Office of Information Practices

UIPA Record Request Log Basic Training

Hawaii's Public Records Law
Chapter 92F, HRS

(June 2016)

Welcome and thank you for taking the time to learn how to use the **UIPA Record Request Log,** designed **by the state Office of Information Practices (OIP)** to track and report on formal written requests for public records, which are made under the **Uniform Information Practices Act, (UIPA), which is found at HRS Chapter 92F.**

Before I start, please be aware that the complete written transcript of this training is available on the "Notes" page of the power point presentation posted on OIP's Training page at oip.hawaii.gov, where the Log form, written Instructions, Checklist, and other training materials are also located. You may wish to **download the FY 2017 Sample Log, preferably in color, to reference during this training**.

This power point presentation walks you through the procedures of recording data onto the UIPA Record Request Log that each agency must keep and submit to OIP. 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 itself at **oip.hawaii.gov**. We will not discuss in great detail the various exemptions from disclosure or other legal 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.

Knowing how to use the
Log will help you to
understand the UIPA
process better.

Write down questions and later call OIP
at 586-1400 or e-mail oip@hawaii.gov

As OIP knows from post-training surveys, learning how to use the Log will give you a better understanding of the UIPA process. While the law itself can seem complicated, the Log walks you through the UIPA's legal requirements so that you will know what to do when you actually receive a request at work.

With hundreds of State and County employees using the Log, this presentation is the most efficient way to provide consistent and uniform training to employees, who have different degrees of experience with the Log and the UIPA. This presentation will provide detailed instructions on how to enter Log data, while also explaining some of the most important legal concepts and requirements of the UIPA. You can write down your questions as we go along, and if they are not answered in this presentation, you can call OIP at 586-1400 or e-mail oip@hawaii.gov.

This presentation will take approximately one hour and 45 minutes to complete, so let's get started.

UIPA requires disclosure of
government and personal records,
unless an exception applies.

"Government record" means information
maintained by an agency in written, auditory,
visual, electronic, or other physical form.
Includes e-mails, audio recordings, videos.

"Personal record" means any item, collection,
or grouping of information "about" an
individual that is maintained by an agency.

The UIPA is Hawaii's open records law requiring disclosure of government and personal records, unless an exception applies. It is Hawaii's version of the federal Freedom of Information Act (FOIA).

Under the UIPA, a "government record" means information maintained by an agency in written, auditory, visual, electronic, or other physical form," and thus includes e-mails, audio recordings, and videos.

A "personal record" means any item, collection, or grouping of information about an individual that is maintained by an agency.

We'll be discussing in more detail the differences between these types of records later in the training.

Most requests for records are subject to the UIPA, but do not log:

Routine requests: oral or written; typically granted or denied without supervisory review; with or without payment of a fee

Report estimated number of routine requests but do not log

A record request is one that **actually seeks records** and not just asks for answers to questions. Although most record requests are subject to the UIPA, they do <u>not</u> all have to be logged.

The overwhelming majority of record requests are **routine requests that may be made orally or in writing and are typically granted or denied without supervisory review and with or without payment of a fee.** Routine requests could be for agency forms or applications; student transcripts; birth, marriage, or death certificates; and police accident and theft reports. **Requests between government agencies may be considered routine if they are frequently or typically granted as part of a normal process or requirement for a law, contract, or grant.**

Although routine requests may technically be subject to the UIPA, **routine requests should not be recorded on the Log** as they could skew the overall data. **The agency must only report to OIP the <u>estimated</u> number of routine requests it receives during the reporting period.**

- Subpoenas or discovery of records in court cases are not UIPA requests.
- Do <u>not</u> log or include in estimate of routine requests

Subpoenas or discovery of records in court cases are <u>not</u> UIPA requests and they do not have to be logged or reported as routine requests.

WHAT TO LOG:

Log only formal <u>written</u> <u>requests</u> for which the <u>Notice</u> <u>to Requester</u> is sent, whether using OIP's form or agency's written version

The only requests that the agency must record on the Log are the formal requests that are made in writing by the Requester, and for which the agency sends a "Notice to Requester**,"** whether it is OIP's Notice form or the agency's written version of it. The requests that must be logged involve non-routine records that the agency must search for and possibly redact, and may require supervisory review before disclosure.

If you have any questions about what should or should not be logged, please contact OIP.

The Log is a management tool.

Even if you are not entering the data into the Log, supervisors and managers need to know how to spot mistakes in Log data entries and how to use the Log to better manage agency's processing of UIPA record requests.

The public can view the Log, too.

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 submitted to OIP, information will be available by department, county, and state so that your agency, and the public, can review and compare each agency's data and performance.

The Log itself is an Excel spreadsheet found on OIP's website at oip.hawaii.gov. You can find two worksheet tabs on the bottom left. **One worksheet is the Log form** itself, which the agency will be using on a computer to enter data. When you view it on the computer, you won't see the Examples shown on this slide and you will see that it is very long because it contains many columns of automatic calculations and statistics that OIP needs. **You do not have to enter any data in most of those columns, but please do not eliminate any of them from the Logs that will be submitted by the agency to OIP.**

OIP has created a second, shorter worksheet as a Sample Log, as shown in this slide, which does not have all of the columns, shows various Examples, and can be used for practice and training. **You will find a pre-formatted PDF version of the Sample Log on OIP's Training page, which you should print out, preferably in color, to use during this training.**

Throughout this training, we will be referencing the row numbers on the far left, which should not be confused with the request number entered for the white entries of the Log in Column C. Column **letters** can be found in row 2 at the top of the spreadsheet.

Column **headings** are found in row 3, and **descriptions** of the data to be entered in the columns are found in row 4. The **yellow descriptions** in row 9 refer to the "**Totals**" that the Log automatically calculates in row 10. Row 11 is highlighted in **dark orange** because it calculates "**Averages**."

The four orange highlighted Examples on the Sample Log show you how to properly enter data in rows 5 through 8. The white rows 12 through 15 of the Sample Log 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 mistakes and know why they are mistakes.

Log's colored areas are to help, <u>not</u> for data entry.
Enter data only in white cells, and not all white cells

■ The Log has <u>pop-up instructions</u> … just mouse cursor over the column heading.

Don't be intimidated by the length of the Log. Remember how colorful the Log is – **all of those colored areas are <u>not</u> for you to enter data, and instead they help provide you instructions or automatic calculations.** More than half of the Log's columns are automatically populated for you.

All you have to do is follow the instructions to properly enter the raw data in the <u>white</u> cells only. And <u>not all white cells have to be filled in</u> – for example, in the request resolution section, out of 9 columns, you may only have to input data into two cells. For a simple typical request, you may only have to input 11 data entries for the entire Log.

There are many aids, right there on the Log, to help you with the data entry process. In addition to the instructions that you can see in the Log's headings and descriptions, there are also more detailed **pop-up instructions**, which help provide reminders of the UIPA's requirements. Just move the cursor over a column heading to get instructions to pop up.

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

- **visit OIP's Training page at oip.hawaii.gov**

- click on Laws/Rules/Opinions,
  then the UIPA page:
  http://oip.hawaii.gov/laws-rules-
  opinions/uipa/uipa-record-request-log/

Full written instructions for using the UIPA Log, along with **Frequently Asked Questions**, **a Tip Sheet, and a Log Process Chart** are also available on OIP's website at **oip.hawaii.gov**, on the UIPA page. OIP understands that people study and retain information in different ways, so it has provided a variety of training materials to help you understand the Log process.

Hawaii's Public Records Law

HRS § 92F-18 requires each agency to:

- Inform employees of the UIPA's requirements

- Compile a report using forms prescribed by OIP

- Ensure that the information remains accurate and complete

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

• 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**.

Benefits! … the UIPA Log helps an agency to:

- **Track** written UIPA requests for records & the agency's response
- **Report** requests & outcomes
- **Assist** the public & comply with UIPA
- **Calculate** fees & costs
- **Keep** government open and accountable

The Log provides a uniform method for state and county agencies to **stay on TRACK and comply with the UIPA.**

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** to OIP the numbers and types of record requests and their outcomes.

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

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

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

Make copy (not PDF) of Log and submit with Checklist to OIP through department's UIPA Coordinator:

January 31: "Semiannual Log" due for requests received from July 1 through December 31
July 31: "Year-end Log" due for requests received from July 1 through June 30

Start a new agency Log each July 1, but keep the Log for the prior FY open until July 15 to record how requests received thru June 30 were resolved

An electronic copy, not PDF, of the agency's Log along with the Checklist must be submitted to OIP twice a year by the department's UIPA Coordinator. For the semiannual report due on January 31, the agency should save its Log entries from July 1 through December 31 as its "Semiannual Log," which is the copy that it must submit to OIP. The agency can continue to use its original Log for the entire fiscal year from July 1 through June 30, and turn in a copy to OIP as its "Year-end Log" on July 31.

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 and in order to record how requests received through June 30 were resolved, agencies should keep open the Log for the prior fiscal year until approximately July 15. Therefore, for a brief time, agencies will be using two Logs when one fiscal year ends and the other begins.

Checklist

- **Checklist helps you spot data errors**
  - **Before** submitting Checklist to OIP, please **correct any data entry errors.**
  - Use correct Checklist: FY 16 different from FY 17
  - Submit **completed Log and Checklist** to OIP by **January 31 and July 31** each year.

OIP will upload your Log totals and routine requests estimate to the Master Log on *data.hawaii.gov* and will prepare reports posted at *oip.hawaii.gov.*

The Checklist helps to ensure that the Log data has been properly entered by the agency before the Logs are submitted to OIP, and they provide hints on how to spot and correct data entry errors. Like the Log form, the Checklist form is found on the UIPA Log training page of OIP's website. Please be sure to use the correct Checklist form. The FY 2016 Checklist will be removed from OIP's website after July 31, 2016, as all FY 2016 Logs and Checklists should have been submitted to OIP by then. Separate training on the Checklist is available on OIP's Training page at oip.hawaii.gov.

The Checklist must accompany the agency's completed Log and submitted to OIP, through your UIPA Coordinator, on January 31 and July 31 each year.

OIP will post the routine requests estimates, along with the rest of the agency's Log summaries, onto the Master Log at data.hawaii.gov. OIP will also prepare reports and its own graphs and charts summarizing the Log data, which will be posted on the Reports page at oip.hawaii.gov.

The UIPA Log
has 4 main parts:

1. Identification
2. Resolution of requests
3. Fees & costs
4. Time to respond

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.

Note that agencies do not have to enter any data in the fourth part, as the Log automatically calculates everything here, based on data entered by the agency in the earlier sections.

What is found in all parts of the Log is the yellow highlighted Row 10 for "Totals," which is just under the larger yellow row of "Descriptions" of the Row 10 "Totals." The Row 10 "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 in rows 5 to 8. The "Totals" are posted at the top of the Log 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, each County, and the State as a whole are doing in fulfilling UIPA record requests.

The larger yellow Row 9 describes what is being calculated by the "Totals" in Row 10 and dark orange "Averages" in Row 11. Some of the yellow cells have additional pop-up explanations.

Let's see how some of the "Descriptions" work. In Row 9, we see from the description that yellow cell C10 shows the number of requests received. Yellow cell D10 shows the number of requesters that were identified with an asterisk * as representing a business or non-profit organization.

While Column G shows the dates when requests were received by agencies, the yellow cell G9 explains that the "Total" in yellow cell G10 is for "**# of requests**" and equates to the total number of record requests received by the agency.

In Column L, the yellow cell L9 explains that the Total below it (yellow cell L10) is for the total "**# of requests with incremental responses**," which is not the total number of incremental responses sent by the agency.

In Column N, the "Total" in yellow highlighted cell N10 calculates the total number of days to complete all requests.

Yellow cell N10 shows the total number of workdays to complete all requests by the agency. Below it, the agency's average number of workdays to complete a request is shown in dark orange cell N11.

Later in the Log, you will see that other averages have been calculated for the agency in dark orange row 11. The agency's averages can be compared to the department's, County's or the State's averages that will be calculated from data entered onto the Master Log at data.hawaii.gov and reported in OIP's State and County reports of the Log results.

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 first time your agency uses a Log, the **department and agency names must be entered.** Instructions on how to enter the department and agency names will pop-up when you click on the small red triangle on the upper right corner of cells A3 and B3.

Please use the drop down lists that will appear when you click on the arrows that will become visible when you place the cursor the bottom right corner of cells A3 and B3. 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.

Now, let's go to the middle 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 or initials 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 automatically 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 & E
can be altered

Columns F on
must _not_ be altered

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

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.

Column D: Requesters' names

- Place **asterisk ✱** before name to ID business or nonprofit organization
- Col. D will be deleted for posting on Master Log, but not deleted by OIP if Log itself is requested

Column D asks for the Requesters' names, so the agency should enter the full names, initials, file numbers, or if applicable, "Anonymous," in this column so that it can identify the request later, if necessary.

An asterisk ✱ should also be placed at the start of Column D to identify requesters who represent a for-profit or non-profit organizations, including a business, law firm, insurance company, newspaper/TV/radio station, or other commercial entity or advocacy group. This information is optional, and not required by law, but will provide data on whether individuals versus organizations are making and paying for the more expensive or complex record requests.

Column D will be deleted by OIP before it is uploaded onto data.hawaii.gov, but not if a record request is made for the Log itself. Although an agency may use this column for notes or additional information, it should be aware that the agency or OIP may receive record requests for the Log itself. **Although the Requesters' names on the Log should not be redacted for most <u>government</u> record requests, the names may have to be redacted for <u>personal</u> record requests** if an exception to disclosure applies. To avoid having to go back through a Log to make redactions at a later date, **OIP recommends that the agency enter only the Requester's initials or case number for <u>personal</u> record requests.**

Although the personal record requester may be identified in Column D as "Anonymous" and referred to by file number, please keep in mind that a **<u>personal</u> records request cannot be made anonymously** as it is necessary for the agency to verify the requester's right to access the personal records being sought. A **government** records request, on the other hand, can be made anonymously.

Column D: Redacting Requesters' names

- Requester's names not redacted for government record requests made under Part II of the UIPA
- Use Requesters' initials or case number for personal record requests made under Part III
- "Anonymous" ok on Log, but personal record requests cannot be made anonymously
- Part II government records requests may be made anonymously

Please keep in mind that while **the Requesters' names should not be redacted for most government record requests** made under Part II of the UIPA, **the names may have to be redacted for personal record requests** if an exception to disclosure applies under Part III. To avoid having to go back through a Log to make redactions at a later date, **OIP recommends that the agency enter only the Requester's initials or case number for personal record requests.**

Although the personal record requester may be identified in Column D as "Anonymous" and referred to by file number, please keep in mind that a **personal records request cannot be made anonymously** as it is necessary for the agency to verify the requester's right to access the personal records being sought. A Part II **government** records request, on the other hand, **can be made anonymously**.

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.

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 under Part III of the UIPA.**

	ALL WRITTEN REQUESTS (Exclude routine requests are automatically granted/denied without supervisory review, such as agency brochures/forms, school transcripts, birth/marriage certificates, police accident or theft reports. Exclude subpoenas.)							COMPLEX REQUESTS (Extenuating Circumstances)	
C	D	E	F	G	H	I	J	K	L
#	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?
	If request is on behalf of a for-profit or non-profit organization, business, law firm, insurance company, newspaper/TV/radio station, or other commercial entity, place an asterisk * before name of requester. At Requester's request, name can be "Anonymous."	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.			
0	Example 1 (typical request) Kimo	AB		1/17/12		x			
00	Example 2 (personal record) L123	AB	x	1/18/12	2/10/12				
000	Example 3 (not personal record) Anonymous birther	AB		1/19/12	1/22/12	x			
0000	Example 4 (complex request) *Honolulu News	CD		1/23/12	2/17/12	x	x	x	x

Let's learn how to enter personal records requests by looking at Examples 2 and 3 on the Sample Log. Example 2 concerns a **personal records request** for information about requester whose name should be entered by initials or a file number to avoid having to redact it later. Here, we have entered the **file number** "L123" in Column D 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.

				ALL WRITTEN REQUESTS (Exclude routine requests are automatically granted/denied without supervisory review, such as agency brochures/forms, school transcripts, birth/marriage certificates, police accident or theft reports. Exclude subpoenas.)					COMPLEX REQUESTS (Extenuating Circumstances)	
C	D	E	F	G	H	I	J	K	L
#	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?
	If request is on behalf of a for-profit or non-profit organization, business, law firm, insurance company, newspaper/TV/radio station, or other commercial entity, place an asterisk * before name of requester. At Requester's request, name can be "Anonymous."	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.			
0	Example 1 (typical request) Kimo	AB		1/17/12		x			
00	Example 2 (personal record) L123	AB	x	1/18/12	2/10/12				
000	Example 3 (not personal record) Anonymous birther	AB		←	1/22/12	x			
0000	Example 4 (complex request) *Honolulu News	CD		1/23/12	2/17/12	x	x	x	x

Let's turn now to Example 3 by the Anonymous Birther seeking President Obama's birth certificate. This is not a personal records request. Why? 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.

Although the Log may identify the requester as being "Anonymous," remember that a personal records request cannot be made anonymously because you have to know that the person is entitled to access the information being sought that is "about' himself or herself.

ALL WRITTEN REQUESTS
(Exclude routine requests are automatically granted/denied without supervisory review, such as agency brochures/forms, school transcripts, birth/marriage certificates, police accident or theft reports. Exclude subpoenas.)

COMPLEX REQUESTS
(Extenuating Circumstances)

C	D	E	F	G	H	I	J	K	L
#	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?
	If request is on behalf of a for-profit or non-profit organization, business, law firm, insurance company, newspaper/TV/radio station, or other commercial entity, place an asterisk * before name of requester. At Requester's request, name can be "Anonymous."	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.			
0	Example 1 (typical request) Kimo	AB		1/17/12		x			
00	Example 2 (personal record) L123	AB	x	1/18/12	2/10/12				
000	Example 3 (not personal record) Anonymous birther	AB		1/19/12	1/22/12	x			
	Example 4 (complex request) *Honolulu News	CD		1/23/12	2/17/12	x	x	x	x

Next, let's look at how we entered the Requester's name in Example 4. Because we know that it was a request by a business, we entered an asterisk * before the Honolulu News. Be sure to use an asterisk and not another symbol so that the Log will count it in its total of record requests submitted on behalf of businesses or nonprofit organizations, including law firms, media companies, insurance companies, advocacy groups, and other entities.

And because this request was a complex request, we will mark a single "X" in Column K. We'll talk more about complex requests in a little while.

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?**

For now, let's move on to Columns G through J, which ask you to enter the **date that the agency received** the request and **the date the agency sent its "Notice to Requester,"** whether the agency **initially responded within ten work days,** and whether the request needed **an initial clarification**.

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, <u>enter only one date per request</u> 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, which are not shown on this slide.** The "Totals" are only being shown here to explain how they were calculated and are not based on the entries in the highlighted Examples that are exhibited.

C	D	E	F	G	H	I	J	K	L	M	N
ALL WRITTEN REQUESTS (Exclude routine requests are automatically granted/denied without supervisory review, such as agency brochures/forms, school transcripts, birth/marriage certificates, police accident or theft reports. Exclude subpoenas)								**COMPLEX REQUESTS** (Extenuating Circumstances)			
#	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
	If request is on behalf of a for-profit or non-profit organization, business, law firm, insurance company, newspaper/TV/radio station, or other commercial entity, place an asterisk * before name of requester. At Requester's request, name can be "Anonymous."	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
0	Example 1 (typical request) Kimo	AB		1/1/12		x				1/1/12	1
00	Example 2 (personal record) L123	AB	x	1/8/12	2/1/12					2/1/12	18
000	Example 3 (not personal record) Anonymous birther	AB		1/9/12	1/23/12	x				2/1/12	22
0000	Example 4 (complex request) * Honolulu News	CD		1/23/12	3/1/12	x	x	x	x	5/1/12	84
# of all requests	# of businesses/organizations represented by requesters with an * BEFORE names		# 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
4	1		1		3	2	1	1	0	4	125

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 workdays after receiving the request. The initial response is defined as a Notice, Acknowledgement, or even the completion of the case by sending all requested records. If the agency initially responded or completed the case within 10 workdays 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 <u>not</u> count the day 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 10 days.

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...ESTS visory review, such as agency brochures/forms, school r theft reports. Exclude subpoenas.)				COMPLEX REQUESTS (Extenuating Circumstances)			
G	H	I	J	K	L	M	N
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
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
1/17/12		x				1/17/12	1
1/18/12	2/10/12					2/10/12	18
1/19/12	1/22/12	x				2/17/12	22
1/23/12	2/17/12	x	x	x	x	5/17/12	84

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**. **Even if the agency does not complete the request, it should at least send out a Notice or Acknowledgement within the first ten days and should be able to enter in "x" in Column I.**

	ESTS visory review, such as ... brochures/forms, school r theft reports. Exclude ... ∍nas.)			COMPLEX REQUESTS (Extenuating Circumstances)			
G	H	I	J	K	L	M	N
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
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
1/17/12		x				1/17/12	1
1/18/12	2/10/12					2/10/12	18
1/19/12	1/22/12	x				2/17/12	22
1/23/12	2/17/12	x	x	x	x	5/17/12	84

When you are calculating the days for Column I, do not be concerned if they do not match with the automatic calculations in Column N. Unlike the manual calculations by the agency to complete Column I, Column N's automatic calculations may overstate the number of workdays to complete a request because it includes the day that the request was received. It was necessary to do this because otherwise, a request completed the same day it was received would have been counted as zero days. Also, Column N does not exclude state holidays**.**

Column K
Complex Requests

■ Enter only one "x" in Column K if this is a COMPLEX request involving extenuating circumstances or voluminous records

■ If more than one "x" or any other letter, word, or symbol is improperly entered, Log will count it as a typical request, not complex

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 in cell K10 will count any box in Column K with only ONE "x" in it as a complex request. If more than one "x" or if another letter, word, symbol, or date is entered in Column K, then the Log will again presume that it is a typical record request and the formulas for complex requests will <u>not</u> work with this entry. **Therefore, be sure to enter only ONE "x" in Column K to properly identify a COMPLEX case.**

Column L:
**Complex Requests –
Incremental Responses**

Enter only one "x" in Column L if incremental
responses were sent in a complex case

Only one "x" should also be entered in **Column L,** if
the request is complex and the agency needs to provide
its response in different segments over time. **Column
L shows that incremental responses were
provided. The dates or numbers of incremental
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.

	ALL WRITTEN REQUESTS (Routine requests are automatically granted/denied without supervisory review, such as agency brochures/forms, school transcripts, birth/marriage certificates, police accident or theft reports. Exclude subpoenas.)						COMPLEX REQUESTS (Extenuating Circumstances)			
D	**E**	**F**	**G**	**H**	**I**	**J**	**K**	**L**	**M**	**N**
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
If request is on behalf of a for-profit or non-profit organization, business, law firm, insurance company, newspaper/TV/radio station, or other commercial entity, place an asterisk * before name of requester. At Requester's request, name can be "Anonymous."	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) L123	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

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 the next column to the right, Column **H**, the agency provided all requested records the same day, January 17, per Column **M's** completion date. To the right of Column M, the blue highlighted Column **N** automatically calculated the number of work days to completion as being 1 day. Consequently, the agency placed 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**.

ENTRY TIP: **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.

The UIPA Log--
Second part is:

1. Identification

2. Resolution of requests

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 or e-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**. Do not be too concerned that Column N's calculations are not exact. OIP is aware of its limitation and can check Column N's estimate against Column I's data that agencies enter when they meet the UIPA's 10-day requirement to send out their initial responses to record requesters**.**

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.

Let's look at Column N for the number of workdays that it took to complete each request. If you look at the data entered in the white cells on the bottom of this slide, you will see in Column N highlighted in blue, the numbers 1, 18, 22, and 84, which total 125 days as calculated in yellow highlighted cell N10. Cell N10 is the **total** number of workdays for the agency to complete all record requests entered in this Log.

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.

Entry tip: 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 other department, other counties, or the state as a wholes.

Columns O thru U:
Request Resolution

- Request granted in full?
- Request withdrawn?
- Denied in full?
- Granted/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.**

Here's the entire "Request Resolution" section for examples shown in the Sample Log. Let's look at the last example highlighted in orange for the "Honolulu News," 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 Granted/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 submits its Log to OIP whether a lawsuit has been filed against it. The agency should do its best to fill out the Log and should separately report the 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.

The UIPA Log--
Third part is:

1. Identification
2. Resolution of requests
3. Fees & costs

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

UIPA Log, Part 3:
Fees & Costs

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

- Search, review, segregation fees (SRS)
  -- Fee waivers
- Copy/delivery costs
- Total fees and costs – 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 whether amendments to OIP's administrative rules, adopted in 1998, should be made.

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.

Entry Tip: 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.

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

	T	U	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/Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	$30 Fee Waiver	$60 Public Interest Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE
	[ONLY] ONE "x" in the cell. [th]en the data will not be [co]unt. [Col]umns O through 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 only one "x" in Col. AC if public interest waiver is granted. Do not enter anything in purple cells indicating personal record request, or in blue Col. AB		Automatically calculated. Negative red amount 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		$0.00		($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	$0.00	x		$1,3[..]

ORM_Log **SAMPLE LOG** (+)

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.

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
Requester Abandoned or Failed to Pay	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/ Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	$30 Fee Waiver	$60 Public Interest Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE
Y ONE "x" in the cell. en the data will not be unt. umns O through 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 only one "x" in Col. AC if public interest waiver is granted. Do not enter anything in purple cells indicating personal record request, or in blue Col. AB		Automatically calculated. Negative red amount 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		$0.00		($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	$0.00	x		$1,300.00

ORM_Log **SAMPLE LOG** ⊕

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.

T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE
		SEARCH, REVIEW, SEGREGATION FEES (SRS) (No... 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/ Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	$30 Fee Waiver	$60 Public Interest Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE
Y ONE "x" in the cell. ...hen the data will not be ...unt. ...umns O through 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 only one "x" in Col. AC if public interest waiver is granted. Do not enter anything in purple cells indicating personal record request, or in blue Col. AB		Automatically calculated. Negative red amount 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		$0.00		($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	$0.00	x		$1,300.00

DRM_Log **SAMPLE LOG** ⊕

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 **not the basis for the amount of fees that can be charged** to a requester, but Column Y gives a more accurate picture of how much time the agency has actually incurred in responding to the request.

Example 1, the typical record request, shows a total of "0.25" hours, 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.

..., REVIEW, SEGREGATION FEES (SRS)
(No SRS fees char... or personal records requests, but keep track of time)

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/Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	$30 Fee Waiver	$60 Public Interest Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE
...Y ONE "x" in the cell. ...hen the data will not be ...unt. ...mns O through 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 only one "x" in Col. AC if public interest waiver is granted. Do not enter anything in purple cells indicating personal record request, or in blue Col. AB		Automatically calculated. Negative red amount 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		$0.00		($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	$0.00	x		$1,300.00

DRM_Log | SAMPLE LOG | (+)

In Column Z, the Log has **automatically calculated** the "**TOTAL SRS Fees Incurred**" for each of the four examples, showing $2.50, $10.00, $67.50, and $1,360.

These are 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.

		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
Requester Abandoned or Failed to Pay	UIPA Lawsuit Filed Against Agency?	Actual Search Hours	Actual Review/Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	$30 Fee Waiver	$60 Public Interest Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE
y ONE "x" in the cell. hen the data will not be unt. umns O through 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 only one "x" in Col. AC if public interest waiver is granted. Do not enter anything in purple cells indicating personal record request, or in blue Col. AB		Automatically calculated. Negative red amount 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		$0.00		($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		x		$1,300.00

ORM_Log | SAMPLE LOG | (+)

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

But, there may be 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 incurred "$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 $30 fee waivers shown on the Log?**

The Log will automatically enter the $30 fee waiver as a negative number, which will show up in RED as ($30.00) in column AB.

   (But yellow totals in cell AB10 are for the total number of $30 fee waivers, and should be a positive number.)

■ For a **personal** records request highlighted in purple, the Log will automatically enter ($0.00) because SRS fees may not be charged.

The Log will automatically record a $30 fee waiver, when appropriate, in Column AB, which is why that column is highlighted in blue. Although the waiver is entered as a negative dollar amount so that fees can be properly calculated in later columns, the Column AB "total" highlighted in yellow in 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.

For personal records requests, which are highlighted in purple, remember that no SRS fees may be charged in the first place. That is why the Log will automatically enter "$.00" in cells in Column AB that are highlighted in purple.

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

COPY/DELIVERY COSTS
(Exclude SRS Fees)

V	W	X	Y	Z	AA	AB	AC	AD ...	AE	AF	AG	AH
Actual Search Hours	Actual Review/Segregation Hours	Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	$30 Fee Waiver	$60 Public Interest Fee Waiver	*Column AC, Minus $60 Fee Waiver* (pop-up instructions)	Nonchargeable PERSONAL records fees	Net SRS fees chargeable	Gross / Net copy/delivery $	TOTAL Fees & Costs ACTUALLY PAID by Requesters for ALL Requests

0.25			0.25	$2.50		($30.00)				($27.50)	$10.00	$10.00	$10.00
0.50	0.25		0.75	$10.00		$0.00			($10.00)	$0.00	$15.00	$15.00	$5.00
0.75	3.00		3.75	$67.50		($30.00)				$37.50	$0.00	$0.00	$0.00
95.00	20.50	15.50	131.00	$1,360.00	$5,000.00	$0.00	x			$1,300.00	$45.00	$20.00	$1,375.00

Second (yellow) header row: # 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 | # of $60 public interest fee waivers when SRS hours are entered | 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 paid by requesters

96.38	24.10	0.00	#VALUE!	$1,429.80	$5,000.00	2.00	1.00	($16.00)	$1,337.50	$70.00	$45.00	$1,390.00
24.10	8.03			$476.60	$5,000.00			($16.00)	$668.75	$23.33	$15.00	$463.33
0.23			0.23	$2.30		($30.00)			($27.70)	$10.00	$10.00	$10.00
0.40	0.60		1.00	$0.00		$0.00		($16.00)	$0.00	$15.00	$15.00	$5.00
0.75	3.00		3.75	$67.50		($30.00)			$37.50	$0.00	$0.00	$0.00
95.00	20.50	15.50	#VALUE!	$1,360.00	$5,000.00	$0.00	x		$1,300.00	$45.00	$20.00	$1,375.00

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.

If the agency enters any SRS hours and grants a $60 public interest fee waiver, then it must enter a single "x" in the appropriate white cell of Column AC. The fee waiver will be factored into the Log's automatic calculations. The yellow total in cell AC10 will count all $60 fee waivers in Column AC. It will <u>not</u> count an "x" that has been incorrectly entered in a purple personal record cell.

Here, in Columns AB and AC, we see how the fee waivers should look.

The Log has automatically entered the $30 fee waiver in Column AB in Examples 1 and 3 (cells AB5 and AB 7). It also automatically entered $0.00 in the purple cell (AB6) of Example 2 to indicate that no fee waiver is allowed for personal record requests.

The agency has entered a single "x" in Column AC for Example 4 (cell AC8) because it granted a **public interest fee waiver**.

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 are in the white rows below, which are different from the highlighted examples.

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 <u>SRS fees</u> for personal record requests, it can still charge for <u>copying and delivery costs</u>, which will be explained later.

V	W	X	Y	Z	AA	AB	AC	AD	AE	AF
SEARCH, REVIEW, SEGREGATION FEES (SRS) (No SRS fees chargeable for personal records requests, but keep track of time)										**COPY/DELI** (Exclude
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	$30 Fee Waiver	$60 Public Interest Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE	GROSS Copy/Delivery Costs that Agency INCURRED
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 only one "x" in Col. AC if public interest waiver is granted. Do not enter anything in purple cells indicating personal record request, or in blue Col. AB		Automatically calculated. Negative red amount does NOT mean that a refund is due.		INCLUDE agency's copying costs to review & redact. Gross should be greater than or equal to net costs.
0.25			0.25	$2.50		($30.00)			($27.50)	$10.00
0.50	0.25		0.75	$10.00		$0.00		($10.00)		$15.00
0.75	3.00		3.75	$67.50		($30.00)			$37.50	$0.00
95.00	20.50	15.50	131.00	$1,360.00	$5,000.00	$0.00	x		$1,300.00	$45.00
# 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 when SRS hours are entered	# of $60 public interest fee waivers when SRS hours are entered	Nonchargeable PERSONAL records fees; NO positive $	Net SRS fees chargeable; excludes negative $, legal review, personal records $	Gross copy/delivery $ incurred

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.

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 in SRS fees.</u>**

For our first two examples, 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 example points to the anonymous request 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.

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	SEARCH, REVIEW, SEGREGATION FEES (SRS) (No SRS fees chargeable for personal records requests, but keep track of time)							COPY/DELIVERY COSTS (Exclude SRS Fees)		TOTAL FEES AND COSTS ALL Requests			
X	Y	Z	AA	AB	AC		AE	AF	AG	AH	AI	AJ	AK
Actual Legal Review Hours	TOTAL Actual SRS & Legal Review Hours	TOTAL GROSS SRS Fees Incurred	Additional Response Fees Incurred But Not Chargeable	$30 Fee Waiver	$60 Public Interest Fee Waiver	Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE	GROSS Copy/Delivery Costs that Agency INCURRED	NET Copy/Delivery Costs CHARGEABLE to Requester	TOTAL Fees & Costs ACTUALLY PAID by 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 Requests
...ments as ...; .50 = 30 ...= 1 hour. ...hen entering ...ll not be ...ow in Col. Y	Automatically calculated		Estimate	Enter only one "x" in Col. AC if public interest waiver is granted. Do not enter anything in purple cells indicating personal record request, or in blue Col. AB		Automatically calculated. Negative red amount does NOT mean that a refund is due.		INCLUDE agency's copying costs to review & redact. Gross should be greater than or equal to net costs.	EXCLUDE agency's copying costs to review & redact. Include costs only for requesters', not agencies', copies. Net should be less than or equal to gross costs.	Enter amount paid by requesters, which may be less than Column AI allows	Automatically calculated		
	0.25	$2.50		($30.00)			($27.50)	$10.00	$10.00	$10.00	$10.00	$12.50	$2.50
	0.75	$10.00		$0.00		($10.00)	$0.00	$15.00	$15.00	$5.00	$15.00	$25.00	$20.00
	3.75	$67.50		($30.00)			$37.50	$0.00	$0.00	$0.00	$37.50	$67.50	$67.50
15.50	131.00	$1,360.00	$5,000.00	$0.00	x		$1,300.00		$20.00	$1,315.00	$1,320.00	$6,715.00	$5,400.00
# of non-chargeable legal hours	# of SRS + legal hours	SRS gross fees incurred; excludes nonchargeable personal records	Nonchargeable add'l fees	# of $30 waivers when SRS hours are entered	# of $60 public interest fee waivers when SRS hours are entered	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 paid by requesters	Net $ chargeable for fees and costs for ALL requests; includes personal records costs, but not fees	Gross $ incurred for ALL requests; includes nonchargeable legal and other fees, personal records costs, and gross copy costs	$ unrecoverable for ALL requests

The bottom arrow 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 according to Column Z and was eligible for the $60 public interest fee waiver as shown in 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, as you see here in Column AE.

Columns AF & AG:
Copy/Delivery Costs
HRS Sec. 92-21; HAR Sec. 2-17-19

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

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

Separate from SRS fees, OIP rules (HAR §2-17-19) 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 **gross copy or delivery costs** that it **incurred**. For gross costs, the agency should **include** all costs of copies, even those made for the agency's use in redacting the record.

Column **AG** asks for the **net copy or 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 cells, while the orange highlighted "Averages" in cells AF11 and AG11 calculate the copying and delivery costs <u>per case in which such costs were incurred</u>. The average does not include cases in which no copying or delivery costs were incurred.

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

		COPY/DELIVERY COSTS (Exclude SRS Fees)		←	TOTAL FEES AND COSTS ALL Requests			
AD	AE	AF	AG	AH	AI	AJ	AK
Fees for Personal Records	TOTAL NET SRS Fees CHARGEABLE	GROSS Copy/Delivery Costs that Agency INCURRED	NET Copy/Delivery Costs CHARGEABLE to Requester	TOTAL Fees & Costs ACTUALLY PAID by 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 Requests
Automatically calculated. Negative red amount does NOT mean that a refund is due.		INCLUDE agency's copying costs to review & redact. Gross should be greater than or equal to net costs.	EXCLUDE agency's copying costs to review & redact. Include costs only for requesters", not agencies'. copies. Net should be less than or equal to gross costs.	Enter amount paid by requesters, which may be less than Column AI allows	Automatically calculated		
	($27.50)	$10.00	$10.00	$10.00	$10.00	$12.50	$2.50
($10.00)	$0.00	$15.00	$15.00	$5.00	$15.00	$25.00	$20.00
	$37.50	$0.00	$0.00	$0.00	$37.50	$67.50	$67.50
	$1,300.00	$45.00	$20.00	$1,315.00	$1,320.00	$6,715.00	$5,400.00
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 paid by requesters	Net $ chargeable for fees and costs for ALL requests; includes personal records costs, but not fees	Gross $ incurred for ALL requests; includes nonchargeable legal and other fees, personal records costs, and gross copy costs	$ unrecoverable for ALL requests
($16.00)	$	$45.00	$60.00	0	$1,397.50	$94.80	$79.80
($16.00)		$15.00	$20.00	3	$349.38	$31.60	$26.60
	($27.70)	$10.00	$10.00	$10.00	$10.00	$12.30	$2.30
($16.00)	$0.00	$15.00	$5.00	$5.00	$5.00	$15.00	$10.00
	$37.50	$0.00	$0.00	$0.00	$37.50	$67.50	
	$1,300.00	$20.00	$45.00	175.00	$1,345.00	#VALUE!	#VAL
	$0.00				$0.00	$0.00	

Let's look at how copying and delivery costs were entered in the **white** cells at the bottom of this slide.

The first white entry shows that $10 in gross costs were incurred by the agency in Column AF and that $10 in net costs were chargeable to the requester in Column AG. For the second white entry, $15 in gross costs are shown in Column AF, but that only $5 of that amount was chargeable, 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 review or 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.

The third white entry shows zero costs. The last white entry shows $20 in gross costs and $45 in net costs.

The yellow highlighted cell AF 10 adds up the gross copying and delivery costs for a total of $45 that was incurred by the agency. The orange average cell in AF11 divides the total by the number of requests in which such charges were incurred, which is 3 not 4, to calculate an average of $15 per case in which costs were incurred. The yellow highlighted amounts in cells AG10 and AG 11 perform the same calculations for the net costs and show $60 in total costs and $20 in average costs. But are these numbers correct?

Remember, the gross copying and delivery costs should always be greater than or equal to the net costs. How can the requester be charged more in net costs in Column AG than the agencies' gross costs in Column AF?

The information is only as good as the data that is entered. In the fourth white entry, the agency entered wrong data showing $20 in gross costs and $45 in net costs, which is why the Sample Log's Total and Average show that something is wrong.

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 record requests, and what fees and costs they are actually recovering from requesters.

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).

The **Log will then automatically calculate** the total net fees and costs that may be charged in Column AI. Please compare Columns AH and AI because the amount actually paid in Column AH **should not exceed the total net chargeable fees and costs in Column AI.**

The Log will also automatically calculate the gross fees and costs incurred by the agency in column AJ and the total gross fees and costs incurred but not charged, in essence, what is unrecoverable, in Column AK.

ENTRY TIP

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.

Please remember this important ENTRY TIP: 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.

COPY/DELIVERY COSTS (Exclude SRS Fees)		TOTAL FEES AND COSTS ALL Requests			
AF	AG	AH	AI	AJ	AK
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 Requests
INCLUDE agency's copying costs to review & redact. Gross should be greater than or equal to net costs.	EXCLUDE agency's copying costs to review & redact. Include costs only for requesters', not agencies', copies. Net should be less than or equal to gross costs.	Enter amount paid by requesters, which may be less than Column AI allows	Automatically calculated		
$10.00	$10.00	$10.00	$10.00	$12.50	$2.50
$15.00	$15.00	$5.00	$15.00	$25.00	$20.00
$0.00	$0.00	$0.00	$37.50	$67.50	$67.50
$45.00	$20.00	$1,315.00	$1,320.00	$6,715.00	$5,400.00
Gross copy/delivery $ incurred	Net copy/delivery $ chargeable	$ actually paid by requesters	Net $ chargeable for fees and costs for ALL requests; includes personal records costs, but not fees	Gross $ incurred for ALL requests; includes nonchargeable legal and other fees, personal records costs, and gross copy costs	$ unrecoverable for ALL requests
$70.00	$45.00	$1,390.00	$1,382.50	$94.80	$79.80
$23.33	$15.00	$463.33	$345.63	$31.60	$26.60
$10.00	$10.00	$10.00	$10.00	$12.30	$2.30
$15.00	$15.00	$5.00	$15.00	$15.00	$10.00
$0.00	$0.00	$0.00	$37.50	$67.50	$67.50
$45.00	$20.00	$1,375.00	$1,320.00	#VALUE!	#VALUE!
			$0.00	$0.00	$0.00

Let's look at the highlighted Examples in the middle of this slide and see how the fees and costs were entered.

In Example 1, a 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 automatically calculated 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.

By simply entering the amount actually paid in Column AH the Log does the calculations for the other columns in the next 3 examples as well.

The yellow highlighted "Totals" in row 10 will add up the entries from the white columns below, not the ones from the Examples highlighted here. Similarly, the orange highlighted "Averages" in row 11 will provide average fees and costs per request, excluding personal records, based on the entries in the white column entries below. Because the Sample Log entries in the white rows are different from the highlighted Examples, we will not go over the amounts shown here.

**The UIPA Log--
Fourth part is:**

1. Identification
2. Resolution of requests
3. Fees and costs
4. **Time to respond**

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.**

There are many additional Columns in the electronic Log that you do not see on the Sample Log, and you do not enter any data in them. Those columns are automatically calculated by the Log based on data that you entered earlier, and they provide important information that OIP will use to calculate fees, costs, payments, completion times, and SRS times, by types of requests. With this data, OIP can measure compliance with the UIPA and can determine if changes to its rules are warranted.

ALL WRITTEN REQUESTS (Exclude routine requests are automatically granted/denied without supervisory review, such as agency brochures/forms, school transcripts, birth/marriage certificates, police accident or theft reports. Exclude subpoenas.) — COMPLEX REQUESTS (Extenuating Circumstances)

	DEPT.	AGENCY	#	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
	A	B	C	D	E	F	G	H	I	J	K	L	M	N

Correct Examples:

#	Requester	ID	F	G	H	I	J	K	L	M	N
0	Example 1 (typical request) Kimo	AB		7/1/12		x				7/1/12	1
00	Example 2 (personal record) L123	AB	x	7/9/12	3/10/12					3/10/12	8
000	Example 3 (not personal record) Anonymous brother	AB		7/9/12	10/2/12	x				2/1/12	22
0000	Example 4 (complex request) *Honolulu News	CD		10/3/12	2/9/12	x	x	x	x	5/1/12	64

DESCRIPTION of yellow "Totals" found below in row:

TOTALS in this row →	4	1		1	4	3	2	1	1	0	4	125
AVERAGES in this row →													31.25

Incorrect & Practice Entries:

1	#Kimo	AB		7/1/12		x				0/1/12	1
2	Lee	AB	x	7/9/12	3/10/12					03/10/12	18
3	Anonymous	AB	yes	7/9/12	10/2/12	xx	?			02/1/12	
4	*Honolulu News	CD		10/3/12	3/9/12	x	x	x	3	05/1/12	
5											

FORM_Log | SAMPLE LOG

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 that the **request by "Kimo" was incorrectly entered with a hashtag or pound symbol instead of an asterisk to indicate that he was making the request on behalf of a business or nonprofit organization. An asterisk was properly entered before the "*Honolulu News" request to show that it was made by a business.** Consequently, yellow cell D10 shows that only 1 request was made by a requester on behalf of a business or nonprofit organization.

In Example 2, a personal records request by "Lee," the requester should have been identified by initials or a file number to avoid having to possibly redact the name later if a request is made for the Log itself.

In Example 3, Column F of the "Anonymous" request was entered incorrectly because "yes" was entered instead of a single "x" to indicate that it was a personal records request. Although the Log can list the personal record requester as being "Anonymous," remember that personal record requests cannot be made anonymously as the agency must ensure that the requester has the right to access the records being sought. Because of the incorrect "yes" entry in Column F for Example 3, the "Total" in yellow highlighted cell F10 counts only one, not two, personal record requests.

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 **ultimately 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 **initially 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 not 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. Here, however, the agency erroneously entered a "z" instead of one "x" in Column T, so this request was not counted in the "Total" in yellow highlighted cell T10.

Unlike the earlier mistake, note that the last request was properly entered in two columns. Column Q was marked with a single "x" to indicate that the request was partially granted. Column U could also be checked because a UIPA lawsuit was filed against the agency by the requester.

Moving on to the SRS Fees and Costs section, what are the incorrect data entries in the **white rows** of the Sample Log at the bottom of this slide? 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 Column Y and later columns.**

Using the same slide, let's look at the instructions on row 4 for fee waivers in Columns AB and AC. Note that Column AB is highlighted in blue, so you do not enter anything there. Also, nothing is entered by you in the purple cells, which identify personal record requests. **You just have to enter a single "x" in Column AC if SRS hours have been entered and the agency is granting a $60 public interest fee waiver.** The yellow cells AB10 and AC10 will total the number of fee waivers granted by the agency.

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 last request in the white cells at the bottom of the slide **incorrectly entered net chargeable costs of $45 in column AG, which is more than the gross costs of $20 in column AF.** 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, let's look at the last data entry that you will make. In **Column AH, we see in the last white cell on the far right that the requester actually paid $1,375, which is $30 more than the allowable charge of $1,345 that was automatically calculated in blue cell AI15.** 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 AI.

As you see by comparing the sample entries in the white cells with the Examples highlighted above them that 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.

Submitting the Log and Checklist

- Submit your completed **Log and Checklist to OIP** (oip@hawaii.gov) by the **January 31** and **July 31** deadlines each year.

- **Before** submitting to OIP your agency's completed UIPA Record Request Log, please review the data entries, **correct any data entry errors**, and complete the **Checklist** that must accompany the Log.

- OIP will upload your Log totals and routine requests estimate to the Master Log on *data.hawaii.gov* and will prepare State and County reports posted at *oip.hawaii.gov*

After you've entered all the data and your agency is ready to submit the Log to OIP, what happens?

Remember, your agency's Log must be accompanied by a Checklist and submitted to OIP, through your UIPA Coordinator, by January 31 and July 31 each year. Before submitting the Log, please go through the Checklist to make sure that there are no data entry errors on the Log.

After receiving all agencies' Logs and Checklists, OIP will upload the data summaries onto the Master UIPA Record Request Log at data.hawaii.gov. OIP will also summarize the year-end data in two reports, one for the state data and one for the county data, which will be posted on OIP's Reports page at oip.hawaii.gov. OIP encourages you to review the reports to see how your agency compares to other departments, Counties, or the State as a whole and so that you can see how the data you are entering on the Log provides important measures of government transparency and accountability.
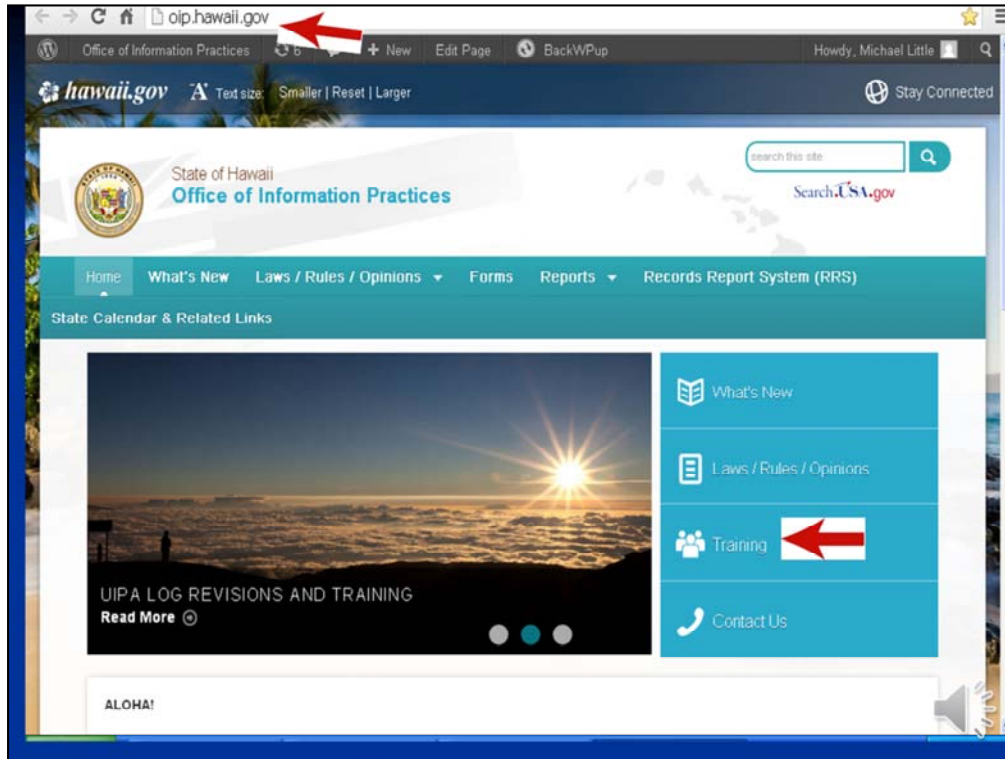
Now that you've been trained to fill out the Log, where do you go for help when you're actually doing it? Remember that you have some instructions in the Log's headings, as well as more detailed pop-up instructions. This power point presentation, with a complete transcript on the "Notes Page," is also posted onto OIP's website at:

oip.hawaii.gov

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

1)   A full set of written UIPA Log instructions;

2)   Frequently Asked Questions about the Log;

3)   A "Tip Sheet" with helpful hints based on users' experiences with the Log; and

4)   The Log Process Chart, which is a handy cheat sheet to quickly walk you through the procedures.

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. Or, if you want basic training on the UIPA law itself, and not the Log, you can find a different presentation, the UIPA Guide, Quick Reviews on various issues, and other training materials there on OIP's website.

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

And to keep up with news concerning the UIPA and Sunshine Law, be sure you're receiving OIP's What's New e-mails. If you're not receiving them through your UIPA Coordinator, you can e-mail oip@hawaii.gov and ask to be placed on the What's New list.

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.