

INSTRUCTIONS TO COMPLETE UIPA RECORD REQUEST LOG (June 2016)

HOW HAS THE LOG BEEN REVISED?

Since June 2015, the UIPA Record Request Log has been revised as follows:

1. **Routine requests have been clarified** to be requests that are automatically granted or denied without supervisory review, and now include routine interagency requests between government agencies. See page 3, “What Record Requests are Covered by the Log?” Agencies must report their estimated number of routine requests on the new “Checklist to Accompany Completed UIPA Record Request Log,” which is described in the next section regarding the change in procedures.
2. **Column D: Add an asterisk * before the name** of a requester who is acting on behalf of a for-profit or non-profit organization, business, law firm, insurance company, newspaper/TV/radio station, or other commercial entity. **For personal record requests, use the Requester’s initials or file number, and not full name, in Column D.** Do not use any other special characters.
3. **Column U:** Clarified to require one “x” to be entered if a lawsuit is filed **by or against** the agency concerning the record request.
4. **Columns AB and AC: The \$30 fee waivers are now automatically calculated** and need not be entered by the agency in Column AB. **If the agency grants the \$60 public interest fee waiver, then the agency must enter one “x” in Column AC.** The fee waivers will count towards the total number automatically calculated in cells AB 10 and AC 10 only if SRS hours have been entered.
5. **Column AI:** The formula in cell AI10 for total net fees and costs chargeable for all requests now includes personal record costs (not fees – fees cannot be charged for personal record requests). **This change does not affect how agencies enter data.**
6. Although some of the headings, descriptions, and instructions have been moved around or revised, **the columns remain mostly in the same order and collect the same data.** There are some new columns, but agencies are not required to input data in them.

Beginning in FY 2017, the revised Log form can be found on OIP’s website at <http://oip.hawaii.gov/laws-rules-opinions/uipa/uipa-record-request-log/>. **Please do not use the prior years’ Log forms, as some formulas and instructions have been changed.** Remember, too, that the Log still contains **two Excel worksheets:** (1) the revised **Sample Log** for agency practice and training, which includes the highlighted Examples showing how to properly enter data and includes improperly entered data in the white rows – **DO NOT USE the Sample Log to enter your agency’s data as it has been shortened and does not include all columns;** and (2) the revised **UIPA Record**

Request Log form for the agencies to use, which does not include any Examples. Please be sure to use the proper form to begin entering your agency's data.

Also, as will be described in the following section, there is a new **Checklist that must be submitted with each agency's completed Log**.

WHAT PROCEDURES HAVE CHANGED?

Effective July 1, 2016, **agencies no longer have to post their Log summaries to the Master UIPA Record Request Log on data.hawaii.gov** because OIP will do this for them. But agencies, through their UIPA Coordinator, must provide OIP with an electronic copy of their completed Logs (not PDF) after checking them for data entry errors, using a new OIP Checklist form. The Checklist will help the agencies spot and correct data entry errors and must be submitted with each agency's completed Log on a semiannual and annual basis.

Please use the correct Checklist. The Checklist for FY 2016 must accompany the agency's completed year-end Log for FY 2016. Because the Log form has been revised for FY 2017, a different Checklist for FY 2017 and later years must be used to accompany the completed Logs. The Checklist form is posted as part of the UIPA Log materials on the [Training](#) and [Forms](#) pages of OIP's website at oip.hawaii.gov.

Because OIP will now do the uploading onto data.hawaii.gov, agencies will no longer require passwords to access the Master Log. Remember, starting July 1, 2016, agencies should provide OIP, through their UIPA Coordinators, with an electronic copy of their completed Logs and the new Checklist form.

WHEN DOES THE LOG TAKE EFFECT?

All State Executive Branch departments, all Counties, the Legislative branch, the Judiciary, the University of Hawaii, the Office of Hawaiian Affairs, and independent agencies such as OMPO, state Ombudsman, state Auditor, State Ethics Commission, and Legislative Reference Bureau, have been using the Log since FY 2016, and must continue to do so. The revised Log form is effective for FY 2017, beginning on July 1, 2016.

DOES THE AGENCY HAVE TO FILL OUT THE ENTIRE LOG?

No. Although the Log looks long and intimidating, it is also very colorful – agencies do not enter data in the colored areas. Of the 70 columns, it may require as little as 11 entries for a simple request to be logged, and no data is entered by the agency after Column AH.

The Log consists of only **four main parts: (1) identification** of requests; **(2) resolution** of requests; **(3) fees and costs** to respond to requests; and **(4) time to respond** to record requests. Most of the columns are either automatically entered for you or may not need to be filled out, which is why they have been highlighted in various colors.

Based on the agency's data entries, the Log will automatically calculate how much an agency can charge for a record request and provide other information to help the agency, OIP, and the public better understand how well the agency is meeting its UIPA responsibilities and where improvements, if necessary, could be made. The main thing for an agency to remember, however, is that the **Log's calculations are only as good as the data the agency properly inputs.**

While the Log form that you can see on your computer is very long, the Sample Log has been considerably shortened and shows only the columns that the agency must complete, along with three subsequent columns through AK that include the cost and fee calculations the agency will need to know when responding to a requester. Accordingly, in the FY17 Log Instructions are also significantly shorter, as they do not describe the statistical data that OIP is collecting in the later columns AL through BH. All columns, however, remain visible on your computer for the Log form that the agency will use and must submit to OIP semiannually. **Please do not eliminate any of the columns from the Log form that will be submitted to OIP.**

WHAT RECORD REQUESTS ARE COVERED BY THE LOG?

The Log applies only to formal **written** (not oral) **requests** purportedly made under Hawaii's Uniform Information Practices Act (UIPA), **in which the agency sent out the "Notice to Requester."** The "Notice to Requester" is most typically sent using OIP's form, or as a letter or e-mail response to the record request. Requests for government records under Part II of the UIPA and for personal records under Part III of the UIPA should be logged. (See instructions for search, review, and segregation fees for a description of "personal records.") Requests may be for records in physical forms other than paper, such as e-mails, electronic documents, videos, and audio tape recordings. The Log **does not apply to subpoenas or discovery of records in court cases.**

Although most record requests are generally subject to the UIPA, **agencies need not track routine requests on the Log. Routine requests are oral or written requests that are automatically granted or denied without the need for supervisory approval**, such as agency forms and brochures, school transcripts, birth or marriage certificates, and police accident or theft reports. **Also, requests between government agencies might be considered routine** if, for example, they are typically granted as part of a process or requirement for a contract, grant, appropriation, or statute. **But, if a request by a government agency is an infrequent or unusual one**, such as a legislative request for information from a state or county agency, **then it is not "routine" and should be reported on the Log.**

Routine requests should not be logged, as they could skew the Log data because of their substantial numbers in comparison to formal UIPA record requests. Nevertheless, it is important for agencies to provide a reasonably accurate estimate of the number of routine requests that they handle in order to give a complete picture of the services and accountability that they render to the public. For example, in FY 2015, the Honolulu Police Department (HPD) logged only 42 of the City and County of Honolulu's 1,026 formal UIPA requests for which notices were sent to requesters. The HPD's formal requests may include written requests for police disciplinary records, criminal or abuse investigation reports, or video recordings, which often involve pending

cases or confidential information, may require redaction, or must be reviewed by a supervisor before disclosure. Although only 42 formal record requests logged, the HPD also handled an estimated 30,000 routine requests that were granted or denied by clerks, without supervisory review, such as requests for accident and theft reports. Knowing the number of estimated routine requests gives a more complete picture of what HPD's Records Division does, without overwhelming and skewing the County's overall results for all departments.

Most agencies have their own methods of tracking or estimating routine requests, which can be through their accounting systems as they collect fees or costs for records such as birth and death certificates, or can be as simple as a dedicated notepad used by the agency to keep track of the number of brochures handed out to the public. Providing OIP with the estimated number of routine requests is important because the compiled total can give the public a better understanding of the services they pay for with their tax dollars. Rather than thinking that all state agencies received only 2,188 record requests as reported on their Logs for all of FY 2015, the public probably would have a different impression of how government is providing information and accountability when they realize that there were over 87,000 routine requests for records that were also made that year, a figure which OIP suspects is still underreported.

If agencies still have questions about what must be logged, please call OIP at 586-1400 for assistance.

WHAT "AGENCY" MUST USE THIS LOG?

An "agency" that must use the Log is based on the UIPA definition of "any unit of government" at the state or county level, such as a department, institution, board, commission, division, program, council, bureau, office, etc. Although the Judiciary is participating with respect to its administrative functions, the Log is not applicable to the nonadministrative functions of the courts.

CAN THE LOG BE ALTERED?

The Log form is locked, so an agency that wants to alter it must call OIP to receive an unlocked version.

If agencies want to collect additional data or modify the Log in any way, please do so by altering only Columns C or E. **If Column D is modified, please be sure to still add an asterisk when a requester is acting on behalf of a business or organization. Do not alter anything from Column F on,** as you will risk adversely affecting the Log's formulas and drop-down menus, and the data uploaded to data.hawaii.gov may not align with the Master Log and may produce incorrect results. **Please do not delete any columns from the Log that your agency will submit to OIP, as they contain calculations and data that OIP needs.**

HOW AND WHEN WILL THIS LOG BE REPORTED?

For purposes of this answer, “**parent organization**” will refer to the State Executive Branch Department, County, Judiciary, House Clerk, Senate Clerk, UH, OHA, and independent agencies such as OMPO, state Ombudsman, state Auditor, State Ethics Commission, and Legislative Reference Bureau.

Twice a year, the agency should make an electronic copy of its Log and forward it to its UIPA Coordinator, along with a completed Checklist. The UIPA Coordinator will then provide the completed Logs and Checklists to OIP. OIP will upload the totals onto the UIPA Master Record Request Log at data.hawaii.gov.

The agencies’ Logs and Checklists are due to OIP: (1) **by January 31**, to cover requests received during the semi-annual period from July 1 through December 31, and (2) **by July 31**, to cover requests received during the entire prior fiscal year from July 1 through June 30.

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 will be using two Logs when one fiscal year ends and the other begins.

Please be sure that the Log submitted by the agency to OIP without information protected from disclosure, in the event that is publicly disclosed. *See, e.g.*, instructions below regarding the Requesters’ names in Column D.

If you have any questions about the Log, please check OIP’s training page at oip.hawaii.gov, call OIP at (808) 586-1400, or e-mail oip@hawaii.gov.

HOW CAN I PRINT OUT A COPY OF THE LOG?

Given the length of the Log, agencies may want to print a paper copy of it in sections or parts on more than one sheet of paper as follows. Note that OIP’s training page already has preformatted versions of the Sample Log that can be printed on either 11-inch or 14-inch long paper, preferably in color.

1. Left click and highlight the columns and rows that you want to print on a page.
2. Left click on “Page Layout” on your ribbon.
3. Look for “Page Setup” and click on the button on the right, which will open up four tabs: Page, Margins, Header/Footer, Sheet.
4. In the “Page” tab, under “Orientation,” select “Landscape.” Under “Scaling,” select “Fit to: 1 page wide by 1 page tall.” Under “Page Size,” select the size of the paper that you want to use. Then click on the “Print Preview” button at the bottom to see how the printed page will look.

5. Print the page. If you want to print additional sections/parts of the Log, then go back to Step 1.

WHAT DO EACH OF THE DIFFERENT SECTIONS AND COLUMNS MEAN AND HOW SHOULD THE LOG BE FILLED OUT?

The Log consists of **four main parts: (1) identification** of requests; **(2) resolution** of requests; **(3) fees and costs** to respond to requests; and **(4) time to respond** to record requests. Most of the Log's columns are either automatically entered for you (which is why they are highlighted) or they may be left blank. The agency may need to enter data in as few as 11 columns, but it is **very important to enter the data properly**. Do not enter any data in any highlighted columns or after Column AH, as the remaining columns of data are automatically generated.

PART 1: IDENTIFICATION OF REQUESTS

DEPARTMENT/AGENCY: It is important for the first person starting the agency's Log to follow the naming protocol identifying "state or county/department/agency name" in this section so that data can later be properly sorted, filtered, searched, and found on data.hawaii.gov. **Once Columns A and B have been entered to identify which department and agency the Log belongs to, no further entries in these columns are required.**

Column A, Department: Please select your specific department from the drop-down list, which can be accessed by clicking on the arrow that will appear in the bottom right corner of the "Department" cell A3. The department will be automatically entered in the "Department" cell A3 and in the row with the yellow highlighted totals. The remaining rows in this column are highlighted in blue because no further entry is required.

Column B, Agency: After entering the department, please select your specific agency from the drop-down list, which can be accessed by clicking on the arrow that will appear in the bottom right corner of the "Agency" cell B3. (If the agency drop-down menu does not appear, it is because the department was not entered in cell A3.) The agency name will be automatically entered in the "Agency" cell B3 and in the row with the yellow highlighted totals. The remaining rows in this column are highlighted in blue because no further entry is required. If your agency is not on the drop-down list, please contact OIP at 586-1400 or e-mail oip@hawaii.gov.

ALL WRITTEN REQUESTS: For all **written** record requests, the agency should input the data into this section to help identify and track the requests. **Agencies should not include routine requests on the Log that they submit to OIP. Routine requests are written or oral requests that are automatically granted or denied without the need for supervisory approval**, such as agency forms and brochures, school transcripts, birth or marriage certificates, and police reports. Instead, the agency must separately keep track of the total number of routine requests it receives. When the department's completed UIPA Log is submitted to OIP, then **agencies should report on the Checklist accompanying the Log the estimated number of routine requests received by the agency for that period.**

This section of the Log helps to identify each record request, distinguish between personal record requests and complex requests, and provide dates when requests were received and the agency initially responded to them.

Column C, Numbers: These sequential numbers identify the number of record requests received by an agency (and are not the row numbers in Excel). If your agency has more than 1,000 record requests in a fiscal year, please contact OIP for help in adding new rows to your Log.

As record requester's names are added in Column D, they will be totaled in the yellow highlighted cell C10 above the Column C entries, and this total should match the total number of requests that will be calculated and highlighted in yellow in Column G cell G10. Note, however, that whenever you add or delete a row from the Log, the record request numbers in Column C will not adjust, so the total number calculated in cell C10 may not match the Column C number of the last record request.

Column D, Requester Name or File Number: Enter the Requester's name (if requested, "Anonymous"), initials, or file number to help the agency identify the specific record request, in case questions arise later. A business, or a nonprofit organization is not entered as the Requester for a personal record request. A Requester can remain anonymous when making a government record request, but not when making a personal record request as it is necessary to determine the Requester's right to the personal records being sought.

Beginning in FY 17, **please enter an asterisk * before the name or file number if it can be determined that a requester is acting on behalf of a for-profit or non-profit organization, business, law firm, insurance company, newspaper/TV/radio station, or other commercial entity.** This information is optional, and not required by law, but will help OIP to more accurately complete the Table 10 Supplement to its annual report of the Log's results, which shows the amounts over \$50 that are paid by requesters. The total in yellow highlighted "Totals" cell D10 counts only the number of requesters who were identified with asterisks.

Note that OIP will not upload the requesters' names onto the Master Log on data.hawaii.gov, but the Log itself may be publically disclosed by OIP or the agency upon request. If the agency receives a request for disclosure of the Log itself, the Requester's name is generally not considered protected information and should not be redacted, except possibly for the names of individuals requesting their personal records. See [OIP Op. Ltr. No. 90-37](#), or contact OIP for guidance regarding redactions. **To avoid having to redact the Log later, OIP recommends using the Requester's initials or file number for a personal record request.**

Column E, Employee ID: This column is for the name, initials, or employee number of the agency employee who is responsible for resolving the record request, and will be redacted before OIP uploads the Log totals onto data.hawaii.gov.

Column F, Personal Records Request?: Enter only one "x" per cell **if the request was, in whole or in part, a personal record request seeking the requester's own personal information** that is readily accessible in a file or location with the requester's

name or identifying information. Improperly entering more than one “x” or another letter, number, word, or symbol in the cell will result in the entry not being counted in the column total. The “total” cell highlighted in yellow (cell F10) will count the number of personal record requests received by the agency. It is very important to properly identify and enter a personal record request because different calculations depend on Column F’s data to determine the allowable charges for a request.

A “personal record” is a government record containing information “**about**” the **individual (not a business or nonprofit organization)** who is requesting the record, such as the person’s educational, financial, personnel, or medical records, or files or reports that reference the person by name. **For Column D, OIP recommends using the individual’s initials or file number when personal record requests are made.** Because the agency must be able to verify a person’s right to see personal records, a **personal record request cannot be made anonymously.**

Keep in mind that **NOT every request for records about a person would be considered a personal record request** under Part **III** of the UIPA. For example, it is NOT a personal record 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, *e.g.*, a request for “any of the records in the agency’s possession naming me, John Doe.” Also, a request for an unrelated person’s personal records is NOT a personal record request, *e.g.*, an unrelated third party’s request for President Obama’s birth certificate. Instead, these are examples of government record requests subject to Part **II** of the UIPA, which have different rights and liabilities than Part **III** personal record requests.

Note, too, that a request may be a government record request in part as well as a personal record request as to other portions of it, so that both Parts II and III of the UIPA are implicated. For more information regarding Part III personal record requests and how they differ from Part II government record requests, please review the UIPA Guide and additional guidance for responding to personal record requests on OIP’s [training page at hawaii.gov/oip](http://hawaii.gov/oip).

Column G, Date Agency Received Request: Enter the month, day, and year (*e.g.*, as 7/10/16) that the agency received a written, faxed, or electronic (e-mailed) request for a record. These dates will help the agency to keep track of a request. Although entered by the agency as dates, the yellow highlighted “Totals” cell G10 above the agency’s data entries will count the number of record requests received by the agency, which should match with the total number in Column C (cell C10). Be sure to enter only one date per request, so that it will be counted in the “Totals” cell G10.

Column H, Date Agency’s Notice Was Sent: Enter the month, day, and year (*e.g.*, as 10/1/16) that the agency sent its **Notice** to the requester. Be sure to enter only one date per request, so that it will be counted in the yellow highlighted “Totals” cell H10.

The [Notice](#) must normally be sent within 10 work days of receiving the request. (If agency does not have a Notice form, a model form is available in appendix of [OIP’s Open Records Guide to Hawaii’s Uniform Information Practices Act](#) or on “Forms” page of OIP’s website at oip.hawaii.gov.)

If this is a complex request with extenuating circumstances, then the agency may instead send, within 10 work days of receiving the request, an [Acknowledgment to Requester](#). **The agency must still send a Notice to Requester within 20 days of receiving the complex request. In Column H, enter the date that the agency sent its Notice, not the Acknowledgment.**

The “total” cell highlighted in yellow (cell H10) above the agency’s data entries will count the number of notices (and not acknowledgments) sent to requesters, and will be reported on data.hawaii.gov.

Column I, Agency’s Initial Response Sent Within 10 Work Days: Enter only one “x” if the agency sent a Notice to Requester (Column H), the Acknowledgment (for complex cases as identified in Column K), or completed the case within 10 work days (excluding weekends and holidays) after receiving the request. Improperly entering more than one “x” or another letter, number, word, or symbol in the cell will result in the entry not being counted in the column total.

Do not count the day that the request was received, but count the day that the response was sent in determining whether Column I should be marked with an “x”.

For many typical requests, an agency may complete the case by sending the requested record within 10 days and without sending a Notice or Acknowledgment to the requester. Column N calculates the number of workdays to complete a request, but adds one more day than Column I because Column N includes the day that the request was received. Therefore, **if Column N shows that the case was completed in 11 days or less, then Column I can also be marked with an “x.”**

A case, especially a complex request, may take longer than 11 days to complete, but Column I should still be marked with an “x” if the Notice or Acknowledgment was sent within 10 days after receiving the request.

Column J, Request Needed Initial Clarification: Enter only one “x” if the agency sought **initial** clarification from the requester regarding the request. Improperly entering more than one “x” or another letter, number, word, or symbol in the cell will result in the entry not being counted in the column total. **Note that even if the request needs clarification before the agency can respond, the UIPA Notice to Requester should still be sent to the requester within ten work days** (excluding weekends and holidays, and excluding complex cases) of receiving the request. The Notice to Requester form has a box to check when the “Agency needs a further description or clarification of the records requested” and also has a space for the agency to describe the information that it needs from the requester. If the requester fails to clarify the request within 20 work days of the agency’s Notice, then the request may be deemed abandoned (see Column T).

COMPLEX REQUESTS (EXTENUATING CIRCUMSTANCES): This section helps the agency to keep track of the number and status of particularly large or complex record requests. For the procedural requirements in handling such requests, please review “[OIP’s Informal Guide to Processing Large or Complex Record Requests](#)” and “[QUICK REVIEW: Requester has Responsibilities and Requirements Before an Agency Must Provide Records,](#)” which can be found on OIP’s training page at oip.hawaii.gov.

Due to extenuating circumstances or voluminous requests that prevent an agency from responding within the normal ten-day time limit to respond to a UIPA request, an agency may initially send an Acknowledgment instead of a Notice. A model Acknowledgment form is available in appendix of [OIP's Open Records Guide to Hawaii's Uniform Information Practices Act](#) or on the "Forms" page of OIP's website at oip.hawaii.gov. **Either the Notice or an Acknowledgment must be sent within ten business days of receiving the request.** If the agency initially sends an Acknowledgment, it will have an additional ten business days to send its Notice. (See Example 4.) **Keep in mind that the Acknowledgment does not replace the Notice; even though more time is allowed in complex cases, a Notice must be sent within 20 work days of receiving the complex request.**

Column K, Complex Request?: If this is a **complex record request** involving extenuating circumstances or voluminous records, please enter one "x" in Column K. Improperly entering more than one "x" or another letter, number, word, or symbol in the cell will result in the entry not being counted in the column total.

It is very important for the agency to properly identify complex record requests, so that the Log can distinguish them from the more typical record requests and perform the correct calculations.

The "total" cell highlighted in yellow (cell K10) provides the total number of complex requests received by the agency.

Column L, Dates of Agency's Incremental Responses: If this is a **complex record request in which incremental responses** were sent to the requester, please enter one "x" in Column K. Improperly entering more than one "x" or another letter in the cell will result in the entry not being counted in the column total.

The "total" cell highlighted in yellow (cell L10) provides the total number of complex requests in which the agency sent out incremental responses. As cell L9 helps to explain, cell L10's total is not for the total number of incremental responses, but for the number of requests with incremental responses.

PART 2: RESOLUTION OF REQUESTS

FINAL RESOLUTION OF REQUESTS: This section collects information on when and how requests are ultimately resolved. All of the totals in this section will be reported on data.hawaii.gov. **There should be only one response in Columns O through T to explain how a request was finally resolved by the agency.** In addition to these columns, Column U may be marked with an "x" if the agency learns that a lawsuit has been filed concerning a request.

Column M, Date Completed: Enter the month, day, and year (as xx/xx/xx) that the agency provided or made the records available, or provided its final response to a requester, whichever comes first. **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 completion date (which may or may not coincide with the Notice date) is the date the records were mailed, e-mailed, or available for the requester to pick up at the agency, 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 informs the requester that the records are available to be picked up and copies have already been made or will be provided when the requester shows up, then the Notice date is the completion date. 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 date the records were mailed or e-mailed would be the completion date. If the agency informed the requester that the records would be available for pickup or review as of a certain date (subsequent to the Notice date), then the specified 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.

Although dates are being entered into Column M, the "total" number highlighted in yellow in cell M10 summarizes the number of requests completed by the agency.

Column N, Number of Workdays to Complete: This number is **automatically calculated** based on the number of workdays (excluding Saturday and Sunday, but including holidays) that it takes for the agency to fulfill each request, based on the agency's entries in Column G (date agency received request) and in Column M (date completed). There should be NO zeroes or negative numbers shown in Column N.

Based on the number of workdays that it took the agency to fulfill each request in Column N, the number highlighted in yellow in cell N10 then calculates the total number of days that the agency takes to complete all record requests. When the cell N10 number is divided by the number of completed requests in cell M10, then you should get the agency's "Average" number of days to complete each request, as shown in the orange row below (cell N11).

Columns O through T record how each request was ultimately resolved by the agency. For each request, only one of the cells in Columns O through T should be marked with an "x" to indicate how the request was ultimately resolved by the agency. If the agency becomes aware of a lawsuit being filed regarding a request, then Column U can be marked with an "x" in addition to one of the cells in Columns O through T.

Column O, Request Granted in Full: Enter only one “x” if the request was granted in its entirety by the agency. Improperly entering more than one “x” or another letter, number, word, or symbol in the cell will result in the entry not being counted in the column total.

Column P, Request Denied in Full: Enter only one “x” if the request was denied in its entirety by the agency. Improperly entering more than one “x” or another letter, number, word, or symbol in the cell will result in the entry not being counted in the column total.

Typically, a request will be denied in full if the agency claims a UIPA exception to disclosure or another statutory requirement for confidentiality. The agency should provide in its Notice to Requester a description of the records being withheld and the agency’s justification and applicable statutes under which it claims an exception to disclosure. Keep in mind that the UIPA places on the agency the burden of justifying its denial.

Column Q, Request Granted or Denied in Part: Enter only one “x” if access to all or part of the record was granted or denied by the agency, *e.g.*, if part of the record had to be redacted or withheld. Improperly entering more than one “x” or another letter, number, word, or symbol in the cell will result in the entry not being counted in the column total.

Typically, a request will be granted or denied in part if the agency provides the records, but withholds or redacts parts of it because of a claimed UIPA exception to disclosure or another statute’s confidentiality requirement. The agency should provide in its Notice to Requester a description of the records being withheld and the agency’s justification and applicable statutes under which it claims an exception to disclosure. Keep in mind that the UIPA places the burden on the agency to justify its redactions and nondisclosures.

Column R, Agency Ultimately Unable to Respond: Enter only one “x” if the agency **ultimately** did not provide the requested records because it was unable to respond to the request due to (1) the agency 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. **If an agency is not providing records because it is unable to respond to a request, then do NOT also enter an “x” in Column P or Q showing that the request was denied in whole or in part due to claimed exceptions from disclosure.** (See Example 4.) Also, please do **not** enter an “x” in this cell to indicate that the agency could not **initially** respond to the request and had to seek clarification from the requester – enter an “x” in Column J instead. Finally, if the agency could not initially respond to the request and the requester failed to provide clarification, then the request can be deemed abandoned and Column T should be marked with an “x.”

Column S, Requester Withdrew: Enter only one “x” if the requester voluntarily withdrew the request. Improperly entering more than one “x” or another letter, number, word, or symbol in the cell will result in the entry not being counted in the column total.

Column T, Requester Abandoned/Failed to Pay: Enter only one “x” if the requester has abandoned the request through inaction, failure to provide initial clarification of the request, or failure to pay all required fees and costs. Improperly entering more than one “x” or another letter, number, word, or symbol in the cell will result in the entry not being counted in the column total.

The requester may be presumed to have abandoned the request if the requester does not answer within 20 business days of (1) the agency's notice seeking initial clarification of the request or payment of fees, or (2) the date that the agency made the record available if reasonable notice thereof had been given to the requester. (See Example 3.) The completion date would be the date that the agency's notice was sent.

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 releasing any records in a subsequent request. H.A.R. Sec. 2-71-19(b)(3).

Column U, Lawsuit Filed Against Agency: Enter only one "x" if a lawsuit has been filed by or against the agency concerning the record request. **This column may be marked with an "x" in addition to entering an "x" in one of Columns O through T.** However, improperly entering more than one "x" or another letter, number, word, or symbol in the cell will result in the entry not being counted in Column U's total. (See Example 4.)

PART 3: FEES AND COSTS

SEARCH, REVIEW, AND SEGREGATION (SRS) FEES: This section helps the agency to keep track of its SRS time and will automatically calculate the SRS fees that may be charged for government record requests made under Part II of the UIPA. For those needing to be refreshed as to the UIPA's requirements, an overview of SRS fees is provided below. More comprehensive training videos and guides are available at oip.hawaii.gov/training/.

When an agency has already made a good faith estimate of its SRS fees and will require prepayment of the fees, OIP recommends that the agency receive prepayment before conducting its actual search, review, and segregation work, in order to avoid wasted effort if the requester chooses to narrow or abandon the request.

SEARCH: To locate and determine if the agency "maintains" the requested record in its physical possession, or if the record is with another party but under the agency's administrative control. OIP's administrative rules allow search fees to be charged at **\$2.50 per fifteen minutes or fraction thereof, i.e.,** \$10 per hour. § 2-71-31(a)(1), H.A.R.

REVIEW: To examine a record in order to determine which portions, if any, may be exempt from disclosure. "Review" does not include the time spent by the agency or another person (e.g., attorney) to resolve issues of general law or policy regarding the applicability of exceptions to disclosure. OIP's administrative rules allow review fees to be charged at **\$5.00 per fifteen minutes or fraction thereof, i.e.,** \$20 per hour. § 2-71-31(a)(1), H.A.R.

SEGREGATION: To prepare the record for disclosure by redacting portions exempt from disclosure. Segregation must be done in a way that makes it reasonably apparent that information has been deleted from the record, e.g., black out, not white out, redactions, or use "xxx" in place of social security numbers or telephone numbers. An agency shall not replace information that has been segregated with information or text that did not appear in the original record. OIP's administrative rules allow segregation fees to be charged at **\$5.00 per fifteen minutes or fraction thereof, i.e.,** \$20 per hour. § 2-71-31(a)(1), H.A.R.

PERSONAL RECORDS: OIP's administrative rules currently do not permit agencies to charge SRS fees for responding to requests for personal records made under Part III of the UIPA. See instructions under Columns F and AD for definitions of personal record requests. **Copying and delivery costs, however, may be charged for personal record requests**, as authorized by HRS § 92-21. Copying and delivery costs are **not subject to the fee waivers for SRS fees**.

Even if a record is a personal record for which SRS fees may not be charged, the agency may still have to review that record and segregate information that is subject to a UIPA exemption. Therefore, **please log all search, review, and segregation time spent to fulfill personal record requests**, so that this data will be available when OIP considers changes to its administrative rules or in case the agency needs the data to support its personnel and budget requests. If the request was properly marked as being a personal record request in Column F, the Log will automatically subtract the SRS fees (see Column AD) from the amount that the agency may charge the requester (see Column AE). The Log will also automatically highlight in purple the corresponding cells in Columns AB and AC to remind the agency to not grant a fee waiver for personal record requests. See Example 2.

Because OIP's rules allow fees based on 15-minute intervals or any fraction thereof, please **enter all times in these columns in 15-minute intervals: .25** (for 15 minutes), **.50** (for 30 minutes), **.75** (for 45 minutes), **1.0** (for one hour, 2.0 for two hours, etc.). **All SRS numbers must end only as .25, .50, .75, or .00**. There should be no data entries ending in .11, .12, .13, .14, .15, .16, .17, .18, .19, .20, .40, .60, .70, etc.

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.

Column V, Actual Search Hours: Enter the actual time, and **not less than .25** (i.e., 15 minutes), spent to search for and copy the requested record, which is typically done by clerical staff. **Enter the time in 15-minute intervals:** “.25” equals 15 minutes; “.50” equals 30 minutes; “.75” equals 45 minutes; “1.0” equals one hour.

Column W, Actual Review/Segregation Hours: Enter the actual time spent to review and/or segregate the requested record, which is typically done by managers, supervisors, attorneys, or professional staff. Do not include attorneys' time for legal research in this column, as it will be separately entered in Column X. **Enter the time in 15-minute intervals:** “.25” equals 15 minutes; “.50” equals 30 minutes; “.75” equals 45 minutes; “1.0” equals one hour.

Column X, Actual Legal Review Hours: Although an agency **cannot charge for attorneys' time to research** possible exemptions from disclosure or to determine the propriety of the agency's response, please separately enter the actual time spent by an attorney for such legal review purposes. **Enter the time in 15-minute intervals:** “.25” equals 15 minutes; “.50” equals 30 minutes; “.75” equals 45 minutes; “1.0” equals one hour.

Column Y, Total Actual SRS and Legal Review Hours: This column is highlighted because the totals are **automatically calculated**, based on the hours entered for SRS times in Columns V, W, and X.

Column Z, Total GROSS SRS Fees Incurred: This column is highlighted because the total gross SRS fees (excluding legal review hours, personal records, and fee waivers) will be **automatically calculated**, based on the hours entered for SRS times in Columns V and W. This is not the amount that may actually be charged by an agency.

The orange “Average” cell Z11 calculates the average gross SRS fees incurred per case, excluding personal records since no SRS fees may be charged for such requests.

Column AA, Additional Response Fees Incurred But Not Chargeable: There may be times when an agency incurs additional fees to respond to a request, but these fees cannot be recovered by the agency under the UIPA and OIP’s rules. For example, the agency may incur, but cannot charge for, special counsel’s legal fees to defend a lawsuit brought by a requester to compel disclosure. For statistical purposes, the agency should estimate and list such unrecoverable fees in this column. (See Example 4.)

Column AB, \$30 Fee Waiver: Agencies should **not** enter any data in Column AB, which is highlighted in blue (or purple for personal records) as the Log will automatically show the \$30 fee waiver when applicable, or \$0.00 when it is not applicable. Under OIP’s administrative rules, the first \$30 in SRS fees (not copying/delivery costs) 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. The \$30 fee waiver will not appear in Column AB if the agency enters any SRS hours and one “x” in Column AC to indicate that the \$60 public interest fee waiver was granted (Example 4). The \$30 fee waiver is not applied when the cell is highlighted in purple, because that means it is a personal record request for which no fees may be charged (Example 2).

Although the waiver is entered by the agency as a negative dollar amount so that fees can be properly calculated in later columns, the Column AB “total” highlighted in yellow (cell AB10) will calculate the total number of \$30 fee waivers granted by the agency. The “total” in cell AB10 should be a positive whole number (no fraction).

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

Enter one “x” in the white cells of Column AC if the public interest fee waiver is granted by the agency. Note that even if you incorrectly enter an “x” in the purple highlighted cells indicating a personal record request for which no fees may be charged, the Log will still total in cell AC 10 only the number of \$60 public interest fee waivers that were properly granted in cases in which SRS fees were incurred. The total in cell AC 10 should be a positive whole number (no fraction).

Column AD, Fees for Personal Records: Automatically calculated. Because individuals may not be charged SRS fees when requesting their accessible personal records under Part III of the UIPA, the amount of SRS incurred fees that was automatically calculated in Column Z will be automatically entered as a negative number in Column AD and will be subtracted from the net SRS fees chargeable in Column AE. **For this calculation to work, the agency must properly identify a personal record request by marking an “x” in Column F. A negative number in Column AD does not mean that the requester is entitled to a refund.**

The Column AD “total” highlighted in yellow (cell AD10) will automatically calculate the total dollar amount of SRS fees for personal record requests that may not be charged by the agency. The total in cell AD10 should be a negative dollar amount.

Column AE, Total NET SRS Fees Chargeable: This column is highlighted because the total net SRS fee (after waivers or personal record amounts) that may be charged by an agency will be **automatically calculated**, based on the hours entered by the agency for SRS times. Note that Column AE is not the final total amount that is properly chargeable, as it does not include costs; see Column AI for total net fees and costs that are properly chargeable. **Note, too, that a negative number in this column does not mean that a refund is due.** If there is a negative amount, it is probably because the SRS fees amounted to less than the \$30 or \$60 fee waiver (Column AB or AC).

The Column AE “total” highlighted in yellow (cell AE10) adds all positive dollar amounts that the agency may properly charge for SRS fees, and it excludes negative dollar amounts that the agencies cannot charge. Thus, the yellow highlighted **“total” in cell AE10 should result in a positive dollar amount that the agency could properly charge for SRS fees.**

The orange “Average” cell AE11 calculates the average net SRS fees chargeable per request. This calculation does not give the average for every request made or completed, because it does not include cases in which no fees are chargeable, such as for personal record requests or when fees do not exceed the \$30 or \$60 fee waiver.

COPY/DELIVERY COSTS:

In addition to SRS fees, OIP’s administrative rules allow agencies to recover “other lawful fees.” § 2-71-19(a)(2) H.A.R. For instance, section 92-21, Hawaii Revised Statutes, authorizes agencies to recover costs for copying (at not less than five cents per page) records requested by the public. **These copying costs are determined by each agency and are separate from the SRS fees described above.** Costs directly incurred by the agency in responding to a request, such as for postage, blank CDs or other media, or for third-party services to copy a specialized type of record (such as a videotape or blueprints), would also be considered “other lawful fees.”

OIP interprets “other lawful fees” to allow a charge per page to scan records not already in electronic form if the requester wants the record to be delivered electronically or by fax. With respect to non-paper records, the agency may charge the requester for the cost of blank CDs, videos, tapes, delivery boxes, and other special materials needed to make or send a copy of the record; and where the agency lacks the necessary equipment to copy a

specialized type of record (such as a videotape), the agency may charge the requester for the cost of reproduction by a third-party service. If a printed-out copy of an electronic record must be made in order to mail or fax a physical copy to the requester as requested, then the agency may charge the requester for the cost of such copy. **But if a copy must be made for the agency's internal use to redact and segregate the record, the cost of this copy cannot be charged to the requester because it is currently considered by OIP to be a part of the SRS process, not a copying or delivery cost. Only the cost of the copy provided to the requester may be charged as a copying cost under current OIP rules.**

Note that copying and delivery **costs are not subject to the SRS fee waivers** in Columns AB and AC.

Column AF, GROSS Copy/Delivery Costs that Agency Incurred: Enter all costs incurred to segregate, copy, and deliver the record to the requester, including any extra copying costs incurred for internal use to redact and segregate the record. The gross copying/delivery costs will always be greater than or equal to the net costs.

The orange "Average" cell AF11 calculates the average gross copying and delivery costs per case in which such costs were incurred. This calculation is not the average gross copying and delivery costs for every request made or completed, because it does not include cases in which no copying or delivery costs were incurred.

Column AG, NET Copy/Delivery Costs Chargeable to Requester: Enter only the costs allowed to be charged for copying, materials, and delivery of the requested record. Do not include the cost of any extra copies made for internal use in redacting and segregating the record. The net copying/delivery costs should always be less than or equal to the gross costs.

The orange "Average" cell AF11 calculates the average net copying and delivery costs per case in which such costs were incurred. This calculation is not the average net copying and delivery costs for every request made or completed, because it does not include cases in which no copying or delivery costs were incurred.

TOTAL FEES AND COSTS:

Based on the agency's input of the time to search, review, and segregate (including any waivers) and the costs of copying, the Log will **automatically calculate** the amounts in columns AI, AJ, and AK. **Column AH is the only column that the agency must fill in this section, and is the agency's last entry in the Log.** Note that the amount that it actually charged the requester may be less than the properly chargeable amount that has been automatically calculated in Column AI.

This section is divided into two parts showing totals for (1) ALL requests (Columns AH through AK), and (2) COMPLEX requests only (Columns AL through AO). Totals for **noncomplex** requests can be calculated by manually subtracting the complex amounts from the amounts for all requests.

Column AH, Total Fees and Costs Actually Paid by Requesters for All Requests: For all requests, enter the **total** amount of SRS fees and copying, materials, and delivery charges that the requester **actually paid**, which may be less than what the agency was entitled to charge in Column AI. **The amount paid per Column AH should not exceed the amount that can be charged per Column AI.** If the agency did not charge the requester for any SRS fees or copying/delivery costs, then enter a zero. **This is the last column requiring an entry by the agency.** The remaining columns are automatically calculated by the Log.

The orange highlighted cell AH11 calculates the average amount of fees and costs per case in which requesters actually paid an amount. This calculation is not the average paid by the requester in every request made or completed, because it does not include cases in which no fees or costs were charged to or paid by requesters.

For ALL Requests:

Column AI, Total NET Fees and Costs Chargeable for All Requests: This amount will be **automatically calculated** based on the agency's data entries. **This is the amount that the agency may charge the requester for allowable SRS fees and copying/delivery costs** for ALL types of requests, including complex requests and personal record costs (but not fees).

The yellow highlighted "Totals" cell AI10 adds all positive numbers and provides the total amount that the agency can properly charge for net fees and costs for ALL types of record requests, including complex requests.

The orange highlighted "Averages" cell AI11 provides the average net fees and costs chargeable per case in which such fees and costs may be charged by the agency. This calculation is not the average chargeable in every request made or completed, because it does not include cases in which no fees or costs could be charged by the agency.

Column AJ, Total GROSS Fees and Costs Agency Incurred for All Requests and Column AK, Total GROSS Fees & Costs Incurred But Not Charged for All Requests: These amounts will be **automatically calculated** and are for statistical purposes only. The orange highlighted "Averages" in cells AJ11 and AK11 provide the average total gross fees and costs per case in which such fees and costs were incurred by the agency, and the average total gross fees and costs incurred but not charged.

For COMPLEX Requests: Similar to Columns AI through AK described above, **Columns AL through AO automatically calculate fees and costs in complex requests only.**

ACTUAL PAYMENTS BY REQUESTERS:

Columns AP through AV: These columns will **automatically calculate** the number of payments that were actually made by requesters for various monetary amounts, and are for statistical purposes only.

PART 4: TIME TO RESPOND

The last 12 columns of the Log (AW through BH) have been added to provide statistical information on how many days it takes to complete record requests and how much time is incurred by the agency in doing so. **Agencies need not enter any data in Part 4**, but can use the results to better manage their handling of record requests.

DAYS TO COMPLETE REQUESTS:

Columns AW through AZ: The Log will automatically enter the number of workdays it took to complete all requests, as well as different types of requests (e.g., complex, typical, personal).

For each column, the yellow highlighted “Total” in cells AW10 through AZ10 calculate the **total** number of days that the agency takes to complete different types of requests. The orange highlighted “Average” in these cells calculate the **average** number of days that the agency took to complete each type of request.

SEARCH, REVIEW & SEGREGATION HOURS INCURRED:

Search Hours:

Columns BA through BD: The Log will automatically enter statistical information regarding the number of search hours incurred by the agency to respond to all requests, and to different types of requests.

For each column, the yellow highlighted “Total” in cells BA10 through BH10 calculate the **total** number of search hours that the agency incurred to respond to requests. The orange highlighted “Average” in cells BA11 through BD11 calculate the **average** number of search hours that the agency took to respond to all requests and to each type of request, whether pending or completed.

Review and Segregation Hours:

Columns BE through BH: The Log will automatically enter the number of review and segregation hours incurred by the agency to respond to all requests, and for different types of requests.

The yellow highlighted “Total” in cells BE10 through BH10 calculate the **total** number of review and segregation hours that the agency incurred to respond to all requests, and to different types of request. The orange highlighted “Average” in cells AX11 through BE11 calculate the **average** number of review and segregation hours that the agency took to respond to each type of request, whether pending or completed.

Lastly, **Columns BI on** are reserved for other purposes, such as department and agency identifiers for the drop-down menus, and should not be altered or deleted.