

May 23, 2000

Carl Foytik

Heidi Rian  
Supervising Deputy Attorney General  
Health and Human Services Division  
Department of the Attorney General  
State of Hawaii  
465 South King Street, Room 200  
Honolulu, Hawaii 96813-2913

Re: Department of Human Services Fair Hearing  
Decisions on Eligibility for General Assistance Benefits

Dear Mr. Foytik and Ms. Rian:

This is in reply to Mr. Foytik's letter to the Office of Information Practices ("OIP"), dated March 13, 2000, requesting assistance in obtaining access to fair hearing decisions of the Department of Human Services ("DHS"), and Ms. Rian's request for guidance regarding Mr. Foytik's request to the DHS.

**ISSUES PRESENTED**

- I. Whether, under the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes ("UIPA"), fair hearing decisions issued by the DHS as to whether a claimant is eligible for general assistance benefits ("Decisions") must be made available for public inspection and copying.
- II. Whether the DHS may charge for redacting information from Decisions.

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### **BRIEF ANSWERS**

I. Yes. Section 346-10, Hawaii Revised Statutes, is designed to protect the confidentiality of records concerning individuals who apply for and receive public services and assistance. Section 92F-12(a)(2), Hawaii Revised Statutes, is designed to protect the public interest in open government by ensuring that agencies do not maintain secret law upon which their decisions are based. These two policies are not mutually exclusive. Removal of individually identifying information will allow for the disclosure of the law of the agency as required by section 92F-12(a)(2), Hawaii Revised Statutes, without infringing upon the privacy of the individuals about whom the decision is rendered. Thus, disclosure of the Decisions from which individually identifying information has been removed will give effect to both sections 92F-12(a)(2) and 346-10, Hawaii Revised Statutes.

II. No. The law of the agency must be available to the public under section 92F-12(a)(2), Hawaii Revised Statutes. The identifying information contained in the Decisions is not necessarily a part of that law. The information identifying claimants need not have been included in the Decisions. Although the DHS has been aware of both section 92F-12(a)(2), Hawaii Revised Statutes, and section 346-10, Hawaii Revised Statutes, it nevertheless has continued to incorporate the individually identifiable data into a public record. The requester should not bear the cost of the DHS' decision to incorporate this confidential information into a public record. Therefore, the DHS should be responsible for the costs of redaction.

### **FACTS**

By letter dated February 14, 2000, to the DHS, Mr. Foytik asked to inspect the Decisions issued since January 1, 1998, by the Administrative Appeals Office of the DHS ("DHS-AAO"). In that letter he stated he was specifically interested in decisions concerning claimants' eligibility for general assistance based on mental disability. Mr. Foytik also asserted that the information requested is public under section 92F-12(a)(2), Hawaii Revised Statutes.

On February 18, 2000, the DHS notified Mr. Foytik that because the requested records contain information excepted from disclosure under section 92F-13(1), Hawaii Revised Statutes, segregation was required, for which fees of

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approximately \$1,397.00 would be assessed under sections 2-71-19 and 2-71-32, Hawaii Administrative Rules.

By letter dated March 13, 2000, to Susan Wong, Administrator of the DHS-AAO, Mr. Foytik repeated his request for the Decisions stating that he agrees the names and identifying numbers of general assistance recipients should be redacted from the Decisions. Additionally, Mr. Foytik stated that he should not have to pay any fees for redacting the information because “it is the [DHS-AAO’s] own practices [sic] of needlessly interspersing personal information throughout the decision that has created the necessity of segregation.”

On April 14, 2000, Deputy Attorney General Heidi Rian, on behalf of the DHS-AAO, stated the DHS-AAO position, requested guidance on Mr. Foytik’s request, and asked to meet with the OIP. This meeting took place on April 17, 2000, and was attended by Heidi Rian and Susan Wong for DHS-AAO, Mr. Foytik, and the Director of OIP and two staff attorneys. At the meeting, both the DHS-AAO and Mr. Foytik stated their positions, and the OIP took the opportunity to ask questions to clarify the facts and issues involved. At the conclusion of the meeting the OIP requested that both sides submit documents supporting their positions by April 25, 2000.

In its letter to the OIP dated April 14, 2000, the DHS-AAO acknowledges that the Decisions are final opinions under section 92F-12(a)(2), Hawaii Revised Statutes, but asserts that section 92F-13(4), Hawaii Revised Statutes, provides that government records which are protected from disclosure by State or federal law may be withheld from the public. Thus, the DHS-AAO believes that section 346-10, Hawaii Revised Statutes, which makes all records concerning any applicant or recipient of public assistance confidential, requires that the Decisions be confidential.

The DHS-AAO provided the OIP with copies of five fair hearing Decisions for *in camera* review. The Decisions are in letter format and include a header with the name and address of the claimant.<sup>1</sup> This is the only part of the Decisions which

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<sup>1</sup> Although not defined in chapter 346, Hawaii Revised Statutes, “claimant” is the word used in the Decisions to refer to the individuals who requested the hearings under section 346-11, Hawaii Revised Statutes, and who are the subject of the Decisions.

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expressly identifies the claimant. The remainder of the Decisions use the term “claimant” when referring to the person to whom the Decisions pertain. The “FACTS” section contains assessments made by doctors and other providers regarding the claimant’s abilities, and notes psychiatric and or medical diagnoses, conditions and treatments. In some Decisions the physicians or psychologists are identified, while in one they are referred to using non-identifying, generic terms such as “licensed physician” and “medical consultant.” The Decisions also include the names of facilities at which treatment or services were received, claimant’s age, and dates relevant to the determination.

In the past, the DHS-AAO has disclosed Decisions after redacting information that would identify the claimants. The redacted information included the DHS unit, and the social worker assigned to the claimant.<sup>2</sup> These redacted Decisions were provided to the Legal Aid Society of Hawaii and to individuals at no charge. The DHS-AAO indicated it now charges for redacting information pursuant to the authority granted by chapter 2-71, Hawaii Administrative Rules, which became effective in February, 1999. The DHS-AAO also noted that it gets very few requests for Decisions, and reduced agency resources have made it impractical to remove identifying information from the Decisions as a matter of course.

Mr. Foytik indicated that he is interested in the operations of the agency, and is not concerned with the individuals to whom the Decisions may pertain. Specifically, in his letter to the DHS-AAO dated March 13, 2000, he stated that the Decisions will help him determine: 1) whether the determinations of mental disability are legally or reasonably made by the medical and psychiatric boards; and 2) whether the hearing officers are using the correct standard of proof in reaching their decisions.

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<sup>2</sup> At the meeting on April 17, 2000, the DHS-AAO stated that the names of the DHS unit and social worker could lead to the identification of the claimant. As an example, they stated that a person knowing the name of the social worker, along with other facts contained in Decisions, could observe the traffic into and out of the social worker’s office to ascertain the identity of claimants who are the subjects of particular Decisions.

## DISCUSSION

### I. INTRODUCTION

The purpose of the UIPA is to ensure that the formation and conduct of public policy are conducted as openly as possible, while tempering the right of public access by a recognition of the right of the people to privacy. See Haw. Rev. Stat. § 92F-2 (1993). To this end, the UIPA provides that "[a]ll government records are open to public inspection unless access is restricted or closed by law." Haw. Rev. Stat. § 92F-11 (1993). It is the agency's burden to demonstrate that an exception to disclosure exists. See Haw. Rev. Stat. § 92F-15(c) (1993); see also OIP Op. Ltrs. No. 98-5 at 12 (Nov. 24, 1998); 98-4 at 4 (June 17, 1998); 91-15 at 8 (Sept. 10, 1991); 94-11 at 5 n. 1 (June 24, 1994); 94-18 at 10 (Sept. 20, 1994); 95-5 at 3 n. 1 (March 9, 1995); 95-21 at 8 n. 1 (Aug. 28, 1995).

### II. REQUIRED DISCLOSURE UNDER SECTION 92F-12, HAWAII REVISED STATUTES

In addition to the general rule of disclosure, the UIPA, in section 92F-12, Hawaii Revised Statutes, sets forth a list of records, or categories of records, which must be made available for inspection as a matter of law. This list contains final opinions, which, as acknowledged by the DHS-AAO, would include the Decisions. Section 92F-12, Hawaii Revised Statutes, provides in pertinent part:

**§ 92F-12 Disclosure required.** (a) Any other law to the contrary notwithstanding each agency shall make available for public inspection and duplication during regular business hours:

. . . .

(2) Final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases;

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Haw. Rev. Stat. § 92F-12(a)(2) (Supp. 1999).

### III. CONFIDENTIALITY UNDER SECTION 346-10, HAWAII REVISED STATUTES

Statutory law protecting the confidentiality of applications and records concerning the applicants for and recipients of public services and assistance predates the UIPA, and has been in existence in Hawaii since at least 1939. See Act 238, 1939 Haw. Sess. Laws 342. Today, section 346-10, Hawaii Revised Statutes, provides in pertinent part:

**§ 346-10 Protection of records; divulging confidential information prohibited.** (a) The department of human services and its agents shall keep records that may be necessary and proper in accordance with this chapter. All applications and records concerning any applicant or recipient shall be confidential.

....

(c) Any information secured pursuant to this section by the officials or employees may be used in connection with their official duties or within the scope and course of their employment but not otherwise, and shall be kept in confidential records or files, which shall not be subject to any other law permitting inspection of government records.

Haw. Rev. Stat. § 346-10 (1993).

The intent of section 346-10 Hawaii Revised Statutes, as evident from the language of the statute, is to protect the confidentiality of records that pertain to or “concern” particular individuals. See S. Stand. Com. Rep. No. 313, 1943 Reg. Sess., Haw. S.J. 795 (1943) (stating that the purpose of amending the law “is to prevent acquisition of this confidential knowledge to be used in a way detrimental to the

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person concerned”). Ensuring that records pertaining to individual applicants and recipients remain confidential protects the privacy of those individuals.

The public policy of protecting the privacy of those receiving services or public assistance is also found in the UIPA, which states that individuals have a significant privacy interest in “[i]nformation relating to eligibility for social services or welfare benefits or the determination of benefit levels.” Haw. Rev. Stat. § 92F-14(b)(3) (Supp. 1999).

#### IV. STATUTORY INTERPRETATION

##### A. Intent of Section 92F-12, Hawaii Revised Statutes

The legislative history of the UIPA makes clear the intent of section 92F-12, Hawaii Revised Statutes. The Conference Committee report states:

Affirmative Disclosure Responsibilities. . . . [T]he bill will provide, in section -12, a list of records (or categories of records) which the Legislature declares, as a matter of public policy, shall be disclosed.

S. Conf. Comm. Rep. No. 235, 14th Leg., 1988 Reg. Sess., Haw. S.J. 689, 690 (1988); H. Conf. Comm. Rep. No. 112-88, 14th Leg., 1988 Reg. Sess., Haw. H.J. 817, 818 (1988) (second emphasis added). Furthermore, the language of section 92F-12(a)(2), Hawaii Revised Statutes, was taken directly from section 2-101 of the Uniform Information Practices Code (“Model Code”). The Model Code was drafted and approved by the National Conference of Commissioners on Uniform State Laws in 1980, and served as a model for the UIPA. See OIP Op. Ltr. No. 95-15 (May 8, 1995). The commentary<sup>3</sup> to section 2-101 of the Model Code provides:

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<sup>3</sup> The legislative history of the UIPA instructs that “the commentary to the [Model Code should] guide the interpretation of similar provisions found in the [UIPA] where appropriate.” H. Stand. Comm. Rep. No. 342-88, 14th Leg., 1988 Reg. Sess., Haw. H.J. 969, 972 (1988); see also Haw. Rev. Stat. § 1-24 (1993).

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Under this section, the “law of the agency” must be made available to the public. In other words, an agency may not maintain “secret law” relating to its own

decisions and policies. . . . The affirmative disclosure responsibility extends to agency policies, rules and adjudicative determinations and procedures.

Model Code § 2-101 commentary at 10 (1980). The enactment of section 92F-12(a)(2), Hawaii Revised Statutes, indicates the Legislature’s intent to make all final opinions available to the public to eliminate the possibility of agencies maintaining secret law on which they rely to make decisions.<sup>4</sup> “In a democracy, the people are vested with the ultimate decision-making power,” Haw. Rev. Stat. § 92F-2 (1993); secret law cannot be tolerated.

### **B. The Relationship between Sections 92F-12 and 92F-13, Hawaii Revised Statutes**

The DHS-AAO asserts that although the Decisions are final opinions under section 92F-12(a)(2), Hawaii Revised Statutes, section 92F-13(4), Hawaii Revised Statutes, provides that disclosure is not required because the Decisions are government records which are protected from disclosure by State or federal law.<sup>5</sup> The OIP does not agree.

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<sup>4</sup> Although the reason for making a request under the UIPA is generally irrelevant, see OIP Op. Ltr. No. 99-3 at 16-17 (June 1, 1999), Mr. Foytik’s stated reasons (*i.e.* monitoring the operations of DHS, and attempting to ascertain whether determinations of mental disability are legally or reasonably made by the medical and psychiatric boards, and whether the hearing officers are using the correct standard of proof in reaching their decisions) reflect that he wants the law of the agency, for reasons directly addressed by the policy behind section 92F-12(a)(2), Hawaii Revised Statutes.

<sup>5</sup> As support for this position, the DHS-AAO cites OIP Opinion Letter No. 92-10, which concluded that the Legislature did not intend section 92F-12, Hawaii Revised Statutes, to require disclosure of government records that are protected from disclosure by specific legislative enactments, and are therefore protected under section 92F-13(4), Hawaii Revised Statutes. OIP Op. Ltr. No. 92-10 (Aug. 1, 1992). Because we find that sections 92F-12(a)(2), and 346-10, Hawaii Revised Statutes, are reconcilable, the continued validity of OIP Opinion Letter No. 92-10 need not be addressed in this opinion.



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“[T]he fundamental starting point for statutory interpretation is the language of the statute itself.” Schmidt v. AOA of the Marco Polo Apts., 73 Haw. 526, 531 (1992) (citations omitted). Section 92F-12(a), Hawaii Revised Statutes, states “[a]ny other law to the contrary notwithstanding, each agency shall make available . . . .” This language, in and of itself, indicates that this section takes precedence over other laws. Thus, at the outset, Section 92F-12(a), Hawaii Revised Statutes, requires mandatory disclosure of the listed records, despite the existence of other laws.

Moreover, this intent is supported by the language of section 92F-12(a)(3), Hawaii Revised Statutes. The language of this section creates an exception to the general rule of mandatory disclosure. Subsection 92F-12(a)(3), Hawaii Revised Statutes, requires disclosure of government purchasing information, “except to the extent prohibited by section 92F-13.” It is the only subsection of section 92F-12(a) that contains language which acknowledges section 92F-13, Hawaii Revised Statutes. This strongly suggests that the Legislature did not intend that the exceptions to the general rule of disclosure contained in section 92F-13, Hawaii Revised Statutes, be applied to any other subsection of section 92F-12(a), Hawaii Revised Statutes.

The maxim of statutory construction, *expressio unis est exclusio alterius* is translated as “expression of one thing is the exclusion of another.” Black’s Law Dictionary 581 (6th ed. 1990). “Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.” Id. “The force of the maxim is strengthened where a thing is provided in one part of the statute and omitted in another. . . . The enumeration of exclusions from the operation of a statute indicates that the statute should apply to all cases not specifically excluded.” 2A N. Singer, Sutherland Statutory Construction § 47.23 (Sands 5th ed. rev. 1992).

The Legislature specifically expressed that with regard to government purchasing information, the exceptions in section 92F-13, Hawaii Revised Statutes, do apply. The fact that this was not expressed in any other subsection of section 92F-12, Hawaii Revised Statutes, demonstrates that the Legislature intended that the section 92F-13, Hawaii Revised Statutes, exceptions are inapplicable to the remainder of the records listed in section 92F-12, Hawaii Revised Statutes.

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The legislative history also makes clear that the section 92F-13, Hawaii Revised Statutes, exceptions do not apply to the affirmative disclosures mandated by section 92F-12, Hawaii Revised Statutes. “As to these records, the exceptions such as for personal privacy and frustration of legitimate government purpose are inapplicable.” S. Conf. Comm. Rep. No. 235, 14th Leg., 1988 Reg. Sess., Haw. S.J. 689, 690 (1988); H. Conf. Comm. Rep. No. 112-88, 14th Leg., 1988 Reg. Sess., Haw. H.J. 817, 818 (1988). The OIP believes this language means that none of the exceptions set out in section 92F-13, Hawaii Revised Statutes, apply. The phrase “such as” clearly does not limit the statement to those examples provided. Surely, if the exceptions described were the only ones which were not applicable to records required to be disclosed by section 92F-12, Hawaii Revised Statutes, the phrase “such as” would not have been used.

### **C. The Relationship between Sections 92F-12 and 346-10, Hawaii Revised Statutes**

Section 1-16, Hawaii Revised Statutes, states that “[l]aws in pari materia, or upon the same subject matter, shall be construed with reference to each other.” Haw. Rev. Stat. § 1-16 (1993). “[W]here there is a ‘plainly irreconcilable’ conflict between a general and specific statute concerning the same subject matter, the specific will be favored. However, where the statutes simply overlap in their application, effect will be given to both if possible, as repeal by implication is disfavored.” Mahiai v. Suwa, 69 Haw. 349, 356-57 (1987) (citations omitted).

Unquestionably, sections 346-10 and 92F-12, Hawaii Revised Statutes, are *in pari materia* inasmuch as they relate to the availability of the Decisions. The two sections also appear to be conflicting. While section 346-10, Hawaii Revised Statutes, requires that all DHS records concerning any applicant or recipient remain confidential, section 92F-12(a)(2), Hawaii Revised Statutes, requires the disclosure of all final opinions. Upon close examination, however, the two statutes can both be given effect, without negating either.

As discussed above, the policy behind each law is clear. Section 346-10, Hawaii Revised Statutes, is designed to protect the confidentiality of records concerning individuals who apply for and receive public services and assistance. Section 92F-12(a)(2), Hawaii Revised Statutes, is designed to protect the public interest in open government by ensuring that agencies do not maintain

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secret law upon which their decisions are based. Certainly, these two policies are not mutually exclusive.

Section 92F-12(a)(2), Hawaii Revised Statutes, does not require the disclosure of information which identifies particular individuals. It does require that the law of the agency be made available to the public. The Decisions are the law of the agency, whether they identify claimants or not. Removal of individually identifiable information would not render the Decisions secret law.

Additionally, section 346-10, Hawaii Revised Statutes, does not require all DHS records to be confidential. It does require that records concerning any applicant or recipient be confidential. If the identifying information is removed from the Decisions, they are no longer records "concerning" an applicant or recipient, because it cannot be known to whom the Decisions pertain.

The privacy interests of individuals receiving public assistance can be protected by removing information identifying them from the Decisions. Removal of individually identifying information will allow disclosure of the law of the agency as required by section 92F-12(a)(2), Hawaii Revised Statutes, without infringing upon the privacy of the individuals about whom Decisions are rendered. Thus, disclosure of the Decisions from which individually identifying information has been removed will give effect to the policies reflected in both sections 92F-12(a)(2) and 346-10, Hawaii Revised Statutes.

## V. SEGREGATION OF INFORMATION

With regard to individually identifiable information, the DHS-AAO may redact any information that results in the likelihood of actual identification. See OIP Op. Ltrs. No. 98-5 at 27 (Nov. 24, 1998); 94-8 at 10-11 (May 12, 1994); 95-7 at 11 (March 28, 1995); 95-21 at 23 n. 10 (Aug. 28, 1995); see also Dep't of Air Force v. Rose, 425 U.S. 352, 380-81, 96 S. Ct. 1592, 1608 (1976). Among other things, this may include the individual's name, occupation (for witnesses and claimants), home address and telephone number, and social security number. What constitutes identifying information must be determined not only from the standpoint of the public, but also from that of persons familiar with the circumstances involved. See Dep't of Air Force v. Rose, supra.

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In determining what information should be removed from the Decisions to ensure that they will not be identified as pertaining to a particular claimant, the OIP believes it is also helpful to refer to the definition of “nonidentifiable health information” contained in chapter 323C, Hawaii Revised Statutes, the medical records privacy law, which will go into effect July 1, 2000. Section 323C-1, Hawaii Revised Statutes, states:

“Nonidentifiable health information” means any information that would otherwise be protected health information except that the information does not reveal the identity of the individual whose health or health care is the subject of the information and there is no reasonable basis to believe that the information could be used, either alone or with other information that is, or should reasonably be known to be available to recipients of the information, to reveal the identity of that individual.

Haw. Rev. Stat. § 323C-1 (Supp. 1999).<sup>6</sup> Thus, in the context of the Decisions, individually identifying information could be considered that information which reveals the identity of the individuals who are the subjects of the Decisions, and information for which there is a reasonable basis to believe that it could be used to reveal the identities of those individuals.

This is not to say that there would be absolutely no privacy interest in the contents of Decisions after removal of the identifying information. With today’s technological capabilities, there is always a possibility that the contents of such Decisions could be combined with other information to identify the individual claimants. However, because the Decisions addressed by this opinion are paper records, the OIP believes that identification of claimants in this manner is unlikely.

## **VI. FEES**

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<sup>6</sup> Senate Bill 2254, S.D. 1, H.D. 2, C.D. 1 of the 2000 legislative session would amend this definition. As of the date of this letter, the bill has not yet been signed by the Governor.

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Where a requested government record contains both “public” and confidential information, an agency must disclose all reasonably segregable disclosable information. See, e.g., Haw. Rev. Stat. § 92F-42(13) (1993). Chapter 2-71, Hawaii Administrative Rules, adopted pursuant to section 92F-42(13), Hawaii Revised Statutes, became effective on February 26, 1999. Section 2-71-17, Hawaii Administrative Rules, states that an agency must provide access to portions of records that are required to be disclosed under chapter 92F, Hawaii Revised Statutes. The OIP believes that allowing the segregation of information from records makes records available to the public which otherwise would not be.

Under section 2-71-19, Hawaii Administrative Rules, an agency may also charge a record requester fees for searching for, reviewing, and segregating a record. However, the impact statement which accompanied the rules before adoption, Amendments to Proposed Rules of the Office of Information Practices on Agency Procedures and Fees for Processing Government Record Requests, states:

[A]n agency must always disclose within ten business days any records that are required to be disclosed under section 92F-12, HRS, in their entirety, or any other records that are public in their entirety. . . . Furthermore, there would not be any review and segregation fees that would be collected.

Second Impact Statement at 7 (Sept. 16, 1998).

As discussed above, the law of the agency must be available to the public under section 92F-12(a)(2), Hawaii Revised Statutes. The individually identifiable information contained in the Decisions is not necessarily a part of that law. The information identifying claimants need not have been included in the Decisions. Although the DHS-AAO has been aware of both sections 92F-12(a)(3) and 346-10, Hawaii Revised Statutes, it nevertheless has continued to incorporate the individually identifiable data into a public record. The requester should not bear the cost of the DHS-AAO’s decision to incorporate this confidential information into a public record. Furthermore, the inclusion of confidential information in publicly available Decisions would violate section 346-10, Hawaii Revised Statutes, and be contrary to the general policy behind the UIPA, which is to provide for open

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government, while protecting the privacy rights of individuals. See Haw. Rev. Stat. § 92F-2 (1993).<sup>7</sup>

### CONCLUSION

The OIP concludes that the Decisions constitute the law of the agency which must be made available under section 92F-12(a)(2), Hawaii Revised Statutes, and that the Decisions contain confidential information which need not be a part of that law. The OIP also concludes that sections 92F-12(a)(2) and 346-10, Hawaii Revised Statutes, can both be given effect by the disclosure of the Decisions from which information identifying the individuals concerned is redacted. Therefore, under section 92F-12(a)(2), Hawaii Revised Statutes, the DHS-AAO should make these redacted Decisions available for public inspection and copying.

The OIP further concludes that the DHS-AAO should be responsible for the costs of redacting information from the Decisions because it was the DHS-AAO's decision to incorporate confidential information into its law of the agency. Thus, the requester should not bear the cost of this agency decision. Finally, the OIP recommends that in

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<sup>7</sup> In his letter to the OIP dated April 17, 2000, Mr. Foytik contends that production of the Decisions must be upon demand. He bases this argument on the commentary to section 2-101 of the Model Code which states: "Requests for information pursuant to this section are not subject to the procedures of Section 2-102; production, therefore, must be immediate." Model Code § 2-101 commentary at 10 (1980). However, the UIPA mandated that the OIP adopt rules setting forth agency procedures for processing record requests. Haw. Rev. Stat. § 92F-42(12) (1993). These rules are contained in chapter 2-71, Hawaii Administrative Rules. Section 2-71-13(a), Hawaii Administrative Rules, requires that agencies disclose a record required to be disclosed under section 92F-12, Hawaii Revised Statutes, in its entirety, within a reasonable time not to exceed ten business days.

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the future, the DHS-AAO format the Decisions to ensure that they do not contain information which will identify the individuals concerned, or that information that must be redacted be placed in one section so that it may be redacted easily.

Very truly yours,

John E. Cole  
Staff Attorney

APPROVED:

Moya T. Davenport Gray  
Director

JEC: ran

cc: Susan Wong, Administrator