request is 11 days or less, then one "x" may be entered in Column I**. Why? Because unlike your calculations for Column I that <u>exclude</u> the day that the request was received, Column N <u>includes</u> that day. If a request is received and completed on the same day, Column N will count it as one workday to complete. So 11 days in Column N includes the day of the request and is equivalent to 10 days, excluding the day of the request, for Column I's purposes.

If you get confused, just go back to manually counting 10 work days, not including the day of the request, to determine if an "x" can be placed in Column I to indicate that the agency timely responded with a Notice, Acknowledgement, or completion of the request.



Now, let's move on to see what is needed to identify a **COMPLEX record request involving voluminous records** or **extenuating circumstances,** which will often take more time and/or entail higher fees and costs. For further assistance in how to handle complex record requests, the pop-up instructions will refer you to the "OIP's Informal Guide to Processing Large or Complex Record Requests," which can be found through the training link on OIP's home page at oip.hawaii.gov.

It is very important to properly enter the data in this section, so that we can distinguish between the typical requests and complex requests, and apply the correct formulas in the Log. To identify a complex request, **only ONE "x"** should be entered in **Column K.**

The yellow highlighted totals (cell K10) will count any box in Column K with only ONE "x" in it as a complex request, and will then sum the total number of complex requests. If more than one "x" or if another letter, word, or symbol is entered in Column K, then the Log will again presume that it is a normal record request and the formulas for complex requests will <u>not</u> work with this entry. If there are dates in Column K, then the Log will <u>not</u> count it as a complex case, and will again presume that it is a normal record request. **Therefore, be sure to enter only ONE "x" in Column K to properly identify a COMPLEX case.**

As for the next column, if the request is complex and the agency needs to provide its response in different segments over time, then only ONE "x" should be entered in **Column L to show that incremental responses were provided. The dates of the responses should <u>not</u> be entered – Column L should have only ONE "x" if any.** When the last incremental response is provided and the complex request is completed, then you will enter the completion date in the next column, M.

<u>ENTRY TIP</u>: Columns K and L apply to COMPLEX requests only. For the typical request that can be completed within a short period of time, there will be no entries in these columns.

Sample of UIPA Log entry mistakes 12.4.13 for MVL screenshots - Microsoft Excel

	D	E	F	G	H	I	J	K	L	M	N
	ALL WRITTEN REQUESTS e 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)			
	uester Name or File #	Employe e ID	Personal Records Request?	Date Agency Received Request	Date Agency's Notice Was Sent	Agency 's Initial Response Sent Within 10 Work Days	Request Needed Initial Clarification	Complex Request?	Agency Gave Incremental Responses?	Date Completed	# of Workdays to Complete
	cription of data to be red in each column ➔	Initials ok	If YES, enter ONLY ONE "x" per cell	Enter ONLY ONE date by month/day/year		If yes, enter ONLY ONE "x" per cell. If more than one "x" or if another symbol is entered in a cell, then data will not be properly counted in the column total amount.				Enter ONLY ONE date by mo/day/year	Automatically Calculated
	e 1 (typical request)	AB		1/17/12		x				1/17/12	1
	e 2 (personal record)	AB	x	1/18/12	2/10/12					2/10/12	18
	e 3 (not personal record) nous birther	AB		1/19/12	1/22/12	x				2/17/12	22
	e 4 (complex request) lu News	CD		1/23/12	2/17/12	x	x	x	x	5/17/12	84
	cription of "Totals" ➔	Initials ok	# of personal records	# of requests	# of notices sent (exclude Acknowledg-ments)	# of Notices, Acknowledg-ments, or completions w/in 10 workdays	# needed initial clarification	# of complex requests	# of requests with incremental responses	# of completed requests	# of workdays to complete ALL requests

SAMPLE Log | UIPA Record Request Log form

Let's put all this together and see how to enter the data in the Log.

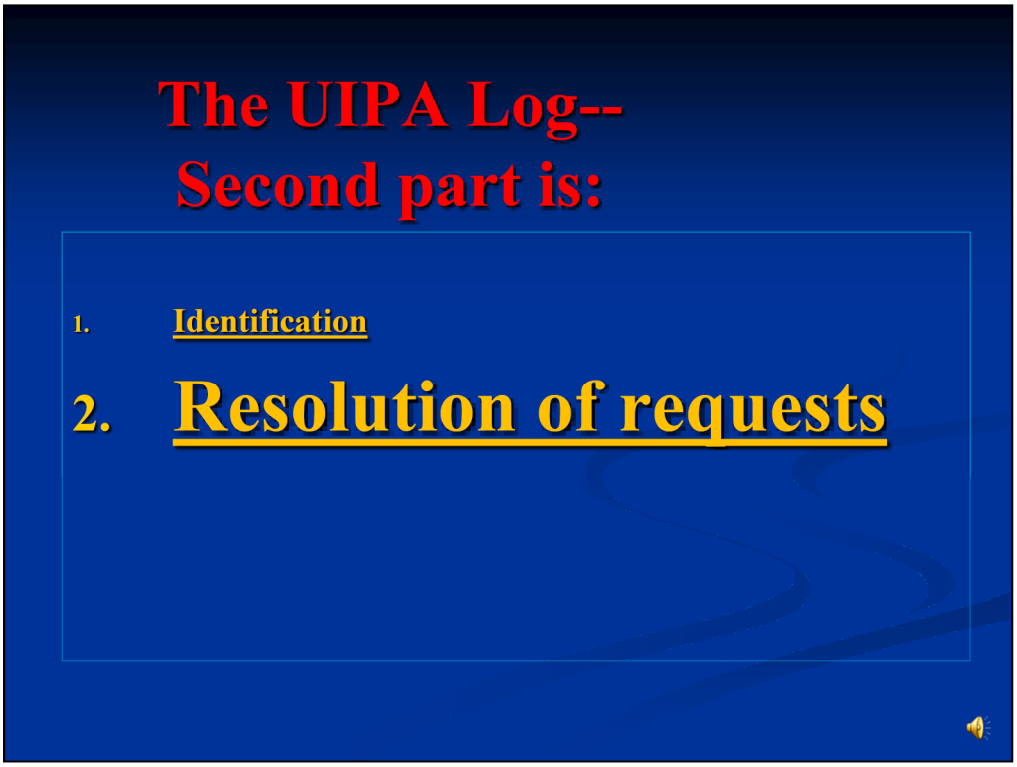
In **Example 1**, the agency received the request on January 17 per Column **G**. Although it did not send a notice to requester, as shown by the blank in Column **H**, the agency provided all requested records the same day, January 17, per Column **M's** completion date. Column **N** automatically calculated the number of work days to completion as being 1 day. Consequently, the agency should place an "x" in Column **I** for "Agency's Response Sent Within 10 Days."

In **Example 2,** in Column **G**, we see that the agency received the request on January 18th. Column **H** shows that the agency sent a Notice to the requester on February 10. And in Column **M**, the date completed is also February 10, which Column **N** calculated was 18 work days. So at a glance, we have the key dates for this request and know that the agency did not timely send its notice, so no "x" is marked in Column I.

Example 3 shows that the request was received on January 19 (Col. **G**) and the Notice went out within two days, not counting the date of receipt, on January 22 (Column **H**), so the agency checked Column **I** as having timely responded. It appears that the request was abandoned by the requester or the requester failed to pay, so it was closed as being completed on February 17 per Column **M**, and thus took 22 days to complete per Column **N**.

In **Example 4**, a complex record request from the Honolulu News, we see in Column **G** that the agency **received the request** on January 23, and **sent its Notice** to Requester on February 17 as shown in Column **H**. **While the Notice was sent more than 10 days after the request was made, the agency could still place one "x" in Column I because it sent an Acknowledgement within the first ten days.** At the same time that it sent its Acknowledgement, the agency asked for **initial clarification** of the request, which is why it also placed one "x" in Column **J**. Because the agency needed additional time to search for, review, and segregate the voluminous records being sought by Honolulu News, it considered this to be a **complex request** as shown by the one "x" in Column **K**. The agency also had to provide its responses in different segments over time, so it placed one "x" in Column **L** for **incremental responses**. The last of the agency's incremental responses was sent on May 17, 2012, which is the completion date entered by month/day/year in Column **M**. The Log automatically calculated that it took 84 **work days for the agency to complete the complex request,** per Column **N**.

<u>ENTRY TIP</u>: **Notice that Row 4 highlighted above the examples will give you hints on how to enter the data.** It tells you that for Columns G. H, and M, you should enter the date by "mo/day/year" and that only ONE date should be entered. Row 4 also reminds you to enter only ONE "x" per box in Columns I through L. And cell N4 has been highlighted in blue to let you know that the number of workdays to complete requests will be automatically calculated for you.



Having identified the request in Part 1, let's go on to Part 2 and look at the section that records how requests are ultimately resolved.

Columns M & N:
Request Resolution

- Col. M = Date completed
- Col. N = # of workdays to complete is automatically calculated, based on date the request was received and date of completion. (Holidays are included as a "workday.")

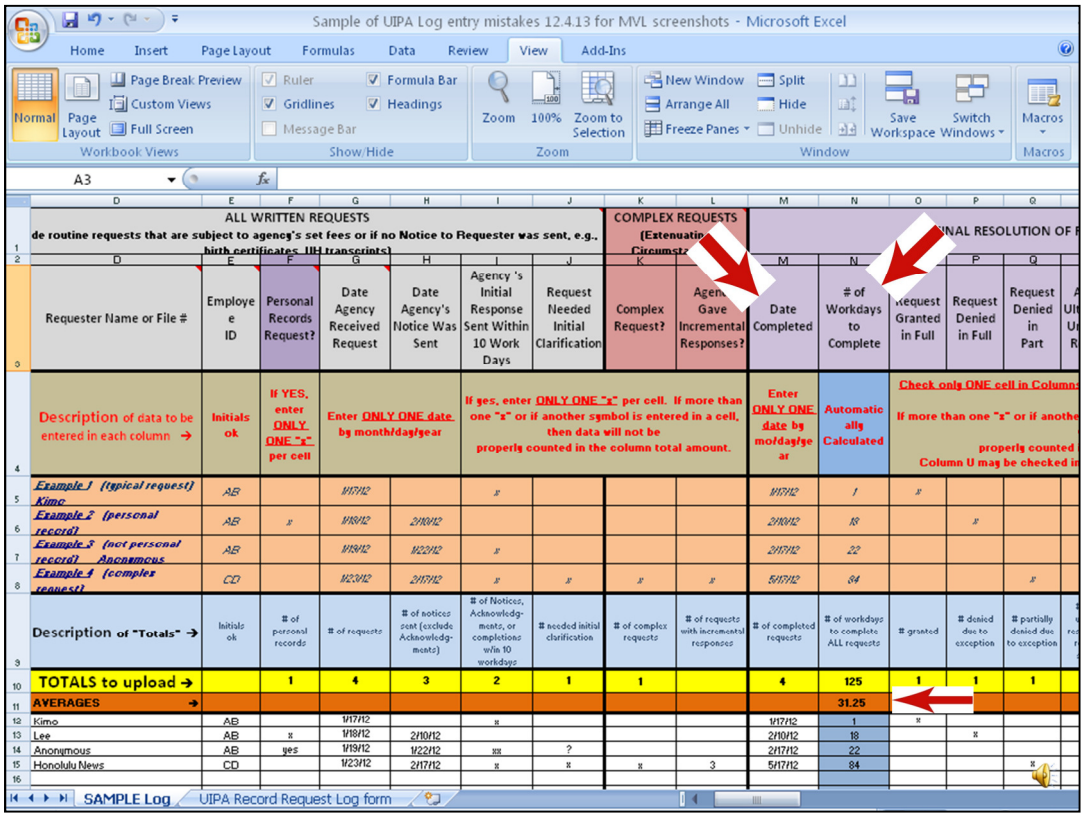
The request resolution section starts by asking for the **date of completion (Column M)**, which is **when the agency has provided or made the requested records available or provided its final response to the requester. There should be only one completion date;** if the request has not been completed, then this cell should be left blank until it is done. If the agency sent a Notice explaining that it was **denying the request in whole or was unable to respond** to the request because the records were not maintained or a requested summary was not readily retrievable, then the Notice date is the completion date. If the agency sent a Notice stating that the request would be **denied in part or granted in full,** then the date the records were mailed, emailed, or available for the requester to pick up at the agency is the completion date, regardless of whether payment was ultimately made or when the copies were actually made or whether records waiting for pickup were actually picked up.

For example, if the Notice required prepayment of estimated fees and costs, and the agency mailed or e-mailed the records to the requester after receiving that prepayment, the completion date would be the date the records were mailed. If the agency informed the requester that the records would be available for pickup or review as of a certain date, then that date would be the completion date. If the Notice indicated that the records would be provided in increments, then the date that the final increment is mailed, e-mailed, or made available becomes the completion date.

If the agency simply provides all the requested records instead of sending a Notice, then the date the records were mailed, e-mailed, or otherwise provided to the requester is the completion date. If the **requester voluntarily withdraws** the request, then the withdrawal date is the completion date. If the agency sent a notice seeking initial clarification of the request or payment of fees and the requester does not respond within 20 business days, then the request may be presumed to be **abandoned** and completed on the day that the agency's notice was sent. All of these examples are found in the written Instructions that you can download from OIP's website.

Based on the dates when the request was received and completed, the Log will then **automatically calculate the number of workdays, excluding weekends, that it took the agency to complete each response (Column N).** Column N gives a good estimate of the number of workdays that it takes to complete requests, but is not totally accurate as holidays are counted. **If a request is received and completed on the same day, Column N will count it as one workday to complete.**

Entry Tip: Note that Column N has been **highlighted** in blue. The highlight indicates that an amount will be **automatically calculated** by the Log and that NO DATA ENTRY by the agency is required.



The four examples in this slide show in Column N the number of workdays that it took to complete each request: 1, 18, 22, 84. The same data was entered in the white rows below, which is why the yellow highlighted total cell N10 has calculated that it took a **total** of 125 days for the agency to complete record requests in the Sample Log. Note, that this is a change in the formula from the prior Log, which used to calculate the median number of days to complete requests. The change in Column N's formula allows OIP to calculate the average number of days it takes to complete requests on a department-wide or State-wide basis, once each agency's Log is uploaded to the Master Log on data.hawaii.gov.

The average number of days that the agency takes to complete record requests is also automatically calculated in the orange cell N11, which is 31.25 days in this Sample Log. Note that given this small sample, the 84 days taken to complete the complex request skewed the result and gave an abnormally high average for completion days.

<u>Entry tip</u>: 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 average number of days for completion in cell N11**, and will eventually be able to compare its average to the department-wide and State-wide averages**.**

Columns O thru U:
Request Resolution

- Request granted in full?
- Request withdrawn?
- Denied in full?
- Denied in part?
- Agency unable to respond?
- Requester abandoned or failed to pay fees & costs?
- Lawsuit filed?

An agency should check ONLY ONE CELL in Columns O through T, but can additionally check Column U. See Example 4.

Columns O through U must be filled out by the agency to report how a UIPA record request was ultimately resolved. Each of these columns has **pop-up instructions** to guide the agency. The agency **may check off ONLY ONE CELL in Columns O through T** to indicate how the request was finally resolved.

It is easy to determine that a request was granted in full or that a requester voluntarily withdrew a request. A request may be **denied in full or in part when the agency claims an exception** to disclosure. But why would an agency be **unable to respond** to the request and when does a requester **abandon** a request?

The agency may be **ultimately unable to respond per Column R because** the agency either (1) **does not maintain the record** or (2) **the request requires the creation of a summary or compilation of information that is not readily retrievable**. (See Example 4, Honolulu News.) **If an agency is not providing records because it is unable to respond to a request, then do NOT also check Column P or Q showing that the request was denied in whole or in part** – remember, only one cell in Columns O through T should be checked. Also, please do **not** check this Column R to indicate that the agency could not **initially** respond to the request if the agency was then able to obtain clarification from the requester – check only Column J if the agency was not initially able to respond to the request.

A request may be deemed **abandoned in Column T** if the agency initially asked for further clarification or for payment of fees, and the requester failed to provide the clarification or payment within 20 business days, or if the agency has given notice and made the records available to the requester who wanted to pick them up but fails to do so. **If a file is abandoned, then the date that the agency sent the notice for payment or made the records available becomes the completion date for Column M.** (See Example 3, Anonymous Birther.)

Note that if a requester fails to pay fees from previous record requests, including abandoned requests, OIP's rules allow the agency to require prepayment of all outstanding fees that the requester had agreed to pay for services previously rendered by the agency, before the agency must release any records in a subsequent request (by the same requester).

Finally, if the agency learns that the requester is filing a **lawsuit** to obtain access to the records, then it should place one "x" in Column U. **Note that Column U for lawsuits is the only one that may be checked in addition to ONE of the previous columns, O through T.**

Sample of UIPA Log entry mistakes 12.4.13 for MVL screenshots - Microsoft Excel

COMPLEX REQUESTS (Extenuating Circumstances)		FINAL RESOLUTION OF REQUESTS											
K	L	M	N	O	P	Q	R	S	T	U	V	W	X
Complex Request?	Agency Gave Incremental Responses?	Date Completed	# of Workdays to Complete	Request Granted in Full	Request Denied in Full	Request Denied in Part	Agency Ultimately Unable to Respond	Requester Withdrew	Requester Abandoned or Failed to Pay	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/ Segregation Hours	Actual Legal Review Hours
r cell. If more than one "x" or n a cell, then data will not be column total amount.		Enter ONLY ONE date by mo/day/year	Automatically Calculated	Check only ONE cell in Columns O thru T. If YES, enter ONLY ONE "x" in the cell. If more than one "x" or if another symbol is entered in a cell, 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.							Enter in 15-minute increments as follows: .25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour. Use period, not comma, when entering decimals, or amount will not be counted & #VALUE! will show in Co		
		1/17/12	1	x							0.25		
		2/10/12	18		x						0.50	0.25	
		2/17/12	22						x		0.75	3.00	
x	x	5/17/12	84			x				x	95.00	20.50	15
# of complex requests	# of requests with incremental responses	# of completed requests	# of workdays to complete ALL requests	# granted	# denied due to exception	# partially denied due to exception	# agency unable to respond - no record or summary	# withdrawn by requester	# abandoned by requester or no payment	# of lawsuits	# of search hours	# of review & segregation hours	# of non-chargeable legal hours
1		4	125	1	1	1	1			1	96.38	24.10	

SAMPLE Log | UIPA Record Request Log form

Here's the entire "Request Resolution" 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 84 workdays (including holidays) to complete the request.

In Column Q, the agency has entered one "x" for "**Request Denied in Part**," because it had to hold back some of the records that it claimed were protected by a confidentiality statute.

Although only one of Columns O through T could be checked, the agency properly entered an "x" in Column U for "**UIPA lawsuit filed against agency**" because the requester filed a lawsuit challenging the agency's partial denial. 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 do its best to fill out the Log and should separately report lawsuit information to OIP when it becomes aware of the lawsuit.

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 and totaled in the yellow highlighted row. Remember, in this slide, the yellow "Totals" do not add up what you see in the Examples above because the "Totals" are based on data entries in the white rows below that are not shown on this slide.

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

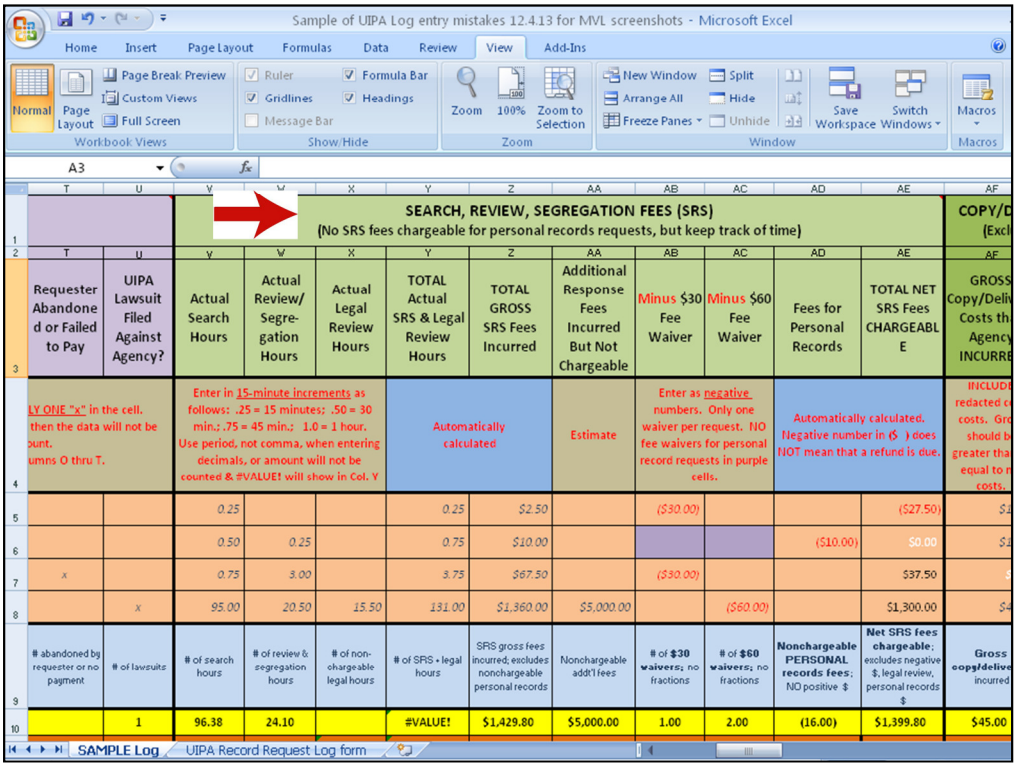
Automatic Calculations based on agency's input of hours, costs, & fee waivers

- Search, review, segregation **fees** (SRS)
  -- Fee waivers
- Copy/delivery **costs**
- Total fees and costs – ALL compared to COMPLEX requests

The Fees and Costs section breaks out the agency's expenses by (1) **search, review, segregation fees,** and (2) **copy and delivery costs**. Then, based on the agency's input, the Log calculates for the agency the **total fees and costs** for ALL requests as compared to COMPLEX requests by: (1) what requesters actually paid, (2) what the agency is allowed to charge, (3) what the agency actually incurred, and (4) what the agency incurred but could not recover.

The Log also calculates the number and types of **fee waivers** granted and the **copying and delivery costs** actually incurred by agencies to fulfill record requests.

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



Sample of UIPA Log entry mistakes 12.4.13 for MVL screenshots - Microsoft Excel

SEARCH, REVIEW, SEGREGATION FEES (SRS)
(No SRS fees chargeable for personal records requests, but keep track of time)

T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF
Requester Abandoned or 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 GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus $30 Fee Waiver	Minus $60 Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE	GROSS Copy/Deliv Costs th Agency INCURRE
LY ONE "x" in the cell. then the data will not be ount. umns O thru T.		Enter in 15-minute increments as follows: .25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour. Use period, not comma, when entering decimals, or amount will not be counted & #VALUE! will show in Col. Y			Automatically calculated		Estimate	Enter as negative numbers. Only one waiver per request. NO fee waivers for personal record requests in purple cells.		Automatically calculated. Negative number in ($) does NOT mean that a refund is due.		INCLUD redacted c costs. Gr should b greater tha equal to r costs.
		0.25			0.25	$2.50		($30.00)			($27.50)	$2
		0.50	0.25		0.75	$10.00				($10.00)	$0.00	$1
x		0.75	3.00		3.75	$67.50		($30.00)			$37.50	
	x	95.00	20.50	15.50	131.00	$1,360.00	$5,000.00		($60.00)		$1,300.00	$4
# abandoned by requester or no payment	# of lawsuits	# of search hours	# of review & segregation hours	# of non-chargeable legal hours	# of SRS + legal hours	SRS gross fees incurred; excludes nonchargeable personal records	Nonchargeable add'l fees	# of $30 waivers; no fractions	# of $60 waivers; no fractions	Nonchargeable PERSONAL records fees; NO positive $	Net SRS fees chargeable; excludes negative $, legal review, personal records $	Gross copy/delive incurred
	1	96.38	24.10		#VALUE!	$1,429.80	$5,000.00	1.00	2.00	(16.00)	$1,399.80	$45.00

This slide shows that we are in the section of the Log for **Search, Review, Segregation ("SRS")** fees.

Let's start by explaining what these fees are.

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

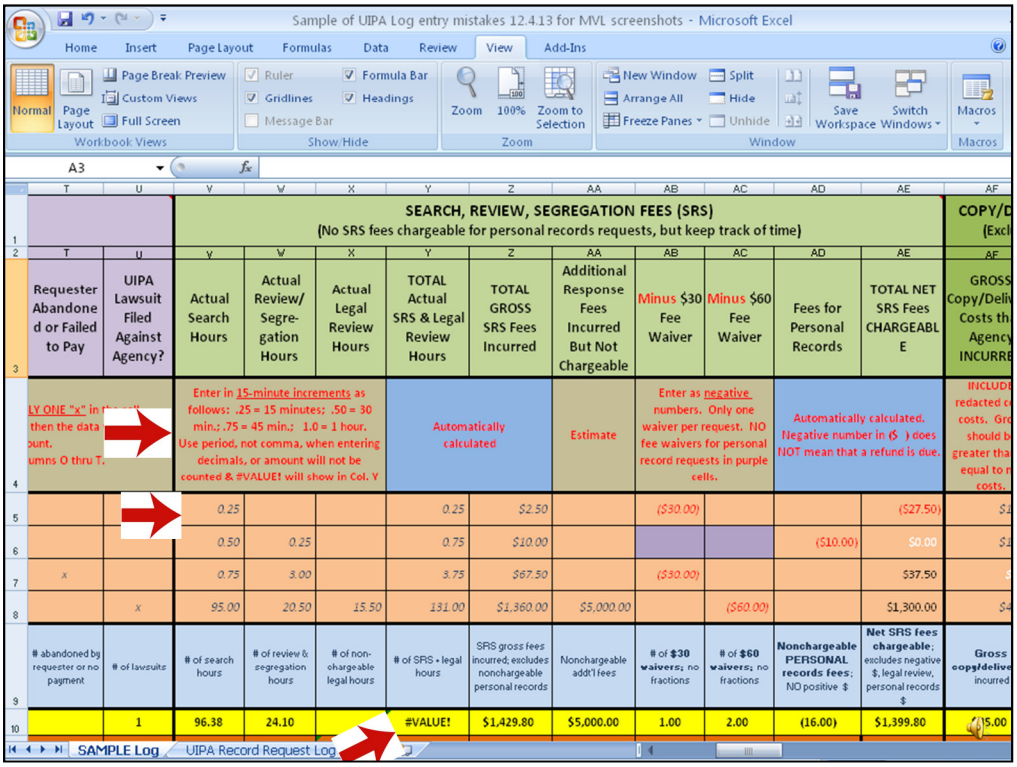
$5.00 per fifteen minutes or fraction thereof for **reviewing and segregating** the record.

The UIPA (HRS Sec. 92F-42(13)) required OIP to adopt rules setting forth fees and other charges that may be imposed to **search** for, **review**, and **segregate** or redact government records in response to a request. OIP's administrative rules (H.A.R. Sec. 2-71-31), adopted in 1998, set forth the allowable fees as follows:

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.

Let's see how to properly enter SRS times and copying costs, and let the Log calculate the fees and costs for us.



Remember that below the column headings are **additional instructions** for data entry in the affected columns. In this slide, the arrow points to instructions in row 4 showing that SRS time should be **entered in .25 increments per hour**, so .25 = 15 minutes, .50 = 30 minutes, .75 = 45 minutes, 1.0 = 1 hour. Also, be careful to **use a period, and not a comma**, when entering decimals. Otherwise, the amount will not be counted and an error message shown as #VALUE! will appear in Column Y and later columns. Remember that the yellow highlighted row of "Totals" is based on the white data entered by the agency from row 12 down. Because data in the white rows of the Sample Log was improperly entered, the yellow "Total" in Column Y shows the error message and the sums do not add up to what is seen in the Examples on this slide.

<u>Entry Tip</u>: If your agency's yellow highlighted total amounts in Columns V through Y do not end in .25, .50, .75, or zeroes, then you know that someone has inputted the wrong number and has not used .25 increments. Since everything is in .25 increments, there should be no data entries ending in .11, .12, .13, .14, .15, .20, .40, .60, etc. **Also, the minimum time that should be entered is .25, since it will take at least 15 minutes or a portion thereof to search for or respond to a request.**

The four record request examples show how the agency has properly entered the time it spends in **search, review, and segregation (SRS) efforts**. 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 "95.00" for 95 search hours for a complex record request.

Sample of UIPA Log entry mistakes 12.4.13 for MVL screenshots - Microsoft Excel

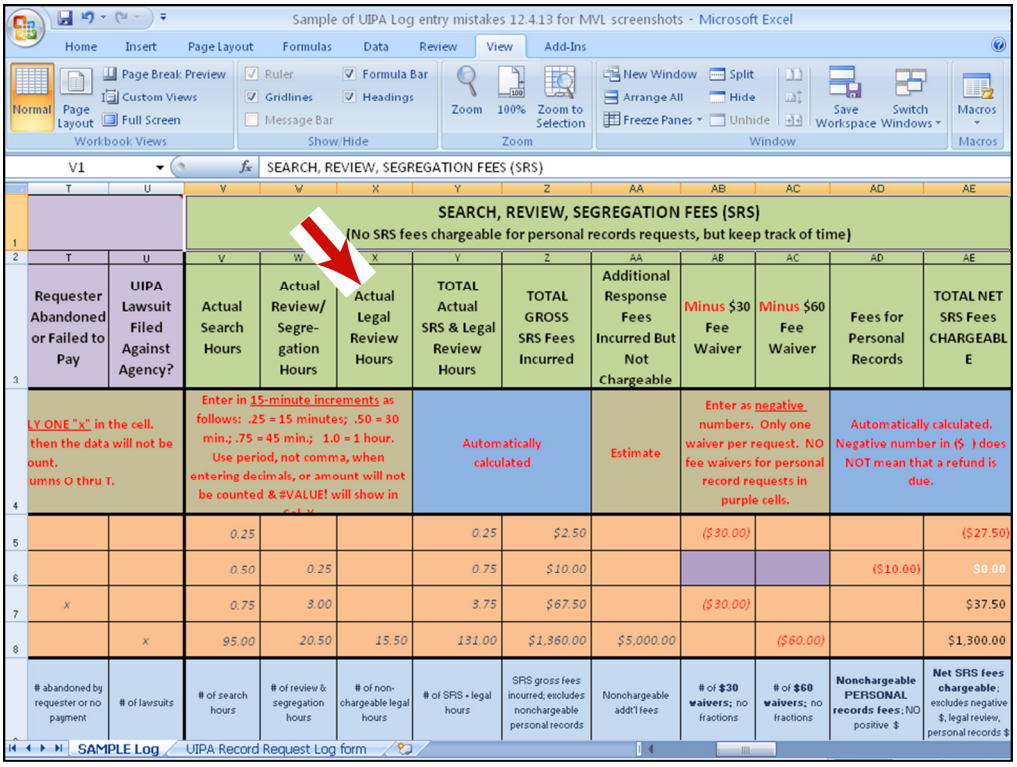
W3 | Actual Review/ Segre-

	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE
1			SEARCH, REVIEW, SEGREGATION FEES (SRS) (No SRS fees chargeable for personal records requests, but keep track of time)									
3	Requester Abandoned or 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 GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus $30 Fee Waiver	Minus $60 Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE
4	LY ONE "x" in the cell. then the data will not be ount. umns O thru T.		Enter in 15-minute increments as follows: .25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour. Use period, not comma, when entering decimals, or amount will not be counted & #VALUE! will show in			Automatically calculated		Estimate	Enter as negative numbers. Only one waiver per request. NO fee waivers for personal record requests in purple cells.		Automatically calculated. Negative number in ($) does NOT mean that a refund is due.	
5			0.25			0.25	$2.50		($30.00)			($27.50)
6			0.50	0.25		0.75	$10.00				($10.00)	$0.00
7	x		0.75	3.00		3.75	$67.50		($30.00)			$37.50
8		x	95.00	20.50	15.50	131.00	$1,360.00	$5,000.00		($60.00)		$1,300.00
	# abandoned by requester or no payment	# of lawsuits	# of search hours	# of review & segregation hours	# of non-chargeable legal hours	# of SRS + legal hours	SRS gross fees incurred; excludes nonchargeable personal records	Nonchargeable addt'l fees	# of $30 waivers; no fractions	# of $60 waivers; no fractions	Nonchargeable PERSONAL records fees; NO positive $	Net SRS fees chargeable; excludes negative $, legal review, personal records $

SAMPLE Log | UIPA Record Request Log form

Next, 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 "3.00" for 3 hours.
Example 4 shows "20.50" for 20 hours and 30 minutes spent reviewing and segregating a complex record request.



Sample of UIPA Log entry mistakes 12.4.13 for MVL screenshots - Microsoft Excel

V1 | SEARCH, REVIEW, SEGREGATION FEES (SRS)

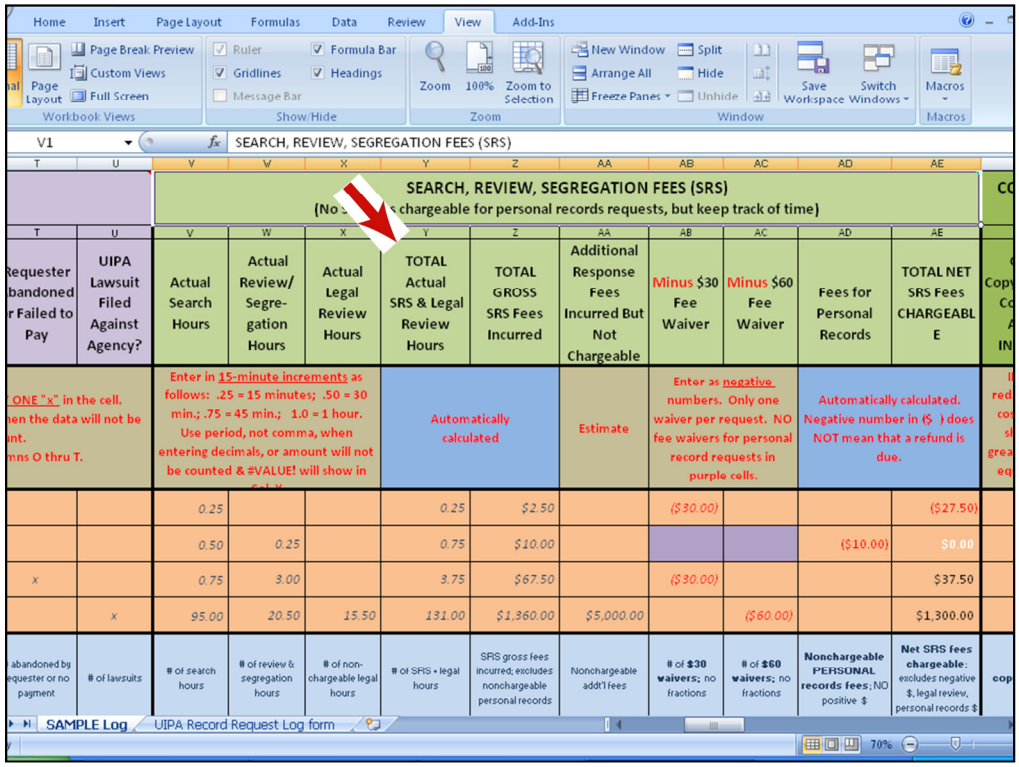
SEARCH, REVIEW, SEGREGATION FEES (SRS)
(No SRS fees chargeable for personal records requests, but keep track of time)

Requester Abandoned or 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 GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus $30 Fee Waiver	Minus $60 Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE
LY ONE "x" in the cell. then the data will not be ount. umns O thru T.		Enter in 15-minute increments as follows: .25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour. Use period, not comma, when entering decimals, or amount will not be counted & #VALUE! will show in			Automatically calculated		Estimate	Enter as negative numbers. Only one waiver per request. NO fee waivers for personal record requests in purple cells.		Automatically calculated. Negative number in ($) does NOT mean that a refund is due.	
		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)			$37.50
	x	95.00	20.50	15.50	131.00	$1,360.00	$5,000.00		($60.00)		$1,300.00
# abandoned by requester or no payment	# of lawsuits	# of search hours	# of review & segregation hours	# of non-chargeable legal hours	# of SRS - legal hours	SRS gross fees incurred; excludes nonchargeable personal records	Nonchargeable addt'l fees	# of $30 waivers; no fractions	# of $60 waivers; no fractions	Nonchargeable PERSONAL records fees; NO positive $	Net SRS fees chargeable; excludes negative $, legal review, personal records $

SAMPLE Log | UIPA Record Request Log form

Moving over to Column X, the agency has entered the time spent for **legal review by its attorney(s). Note that this is <u>not</u> 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 the propriety of the agency's response. OIP 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,"** the first three examples show no time spent for legal review. **Example 4,** however, which is the **complex record request**, shows "15.50" for 15 hours and 30 minutes spent for legal review.



Requester abandoned or 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 GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus $30 Fee Waiver	Minus $60 Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE
ONE "x" in the cell. then the data will not be int. mns O thru T.		Enter in 15-minute increments as follows: .25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour. Use period, not comma, when entering decimals, or amount will not be counted & #VALUE! will show in			Automatically calculated		Estimate	Enter as negative numbers. Only one waiver per request. NO fee waivers for personal record requests in purple cells.		Automatically calculated. Negative number in ($) does NOT mean that a refund is due.	
		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)			$37.50
	x	95.00	20.50	15.50	131.00	$1,360.00	$5,000.00		($60.00)		$1,300.00
abandoned by requester or no payment	# of lawsuits	# of search hours	# of review & segregation hours	# of non-chargeable legal hours	# of SRS + legal hours	SRS gross fees incurred; excludes nonchargeable personal records	Nonchargeable addt'l fees	# of $30 waivers; no fractions	# of $60 waivers; no fractions	Nonchargeable PERSONAL records fees; NO positive $	Net SRS fees chargeable: excludes negative $, legal review, personal records $

Column Y shows the "**TOTAL Actual SRS Hours**" for each of the four examples.

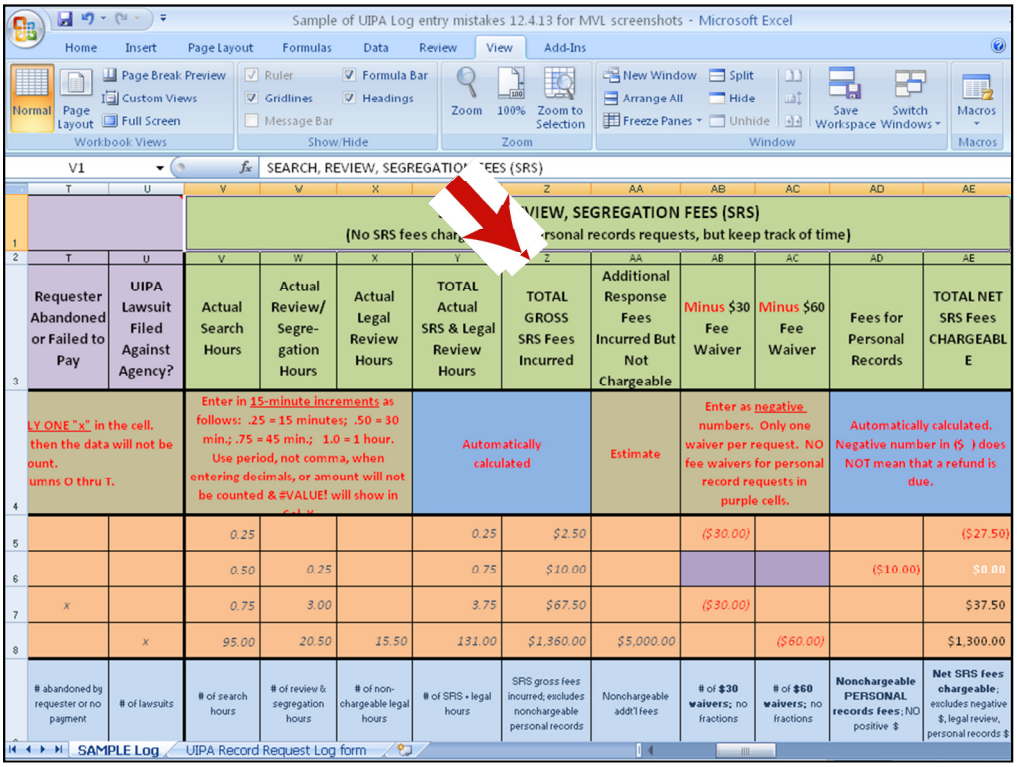
These totals are **automatically calculated**, by adding the hours inputted by the agency from the previous three columns: search hours, review/segregation hours, and legal review hours. Again, note that this is **<u>not</u> the basis for the amount of fees that can be charged** to a requester, but Column 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, which is 15 minutes.

Example 2, the personal record request, shows a total of "0.75" hours, which is 45 minutes.

Example 3, shows a total of "3.75" hours, which is 3 hours and 45 minutes.

Example 4, the complex request, shows a total of "131.00" hours.



Sample of UIPA Log entry mistakes 12.4.13 for MVL screenshots - Microsoft Excel

	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE
1			VIEW, SEGREGATION FEES (SRS) (No SRS fees char ersonal records requests, but keep track of time)									
2												
3	Requester Abandoned or 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 GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus $30 Fee Waiver	Minus $60 Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE
4	LY ONE "x" in the cell. then the data will not be ount. umns O thru T.		Enter in 15-minute increments as follows: .25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour. Use period, not comma, when entering decimals, or amount will not be counted & #VALUE! will show in			Automatically calculated		Estimate	Enter as negative numbers. Only one waiver per request. NO fee waivers for personal record requests in purple cells.		Automatically calculated. Negative number in ($) does NOT mean that a refund is due.	
5			0.25			0.25	$2.50		($30.00)			($27.50)
6			0.50	0.25		0.75	$10.00				($10.00)	$0.00
7	x		0.75	3.00		3.75	$67.50		($30.00)			$37.50
8		x	95.00	20.50	15.50	131.00	$1,360.00	$5,000.00		($60.00)		$1,300.00
	# abandoned by requester or no payment	# of lawsuits	# of search hours	# of review & segregation hours	# of non-chargeable legal hours	# of SRS + legal hours	SRS gross fees incurred; excludes nonchargeable personal records	Nonchargeable addt'l fees	# of $30 waivers; no fractions	# of $60 waivers; no fractions	Nonchargeable PERSONAL records fees; NO positive $	Net SRS fees chargeable; excludes negative $, legal review, personal records $

SAMPLE Log | UIPA Record Request Log form

In Column Z, the Log has **automatically calculated** the "**TOTAL SRS Fees Incurred**" for each of the four examples.

This is the **total gross fees** incurred for Search, Review, Segregation, **excluding the legal review time and not accounting for personal records** (for which SRS fees may not be charged) **or any fee waivers**. Again, **this is <u>not</u> the amount that may actually be charged** by the agency.

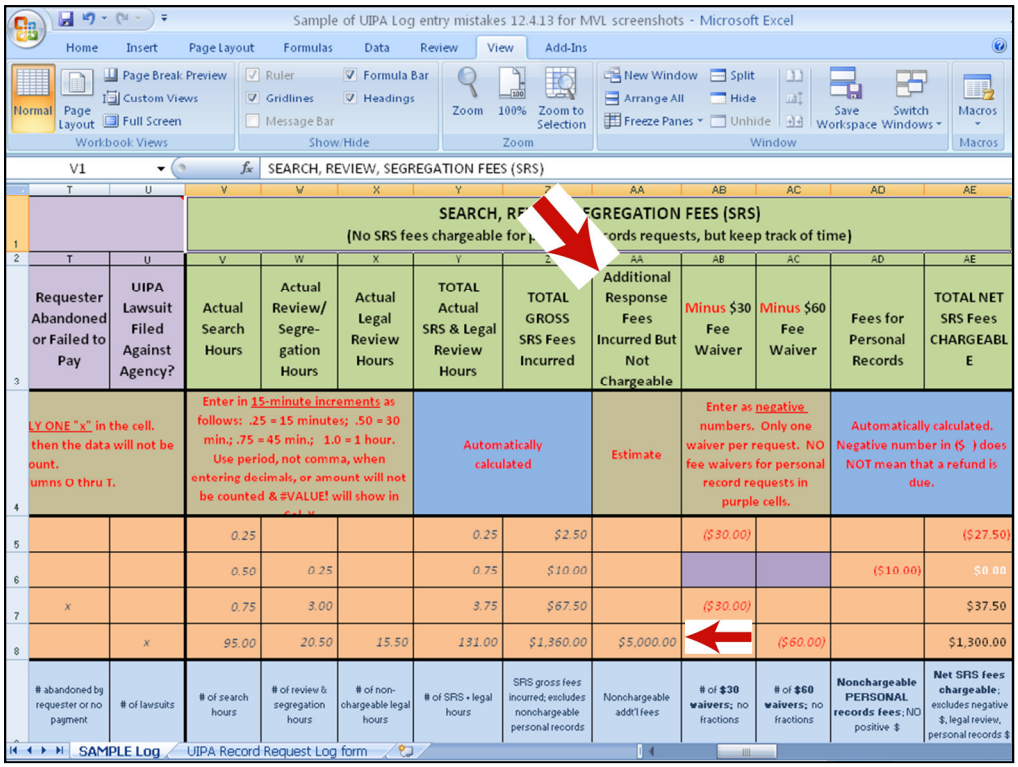
Example 1 shows $2.50 for the total SRS fees incurred.

Example 2 shows a total of $10.00.

Example 3 shows a total of $67.50 incurred for SRS fees.

Example 4 shows a total of $1,360.00 incurred for SRS fees.

The yellow highlighted "Total" cell (Z10) adds up the total amount of gross SRS fees incurred by the agency. The orange "Average" cell (Z11) calculates the average amount of gross SRS fees incurred by the agency per case, excluding personal records because no SRS fees can be charged for such requests.



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

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

The arrow at the bottom points to the agency's estimate of additional fees spent in the example of the complex request from the Honolulu News and shows that the agency has entered "$5,000.00" in estimated additional fees.

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.**

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

(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 such a 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, which will show up in RED as ($30.00) or ($60.00). If it shows up in **black**, then you've entered it wrong.

  For a **personal** records request, do **not** enter the $30 or $60 fee waiver because SRS fees m 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 (-30 or -60)** in Columns AB or AC. The number will show up as a negative number in parentheses in red ($30.00) or ($60.00) if you entered it correctly. Otherwise, it will show up as a positive number in black without parentheses if you entered it incorrectly. Please be sure to correct any positive black numbers, or the totals in cells AB10 and AC10 will be incorrect.

For a personal records request, remember that no SRS fees may be charged in the first place. If you have properly entered the data for personal records in Column F, then Columns AB and AC should be automatically highlighted in purple to remind you that these are personal record requests for which no fee waivers should be granted.

Sample of UIPA Log entry mistakes 12.4.13 for MVL screenshots - Microsoft Excel

	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF
1			SEARCH, REVIEW, SEGREGATION FEES (No SRS fees chargeable for personal requests, but keep track of time)										COPY/D (Excl
2	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF
3	Requester Abandoned or 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 GROSS SRS Fees Incurred	Addition Response Fees Incurred But Not Chargeable	Minus $30 Fee Waiver	Minus $60 Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE	GROSS Copy/Deliv Costs th Agency INCURRE
4	LY ONE "x" in the cell. then the data will not be ount. umns O thru T.		Enter in 15-minute increments as follows: .25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour. Use period, not comma, when entering decimals, or amount will not be counted & #VALUE! will show in Col. Y			Automatically calculated		Estimate	Enter as negative numbers. Only one waiver per request. NO fee waivers for personal record requests in purple cells.		Automatically calculated. Negative number in ($) does NOT mean that a refund is due.		INCLUDE redacted c costs. Gr should b greater tha equal to r costs.
5			0.25			0.25	$2.50		($30.00)			($27.50)	$1
6			0.50	0.25		0.75	$10.00					$0.00	$1
7	x		0.75	3.00		3.75	$67.50		($30.00)			$37.50	
8		x	95.00	20.50	15.50	131.00	$1,360.00	$5,000.00		($60.00)		$1,300.00	$4
9	# abandoned by requester or no payment	# of lawsuits	# of search hours	# of review & segregation hours	# of non-chargeable legal hours	# of SRS + legal hours	SRS gross fees incurred; excludes nonchargeable personal records	Nonchargeable add'l fees	# of $30 waivers; no fractions	# of $60 waivers; no fractions	Nonchargeable PERSONAL records fees; NO positive $	Net SRS fees chargeable; excludes negative $, legal review, personal records $	Gross copy/delive incurred
10		1	96.38	24.10		#VALUE!	$1,429.80	$5,000.00	1.00	2.00	(16.00)	$1,399.80	15.00

SAMPLE Log | UIPA Record Request Log form

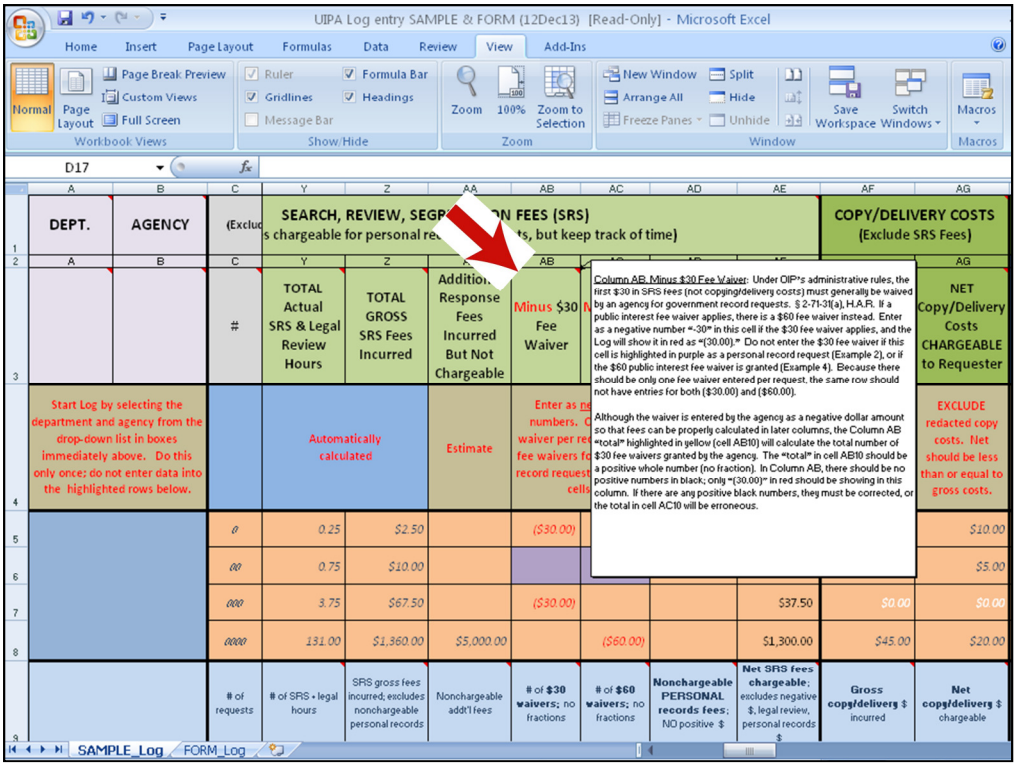
Here, in Columns AB and AC, we see how an agency has **recorded fee waivers**.

We see that cells AB6 and AC 6 for Example 2 have been **highlighted in purple** because this is a personal record request, so **no fee waivers** should be entered in these columns.

The regular ($30.00) **fee waivers** have been entered in Column AB in Examples 1 and 3, while a ($60.00) **public interest fee waiver** has been entered for the "Honolulu News" in Column AC. Because the agency properly entered the data as "-30" or "-60", the Log has illustrated them as negative numbers in parentheses in red.

The yellow highlighted "Totals" in Columns AB and AC will calculate the total number of $30 or $60 fee waivers, and not their dollar values. Remember, in this slide, the yellow "Totals" are for the data entries that you cannot see in the white rows below, which are different from the highlighted examples.

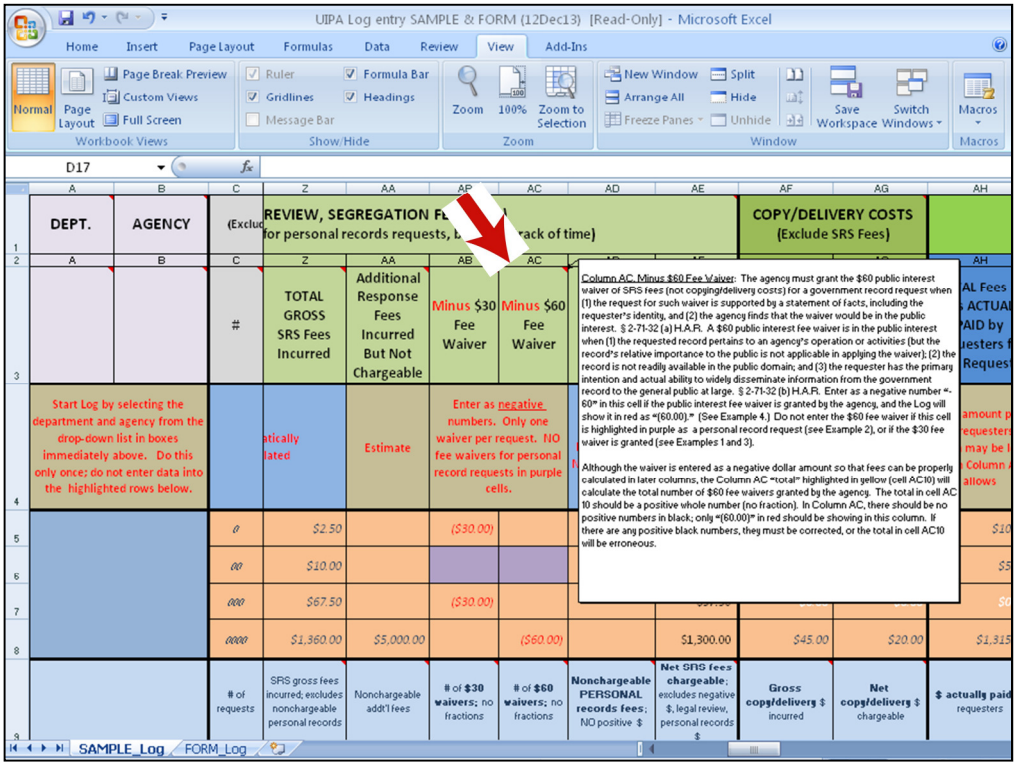
<u>Entry tips</u>: If your "Totals" in yellow cells AB10 or AC10 come out in fractions, not whole numbers, then you know there has been an entry mistake. Also, all numbers should show up in parentheses in RED: in Column AB, there should only be red negative "($30.00)" and in Column AC should be red negative "(60.00)". None of the numbers should be shown as positive numbers in black or as other symbols. The **same row should not have <u>both</u> ($30.00) and ($60.00)** because only one fee waiver can be granted per request. **If Column F is properly checked with a single "x" to identify a personal record, then the Log will automatically highlight in purple Columns AB and AC and NO fee waivers should be entered in those cells for that request.**



Here's the **$30 fee waiver** in Column AB, with pop-up instructions.

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. **<u>Either</u> the $30 fee waiver <u>or</u> the $60 public interest fee waiver applies – <u>not both</u>.**

Again, do not enter the $30 fee waiver if this is a <u>personal</u> record request (as identified in Column F - see Example 2) because personal record requests are not subject to any SRS fees, so there are no fees to waive.



Column AC shows the **$60 fee waiver**, with detailed 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.

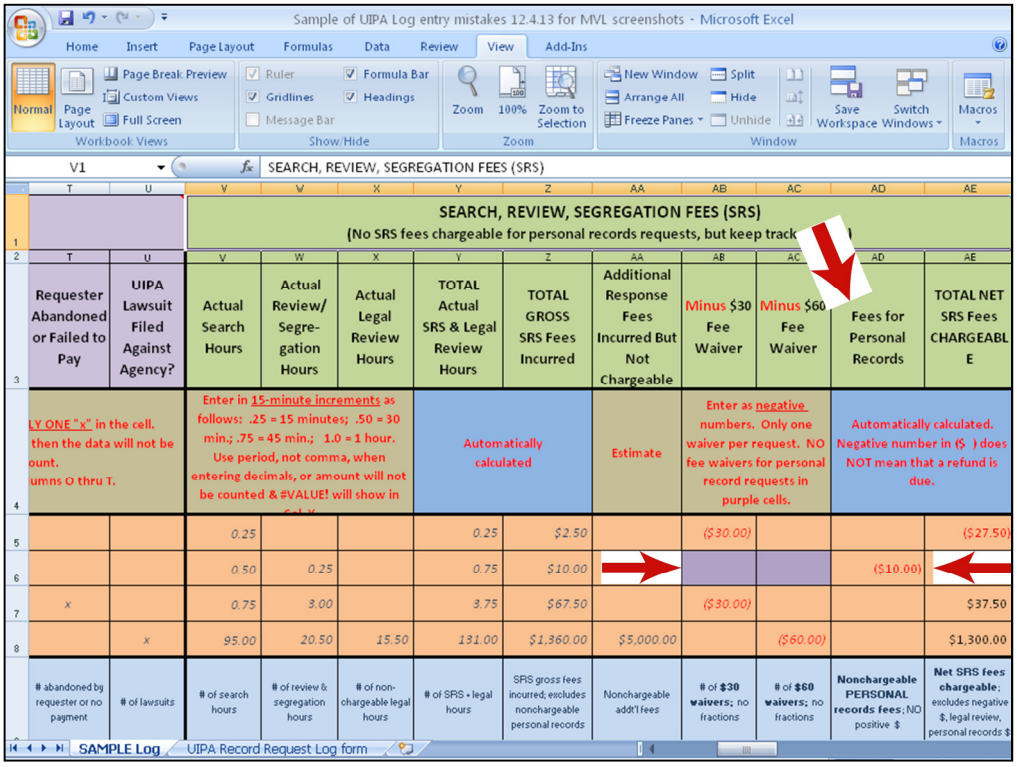
A $60 public interest fee waiver is in the public interest when **(1)** the requested record pertains to an agency's operation or activities (but the record's relative importance to the public is not applicable in applying the waiver); **(2)** the record is not readily available in the public domain; **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.

Column AD: Fees for Personal Records

- Will be subtracted from net amounts chargeable in Column AE
- CANNOT be charged by the agency
- Not a refund to requester

Amounts for fee waivers, legal review hours, and personal record requests are not included in the **Column AE** net amount that an agency can charge for SRS fees, which we will discuss shortly. For now, let's look at Column AD, which shows **"Fees for Personal Records"** and make sure that you understand that (1) **Column AD's amounts will not be included in net fees chargeable, (2) the agency cannot charge the requester for Column AD's amounts, and (3) no refunds of Column AD's amounts are due to requesters.** Based on the search, review, and segregation times that the agency is entering, the Log is simply calculating these nonrecoverable personal record fees in Column AD in order to make other calculations and to provide data that OIP may use in reviewing and developing its administrative rules.

Note that although the agency cannot charge SRS fees for personal record requests, it can still charge for copying and delivery costs, which will be explained later.



Sample of UIPA Log entry mistakes 12.4.13 for MVL screenshots - Microsoft Excel

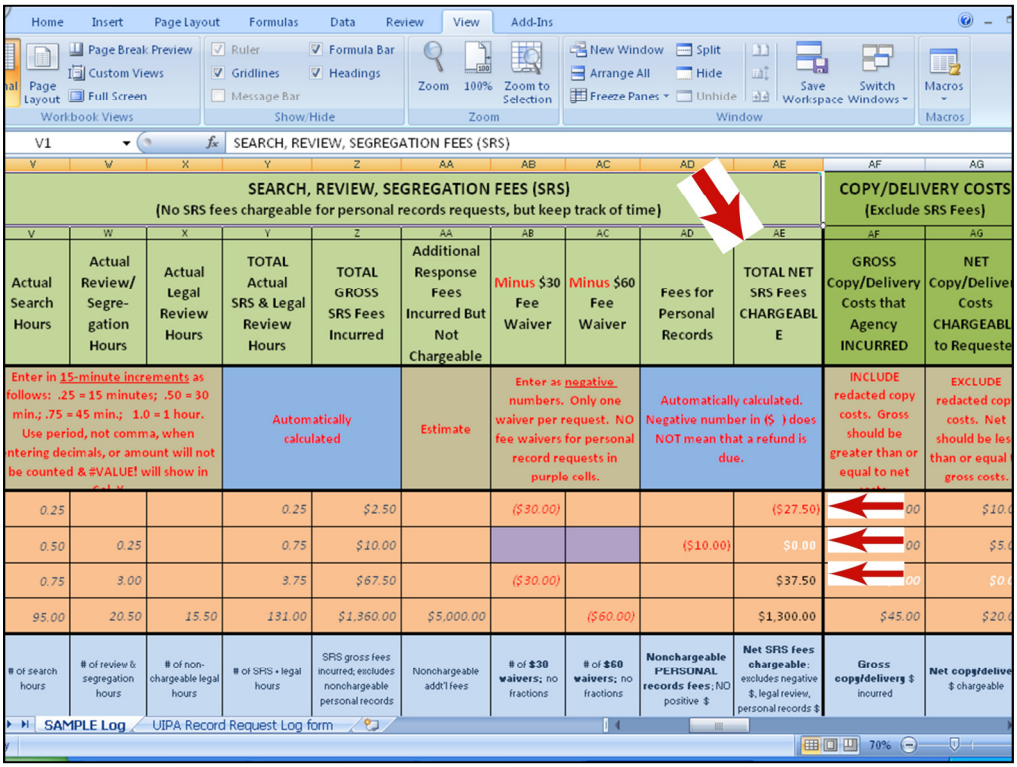
V1 | SEARCH, REVIEW, SEGREGATION FEES (SRS)

SEARCH, REVIEW, SEGREGATION FEES (SRS)
(No SRS fees chargeable for personal records requests, but keep track

T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE
Requester Abandoned or 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 GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus $30 Fee Waiver	Minus $60 Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE
LY ONE "x" in the cell. then the data will not be ount. umns O thru T.		Enter in 15-minute increments as follows: .25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour. Use period, not comma, when entering decimals, or amount will not be counted & #VALUE! will show in			Automatically calculated		Estimate	Enter as negative numbers. Only one waiver per request. NO fee waivers for personal record requests in purple cells.		Automatically calculated. Negative number in ($) does NOT mean that a refund is due.	
		0.25			0.25	$2.50		($30.00)			($27.50)
		0.50	0.25		0.75	$10.00				($10.00)	
x		0.75	3.00		3.75	$67.50		($30.00)			$37.50
	x	95.00	20.50	15.50	131.00	$1,360.00	$5,000.00		($60.00)		$1,300.00
# abandoned by requester or no payment	# of lawsuits	# of search hours	# of review & segregation hours	# of non-chargeable legal hours	# of SRS + legal hours	SRS gross fees incurred; excludes nonchargeable personal records	Nonchargeable addt'l fees	# of $30 waivers; no fractions	# of $60 waivers; no fractions	Nonchargeable PERSONAL records fees; NO positive $	Net SRS fees chargeable: excludes negative $, legal review, personal records $

SAMPLE Log | UIPA Record Request Log form

Let's see how the Log looks when a personal record request is entered, as in Example 2. We see that the Log has highlighted in purple Example 2's cells in Columns AB and AC. In Column AD, we see a **negative** number in red in parentheses, ($10.00). Remember, this is not a fee that the agency can charge nor is it a refund payable to the requester.



SEARCH, REVIEW, SEGREGATION FEES (SRS) (No SRS fees chargeable for personal records requests, but keep track of time)										COPY/DELIVERY COSTS (Exclude SRS Fees)	
V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG
Actual Search Hours	Actual Review/ Segre-gation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus $30 Fee Waiver	Minus $60 Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE	GROSS Copy/Delivery Costs that Agency INCURRED	NET Copy/Deliver Costs CHARGEABL to Requeste
Enter in 15-minute increments as follows: .25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour. Use period, not comma, when ntering decimals, or amount will not be counted & #VALUE! will show in			Automatically calculated		Estimate	Enter as negative numbers. Only one waiver per request. NO fee waivers for personal record requests in purple cells.		Automatically calculated. Negative number in ($) does NOT mean that a refund is due.		INCLUDE redacted copy costs. Gross should be greater than or equal to net	EXCLUDE redacted cop costs. Net should be les than or equal gross costs.
0.25			0.25	$2.50		($30.00)			($27.50)	00	$10.0
0.50	0.25		0.75	$10.00				($10.00)	$0.00	00	$5.0
0.75	3.00		3.75	$67.50		($30.00)			$37.50	00	$0.0
95.00	20.50	15.50	131.00	$1,360.00	$5,000.00		($60.00)		$1,300.00	$45.00	$20.0
# of search hours	# of review & segregation hours	# of non-chargeable legal hours	# of SRS + legal hours	SRS gross fees incurred; excludes nonchargeable personal records	Nonchargeable addt'l fees	# of $30 waivers; no fractions	# of $60 waivers; no fractions	Nonchargeable PERSONAL records fees; NO positive $	Net SRS fees chargeable: excludes negative $, legal review, personal records $	Gross copy/delivery $ incurred	Net copy/delive $ chargeable

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, legal review hours, and fee waivers**. This column **automatically calculates the <u>net amount that an agency may charge</u> in SRS fees.**

For our first two examples with the arrows pointing to the left, no fees are chargeable. The first example of a typical request shows 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, this does <u>not</u> mean that the requester is entitled to a refund. Any negative number simply means that no fees are chargeable.**

The second example of a personal record request shows "$0.00" because no SRS fees can be charged.

The third arrow points to Example 3 by an anonymous requester for President Obama's birth certificate, which is a government records request, not a personal records request. 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.

The next slide explains the SRS fees for the "Honolulu News," Example 4.

Sample of UIPA Log entry mistakes 12.4.13 for MVL screenshots - Microsoft Excel

AC3 | Minus $60

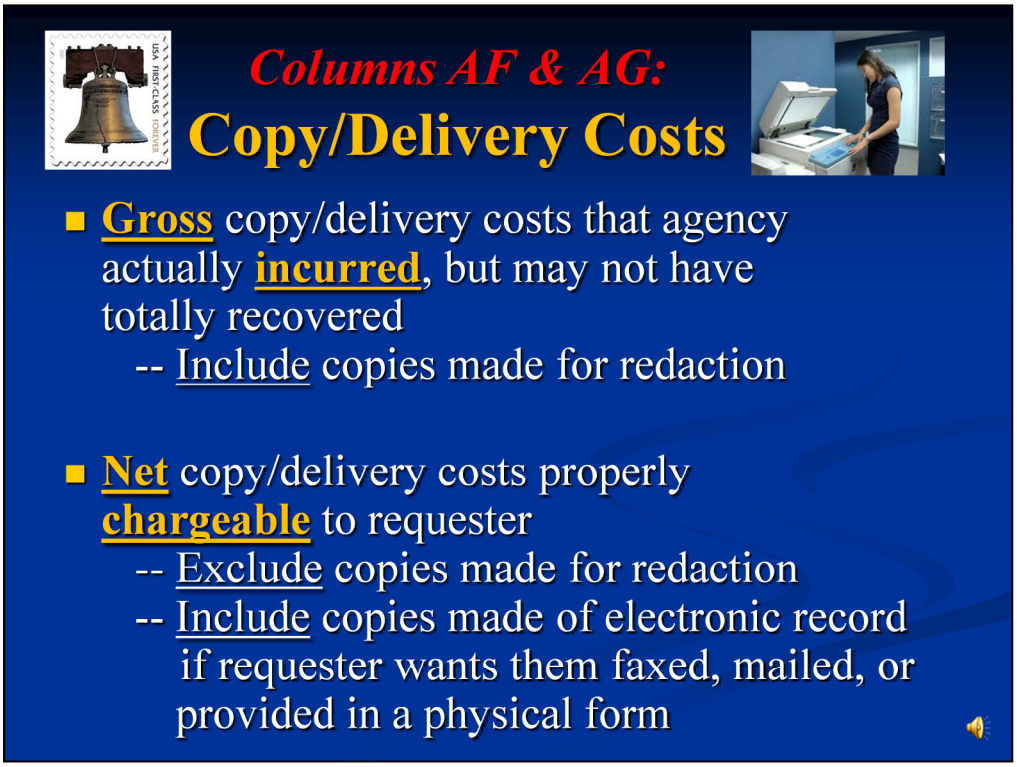
	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	A
1			SEARCH, REVIEW, SEGREGATION FEES (SRS) (No SRS fees chargeable for personal records requests, but keep track of time)										COPY/DELIVERY COSTS (Exclude SRS Fees)		
2	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	A
3	Requester Abandoned or Failed to Pay	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/ Segre-gation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	Minus $30 Fee Waiver	Minus $60 Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE	GROSS Copy/Delivery Costs that Agency INCURRED	NET Copy/Delivery Costs CHARGEABLE to Requester	TOTAL Costs AG PAID Request ALL Re
4	nter ONLY ONE "x" in in a cell, then the data amount. Columns O thru T.		Enter in 15-minute increments as follows: .25 = 15 minutes; .50 = 30 min.; .75 = 45 min.; 1.0 = 1 hour. Use period, not comma, when entering decimals, or amount will not be counted & #VALUE!			Automatically calculated		Estimate	Enter as negative numbers. Only one waiver per request. NO fee waivers for personal record requests in purple cells.		Automatically calculated. Negative number in ($) does NOT mean that a refund is due.		INCLUDE redacted copy costs. Gross should be greater than or equal to net costs.	EXCLUDE redacted copy costs. Net should be less than or equal to gross costs.	Enter a paid reque which r less Colu all
5			0.25			0.25	$2.50		($30.00)			($27.50)	$10.00	$10.00	
6			0.50	0.25		0.75	$10.00				($10.00)	$0.00	$15.00	$5.00	
7	x		0.75	3.00		3.75	$67.50		($30.00)			$37.50	$0.00	$0.00	
8		x	95.00	20.50	15.50	131.00	$1,360.00	$5,000.00		($60.00)		$1,300.00		$20.00	
9	# abandoned by requester or no payment	# of lawsuits	# of search hours	# of review & segregation hours	# of non-chargeable legal hours	# of SRS + legal hours	SRS gross fees incurred; excludes nonchargeable personal records	Nonchargeable addt'l fees	# of $30 waivers; no fractions	# of $60 waivers; no fractions	Nonchargeable PERSONAL records fees; NO positive $	Net SRS fees chargeable; excludes negative $, legal review, personal records $	Gross copy/delivery $ incurred	Net copy/delivery $ chargeable	$ actually reque
10		1	96.38	24.10		#VALUE!	$1,429.80	$5,000.00	1.00	2.00	(16.00)	$1,399.80	$45.00	$60.00	$1,39
11			24.10	8.03			$476.60	$5,000.00			-$16.00	$466.60	$15.00	$20.00	$463
12			0.23			0.23	$2.30					$2.30	$10.00	$10.00	
13			0.40	0.60		1.00	$10.00		($30.00)	($60.00)	($16.00)	$0.00	$15.00	$5.00	
14	z		0.75	3.00		3.75	$67.50		$30.00			$97.50	$0.00	$0.00	
15		x	95.00	20.50	15.50	#VALUE!	$1,360.00	$5,000.00		($60.00)		$1,300.00	$20.00	$45.00	
16						.00	$0.00					$0.00			

SAMPLE Log | UIPA Record Request Log form

The last arrow at the bottom points to the total net SRS fees chargeable in Column AE for the **"Honolulu News"** request.

Because this was a **large, complex request** that incurred $1,360 in SRS fees (Column Z) and was eligible for the $60 public interest fee waiver (Column AC), the Log automatically calculated the net fees chargeable by subtracting $60 from $1,360, resulting in total net SRS fees chargeable of $1,300 (Column AE).

Notice, in the white rows below, that data different from the highlighted Examples has been entered. Since the yellow and orange highlighted rows is based on the data entered in the white row beginning at Row 12, you will see $1399.80 in yellow cell AE10, which is the "Total" net SRS fees chargeable for those entries. In orange cell AE11, you will see that $466.60 has been calculated as the agency's "Average" net SRS fees chargeable per case, based on the three cases in which fees were charged. Remember that personal record requests are not included in this calculation of averages because no fees are chargeable for such requests.



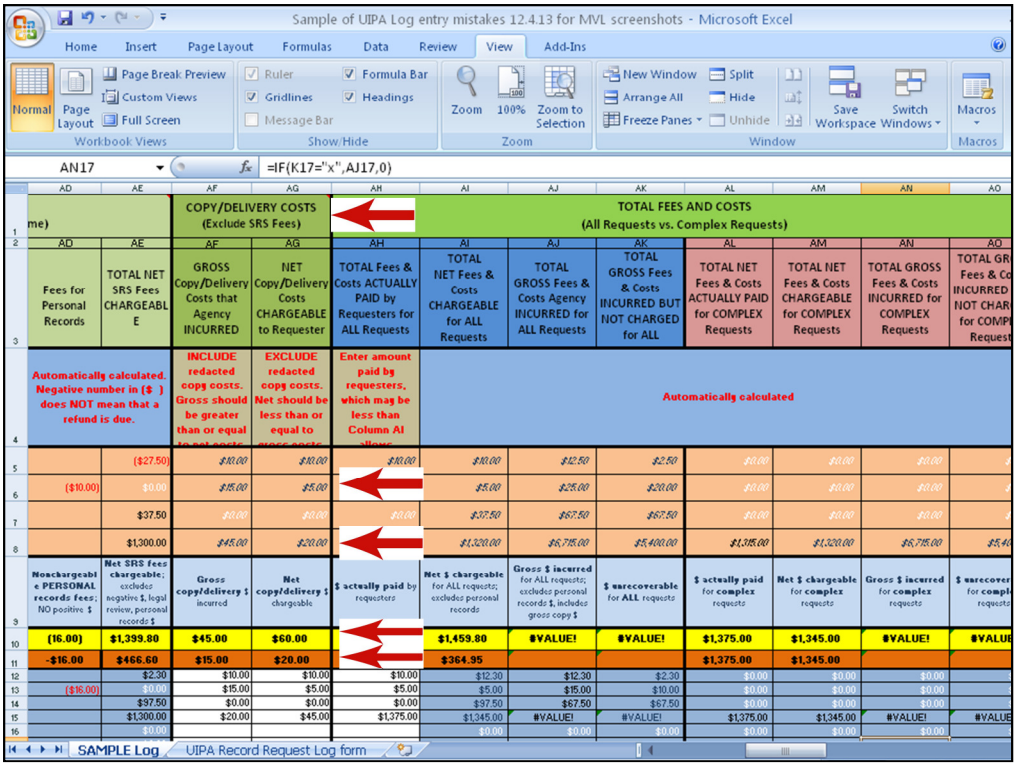
Separate from SRS fees, OIP rules (HAR §2-17-19) allow an agency to recover "[a]ny other lawful fees," such as copy and delivery costs for responding to a records request. **Each agency, not OIP, sets its own schedule of photocopying costs,** which is governed by HRS §92-21 and is outside of OIP's jurisdiction. HRS §92-21 currently requires agencies to charge **not less than five cents** per copy. **It is important to also understand that copying and delivery costs are <u>not</u> subject to the SRS fee waivers** found in Columns AB and AC.

Column **AF** is where the agency enters the **<u>gross</u> 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 **<u>net</u> copy/delivery costs** that the agency can charge to the requester. For net costs**, the agency should <u>exclude</u> extra copies made so that the agency can redact a record – OIP's rules allow the agency to charge for only the redacted copy that is provided to the requester. Include** copies made of an **electronic** record **if** the requester asked them to be faxed, mailed, or otherwise provided in a physical form.

The yellow highlighted "Totals" in cells AF10 and AG10 add up the amounts found in the white columns, while the orange highlighted "Averages" (cells AF11 and AG11) calculate the copying and delivery costs <u>per case in which such costs were incurred</u>. This amount is not the same as the average per request made or completed, because not it does not include cases in which no such costs were incurred.

<u>Entry tip</u>: Gross copying and delivery costs incurred by the agency should always be greater than or equal to the net costs chargeable to the requester.



Let's look at how copying costs were entered in this slide of the copy/delivery costs for the examples.

In the case of highlighted **Example 2** on top, 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, highlighted **Example 4** shows that only $20 of the gross $45 in copying costs was allowed.

The yellow highlighted cell AF 10 shows that a total of $45 in <u>gross</u> copying and delivery costs were incurred by the agency. The orange average in cell AF11 shows an average of $15 in gross costs per case, based on the 3 requests in which such charges were incurred. As for <u>net</u> costs, in Column AG, the yellow cell AG10 shows a "Total" of $60, with an orange "Average" of $20 in net copying and delivery charges per case. But is this correct?

Remember, the gross copying and delivery costs should always be greater than or equal to the net costs. Why are the gross costs smaller than the net costs in the sample Log?

This is a trick question because remember that the yellow "Totals" and orange "Averages" are for the agencies' entries in the white cells below, and are not based on the numbers in the examples on top. As we can see from the sample Log, the agency entered wrong data for the Honolulu News in cells AF 15 ($20) and AG15 ($45), which is why the sample Log's Total and Average are also wrong.

Columns AH thru AO:

Total Fees & Costs

Agency to input:

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

Log automatically calculates (for ALL vs. COMPLEX requests):

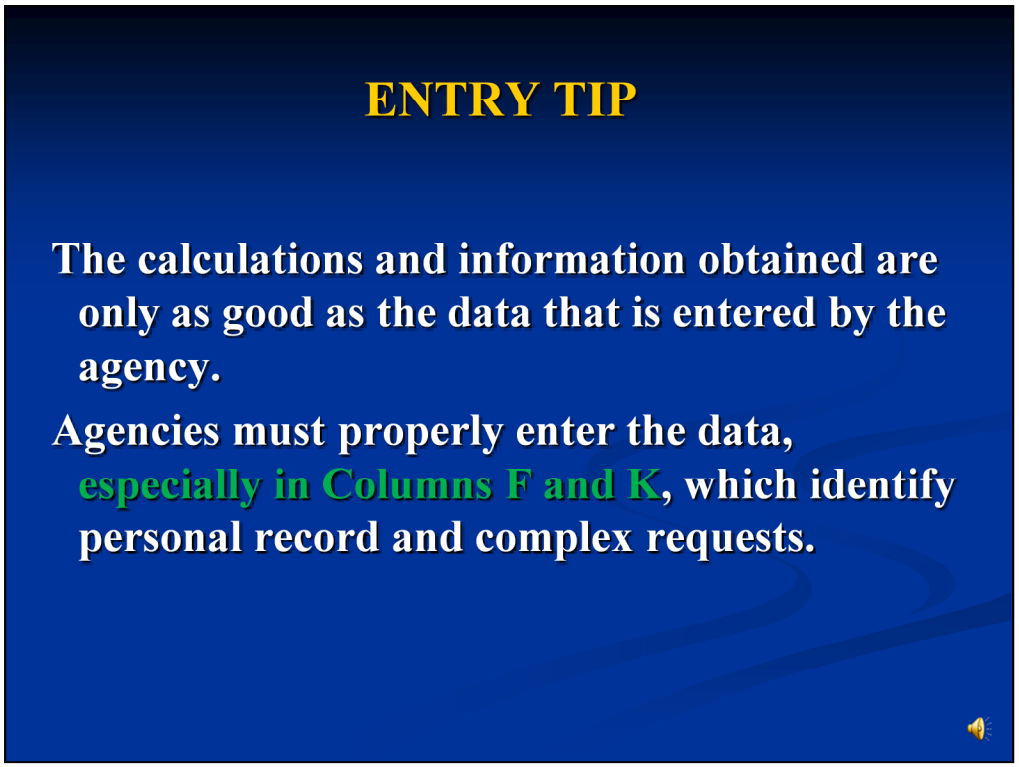
- Total net fees & costs **chargeable** **(AI, AM)**
- Total gross fees & costs **incurred** **(AJ, AN)**
- Total gross fees & costs **incurred but not charged** **(AK, AO)**

Before we explain the other mistakes in the Sample Log, let's get to the last column for which the agency has to enter data and see how it affects the **bottom line in total agency fees & costs for record requests.** These statistics will show agencies what it is costing them in total to respond to records requests, and what fees and costs they are actually recovering from requesters, and have been broken down between all requests and only complex requests.

First, in **Column AH**, the **agency inputs** the total fees & costs that were **actually paid by the requester and collected by the agency** (even if the amounts are deposited into the State's general fund). Note that this amount **should not exceed the total net chargeable fees and costs in Column AI,** which has been automatically calculated by the Log.

The **Log will then automatically calculate** the remaining 7 columns in this section to break out how much is attributable to complex requests (AL) and determine the total net fees and costs chargeable (AI & AM), total gross fees and costs incurred by the agency (AJ & AN), and the total gross fees and costs incurred but not charged, i.e., what is unrecoverable (AK and AO). So one data entry in Column AH in this fees and costs section will result in 7 automatic calculations.

By subtracting the complex record request amounts in Columns AL through AO from their counterparts in Columns AH through AK, we can also manually determine how much it is costing agencies to respond to noncomplex requests.



<u>ENTRY TIP</u>: The calculations and information obtained are only as good as the data that is entered by the agency. Agencies must properly enter the data, especially in Columns F and K, which identify personal record and complex requests. If more than one "x" or any other number, date, or symbol has been mistakenly entered in these columns, the request will not be counted as a personal record or complex request, and fees and costs will not be correctly calculated.

Sample of UIPA Log entry mistakes 12.4.13 for MVL screenshots - Microsoft Excel

AN17 =IF(K17="x",AJ17,0)

	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP
1	COPY/DELIVERY COSTS (Exclude SRS Fees)		TOTAL FEES AND COSTS (All Requests vs. Complex Requests)								DAYS
2	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP
3	GROSS Copy/Delivery Costs that Agency INCURRED	NET Copy/Delivery Costs CHARGEABLE to Requester	TOTAL Fees & Costs ACTUALLY PAID by Requesters for ALL Requests	TOTAL NET Fees & Costs CHARGEABLE for ALL Requests	TOTAL GROSS Fees & Costs Agency INCURRED for ALL Requests	TOTAL GROSS Fees & Costs INCURRED BUT NOT CHARGED for ALL	TOTAL NET Fees & Costs ACTUALLY PAID for COMPLEX Requests	TOTAL NET Fees & Costs CHARGEABLE for COMPLEX Requests	TOTAL GROSS Fees & Costs INCURRED for COMPLEX Requests	TOTAL GROSS Fees & Costs INCURRED BUT NOT CHARGED for COMPLEX Requests	# of Workdays to Complete ALL Requests
4	INCLUDE redacted copy costs. Gross should be greater than or equal	EXCLUDE redacted copy costs. Net should be less than or equal to	Enter amount paid by requesters, which may be less than Column AI	Automatically calculated							
5	$10.00	$10.00	$10.00	$10.00	$12.50	$2.50	$0.00	$0.00	$0.00	$0.00	
6	$15.00	$5.00	$5.00	$5.00	$25.00	$20.00	$0.00	$0.00	$0.00	$0.00	
7	$0.00	$0.00	$0.00	$37.50	$67.50	$67.50	$0.00	$0.00	$0.00	$0.00	
8	$45.00	$20.00	$1,315.00	$1,320.00	$6,715.00	$5,400.00	$1,315.00	$1,320.00	$6,715.00	$5,400.00	
9	Gross copy/delivery $ incurred	Net copy/delivery $ chargeable	$ actually paid by requesters	Net $ chargeable for ALL requests; excludes personal records	Gross $ incurred for ALL requests; excludes personal records $, includes gross copy $	$ unrecoverable for ALL requests	$ actually paid for complex requests	Net $ chargeable for complex requests	Gross $ incurred for complex requests	$ unrecoverable for complex requests	# of days to complete; ALL requests
10	$45.00	$60.00	$1,390.00	$1,459.80	#VALUE!	#VALUE!	$1,375.00	$1,345.00	#VALUE!	#VALUE!	125
11	$15.00	$20.00	$463.33	$364.95			$1,375.00	$1,345.00			31.25
12	$10.00	$10.00	$10.00	$12.30	$12.30	$2.30	$0.00	$0.00	$0.00	$0.00	1
13	$15.00	$5.00	$5.00	$5.00	$15.00	$10.00	$0.00	$0.00	$0.00	$0.00	18
14	$0.00	$0.00	$0.00	$37.50	$67.50	$67.50	$0.00	$0.00	$0.00	$0.00	22
15	$20.00	$45.00	$1,375.00	$1,345.00	#VALUE!	#VALUE!	$1,375.00	$1,345.00	#VALUE!	#VALUE!	84
16				$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	

SAMPLE Log | UIPA Record Request Log form

Let's go through the highlighted Examples on top and see how the fees and costs were entered:

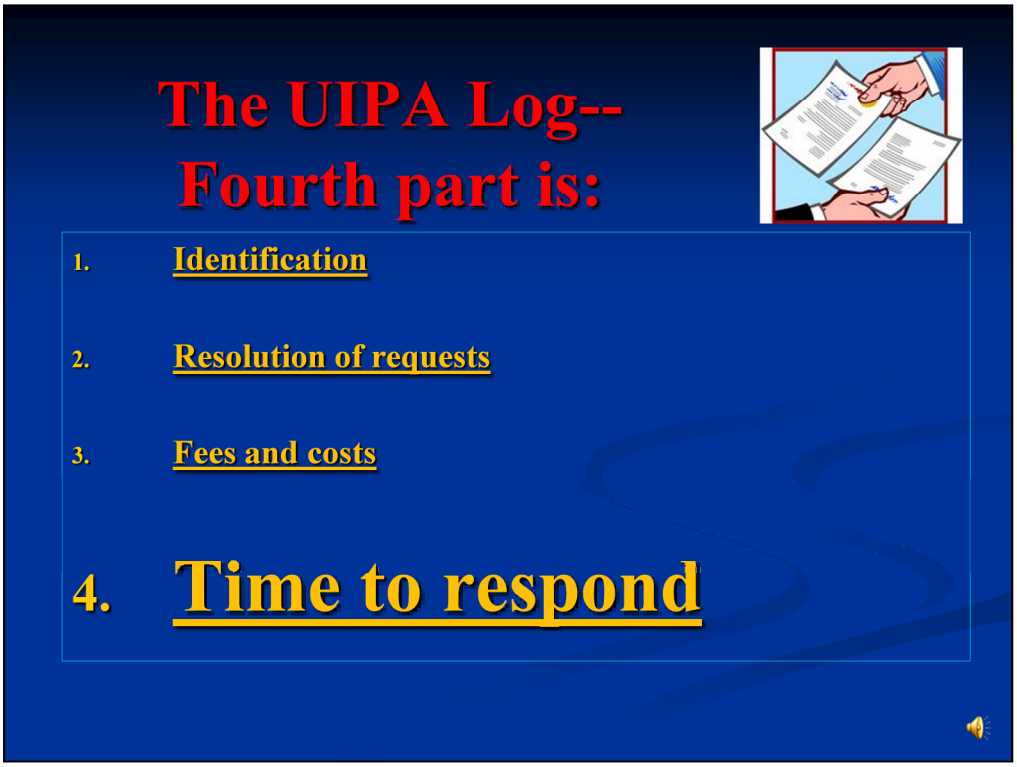
In Example 1 (typical request), Column AH shows that the requester actually paid $10 which is also the total net fees and costs that could be charged, as shown in Column AI. Per Column AJ, the actual total gross fees and costs that the agency incurred is $12.50, so Column AK shows that the agency incurred $2.50 in gross fees and costs that it cannot recover. Because this was not a complex request, Columns AL through AO for Example 1 have no data.

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. This is a personal records request, as was shown by one "x" in cell F6, but it was not a complex request so Columns AL through AO have no data.

In Example 3 (anonymous birther), Column AH shows that the requester paid nothing, because she had abandoned the request as shown in 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. Columns AL through AO have no data since this was not a complex request.

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. Because this was a complex request as was shown by one "x" in cell K8, data has been automatically entered into Columns AL through AO.

The yellow highlighted "Totals" in row 10 will add up the entries in the white columns below, not the ones from the Examples highlighted here. The orange highlighted "Averages" in row 11 for Columns AH through AK will provide average fees and costs per request in all cases, excluding personal records, based on the entries in the white columns below. The "Averages" in Columns AL through AO will provide the "Averages" in complex cases only, based on the entries in the white columns below. Because the sample data entries in the white rows are different from the highlighted Examples, we will not go over the amounts shown here as the "Totals" and "Averages" on this slide.



The last part of the Log provides statistical data on how much time an agency takes to respond to record requests. No data is entered by the agency in this part. The Log will automatically calculate the averages for the agency, which can be compared later to the department-wide and State-wide averages after all logs have been uploaded onto the Master Log at data.hawaii.gov.

Sample of UIPA Log entry mistakes 12.4.13 for MVL screenshots - Microsoft Excel

AN17 =IF(K17="x",AJ17,0)

	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY	AZ	BA
1	DAYS TO COMPLETE REQUESTS				SEARCH, REVIEW & SEGREGATION HOURS INCURRED							
2	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY	AZ	BA
3	# of Workdays to Complete ALL Requests	# of Workdays to Complete COMPLEX Requests	# of Workdays to Complete NONCOMPLEX, NONPERSONAL RECORD Requests	# of Workdays to Complete PERSONAL RECORD Requests	# of Search Hours Incurred for ALL Requests	# of Search Hours Incurred for COMPLEX Requests	# of Search Hours Incurred for NONCOMPLEX, NONPERSONAL RECORD	# of Search Hours Incurred for PERSONAL RECORD Requests	# of Review & Segregation Hours Incurred for ALL Requests	# of Review & Segregation Hours Incurred for COMPLEX Requests	# of Review & Segregation Hours Incurred for NONCOMPLEX, NONPERSONAL RECORD Requests	# of Rev Segregatio Incurre PERSONAL Requ
4	Automatically calculated				Automatically calculated							
5	1		1		0.25		0.25					
6	18			18	0.50			0.50	0.25			
7	22		22		0.75		0.75		3.00		3.00	
8	84	84			95.00	95.00			20.50	20.50		
9	# of days to complete; ALL requests	Days to complete; COMPLEX requests only	Days to complete; NONCOMPLEX requests	Days to complete; PERSONAL RECORD requests	Search hours; ALL requests	Search hours; COMPLEX requests	Search hours; NONCOMPLEX, NONPERSONAL RECORD requests	Search hours; PERSONAL RECORD requests	Review & segregation hours; ALL requests	Review & segregation hours; COMPLEX requests	Review & segregation hours; NONCOMPLEX, NONPERSONAL RECORD requests	Revie segregatio PERSO RECORD
10	125	84	23	18	96.38	95.00	0.98	0.40	24.10	20.50	3.00	0.6
11	31.25	84.00	11.50	18.00	24.10	95.00	0.49	0.40	8.03	20.50	3.00	0.6
12	1		1		0.23		0.23					
13	18			18	0.40			0.40	0.60			
14	22		22		0.75		0.75		3.00		3.00	
15	84	84			95.00	95.00			20.50	20.50		
16												
17												
18												

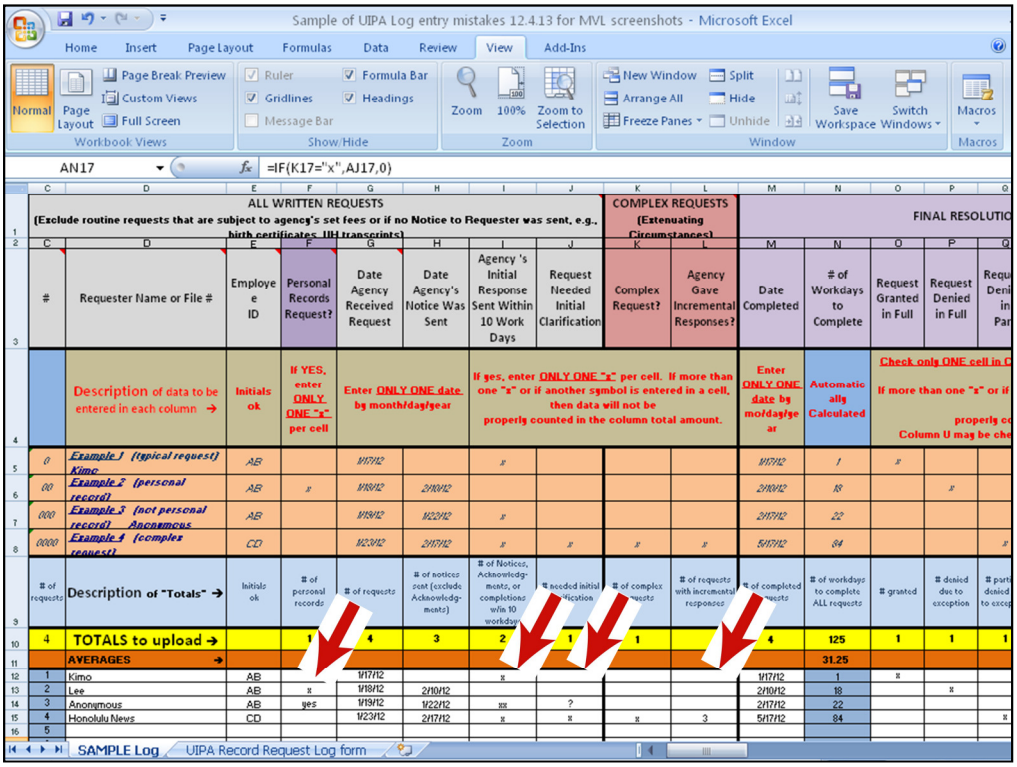
SAMPLE Log | UIPA Record Request Log form

All of the data required for Part 4 will be automatically populated by the Log. This part of the Log is broken into "Days to Complete Requests" and "Search, Review & Segregation Hours Incurred." As in the other parts, the yellow highlighted "Totals" in row 10 will add up the figures in each column, while the orange "Averages" in row 11 will calculate the agency's **averages** based on the number of entries in the white rows of each column, beginning on row 12.

In the section for "Days to Complete Requests," the Log will take the data from Column N to calculate the number of workdays (but including holidays) that the agency takes to complete all, complex, noncomplex, and personal record requests, as shown in Columns AP through AS. This is the data that the public is particularly interested in, because it tells them how long they have to wait for the agency to either provide the requested records or tell requesters why the agency is denying requests.

In the section for "Search, Review & Segregation Hours Incurred," the Log will take data from Columns V and W to calculate the number of hours that it takes for the agency to search for, review and segregate records, whether or not the case is completed or the time is chargeable . Columns AT through BA contain data that the agency can use to better manage its personnel and resources.

OIP is interested in all of the data collected by this Log to help us measure compliance with the UIPA and to possibly review or develop administrative rules.



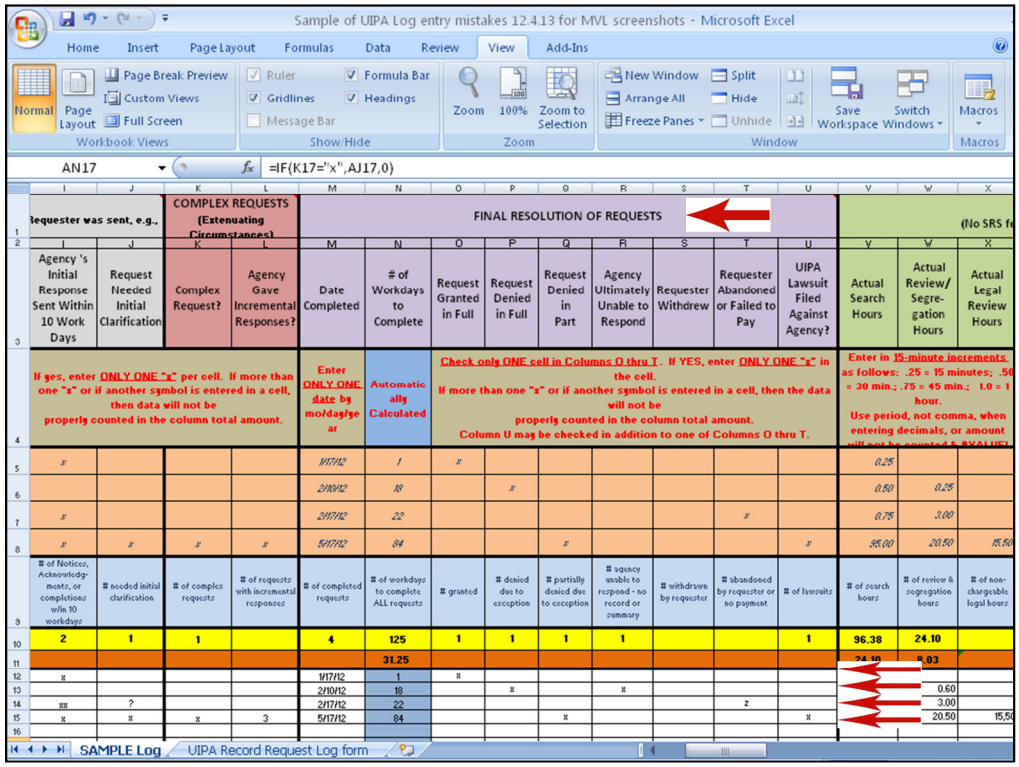
Now that you understand how to properly enter data for the Log, let's go over the mistakes that were made in the white data entry rows of the Sample Log and you can circle them on your own copy.

In the first section for "All Written Requests," we see in the second request by "Lee" **was correctly entered with only ONE "x", but the "Anonymous" request below it was entered incorrectly for two reasons: (1) "yes" was entered instead of a single "x" and (2) personal record requests cannot be made anonymously.** Based on these entries, the "Total" in yellow highlighted cell F10 counts only one, not two, personal record requests. Remember that the hints in Row 4 tell you to enter only one "x" per cell, because more than one "x" or any other symbol will not be correctly recognized.

Moving over to the right in **Column I, we see that two "xx" was entered incorrectly** for the Anonymous request. Because of this, only the single "x" entries for Kimo and the Honolulu News were counted in the total of "2" in yellow highlighted cell I10, and the Anonymous incorrect entry was not included as being a request in which a response was sent within ten work days.

The same problem occurs in **Column J, where a question mark was incorrectly entered** in the cell for the Anonymous request. Because the Anonymous entry was not a single "x", the total in cell J10 only counted the single "x" that was correctly entered for the Honolulu News' request to indicate that it needed initial clarification.

Finally, in the Complex Requests section in **Column L, the number "3" was incorrectly entered** for the Honolulu News request instead of one "x" so this request was not counted in the total cell above it (cell L10) as being a request requiring incremental responses.

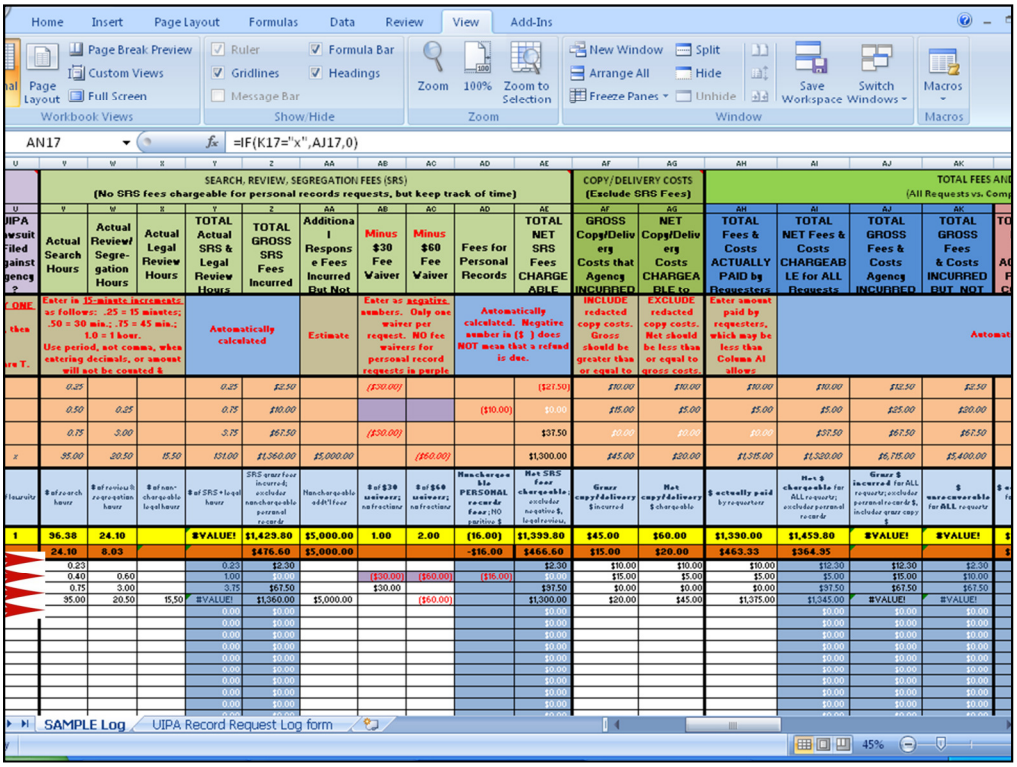


Next, let's look at the mistakes in entering data in the white rows of the "Final Resolution of Requests" section. In this section, Column N is highlighted in blue because the number of workdays to complete the request is automatically calculated by the Log, so no data is entered there by the agency.

The agency, however, erroneously entered data for the second request by Lee (row 13) because an **"x" was entered in both Columns P and R, when only ONE of the columns O through T should be checked** to show how a request was ultimately resolved. **Column P** should be checked if the agency denied the request in full because it claimed an exception to disclosure. **Column R** should be checked if the agency was **<u>ultimately</u> unable to respond** because either (1) it does not maintain the requested record, or (2) the request requires the creation of a summary or compilation of information that is not readily retrievable. On the other hand, if the agency was **<u>initially</u> unable to respond** and later obtained the clarification that it needed to complete the request, then it should have checked **Column J** instead, not Column R. Or if the agency was **initially unable to respond and did <u>not</u> receive the clarification that it had sought from the requester,** then the request could be deemed **abandoned** and **Column T** should be marked with a single "x", not Column R.

Note that the fourth request, by Honolulu News, was properly entered because it marked only Column Q to show how the request was resolved, and could also check off Column U to indicate that a UIPA lawsuit was filed against the agency by the requester.

The third request by Anonymous) **incorrectly entered a "z" instead of one "x"** in Column T and thus, was not counted in the "Total" in yellow highlighted cell T10.



In Part 3 relating to fees and costs, 11 Columns -- Y, Z, AD, AE, and AI through AO – are highlighted in blue because they are automatically populated by the Log. And cells in Columns AB and AC will be highlighted in purple for personal record requests, to remind you to NOT enter fee waivers for them.

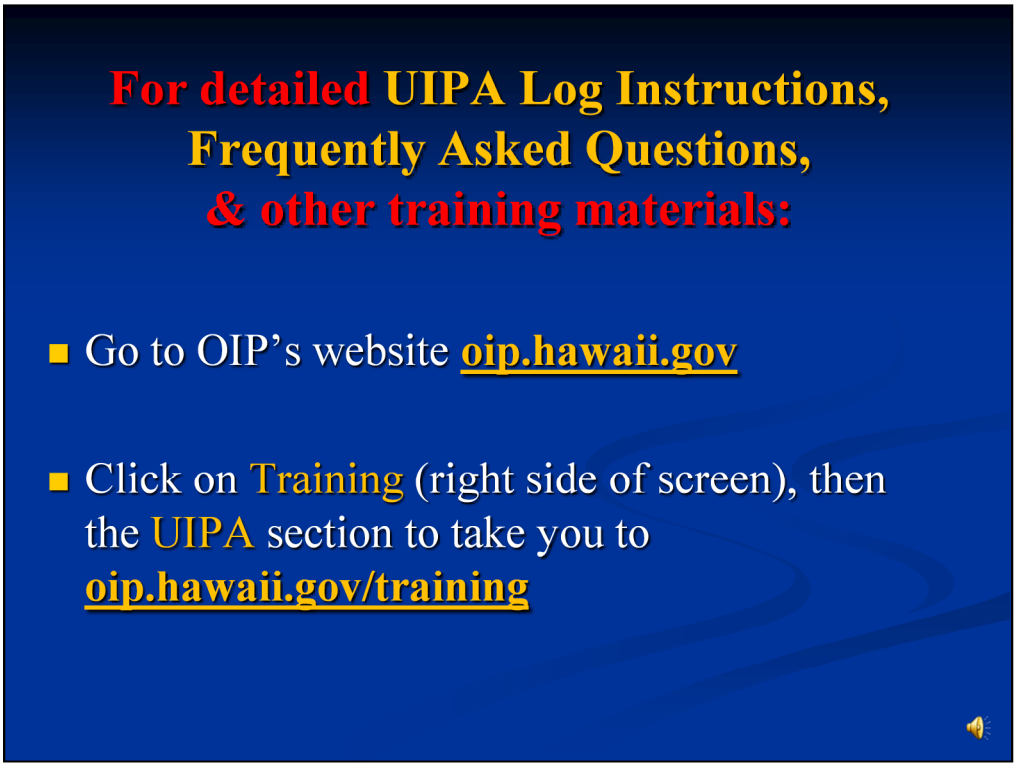
So what are the incorrect data entries in the white rows of the Sample Log beginning at row 12? Let's start with Columns V through X, where the instructions in row 4 remind you to "Enter in 15-minute increments," such as .25, .50, or .75. Obviously then, search hours were incorrectly entered in the white rows of **Column V as .23 and .40.** Similarly, in Column W, there is an **incorrect entry for .60.** And in Column X, the one entry was **incorrectly entered as 15 comma 5. Because the decimal was incorrectly entered with a comma, instead of a period, in Column X, the error message #VALUE! appears in Columns Y, AJ, AK, AN, and AO.**

Now, let's look at the instructions on row 4 for fee waivers in Columns AB and AC, where we are reminded to enter data as negative numbers, that there should be no more than one waiver per request, and that no fee waivers for personal record requests should be entered in the purple highlighted cells. Obviously, therefore, the two fee waivers seen in the purple highlighted cells in row 13 are wrong. Additionally, in Column AB, we see that a fee waiver has been incorrectly entered for the "Anonymous" request in the third line in black as a positive $30. **All fee waivers should be entered with a minus sign in front of the number, and will appear on the Log in red in parentheses to indicate that they are negative numbers.**

Moving over to **Columns AF and AG,** we see in the instructions in row 4 that net copying and delivery costs should be less than or equal to gross costs. The fourth request by the Honolulu News **incorrectly allows net chargeable costs of $45, which is more than the gross costs of $20** for copying and delivery. These numbers have been obviously transposed because the NET costs that are chargeable should always be less than or equal to the GROSS costs incurred.

Finally, in **Column AH, we see that the Honolulu News actually paid $1,375, which is $30 more than the allowable charge of $1,345.** This is another obvious mistake because, as the instructions in row 4 state, the agency cannot charge the requester more than the allowable charges calculated in Column AJ.

As you see by comparing the sample entries with the Examples above, the data was entered incorrectly, which is why the fees and costs calculations provide incorrect information. REMEMBER, THE INFORMATION PRODUCED BY THE LOG WILL ONLY BE AS GOOD AS THE DATA THAT IS PROPERLY ENTERED BY THE AGENCY.



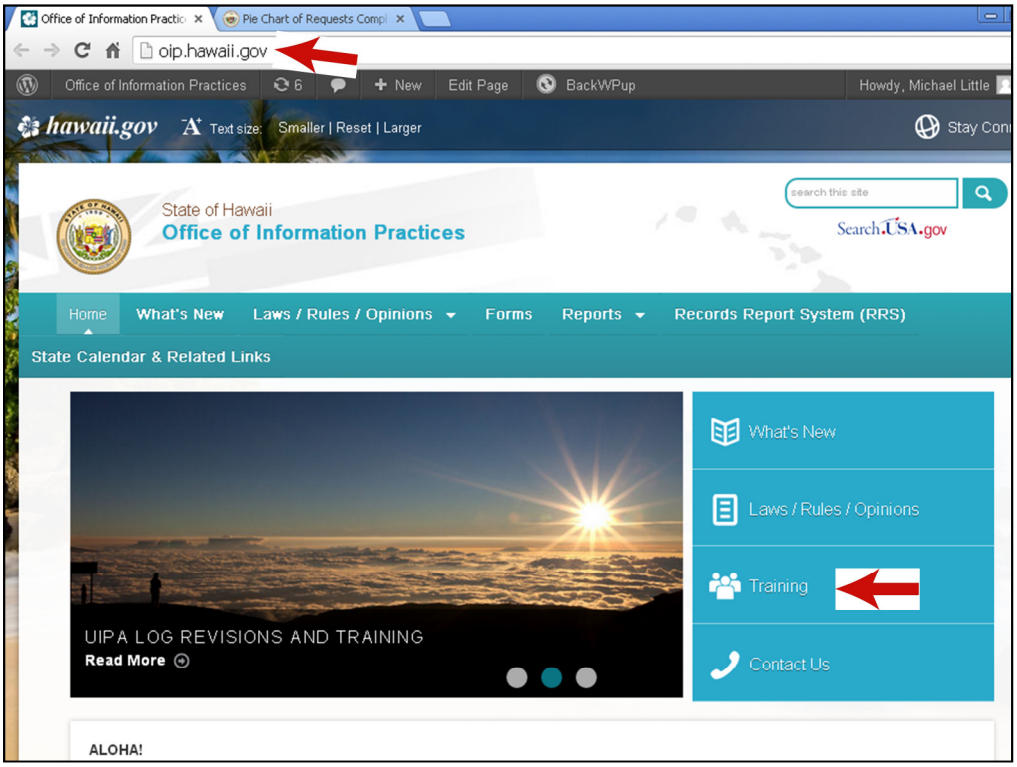
Now that you've been trained to fill out the Log, where do you go for help when you're actually doing it? Remember that you have some instructions in the Log's headings, as well as pop-up instructions. This power point presentation, with a complete transcript on the "Notes Pages," will also be posted onto OIP's website at:

oip.hawaii.gov/training

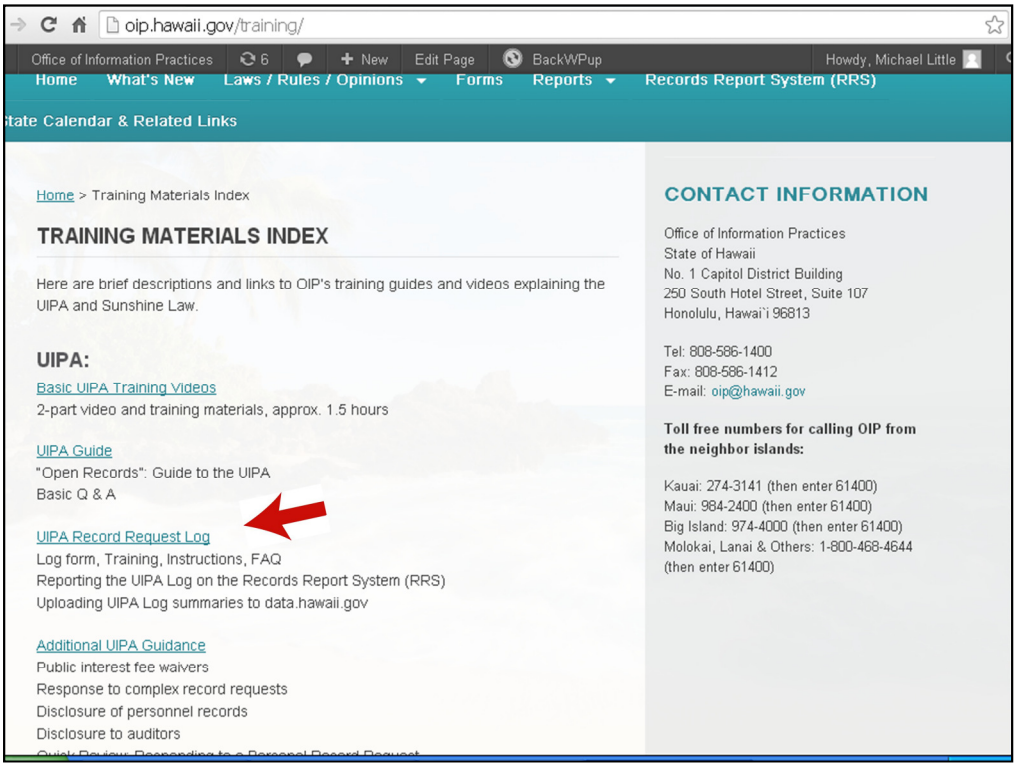
Also, on OIP's website, the following help is available:

1) The full set of UIPA Log instructions;
2) Frequently Asked Questions about the Log;
3) The UIPA training guide; and
4) The UIPA Power Point video and training materials, including the sample Log.

To get to OIP's website, simply go to **oip.hawaii.gov**. Click on the **Training** link on the right side, and look under the **UIPA** section for the **UIPA Record Request Log** training.



Here's the **OIP home page**, with the **Training** link on the right side.



And here's the **UIPA training page**.

For UIPA Coordinators who have editing or publishing privileges, OIP has a separate short training session on how to upload data sets onto data.hawaii.gov. The training is available on OIP's website.

In addition to OIP's website at oip.hawaii.gov, you can get help from OIP's staff attorneys or Michael Little by calling (808) 586-1400 or emailing **oip@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 revised UIPA Record Request Log. Thank you for attending this training session and for your work in ensuring the public's right to open records and government transparency.