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**OIP'S REPORT OF COUNTY AGENCIES'
UIPA RECORD REQUEST
YEAR-END LOGS for FY 2016**

(For record requests received from July 1, 2015 through June 30, 2016)

The Hawaii Office of Information Practices (“OIP”) has prepared this report based on information posted by OIP at data.hawaii.gov on the [Master UIPA Record Request Year-End Log for FY 2016](#) (“Master Log”) for 79 executive, legislative, and independent agencies¹ from all four counties.

OIP reviewed each agency’s Log to correct obvious errors and uploaded agencies’ entries on the Master Log.² The revised Master Log totals are available at data.hawaii.gov. A summary of fees and costs by department that OIP prepared from the agencies’ individual Logs is provided at the end of this report.³

The county data in this report may be compared to the prior year’s county report as well as the state data summarized in [OIP’s Report of State Agencies’ Master UIPA Record Request Year-End Log for FY 2016](#). All state and county reports for FY 2015 and FY 2016 are found on the Reports page of OIP’s website at oiip.hawaii.gov.

¹ “Agency” is defined by the Uniform Information Practices Act (“UIPA”) as “any unit of government ... but does not include the nonadministrative functions of the courts of this State.” § 92F-3, Hawaii Revised Statutes.

² For a sample form and training on the UIPA Record Request Log, go to OIP’s UIPA training page at <http://oiip.hawaii.gov/laws-rules-opinions/uipa/uipa-record-request-log/>.

³ For the Master Log, go to <https://data.hawaii.gov/Government-Wide-Support/OIP-Master-UIPA-Record-Request-Year-End-Log-For-FY/at3y-6tbt/data>.

How many requests were made to the counties in FY 2016?

Excluding routine requests, there were 1,080 formal written record requests requiring county agencies to send notices to the requester under the state’s Uniform Information Practices Act (“UIPA”), chapter 92F, HRS. County agencies estimated that they received 150,174 routine requests for information for requests that were made orally, did not require a UIPA response, or were automatically granted or denied without supervisory review, such as requests for the Medical Examiner’s death certificates, most police reports, and requests for agency brochures. Subpoenas for discovery of records in court cases are not tracked by the Log.

The following pie chart (**Chart 1**) shows that the 1,080 formal UIPA record requests constituted 0.7% and the estimated 150,174 routine requests comprised 99.3% of the 151,254 total requests reported by the agencies, and **Table 1** breaks down these numbers by county.

All counties reported substantial increases in routine requests, which accounts for the additional 97,592 reported in FY 2016. The 435 reduction in the number of UIPA requests since last year was largely due to the failure of agencies to provide Log data, such as the Honolulu Liquor Commission (which reported 270 requests in FY 2015), the Honolulu Division of Purchasing (Budget & Fiscal Services, 68 requests in FY 2015), and the Honolulu Authority for Rapid Transit (48 in FY 2015).

Chart 1 (Counties)

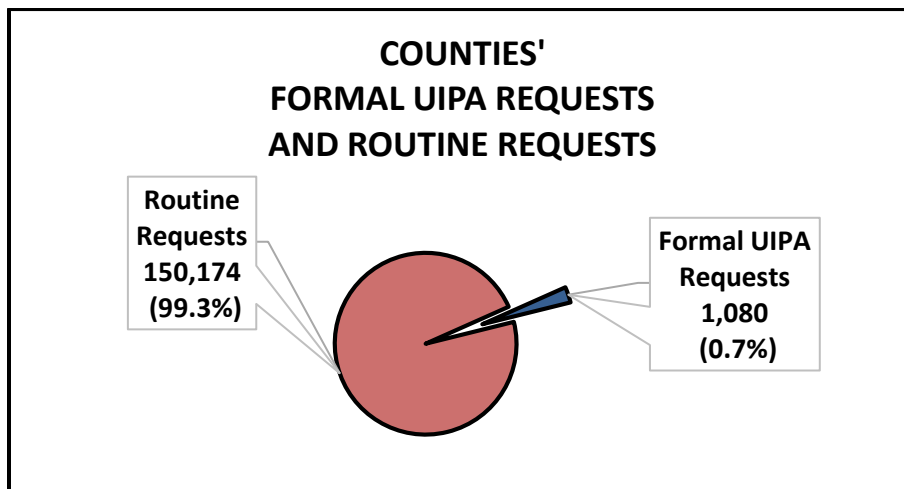


Table 1

**Formal UIPA Requests
and Routine Requests – by County**

	<u>Formal Requests</u>	<u>Routine Requests</u>	<u>ALL</u>
Honolulu	530 (1%)	63,416 (99%)	63,946
Hawaii	243 (1%)	48,999 (99%)	49,242
Kauai	164 (1%)	1,037 (99%)	1,201
Maui	143 (1%)	36,722 (99%)	36,865
All Counties	1,080 (1%)	150,174 (99%)	151,254

What kinds of requests were made?

The 1,080 formal requests to all counties can be broken down into 92 (9%) personal record requests and 89 (8%) complex requests, resulting in a balance of 899 (83%) nonpersonal and noncomplex requests, *i.e.* “typical” requests, as shown in **Chart 2** below. **Table 2** shows the breakdown by county.

Chart 2 (Counties)

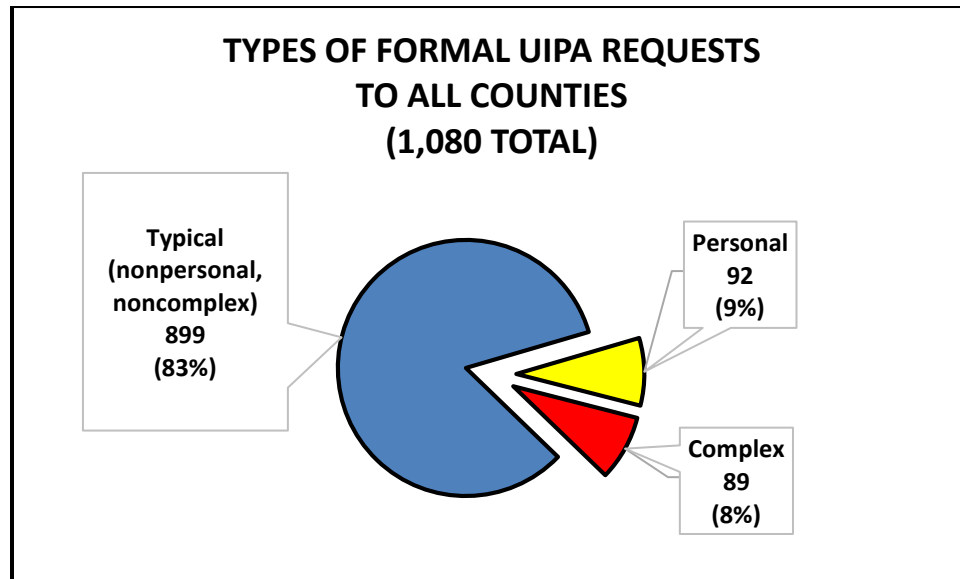


Table 2

**Types of Formal UIPA Requests
(1,080 Total) – by County**

	<u>Typical</u>	<u>Personal</u>	<u>Complex</u>	<u>ALL</u>
Honolulu	498 (94%)	2 (1%)	30 (5%)	530
Hawaii	212 (87%)	8 (3%)	23 (10%)	243
Kauai	92 (56%)	66 (40%)	6 (4%)	164
Maui	97 (68%)	16 (11%)	30 (21%)	143
All Counties	899 (83%)	92 (9%)	89 (8%)	1,080

How many requests were completed?

Out of 1,080 total requests received by the county agencies, 1,045 requests were completed in FY 2016. Of the 1,045 completed requests, 90 were personal record requests, 84 were complex requests, and 871 were “typical” nonpersonal and noncomplex record requests, as shown in **Chart 3A** below. **Table 3A** shows the breakdown by county.

Chart 3A (Counties)

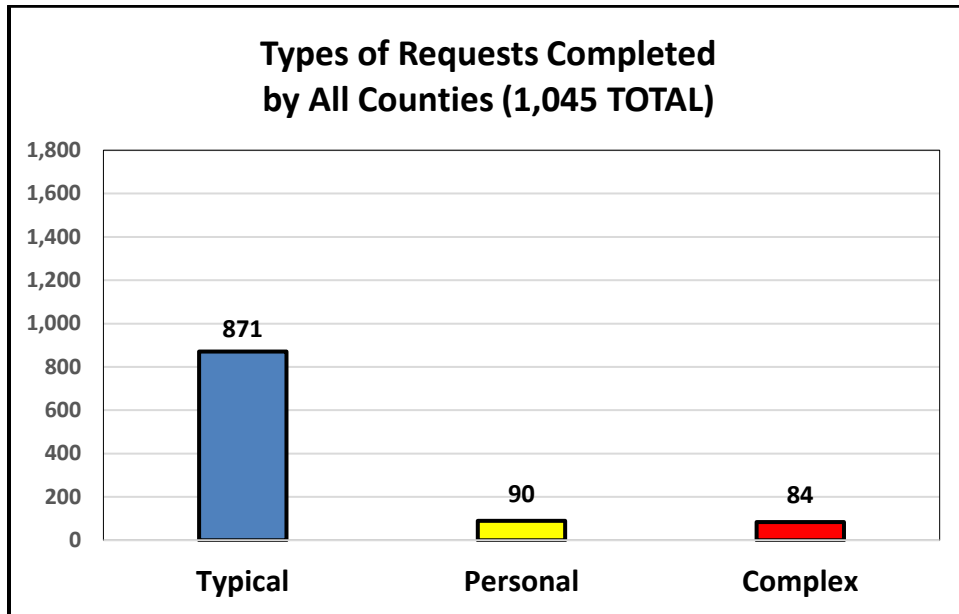


Table 3A

Types of Requests Completed (1,045 Total) – by County

	<u>Typical</u>	<u>Personal</u>	<u>Complex</u>	<u>ALL</u>
Honolulu	481 (96%)	0 (0%)	28 (93%)	509
Hawaii	206 (97%)	8 (100%)	23 (100%)	237
Kauai	89 (96%)	66 (100%)	5 (83%)	160
Maui	95 (98%)	16 (100%)	28 (93%)	139
All Counties	871 (79%)	90 (11%)	84 (10%)	1,045

Of the 1,080 formal requests received by the county agencies, 1,045 (97%) were completed and 35 (3%) were not completed as of June 30, 2016, as shown in **Chart 3B** below. **Table 3B** shows the breakdown by county.

Hawaii and Kauai counties showed significant improvements since FY 2015 in completing UIPA requests: Hawaii County went from 8% to only 2% not completed in FY 2016, and Kauai went from 7% to 2% not completed. Although Maui County increased from 0% to 2% not completed in FY 2015 compared to FY 2016, this change may be due to the county’s better data collection and reporting in FY 2016. All counties are moving closer to the state agencies’ completion of all but 1% of requests.

Chart 3B (Counties)

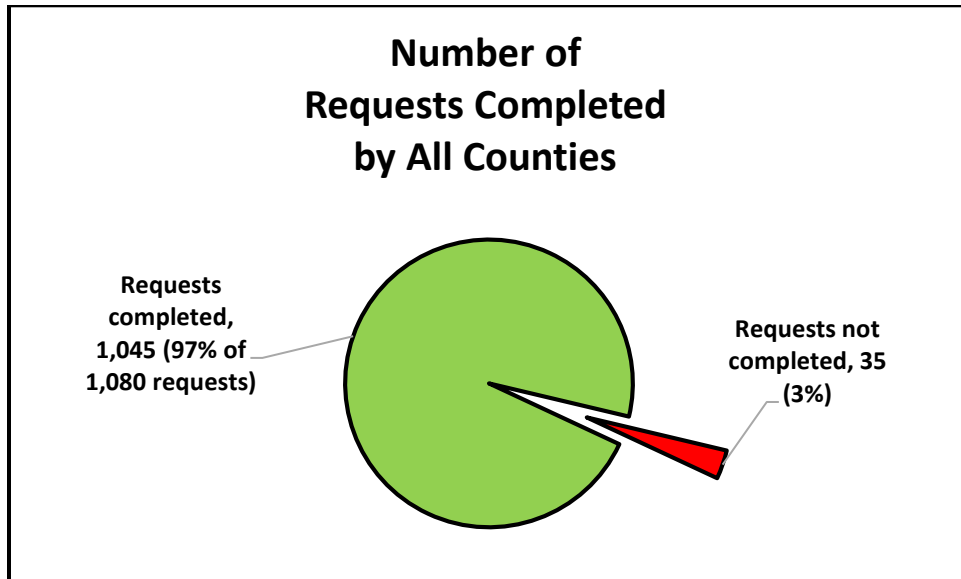


Table 3B

Number of Requests Completed – by County

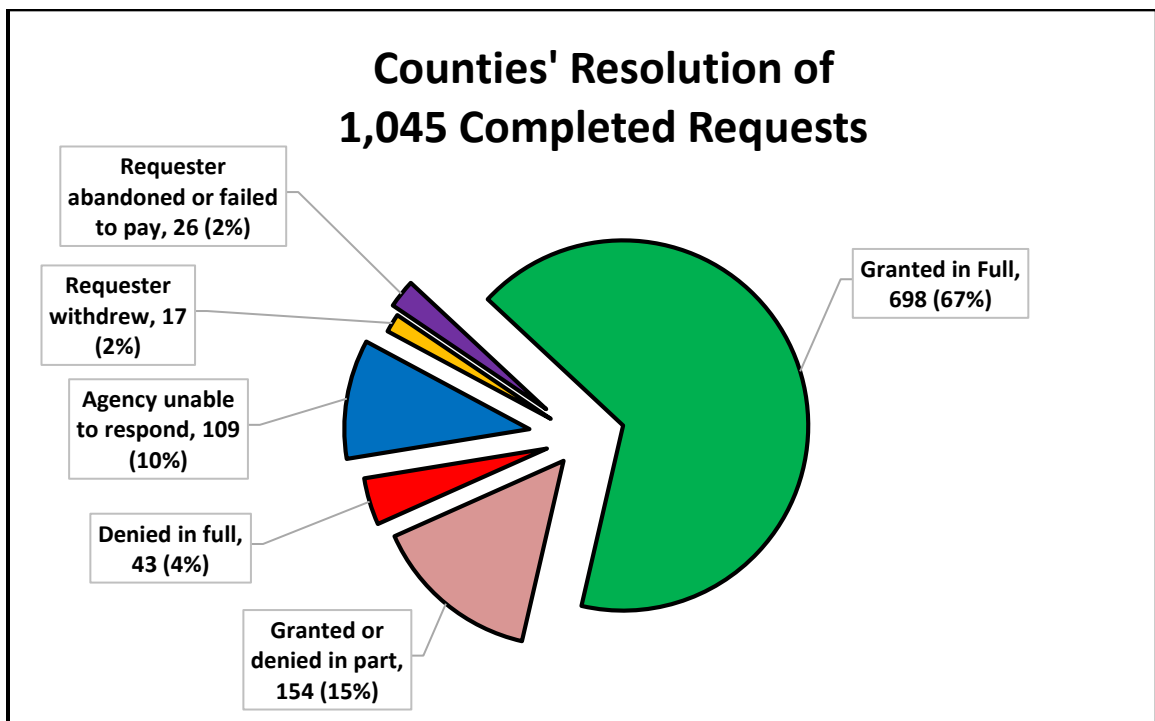
	<u>Completed</u>	<u>Not Completed</u>	<u>% Not Completed</u>
Honolulu	509	21	4%
Hawaii	237	6	2%
Kauai	160	4	2%
Maui	139	4	2%
All Counties	1,045	35	3%

How were requests resolved?

Of the 1,045 requests completed by the county agencies, **Chart 4** below shows that 698 (67%) were granted in full; 154 (15%) were granted or denied in part; 43 (4%) were denied in full; in 109 (10%), the agency was unable to respond; 17 (2%) were withdrawn by the requester; and in 26 (2%), the requester abandoned or failed to pay for the request. Although these results total 1,047 and exceed the 1,045 completed requests by 2, the discrepancy may be due to reporting errors in checking off more than one outcome, underreporting the number of cases completed, or incorrectly reporting that the agencies were “unable to respond” to cases still pending at the end of FY 2016. **Table 4** shows the breakdown by county.

While there were significant differences by counties, their overall resolution of requests was very similar to the state agencies’ figures for FY 2016, which showed 66% granted in full, 13% granted or denied in part, 4% denied in full, 13% unable to respond, 1% withdrawn, and 3% abandoned or failed to pay.

Chart 4 (Counties)



**Table 4
Resolution of 1,045 Completed Requests – by County**

	<u>Granted in Full</u>	<u>Granted in Part</u>	<u>Denied in Full</u>	<u>Unable to Respond</u>	<u>Requester Withdrew</u>	<u>Requester Abandoned</u>
Honolulu	378 (74%)	35 (7%)	24 (4%)	51 (10%)	9 (2%)	16 (3%)
Hawaii	189 (81%)	24 (10%)	5 (2%)	6 (3%)	3 (1%)	6 (3%)
Kauai	32 (20%)	88 (54%)	1 (1%)	37 (23%)	2 (1%)	1 (1%)
Maui	99 (71%)	7 (5%)	13 (9%)	15 (11%)	3 (2%)	3 (2%)
All Counties	698 (67%)	154 (15%)	43 (4%)	109 (10%)	17 (2%)	26 (2%)

How long did it take to complete requests?

To calculate the number of working days taken to complete a request, the Log's Excel formula excluded weekends but not state holidays. Also, to avoid showing zero days for a request completed on the same day it was received, the formula added an extra day by including the date of the request (which is normally excluded when doing a manual count). Thus, the Log's calculation may inflate the days of completion by one or more days, depending on whether there were holidays or the request took more than one day to complete. To account for the inexact calculations, agencies were instructed to manually enter an "x" in Column I of their Logs when they completed a request within ten business days.

With this understanding of the limitations of the underlying formula, the agencies reported providing initial responses within ten business days to 926 requests, or 86% of all requests. (Column I of the Master Log) In 60 of the requests, the agencies reported that they needed initial clarification of the request, which may explain why they were not able to send their notice or acknowledgement to requesters within ten workdays in 14% of total cases.

As shown in the following bar graph, **Chart 5**, it took an average of 9.9 workdays from date of receipt to complete all record requests, based on 10,320 workdays to complete 1,045 requests. (Columns N and AP of the Master Log)

When broken down by type of request, Chart 5 shows that it took an average of 9.1 days to complete 871 typical noncomplex and nonpersonal record requests; 5.6 days to complete 90 personal record requests; and 22.0 days to complete 84 complex requests. (Columns AQ through AS of Master Log) **Table 5** shows the breakdown by county.

Compared to last year, the average county complex record request is taking much longer to complete: 22 days in FY 2016 vs. 13.4 days in FY 2015. Personal record requests are taking a shorter time to complete (5.6 in FY 2016 vs. 7.1 in FY 2015) and the typical requests are taking more time (9.1 in FY 2016 vs. 8.3 in FY 2015). The overall average days to completion has gone up one day to 9.9 in FY 2016. Because of the way the Logs' formula may inflate the number of days to completion, OIP estimates that in FY 2016, the counties completed most UIPA cases in roughly 9 workdays, as compared to 8 workdays for the state agencies. However, Honolulu and Maui Counties' results show average workdays to completion in excess of OIP's ten-day deadline.

Chart 5 (Counties)

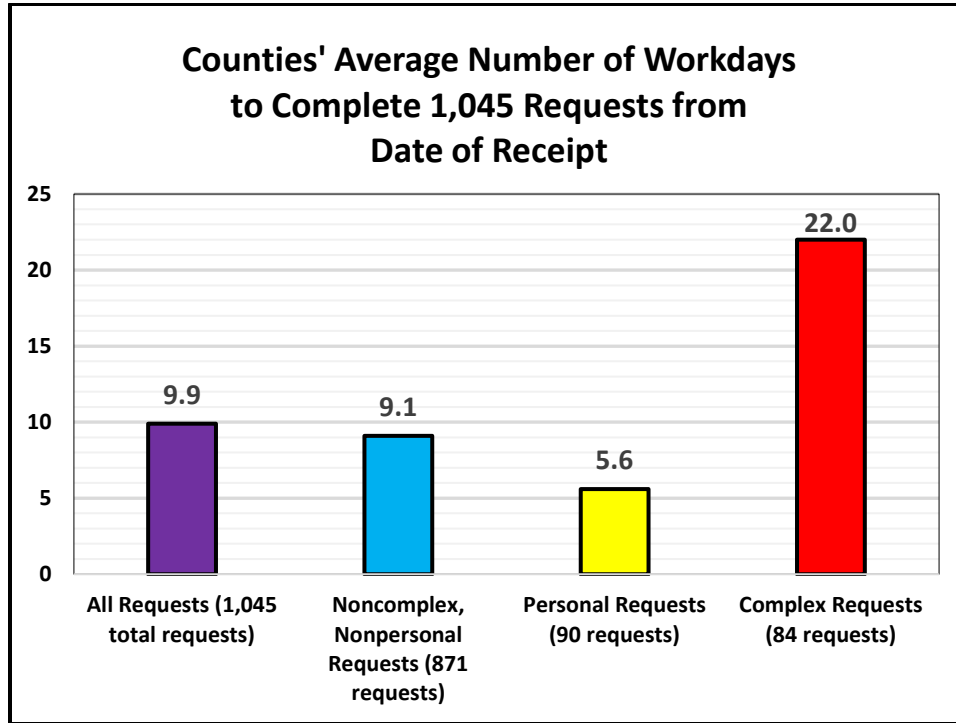


Table 5

Average Number of Workdays to Complete 1,045 Requests from Date of Receipt – by County

	<u>All Requests</u>	<u>Noncomplex, Nonpersonal</u>	<u>Personal Requests</u>	<u>Complex Requests</u>
Honolulu	11.7	11.2	(none)	19.4
Hawaii	8.2	13.7	15.0	13.9
Kauai	5.6	1.4	3.7	15.0
Maui	11.1	5.2	8.8	32.6
All Counties	9.9	9.1	5.6	22.0

Agencies were also asked to keep track of the actual time that they spent on search, review (*e.g.*, for confidentiality or privacy concerns), and segregation (*e.g.*, redacting protected information) in 15-minute increments per hour. No less than .25 hour, or 15 minutes, was to be entered for search time for each request. Any legal research or other time spent to determine how the agency should respond or possible exemptions from disclosure could not be entered as search, review, or segregation (“SRS”), but could be separately logged by the agencies as “Legal Review” hours. As shown in the following pie **Chart 6**, the agencies reported incurring a total of 1,448 hours to respond to record requests, of which 1,129 hours were for search, 301 hours were for review and segregation, and 18 hours were for legal review. These figures also include the time spent by agencies working on the 35 pending cases that were not completed at the end of FY 2016. **Table 6** shows the breakdown by county.

In FY 2016, the counties reported 3,242 hours less to respond to requests than in the prior year. The most substantial reductions shown in the hours was reported by Honolulu, which provided no Log data from several agencies (Liquor Commission, Division of Purchasing, and the Honolulu Authority for Rapid Transit). In contrast, the state agencies reported an increase of 3,943 hours incurred in responding to FY 2016 requests, which OIP believes is due to better reporting by the state agencies.

Chart 6 (Counties)

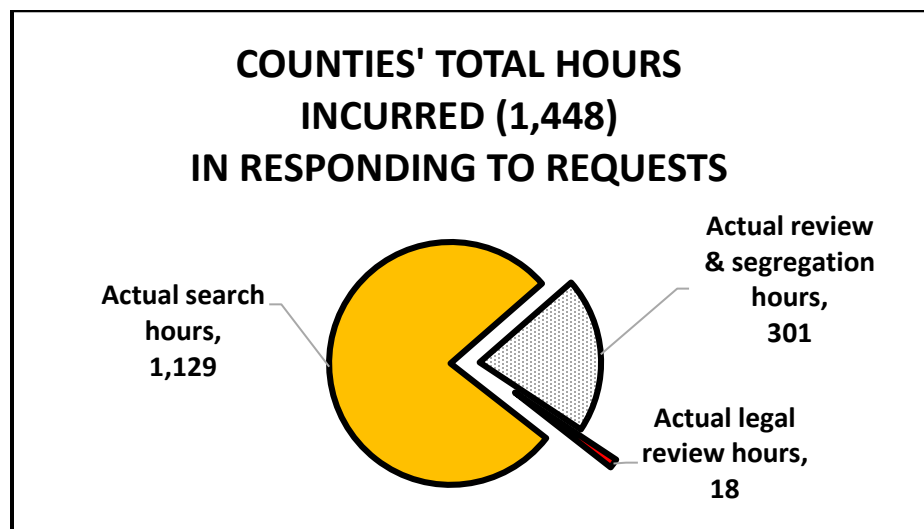


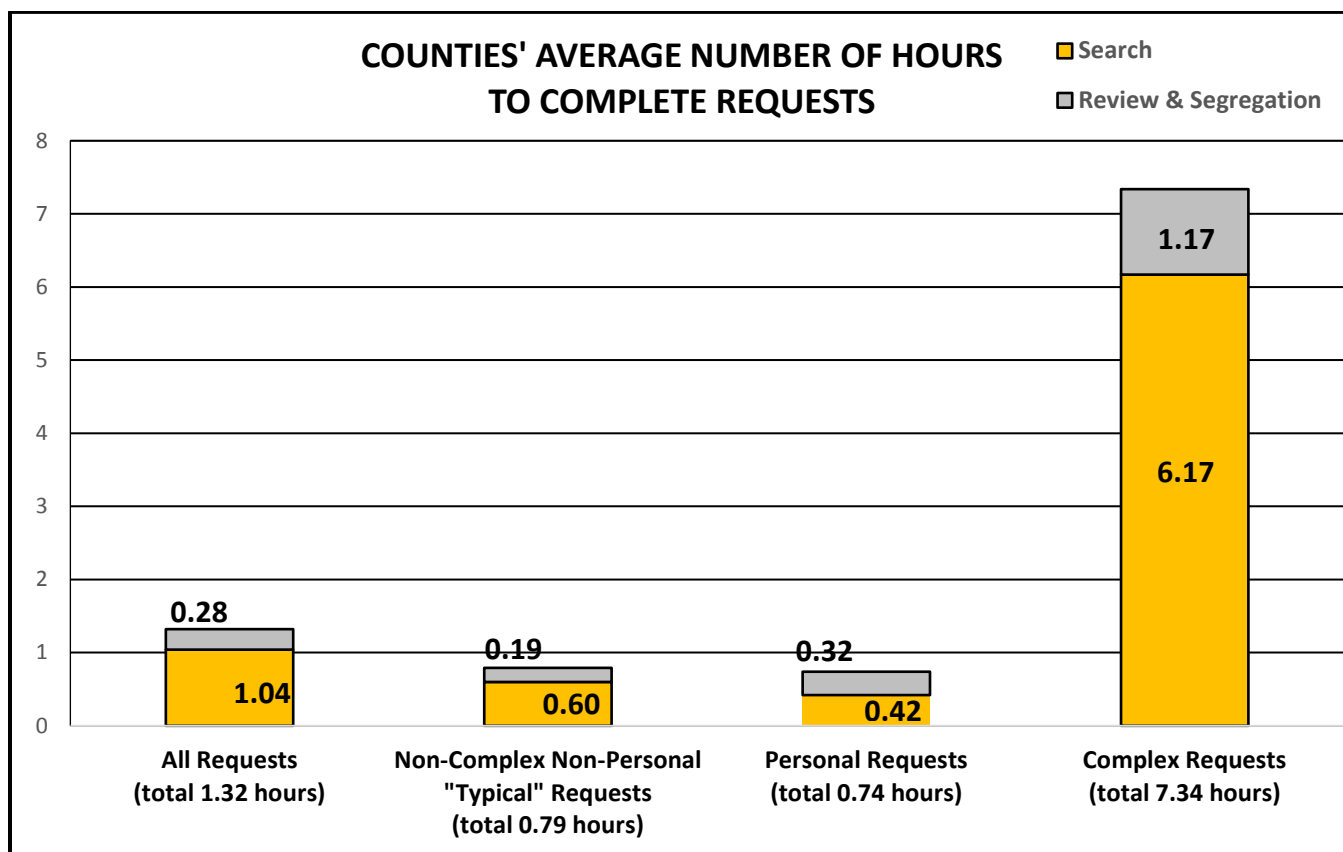
Table 6
Total Hours Incurred (1,448)
in Responding to Requests – by County

	<u>Search Hours</u>	<u>Review & Segregation Hours</u>	<u>Legal Review Hours</u>
Honolulu	751.00	168.00	3.50
Hawaii	231.95	27.45	8.50
Kauai	112.50	73.25	1.25
Maui	33.50	32.00	4.75
All Counties	1,128.95	300.70	18.00

The totals in Columns AT through BA of the Master Log show the number of SRS hours that county agencies worked on various types of record requests, including the 35 requests that were not completed at the end of FY 2016. Based on those SRS hours, and excluding legal review hours, it took an average of 1.32 total SRS hours of work for 1,080 record requests in FY 2016, as shown in **Chart 7** below. The 899 “typical” noncomplex/nonpersonal record requests took an average of 0.79 SRS hours, and 92 personal record requests took an average of 0.74 SRS hours of agency work. The 89 complex record requests took 7.34 SRS hours on average, which is more than nine times longer than the typical request. **Table 7** shows the breakdown by county.

Compared to FY 2015, the counties reported spending in FY 2016 less SRS hours for typical and complex requests, but more for personal record requests. They also appear to have substantially increased their search hours while reducing review and segregation hours for complex requests.

Chart 7 (Counties)



In comparison to the state agencies for FY 2016, the counties’ overall hourly averages are much lower to complete typical requests: 4 hours for state agencies compared to 0.79 hours for county agencies to complete non-complex, non-personal record requests. Their averages are about the same for complex requests: 7.20 hours for state and 7.34 hours for county agencies.

Table 7

**Average Number of Hours
to Complete Requests – by County**

<u>Honolulu:</u>	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	1.42	.32	1.74
Noncomplex/ Nonpersonal	.64	.22	.86
Personal	4.00	3.50	7.50
Complex	14.07	1.73	15.80
<u>Hawaii:</u>	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	.95	.11	1.06
Noncomplex/ Nonpersonal	.86	.08	.94
Personal	.38	.12	.50
Complex	2.03	.45	2.48
<u>Kauai:</u>	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	.69	.45	1.14
Noncomplex/ Nonpersonal	.29	.32	.61
Personal	.19	.19	.38
Complex	12.25	5.13	17.38
<u>Maui:</u>	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	.23	.22	.45
Noncomplex/ Nonpersonal	.12	.13	.25
Personal	.95	.55	1.50
Complex	.22	.37	.59
<u>All Counties:</u>	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	1.04	.28	1.32
Noncomplex/ Nonpersonal	.60	.19	.79
Personal	.42	.32	.74
Complex	6.17	1.17	7.34

How much did it cost to complete record requests?

OIP's administrative rules, which were adopted in 1998, permit agencies to charge \$2.50 per 15 minutes, or fraction thereof, for search time (*i.e.*, \$10 per hour) and \$5.00 per 15 minutes, or fraction thereof, for review and segregation time (*i.e.*, \$20 per hour). Agencies are also allowed to recover their copying and delivery costs, which are governed by HRS § 92-21 and agency rules and are not set by OIP.

In order to get a better picture of the gross costs incurred by the government, the Log asked agencies to keep track of legal review time as well as additional response fees, such as special counsel's fees and court costs to defend lawsuits under the UIPA. These additional response fees, however, cannot be charged to the requester and they were excluded from the Log's automatic calculation of the amounts that the agencies could charge to the requester. Moreover, while agencies may incur copying or other costs for their own purposes in reviewing and segregating records, OIP's rules allow them to charge only for the copying and delivery of records actually provided to the requester. Finally, OIP's rules require that up to the first \$30 in SRS fees be waived for all requesters, and this waiver may be increased to \$60 (not \$30 plus \$60) for requests that are found by the agency to be in the public interest.

Thus, while the Log captured data about the gross fees and costs incurred by the agencies, it also calculated the net amounts, after waivers, that could be properly charged by the agencies. The agencies manually inputted into the Log the amounts that were actually paid by the requesters.

The visualizations and data on the following pages break down the fees and costs in various ways. After subtracting fee waivers, the net chargeable amounts of fees and costs that agencies could properly charge requesters is compared to the gross fees and costs that agencies incurred, and the total fees and costs that requesters actually paid, as shown in **Chart 8A**. In summary, the agencies incurred gross fees and costs of \$46,815 but could only charge \$33,045 for fees and costs allowed under OIP's rules, and they actually collected from requesters \$19,202.

Please note that the data in Chart 8A includes gross and net fees and costs for all 1,080 county requests, even if they were not completed or charged to requesters. Moreover, the gross incurred SRS fees of \$22,293 (from Column Z of the Master Log and as shown in the left column of Chart 8A) do not include fees for legal review hours, SRS fees for personal records, or additional response fee estimates. If those nonchargeable amounts were included and \$24,522 (from Column AF of the Master Log) in gross copying and delivery costs were included, then the gross incurred fees and costs would total \$47,785 (as shown in Column AJ of the Master Log) and not \$46,815 shown in the far left column of **Chart 8A**.

Table 8A shows the fees and costs breakdown by county.

When compared to the counties' data in FY 2015, there has been a substantial decrease in gross fees and costs incurred. Overall, gross fees and costs incurred decreased from \$90,474 in FY 2015 to \$46,815 in FY 2016. (Chart 8A, Table 8A.) Except for Honolulu, all counties reported more requests in FY 2016 than in FY 2015, higher total gross fees and costs incurred, and more recovered from requesters. Honolulu's numbers were significantly lower, however, due to its 38% decline in the number of requests logged in FY 2016, which brought down the total numbers for all counties.

Chart 8A (Counties)

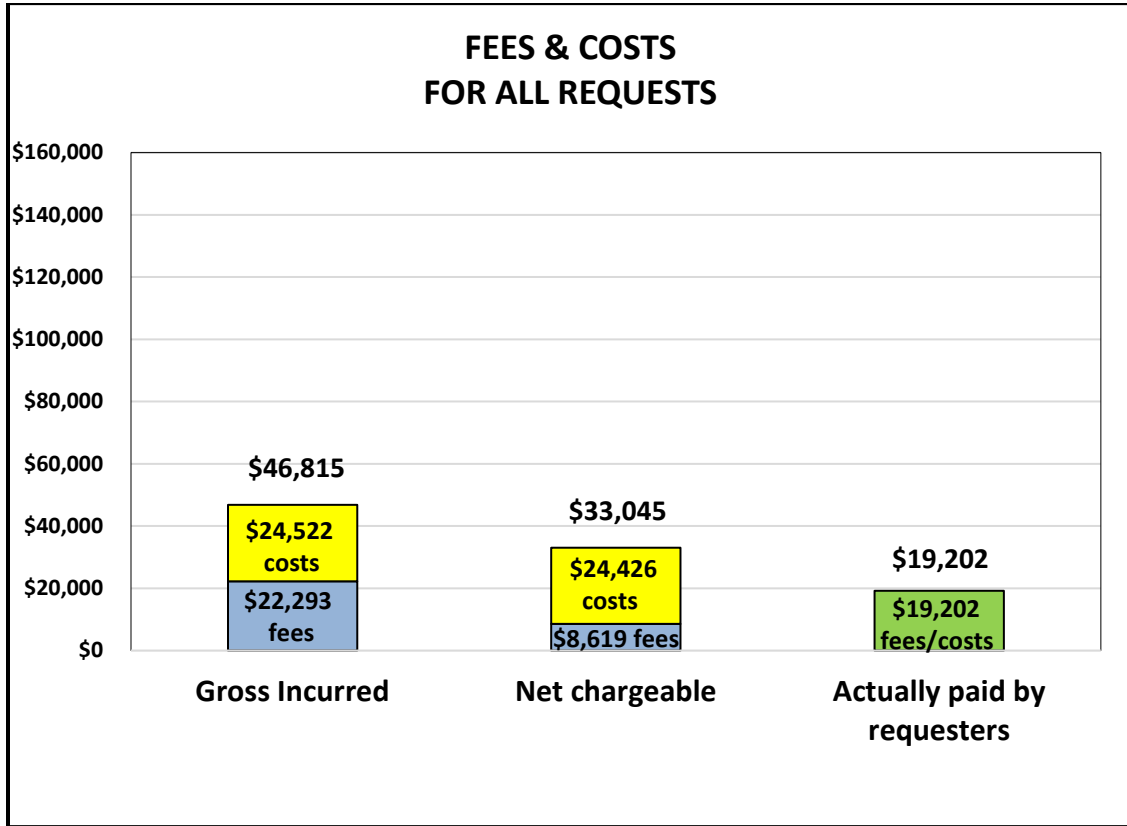


Table 8A

**Fees & Costs for
All Requests – by County**

	<u>Gross Fees/Costs Incurred</u>		<u>Total Incurred</u>	<u>Net Fees/Costs Chargeable</u>		<u>Total Chargeable</u>	<u>Actually Paid</u>
Honolulu	\$10,700/	\$12,392	\$23,092	\$5,705/	\$12,288	\$17,993	\$ 5,270
Hawaii	2,874/	9,774	12,648	1,092/	9,768	10,860	10,088
Kauai	8,072/	895	8,967	1,467/	909	2,376	2,142
Maui	647/	1,461	2,108	355/	1,461	1,816	1,702
All Counties	\$22,293/	\$24,522	\$46,815	\$8,619/	\$24,426	\$33,045	\$19,202

Based on the data entered by the agencies, the Master Log automatically calculated the gross fees and costs incurred (Master Log Column AN) for the 89 complex record requests as well as the net amount that was properly chargeable (Master Log Column AM). **Chart 8B** below visualizes the complex request totals reported by all counties on the Master Log as follows:

- \$9,321 gross fees and costs incurred in 89 complex cases
- \$8,027 net fees and costs chargeable in 89 complex cases
- \$3,488 actually paid in 84 completed complex cases

Table 8B shows the breakdown by county.

The gross fees and costs incurred by all counties for complex record requests drastically decreased from \$30,121 in FY 2015 to \$9,321 in FY 2016. The net chargeable fees and costs also drastically decreased from \$27,926 in FY 2015 to \$8,027 in FY 2016. These declines may be explained in part by the 36% decline in the number of complex cases logged in FY 2015 compared to FY 2016. (See Chart 3A and Table 3A.) Nevertheless, the amounts actually paid in complex cases remained about the same at \$3,381 in FY 2015 vs. \$3,488 in FY 2016.

Chart 8B (Counties)

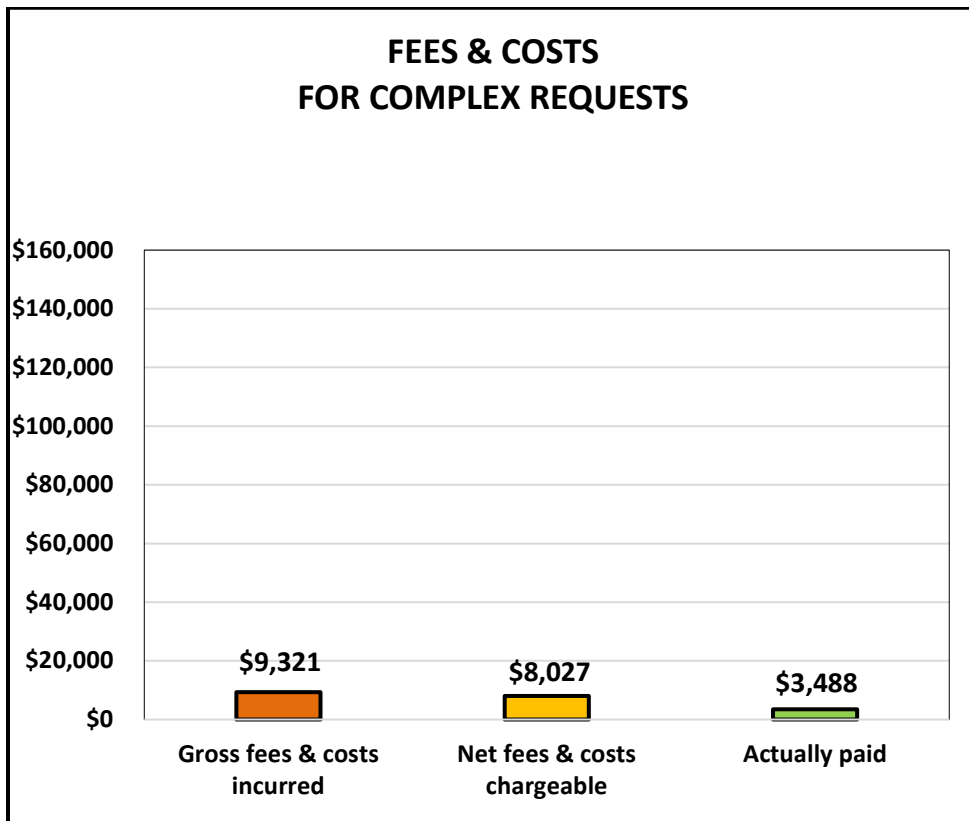


Table 8B

**Fees & Costs for
Complex Requests – by County**

	Gross Fees & Costs Incurred	Net Fees & Costs Chargeable	Actually Paid
Honolulu	\$ 5,760	\$ 5,072	\$ 696
Hawaii	\$ 651	\$ 258	\$ 97
Kauai	\$ 1,360	\$ 1,232	\$ 1,230
Maui	\$ 1,550	\$ 1,465	\$ 1,465
All Counties	\$ 9,321	\$ 8,027	\$ 3,488

By subtracting the totals for the 89 complex requests in Chart 8B from their counterparts for all 1,080 requests in Chart 8A, the bar graph in **Chart 8C** below shows that in 899 typical and 92 personal record requests (total 991) (Chart 2) the agencies incurred \$37,494 in gross and \$25,018 in net fees and costs. Assuming that requesters in only completed cases actually paid fees and costs, Chart 8C also shows that agencies recovered \$15,714 from the 871 typical and 90 personal completed cases (961 total). (Chart 3A)

Based on a total of 961 typical and personal record requests and the amounts listed in Chart 8C, the average per request calculates to \$16.35 actually paid by requesters. This average is misleading, however, as 802 requesters paid nothing, as will be seen later in Charts 11 and 12. **Table 8C** shows the breakdown by county.

Like the complex record requests, the typical and personal requests in FY 2016 showed dramatic declines in gross and net fees and costs, apparently due to the lower numbers of requests logged in FY 2016 vs. FY 2015. There was, however, a large increase in amounts actually paid for typical and personal record requests: \$9,364 in FY 2015 vs. \$15,714 in FY 2016. Overall, therefore, it appears that the counties recovered more amounts due from requesters in FY 2016.

Chart 8C (Counties)

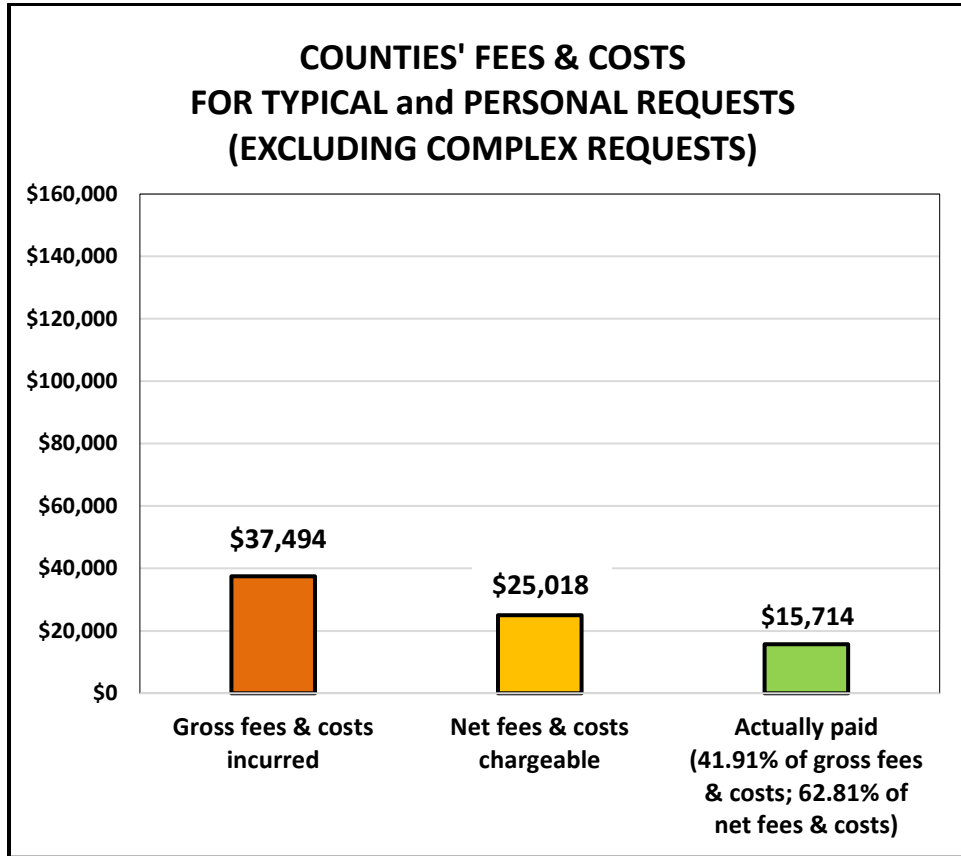


Table 8C

**Fees & Costs for
Typical and Personal Requests
(Excluding Complex Requests) – by County**

	Gross Fees & Costs Incurred	Net Fees & Costs Chargeable	Actually Paid
Honolulu	\$ 17,332	\$ 12,921	\$ 4,575
Hawaii	\$ 11,997	\$ 10,602	\$ 9,991
Kauai	\$ 7,607	\$ 1,144	\$ 912
Maui	\$ 558	\$ 351	\$ 236
All Counties	\$ 37,494	\$ 25,018	\$ 15,714

The difference between the net amounts that agencies can charge versus the actual amounts paid by requesters may be explained in large part by the fee waivers that agencies must grant under OIP rules. Up to \$30 in SRS fees are waived in most cases; up to \$60 in SRS fees may be waived if the request meets the public interest requirements. Note that no refunds are given to requesters whose SRS fees are less than the waiver amounts.

There were no fee waivers in 447 completed cases, which may be partially explained by the following reasons. No fees, and thus no waivers, are allowed for personal record requests, which totaled 92 in FY 2016. Moreover, fee waivers are only entered when SRS fees are entered, so there would generally be no waivers in most of the 195 cases where requests were denied, abandoned, or withdrawn, or when the agency was unable to respond.

Using 1,080 as the total number of cases, **Chart 9** below shows that the agencies reported granting \$30 fee waivers for 581 requests (54%) and \$60 fee waivers for 52 requests (5%).

Table 9 shows the breakdown by county.

In FY 2016, OIP automated the entry of fee waivers on the UIPA Record Request Log form, which may explain why the counties' percentages of fee waivers in FY 2016 compare favorably with the state agencies' percentages.

Chart 9 (Counties)

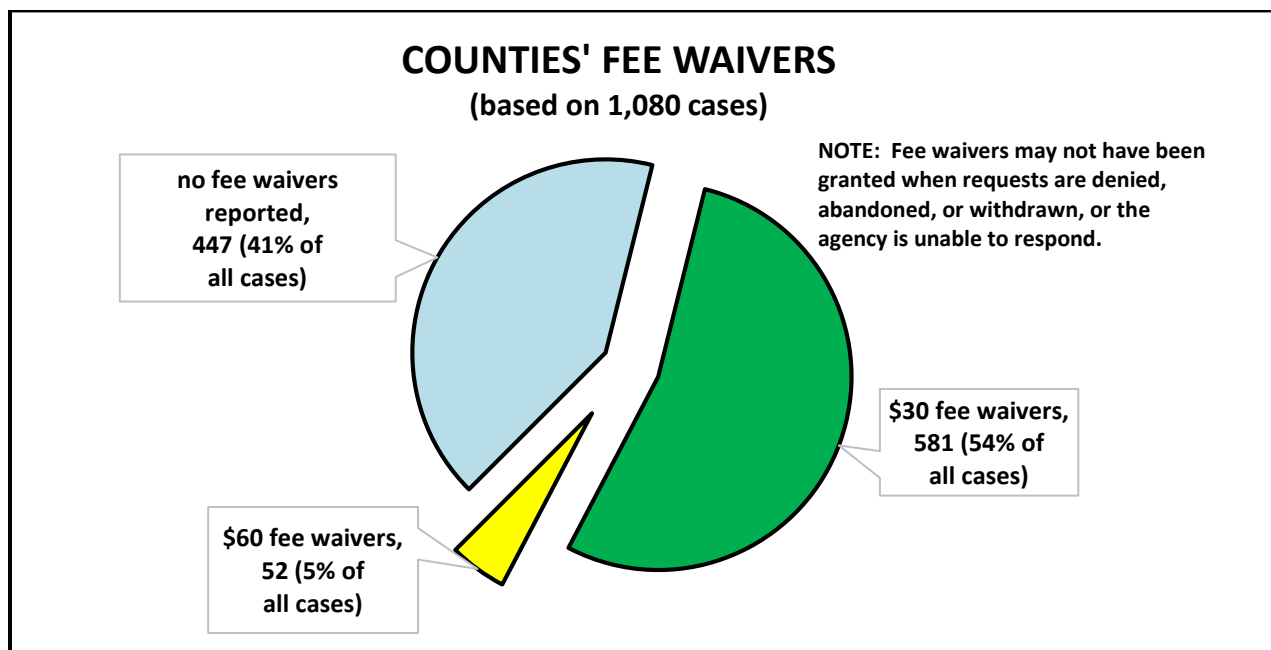


Table 9
Fee Waivers – by County

	<u>\$30 Fee Waivers</u>	<u>\$60 Fee Waivers</u>	<u>No Fee Waivers</u>
Honolulu	328 (62%)	45 (8%)	157 (30%)
Hawaii	144 (59%)	6 (2%)	93 (39%)
Kauai	78 (48%)	1 (1%)	85 (51%)
Maui	31 (22%)	0 (0%)	112 (78%)
All Counties	581 (54%)	52 (5%)	447 (41%)

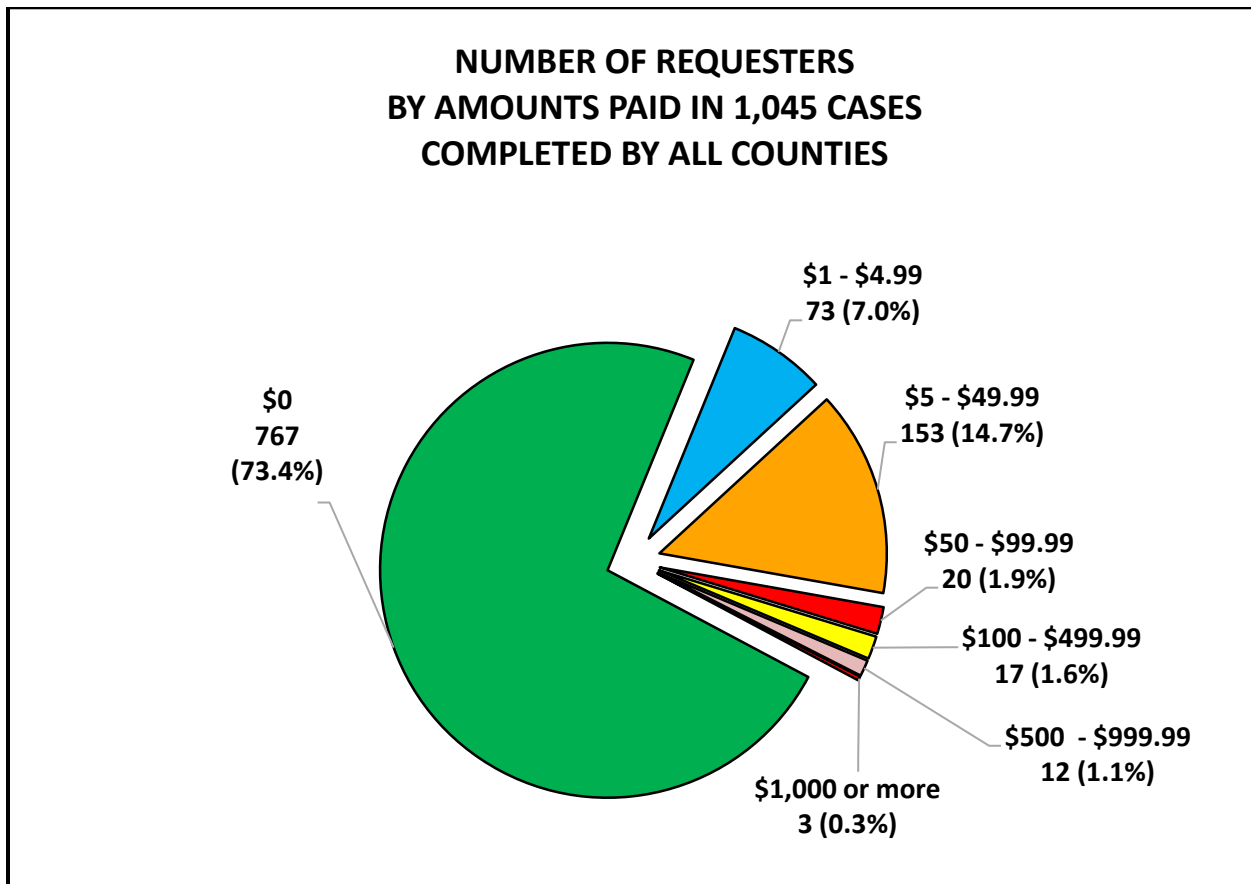
By reviewing each agency’s Log, OIP compiled the data found in **Table 10**, which is attached at the end of this report. For the 1,045 total completed requests, a total of \$19,202 was paid by requesters for fees and costs per Table 10. Table 10 lists the data by county and provides subtotals for each county.

Based on the 1,045 completed requests, **Chart 11** below shows that 767 requesters (73.4%) paid nothing, 73 requesters (7.0%) paid \$1 to \$4.99 per request; 153 requesters (14.7%) paid \$5 to \$49.99; 20 requesters (1.9%) paid \$50 to 99.99; 17 requesters (1.6%) paid \$100 to \$499.99; 12 requesters (1.1%) paid \$500 to \$999.99; and 3 (0.3%) requesters paid \$1,000 or more in fees and costs.

Of the 52 requesters who paid \$50 or more, at least 49 requesters in the attached **Table 10 Supplement: Summary of Fees & Costs Paid by Requesters** appeared to represent attorneys, media, or commercial or nonprofit organizations.

Compared to the prior year, a greater percentage in FY 2016 (73.4%) paid no fees and costs than in FY 2015 (57.7%). Although a smaller percentage paid \$1 to \$4.99 in FY 2016 (7%) vs. FY 2015 (24.7%), the total percentage of people paying less than \$5.00 in both years was about the same (80.4% in FY 2016 vs. 82.4%) in FY 2015.

Chart 11 (Counties)

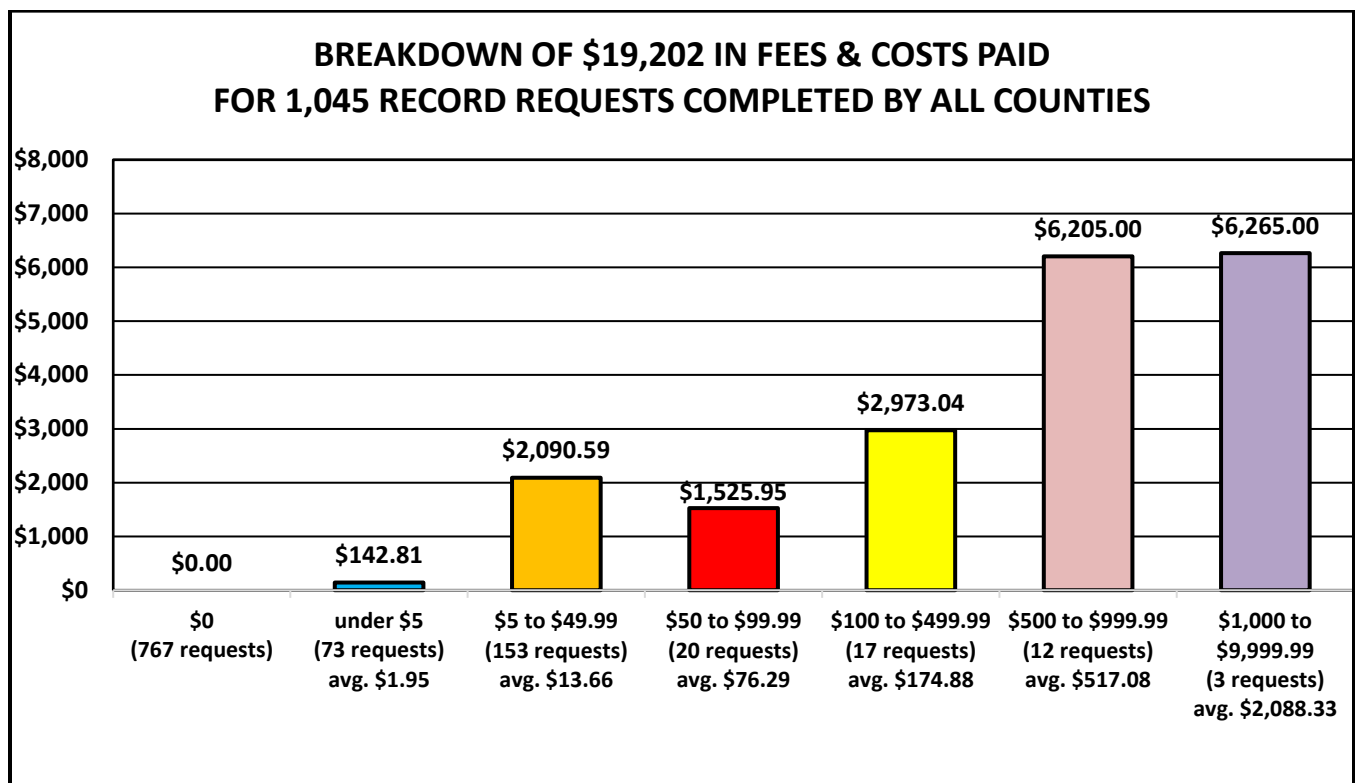


Again using Table 10's data, **Chart 12** below shows the breakdown of the \$19,202 in fees and costs paid in 1,045 completed cases. As Chart 12 shows, 767 requesters (73.4% of 1,045 completed requests) paid nothing, and 278 requesters (26.6% of 1,427 completed requests) paid a total of \$19,202. Of the 278 requesters that paid any amount, 73 requesters (26.2% of 278 paying requesters) paid less than \$5, for a total of \$142.81 or average of \$1.95 per request. Another 153 requesters (55.0% of paying requesters) paid between \$5 and \$49.99, for a total of \$2,090.59 or average of \$13.66.

Twenty requesters (7.2% of paying requesters) paid between \$50 and \$99.99, for a total of \$1,525.95 or average of \$76.29. Seventeen requesters (6.1% of paying requesters) paid between \$100 and \$499.99, for a total of \$2,973.04 or average of \$174.88. Twelve requesters (4.3% of paying requesters) paid between \$500 and \$999.99, for a total of \$6,205.00 or average of \$517.08. Three requesters (0.1% of paying requesters) paid between \$1,000 and \$9,999.99, for a total of \$6,265.00 or average of \$2,088.33.

The counties collected more fees and costs from requesters in FY 2016 (\$19,202) than in FY 2015 (\$12,745).

Chart 12 (Counties)



COUNTY AGENCIES' SUMMARY

In closing, OIP would like to thank the county agencies that participated in recording their Log data and providing it to OIP. While there are still a number of data entries that are missing or must be corrected, OIP appreciates the counties' cooperation in instituting the Log and providing data that has been very helpful in understanding how the UIPA is working in Hawaii to provide public access to records maintained by county governments. The county data can now be compared to the state and prior years' county data, which was summarized in OIP's other reports found on the Reports page at oip.hawaii.gov.

Overall, the data shows that the typical county record request was granted in whole or in part and was completed in about nine work days, and the typical requester paid nothing for fees and costs. Excluding an estimated 150,174 routine requests, county agencies logged 1,080 formal UIPA record requests in FY 2016. (Chart 1) Of the 1,080 formal UIPA record requests that were received, 92 (9%) were personal record requests, 89 (8%) were complex requests, and 899 (83%) were the "typical" noncomplex/ nonpersonal record requests. (Chart 2)

County agencies completed 1,045 requests, or 97% of the 1,080 requests received in FY 2016. (Chart 3B) Of the 1,045 completed cases, 90 were personal (11%), 84 were complex (10%), and 871 (79%) were "typical" record requests. Of the 1,045 completed requests, 82% were granted in full or in part, 4% were denied in full, and the agency was unable to respond or the requester withdrew or abandoned the request in the remaining 14% of the county cases. (Chart 4)

It took all county agencies an average of 9.9 days to respond to 1,045 completed requests. (Chart 5) When broken down by type of requests, the average days to complete the "typical" request was 9.1 days; personal requests averaged 5.6 days; and complex requests averaged 22.0 days. After adjusting for the Log's formulas causing the inflation of completion days, county agencies as a whole can generally claim to take about nine work days, on average, to complete 961 typical and personal record requests, which constitute 90% of all completed cases. (Chart 5) Note, however, that there were significant differences in performance by county, as shown in Table 5.

In terms of hours worked per request, county agencies took a total of 1,448 hours to respond to all requests, which includes nonchargeable time for legal review and the 35 requests that were not completed in FY 2016. (Chart 6) When broken down into chargeable search, review, and segregation hours for both completed and pending cases, agencies worked an average of 0.79 hours for a typical request, 0.74 hours for a personal record request, and 7.34 hours for a complex request. (Chart 7)

County agencies incurred \$46,815 in gross fees and costs (excluding legal review hours, personal record fees, and additional response fee estimates) to respond to all requests, of which \$19,202 (41%) was actually paid by all requesters. (Chart 8A) Although the 84 complex requests comprised only 10% of all completed requests, they consumed over 2.4 times as many SRS hours compared to the typical request, and complex requests disproportionately accounted for \$9,321 (19.9%) of the gross fees and costs incurred by agencies. (Charts 2, 7, 8A and 8B) Requesters for the 89 completed complex record requests paid \$3,488 (18.1%) of the \$19,202 total amount recovered from all county requesters. (Charts 8A and 8B)

Fee waivers were granted in 59% of 1,080 cases. (Chart 9) The majority (581, or 54%) of requests were granted \$30 fee waivers, while 52 requests (5%) were allowed the \$60 public interest fee waivers. The 441 cases in which no fee waivers were granted may be explained, in part, by cases that were denied (43), withdrawn (17), or abandoned (26); for which the agency was unable to respond (109); or for personal records (92) for which no fees may be charged. (Charts 4 and 9)

In the 1,045 completed county cases, 767 (73.4%) requesters paid nothing, and 278 (26.6%) requesters paid for fees or costs. (Table 10) Of the 278 requesters that paid any amount, 73 (26.2% of paying requesters) paid less than \$5, and 153 (55%) paid between \$5 and \$49.99 for their requests. (Charts 11 and 12) Only 52 requesters (18.7% of all paying requesters) paid \$50 or more per request, of whom at least 49 requesters appear to represent law firms, media, or commercial or non-profit entities. (Table 10 Supplement)

TABLE 10: FY 2016 FEES & COSTS COLLECTED (by agency)

COUNTY	DEPARTMENT	PERSONAL	AMOUNT COLLECTED	COMPLEX	AMOUNT COLLECTED	TYPICAL	AMOUNT COLLECTED	\$0	Under \$5	Amt	\$5 to \$49.99	Amt	\$50 to \$99.99	\$100 to \$499.99	\$500 to \$999.99	\$1,000 & over
CC HON	BUDGET/ACCOUNTING	0	\$ -	7	\$ 110.00	2	\$ -	5			4	\$110.00				
CC HON	BUDGET/ ADMIN	0	\$ -	0	\$ -	17	\$ -	17								
CC HON	COMMUNITY SERVICES	0	\$ -	0	\$ -	0	\$ -									
CC HON	CORP COUNSEL	0	\$ -	0	\$ -	8	\$ 146.50	4			3	\$71.25	1			
CC HON	CUSTOMER SERVICES	0	\$ -	0	\$ -	10	\$ -	10								
CC HON	DESIGN & CONSTRUCT	0	\$ -	0	\$ -	18	\$ 1,420.25	10	4	\$4.25	2	\$52.50		1		1
CC HON	EMERGENCY MGMT	0	\$ -	0	\$ -	0	\$ -									
CC HON	ENTERPRISE SERVICES	0	\$ -	4	\$ 55.00	2	\$ 144.50	4					1	1		
CC HON	ENVIRONMENTAL SVCS	0	\$ -	4	\$ 22.00	17	\$ 236.25	10	5	\$8.50	4	\$108.25	2			
CC HON	FACILITY MAINTENANCE	0	\$ -	2	\$ -	3	\$ -	5								
CC HON	ETHICS COMMISSION	0	\$ -	0	\$ -	15	\$ -	15								
CC HON	BOARD OF WATER SUPP	0	\$ -	2	\$ 2.50	29	\$ 343.25	14	6	\$18.86	9	\$139.50	1	1		
CC HON	HON EMERGENCY SVCS	0	\$ -	0	\$ -	0	\$ -									
CC HON	HON FIRE DEPT	0	\$ -	2	\$ -	276	\$ 248.50	242	26	\$39.00	9	\$100.25		1		
CC HON	HON POLICE DEPT	0	\$ -	3	\$ 35.75	22	\$ 49.25	16	5	\$14.50	4	\$70.50				
CC HON	HUMAN RESOURCES	0	\$ -	0	\$ -	0	\$ -									
CC HON	INFO TECHNOLOGY	0	\$ -	0	\$ -	0	\$ -									
CC HON	MAYOR/MANAGE DIR	0	\$ -	1	\$ 85.00	17	\$ 1.00	16	1	\$1.00			1			
CC HON	MEDICAL EXAMINER	0	\$ -	0	\$ -	0	\$ -									
CC HON	PARKS & RECREATION	0	\$ -	0	\$ -	10	\$ 19.99	8			2	\$19.99				
CC HON	PLANNING & PERMIT	0	\$ -	2	\$ 256.00	26	\$ 1,965.75	2			14	\$294.25	5	7		
CC HON	PROSECUTING ATTY	0	\$ -	0	\$ -	0	\$ -									
CC HON	TRANSPORTATION SVCS	0	\$ -	1	\$ 129.25	9	\$ -	9						1		
CC HON	CC HON TOTALS	0	\$ -	28	\$ 695.50	481	\$ 4,575.24	387	47	\$86.11	51	\$966.49	11	12	0	1

COUNTY	DEPARTMENT	PERSONAL	AMOUNT COLLECTED	COMPLEX	AMOUNT COLLECTED	TYPICAL	AMOUNT COLLECTED	\$0	Under \$5	Amt	\$5 to \$49.99	Amt	\$50 to \$99.99	\$100 to \$499.99	\$500 to \$999.99	\$1,000 & over
HAWAII	AGING	0	\$ -	0	\$ -	0	\$ -									
HAWAII	CIVIL DEFENSE	0	\$ -	0	\$ -	2	\$ -	2								
HAWAII	CORP COUNSEL	0	\$ -	0	\$ -	5	\$ -	5								
HAWAII	COUNTY CLERK	0	\$ -	7	\$ 3.00	0	\$ -	5	2	\$3.00						
HAWAII	COUNTY COUNCIL	0	\$ -	0	\$ -	0	\$ -									
HAWAII	ENVIRONMENT MGMT	0	\$ -	0	\$ -	21	\$ 11.70	20			1	\$11.70				
HAWAII	FINANCE	1	\$ -	2	\$ -	60	\$ 9,894.90	27	3	\$5.00	26	\$468.40	2	2	10	1
HAWAII	FIRE	0	\$ -	0	\$ -	0	\$ -									
HAWAII	HOUSING	0	\$ -	0	\$ -	0	\$ -									
HAWAII	HUMAN RESOURCES	0	\$ -	1	\$ -	3	\$ -	4								
HAWAII	INFO TECHNOLOGY	0	\$ -	0	\$ -	0	\$ -									
HAWAII	LEGISLATIVE AUDITOR	0	\$ -	0	\$ -	1	\$ -	1								
HAWAII	LIQUOR CONTROL	0	\$ -	1	\$ -	5	\$ -	6								
HAWAII	MASS TRANSIT	0	\$ -	0	\$ -	0	\$ -									
HAWAII	MAYOR	0	\$ -	0	\$ -	57	\$ -	57								
HAWAII	PARKS & RECREATION	0	\$ -	0	\$ -	3	\$ 81.10	1	1	\$1.20			1			
HAWAII	PLANNING	2	\$ -	0	\$ -	0	\$ -	2								
HAWAII	POLICE	1	\$ -	0	\$ -	0	\$ -	1								
HAWAII	PROSECUTING ATTY	1	\$ -	0	\$ -	0	\$ -	1								
HAWAII	PUBLIC WORKS	3	\$ -	11	\$ 94.15	36	\$ 3.30	42	4	\$4.50	4	\$92.95				
HAWAII	RESEARCH & DEVELOP	0	\$ -	0	\$ -	0	\$ -									
HAWAII	WATER SUPPLY	0	\$ -	1	\$ -	5	\$ -	6								
HAWAII	HAWAII TOTALS	8	\$ -	23	\$ 97.15	206	\$ 9,991.00	180	10	13.70	31	\$573.05	3	2	10	1

**TABLE 10 SUPPLEMENT: SUMMARY OF FEES & COSTS PAID BY REQUESTERS
FY 2016
COUNTIES**

Over \$10,000:

NONE

\$1,000 - \$9,999.99:

- * 1. C&C/ Design & Construction – Daniel Kim - \$1,125.00
- * 2. Hawaii/ Finance – Black Knight - \$4,000 (all fees)
- * 3. Kauai/ County Clerk – Kauai Community Cat Project - \$1,140.00 (all fees)

TOTAL = \$6,265.00

\$500 - \$999.99:

- * 1. Hawaii/ Finance – Civil Beat Law Center - \$500.00 (all costs)
- * 2. Hawaii/ Finance – Hawaii Community FCU - \$500.00 (all costs)
- * 3. Hawaii/ Finance – Kamehameha Schools - \$500.00 (all costs)
- * 4. Hawaii/ Finance – LERETA - \$500.00 (all costs)
- * 5. Hawaii/ Finance – Tante Urban Jr - \$500.00 (all costs)
- * 6. Hawaii/ Finance – American Savings Bank - \$500.00 (all costs)
- * 7. Hawaii/ Finance – Shadow Soft Inc. - \$500.00 (all costs)
- * 8. Hawaii/ Finance – Wells Fargo - \$500.00 (all costs)
- * 9. Hawaii/ Finance – Robert Tropp - \$500.00 (all costs)
- * 10. Hawaii/ Finance – LERETA - \$500.00 (all costs)
- * 11. Maui/ Fire & Public Safety – Fields Law Firm - \$533.25
- * 12. Maui/ Planning – Charles Hunter - \$671.75 (all costs)

TOTAL = \$6,205.00

\$100 - \$499.99:

- * 1. C&C/ Design & Construction – Daniel Kim - \$238.50
- * 2. C&C/ Enterprise Services – Star-Advertiser - \$144.50 (all costs)
- 3. C&C/ Board of Water Supply – Water main break information - \$114.14
- 4. C&C/ Honolulu Fire Dept - Angie Pelletier - \$109.25
- * 5. C&C/ Planning & Permitting – Gale Ching - \$386.25
- * 6. C&C/ Planning & Permitting – Pacific Resource Partnership - \$161.00 (all costs)
- * 7. C&C/ Planning & Permitting – Blackstone Consulting - \$132.00 (all costs)
- * 8. C&C/ Planning & Permitting – Development Services Consulting - \$187.00 (all costs)
- * 9. C&C/ Planning & Permitting – Zoning-Info/Ferguson - \$258.75 (all costs)
- * 10. C&C/ Planning & Permitting – Ronald Ogomori, Atty/Tamashiro - \$199.75 (all costs)

- * 11. C&C/ Planning & Permitting – Robert Kleinman - \$218.75 (all costs)
- * 12. C&C/ Transportation Services – Karli Konodi - \$129.25
- * 13. Hawaii/ Finance – David Kaapu - \$120.00 (all fees)
- * 14. Hawaii/ Finance – Wilbert Lee - \$129.00 (all fees)
- * 15. Kauai/ Police Dept – Law Offices of Shelton G W Jim On - \$148.70
- * 16. Kauai/ Police Dept – Cronin, Fried, Sekiya, Kekina and Fairbanks - \$133.70
- * 17. Maui/ Planning – Lance Collins - \$162.50 (all costs)

TOTAL = \$2,973.04

\$50 - \$99.99:

- * 1. C&C/ Corp Counsel – Civil Beat - \$75.25
- * 2. C&C/ Enterprise Services – Star-Advertiser - \$55.00 (all fees)
- * 3. C&C/ Environmental Services –B. Porterfield/ Civil Beat - \$68.50 (all costs)
- * 4. C&C/ Environmental Services – Alston/Hunt/Floyd/Ing - \$73.00
- 5. C&C/ Board of Water Supply – Contract information - \$73.25
- * 6. C&C/ Planning & Permitting – Michael Morelli - \$79.00 (all costs)
- * 7. C&C/ Mayor – Aaron K. Wills - \$85.00 (all fees)
- * 8. C&C/ Planning & Permitting – Zoning Info/Mitchell - \$87.50 (all costs)
- * 9. C&C/ Planning & Permitting – Russell Tsuji - \$67.50 (all costs)
- * 10. C&C/ Planning & Permitting – Damon Key Leong - \$90.75 (all costs)
- * 11. C&C/ Planning & Permitting – Damon Key Leong - \$59.25 (all costs)
- * 12. Hawaii/ Finance - AE Keith & J. Kimi Reserved - \$82.50 (all fees)
- * 13. Hawaii/ Finance - Nancy Fiske - \$90.00 (all fees)
- * 14. Hawaii/ Parks & Recreation – Environment Hawaii - \$79.90
- * 15. Kauai/ County Clerk - Alliance for Progressive Action - \$90.00 (all fees)
- * 16. Kauai/ County Clerk - Gary Hooser - \$90.00 (all fees)
- * 17. Kauai/ Planning - Allison Mizuo Lee - \$83.25 (all costs)
- * 18. Kauai/ Planning - Terry O'Toole, Esq. - \$78.80 (all costs)
- * 19. Maui/ Planning – Brad Edwards - \$67.50 (all costs)
- * 20. Maui/ Police Dept - James Stone, Atty - \$50.00 (all fees)

TOTAL = \$1,525.95

GRAND TOTAL paid by requesters \$50+ = \$16,968.99

Plus total paid by requesters \$5 to \$49.99 = 2,090.59

Plus total paid by requesters under \$5 = 142.81

TOTAL paid for all requests = \$19,202.39

* Appears to be a request from an attorney, media, commercial or non-profit organization.