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OIP'S REPORT OF COUNTY AGENCIES' UIPA RECORD REQUEST YEAR-END LOGS for FY 2017

(For record requests received from July 1, 2016 through June 30, 2017)

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 2017 (“Master Log”)¹ for 74 executive, legislative, and independent agencies² from all four counties.

OIP reviewed each agency’s Log to correct obvious errors and uploaded agencies’ entries on the Master Log. 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.

The county data for FY 2017 may be compared to the prior year’s county and state reports as well as the state data summarized in OIP’s Report of State Agencies’ Master UIPA Record Request Year-End Log for FY 2017. All state and county reports are available on the [Reports page at oiip.hawaii.gov](http://oiip.hawaii.gov).

The overall Charts in this report are based on the averages for all counties. There may be significant differences between counties, however, as shown in the accompanying Tables. Moreover, because of the significant increase (additional 671 requests) in formal requests reported by the City and County of Honolulu in FY 2017,³ which resulted in Honolulu requests comprising 85% (1,201) of total

¹ For the Master Log, go to <https://data.hawaii.gov/Government-Wide-Support/OIP-Master-UIPA-Record-Request-Year-End-Log-For-FY/wxx9-8fxf/data>. 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/>.

² “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.

³ The Honolulu City Medical Examiner logged 228 cases, which were not included in this report, as most appeared to be routine requests or requests for records (autopsies) that had not yet been created and thus were not subject to disclosure under the UIPA.

requests from all counties (1,580 total), many of the overall averages in the Charts have been skewed by Honolulu’s larger numbers.

How many requests were made to the counties in FY 2017?

Excluding routine requests,⁴ there were 1,580 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 138,190 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 1,580 formal UIPA record requests constituted 1.1% and the estimated 138,190 routine requests comprised 98.9 % of the 139,770 total requests reported by the agencies, and **Table 1** breaks down these numbers by county.

Honolulu and Maui reported substantial increases (671 and 61 respectively) in formal requests, while Hawaii and Kauai counties reported decreases (-170 and -56 respectively).

Chart 1 (Counties)

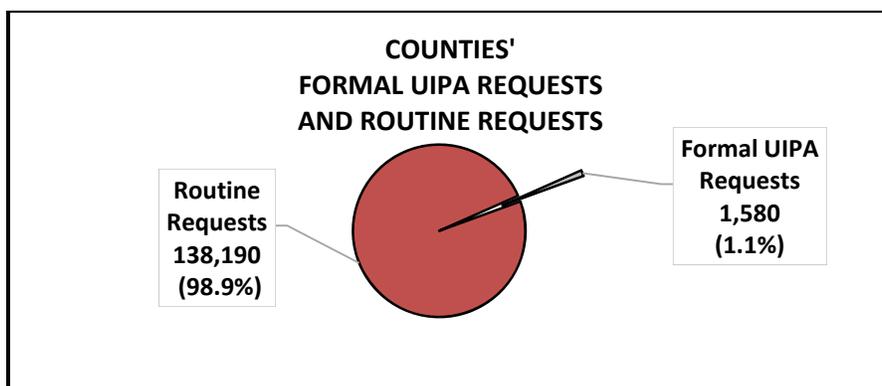


Table 1

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

	<u>Formal Requests</u>	<u>Routine Requests</u>	<u>ALL</u>
Honolulu	1,201 (3%)	38,545 (97%)	39,746
Hawaii	73 (1%)	50,796 (99%)	50,869
Kauai	102 (1%)	7,187 (99%)	7,289
Maui	204 (1%)	41,662 (99%)	41,866
All Counties	1,580 (1%)	138,190 (99%)	139,770

⁴ Routine requests are requests that are made orally (such as by telephone or over the counter), requests that do not require a UIPA response, or requests that are automatically granted or denied without supervisory review (such as for most police reports or agency brochures).

What kinds of requests were made?

The 1,580 formal requests to all counties can be broken down into 133 (8%) personal record requests⁵ and 103 (7%) complex requests,⁶ resulting in a balance of 1,344 (85%) nonpersonal and noncomplex requests, *i.e.* “typical” requests,⁷ as shown in **Chart 2** below. **Table 2** shows the breakdown by county.

Note that there were some differences between counties in the types of requests that were made. When reviewing each county separately, Honolulu, Hawaii, and Maui had similar percentages of “typical” requests (86%, 86%, and 87%) compared to Kauai (66%). Kauai had the highest percentages of personal (21%) and complex (13%) record requests.

Chart 2 (Counties)

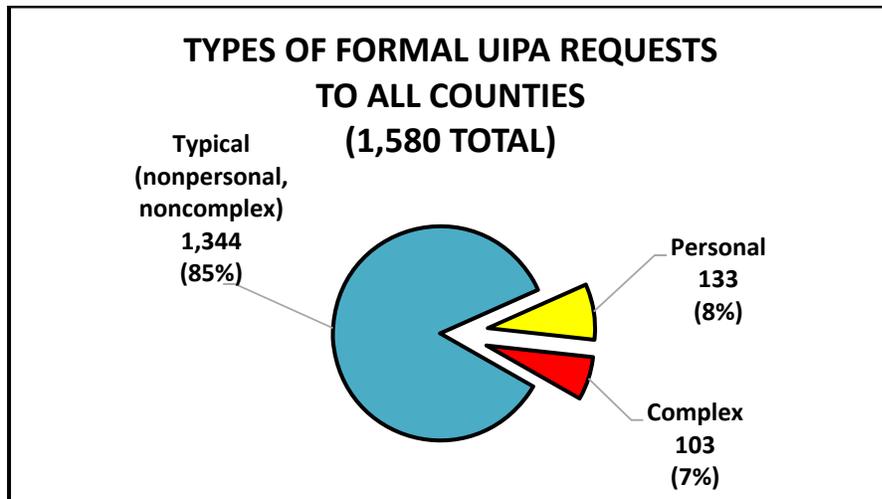


Table 2

Types of Formal UIPA Requests (1,580 Total) – by County

	<u>Typical</u>	<u>Personal</u>	<u>Complex</u>	<u>ALL</u>
Honolulu	1,036 (86%)	100 (8%)	65 (6%)	1,201 (76%)
Hawaii	63 (86%)	2 (3%)	8 (11%)	73 (4.6%)
Kauai	67 (66%)	22 (21%)	13 (13%)	102 (6.4%)
Maui	178 (87%)	9 (5%)	17 (8%)	204 (13%)
All Counties	1,344 (85%)	133 (8%)	103 (7%)	1,580 (100%)

⁵ A personal record request is one “about” the requester and seeks the requester’s own personal information that is readily accessible in a file or location with the requester’s name or identifying information. Personal record requests are subject to Part III of the UIPA.

⁶ Complex record requests involve extenuating circumstances or voluminous records that prevent an agency from responding within the normal ten-day time limit.

⁷ The “typical” requests were for government records and were subject to Part II of the UIPA, which has different requirements than those under Part III for personal record requests.

How many requests were completed?

Out of 1,580 total requests received by the county agencies, 1,517 (96%) requests were completed in FY 2017.⁸ Of the 1,517 completed requests, 122 (8%) were personal record requests, 85 (6%) were complex requests, and 1,310 (86%) were “typical” nonpersonal and noncomplex record requests, as shown in **Chart 3A** below. **Table 3A** shows the breakdown by county.

As with the previous Table 2, there are significant differences between counties when they are viewed separately in Table 3A.

Chart 3A (Counties)

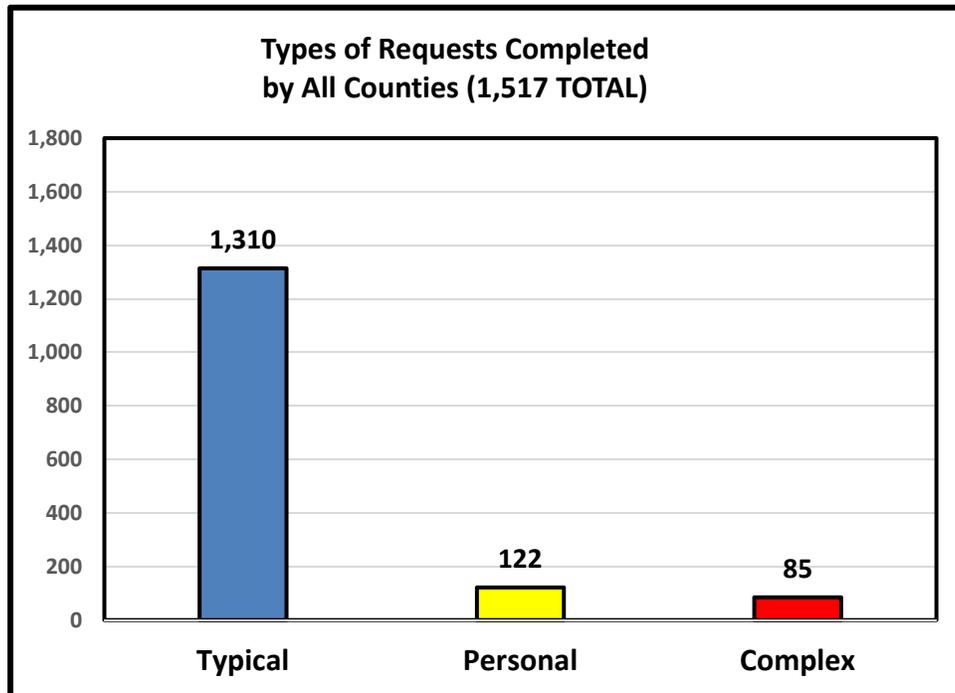


Table 3A

**Types of Requests Completed
(1,517 Total) – by County**

	<u>Typical</u>	<u>Personal</u>	<u>Complex</u>	<u>ALL</u>
Honolulu	1,009 (88%)	86 (7%)	55 (5%)	1,149 (75.7%)
Hawaii	63 (86%)	2 (3%)	8 (11%)	73 (4.8%)
Kauai	63 (66%)	26 (25%)	9 (9%)	98 (6.5%)
Maui	175 (89%)	9 (4%)	13 (7%)	197 (13%)
All Counties	1,310 (86%)	122 (8%)	85 (6%)	1,517 (100%)

⁸ Requests that were completed in FY 2017 may have included those carried over from an earlier year. Likewise, requests that were not completed in FY 2017, may be completed in a later fiscal year. In FY 2016, 35 county cases were not completed and may have been completed in FY 2017.

Of the 1,580 formal requests received by the county agencies, 1,517 (96%) were completed and 63 (4%) were not completed as of June 30, 2017, as shown in **Chart 3B** below. **Table 3B** shows the breakdown by county.

Chart 3B (Counties)

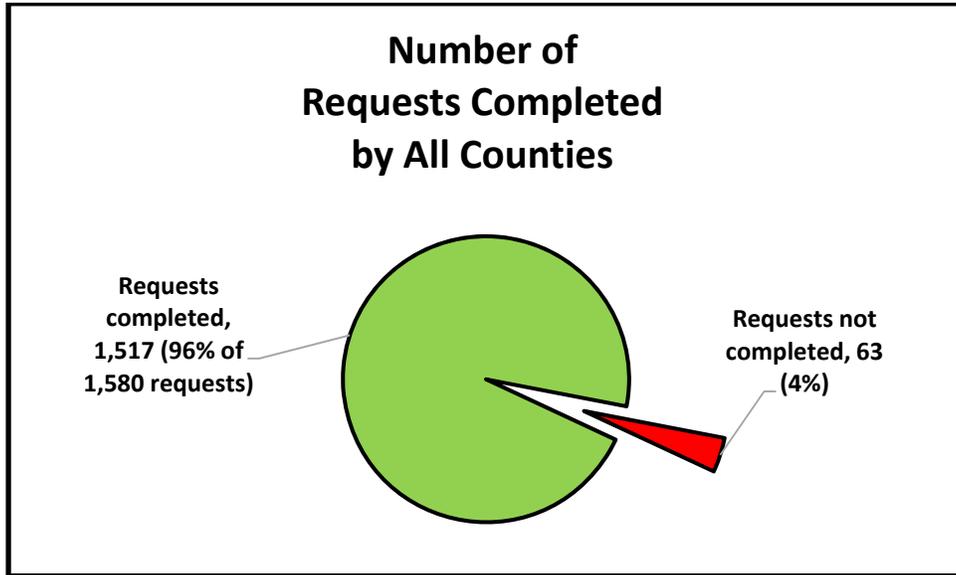


Table 3B

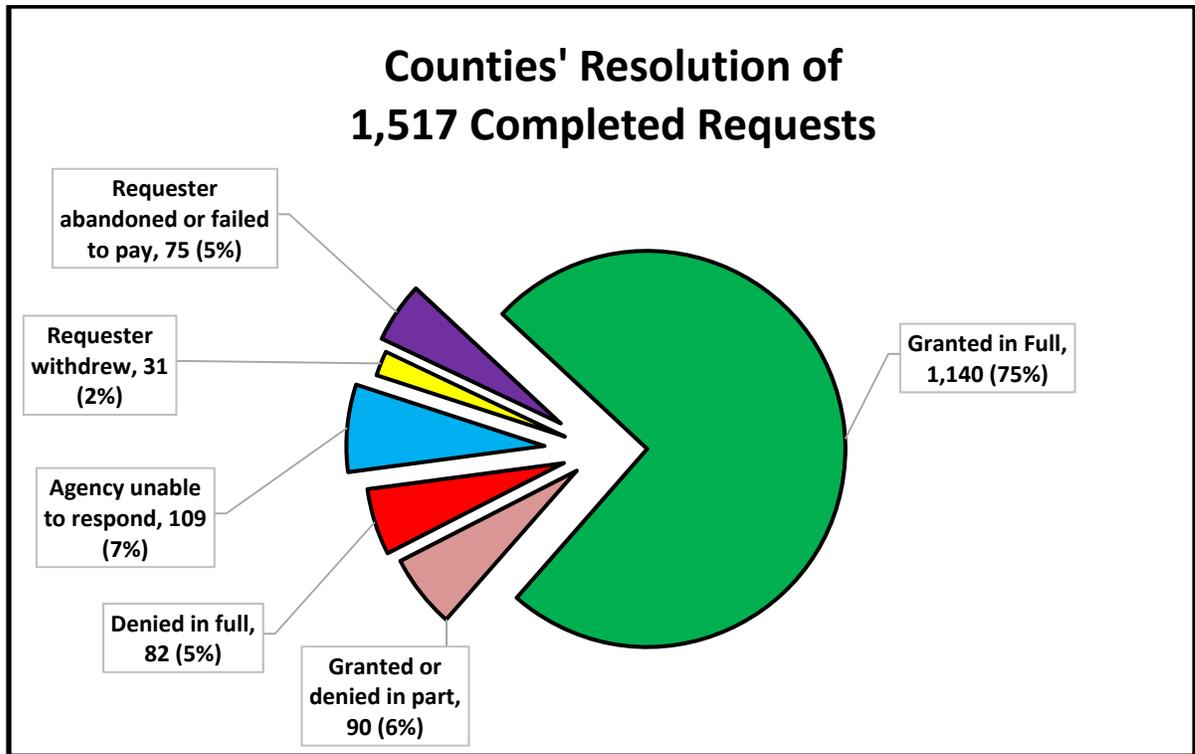
Number of Requests Completed – by County

	<u>Completed</u>	<u>Not Completed</u>	<u>% Not Completed</u>
Honolulu	1,149	52	4%
Hawaii	73	0	0%
Kauai	98	4	4%
Maui	197	7	3%
All Counties	1,517	63	4%

How were requests resolved?

Of the 1,517 requests completed by the county agencies, **Chart 4** below shows that 1,140 (75%) were granted in full; 90 (6%) were granted or denied in part; 82 (5%) were denied in full; in 109 (7%), the agency was unable to respond; 31 (2%) were withdrawn by the requester; and in 75 (5%), the requester abandoned or failed to pay for the request. **Table 4** shows the breakdown by county, and shows significant differences in how each county resolved requests.

Chart 4 (Counties)



**Table 4
Resolution of 1,517 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	868 (75%)	60 (5%)	65 (6%)	75 (6%)	25 (2%)	65	(6%)
Hawaii	50 (71%)	14 (19%)	3 (4%)	1 (1%)	0 (0%)	4	(5%)
Kauai	65 (65%)	5 (7%)	10 (11%)	16 (16%)	2 (2%)	0	(0%)
Maui	157 (79%)	11 (6%)	4 (2%)	17 (9%)	4 (2%)	6	(2%)
All Counties	1,140 (75%)	90 (6%)	82 (5%)	109 (7%)	31 (2%)	75	(5%)

How long did it take to complete requests?

To calculate the number of working days it took 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 1,458 requests, or 92% of all requests. (Column I of the Master Log) In 107 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 8% of total cases.

As shown in the following bar graph, **Chart 5**, it took an average of 9.7 workdays from date of receipt to complete all record requests, based on 14,762 workdays to complete 1,517 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 8.5 days to complete 1,310 typical (noncomplex and nonpersonal) record requests; 11.8 days to complete 122 personal record requests; and 26.9 days to complete 85 complex requests. (Columns AQ through AS of Master Log) **Table 5** shows the breakdown by county.

Compared to FY 2016, Chart 5, the average complex record request is taking counties longer to complete: 26.9 days in FY 2017 vs. 22.0 days in FY 2016. Personal record requests are also taking longer to complete (11.8 in FY 2017 vs. 5.6 in FY 2016), but the typical requests are taking less time (8.5 in FY 2017 vs. 9.1 in FY 2016). The overall average days to completion has gone down slightly from 9.9 in FY 2016 to 9.7 in FY 2017.

Chart 5 (Counties)

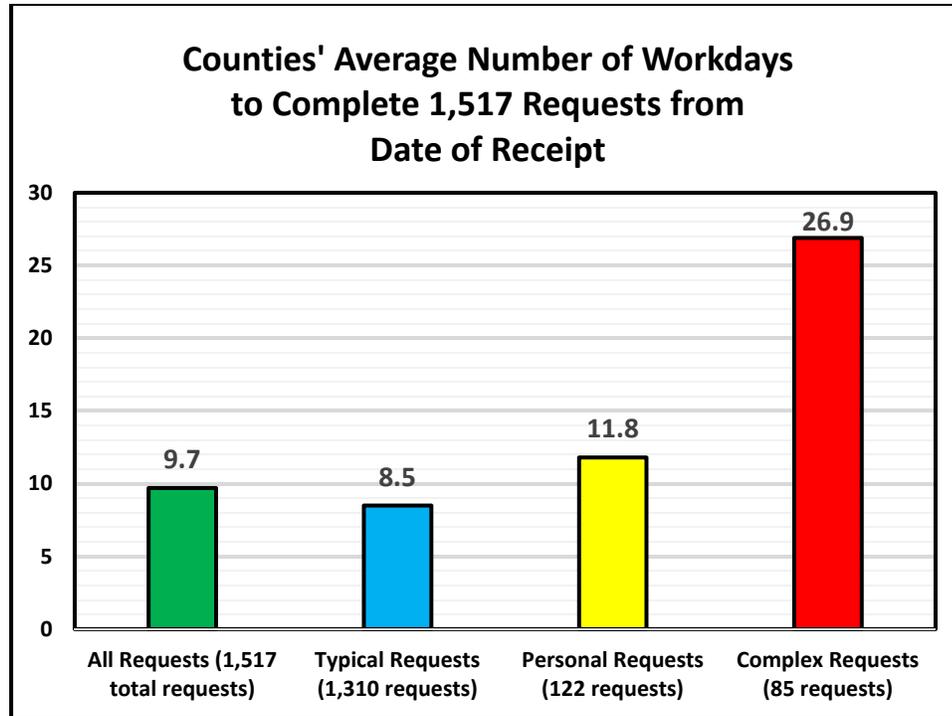


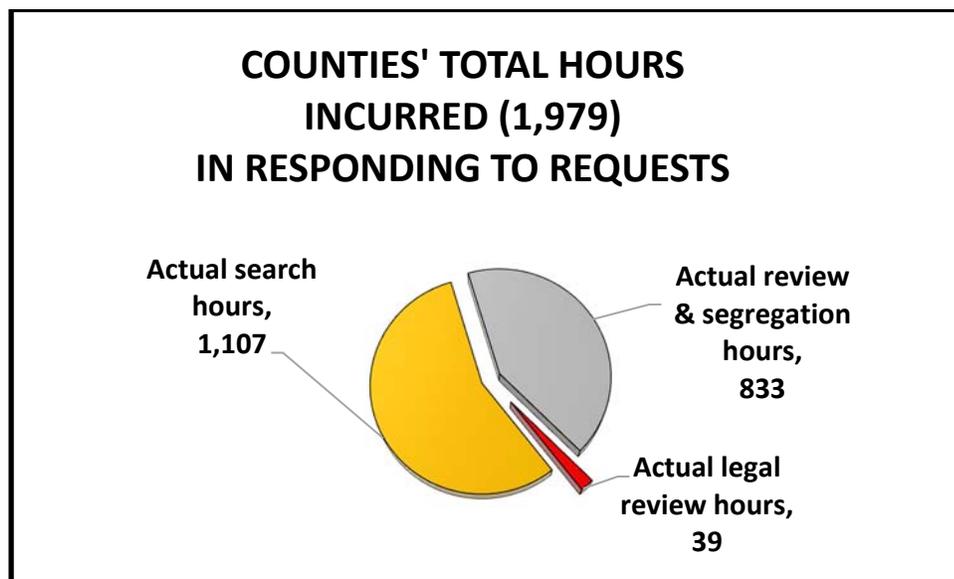
Table 5

**Average Number of Workdays
to Complete 1,517 Requests from
Date of Receipt – by County**

	<u>All Requests</u>	<u>Typical Requests</u>	<u>Personal Requests</u>	<u>Complex Requests</u>
Honolulu	9.9	8.7	13.8	27.5
Hawaii	8.1	6.8	11.0	17.6
Kauai	12.4	5.5	6.7	29.1
Maui	9.8	8.6	6.4	28.8
All Counties	9.7	8.5	11.8	26.9

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 1,979 hours to respond to record requests, of which 1,107 hours were for search, 833 hours were for review and segregation, and 39 hours were for legal review. These figures also include the time spent by agencies working on the 63 pending cases that were not completed at the end of FY 2017. **Table 6** shows the breakdown by county.

Chart 6 (Counties)

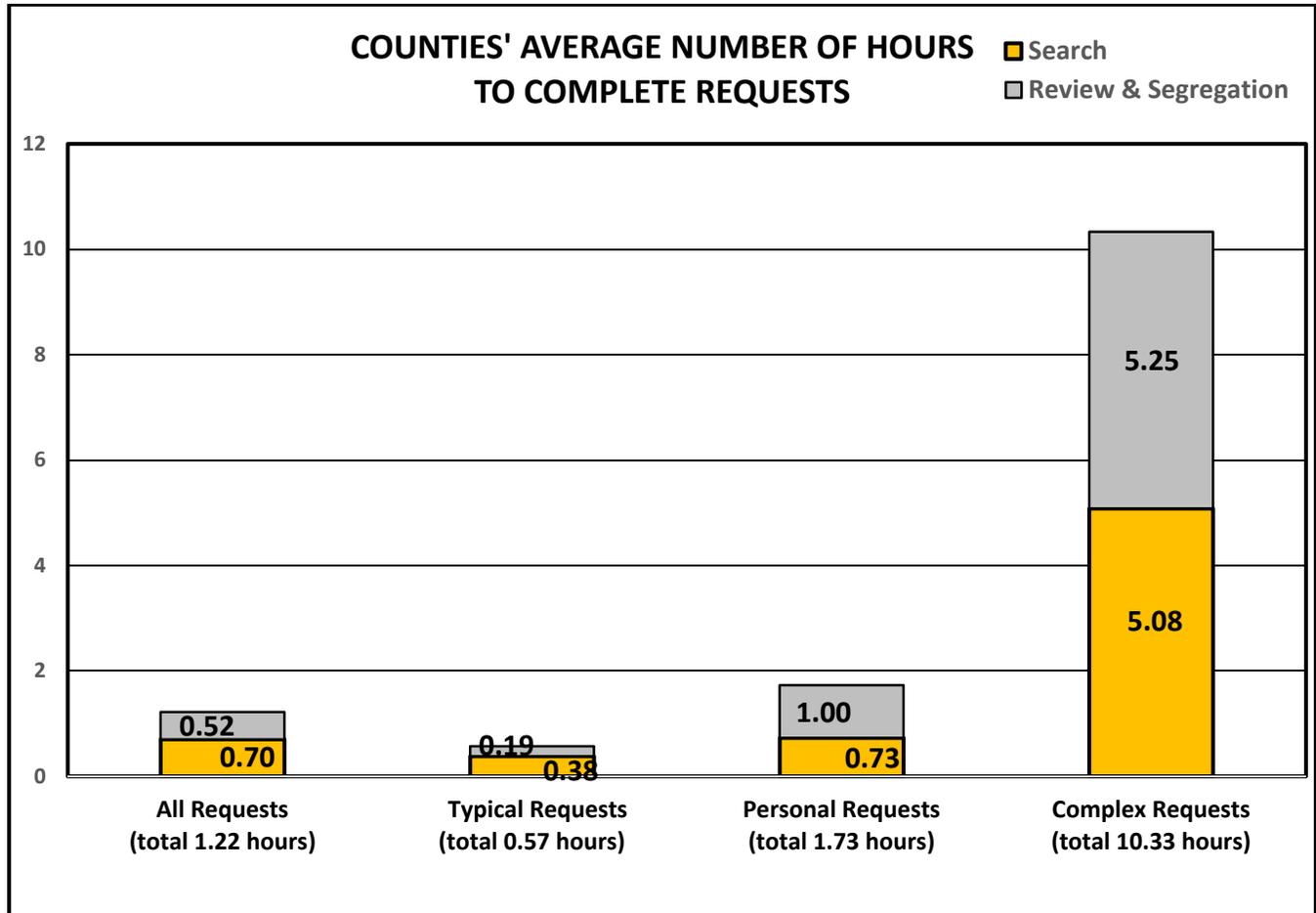


**Table 6
Total Hours Incurred (1,979)
in Responding to Requests – by County**

	<u>Search Hours</u>	<u>Review & Segregation Hours</u>	<u>Legal Review Hours</u>	<u>Total Hours</u>
Honolulu	792	623	29	1,444
Hawaii	124	9	2	135
Kauai	60	70	2	132
Maui	131	131	6	268
All Counties	1,107	833	39	1,979

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 63 requests that were not completed at the end of FY 2017. Based on those SRS hours, and excluding legal review hours, it took an average of 1.22 total SRS hours of work for 1,580 record requests in FY 2017, as shown in **Chart 7** below. The 1,344 typical (noncomplex/nonpersonal) record requests took an average of 0.57 SRS hours, and 133 personal record requests took an average of 1.73 SRS hours of agency work. The 103 complex record requests took 10.33 SRS hours on average, which is more than 18 times longer than the typical request.

Chart 7 (Counties)



In comparison to the state agencies for FY 2017, the Chart 7 county averages are lower to complete typical requests: 0.57 hours for county agencies compared to 2.73 hours for state agencies to complete typical record requests. The county averages, however, are higher to complete personal record requests: 1.73 hours for county agencies compared to 0.36 hours for state agencies. The county averages are also higher to complete complex requests: 10.33 hours for county and 6.28 hours for state agencies.

Table 7 shows the breakdown by counties.

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	.65	.51	1.16
Noncomplex/ Nonpersonal	.33	.12	.45
Personal	.87	1.33	2.20
Complex	6.01	7.13	13.14
<u>Hawaii:</u>	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	1.69	.12	1.81
Noncomplex/ Nonpersonal	.63	.09	.72
Personal	.25	0	.25
Complex	10.38	.38	10.76
<u>Kauai:</u>	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	.59	.69	1.28
Noncomplex/ Nonpersonal	.56	.07	.63
Personal	.46	0	.46
Complex	.95	5.01	5.96
<u>Maui:</u>	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	.64	.64	1.28
Noncomplex/ Nonpersonal	.53	.68	1.21
Personal	0	0	0
Complex	2.18	.59	2.77
<u>All Counties:</u>	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	.70	.52	1.22
Noncomplex/ Nonpersonal	.38	.19	.57
Personal	.73	1.00	1.73
Complex	5.08	5.25	10.33

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 \$44,400 but could only charge \$36,258 for fees and costs allowed under OIP's rules, and they actually collected from requesters \$20,566.

Please note that the data in Chart 8A includes gross and net fees and costs for all 1,580 county requests, even if they were not completed or charged to requesters. Moreover, the gross incurred SRS fees of \$24,113 (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 (39 hours), SRS fees for personal records, or additional response fee estimates. If those nonchargeable amounts were included and \$20,287 (from Column AF of the Master Log) in gross copying and delivery costs were included, then the gross incurred fees and costs would be much higher than the \$44,400 shown in the far left column of Chart 8A.

While agencies incurred fees and costs in all 1,580 cases, whether or not they were completed or charged to requesters, the amounts actually paid by requesters in Charts 8A, B, and C are based only on the 1,517 completed requests (1,310 typical; 122 personal; 85 complex – Chart 3A).

Chart 8A visualizes the totals for all types of requests reported on the FY 2017 Master Log:

\$44,400 in total gross fees and costs incurred for all 1,580 cases, consisting of \$24,113 in fees and \$20,287 in costs

\$36,258 in total net chargeable fees and costs chargeable in all 1,580 cases, consisting of \$16,111 in fees and \$20,147 in costs

\$20,566 in fees and costs actually paid in 1,517 completed cases.

Chart 8A (Counties)

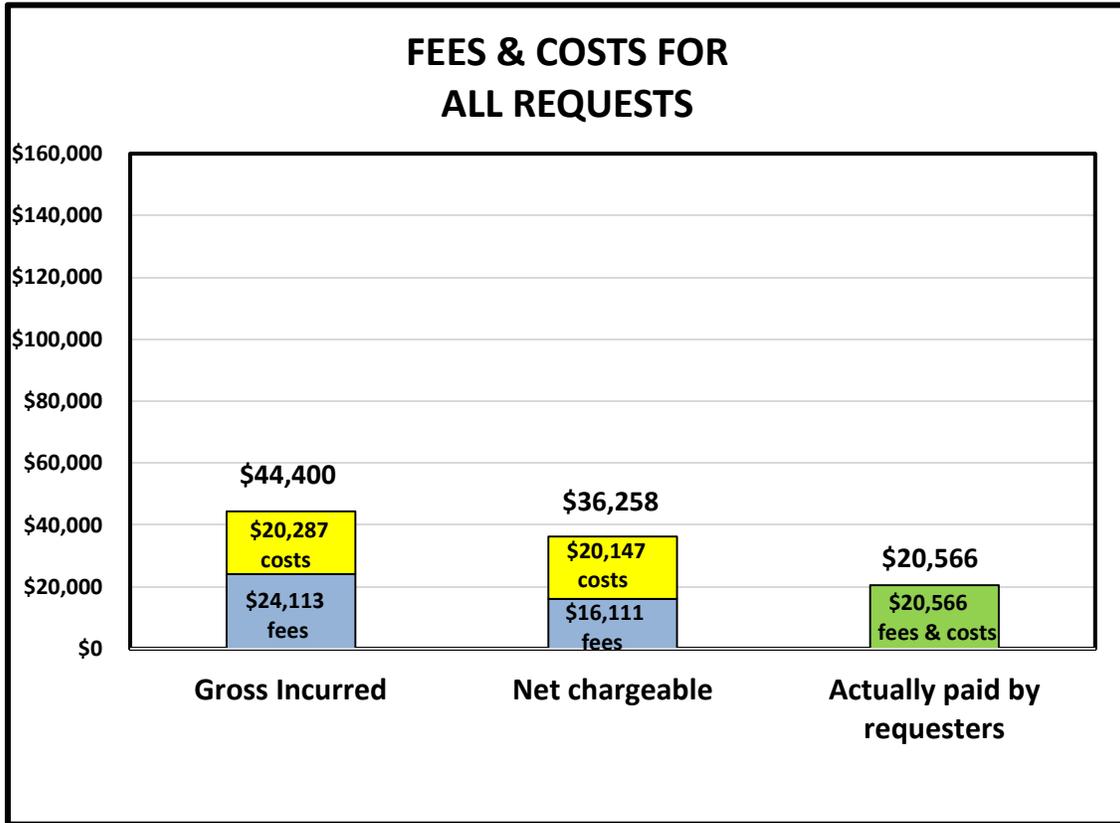


Table 8A shows the fees and costs breakdown by county.

Table 8A

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

	Gross Fees/Costs Incurred		Total Incurred	Net Fees/Costs Chargeable		Total Chargeable	Actually Paid
Honolulu	\$16,899/	\$13,550	\$30,449	\$11,799/	\$13,543	\$25,342	\$13,533
Hawaii	1,405/	2,877	4,282	770/	2,877	3,647	1,401
Kauai	1,909/	1,128	3,037	1,320/	1,128	2,448	1,976
Maui	3,900/	2,729	6,629	2,222/	2,599	4,821	3,656
All Counties	\$24,113/	\$20,287	\$44,400	\$16,111/	\$20,147	\$36,258	\$20,566

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 103 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:

- \$17,878 gross fees and costs incurred in 103 complex cases
- \$16,293 net fees and costs chargeable in 103 complex cases
- \$ 5,355 actually paid in 85 completed complex cases

Notably, the number of completed complex cases were nearly the same in FY 2016 (84) as in FY 2017 (85). The gross fees and costs incurred by all counties for complex record requests, however, nearly doubled from \$9,321 in FY 2016 to \$17,878 in FY 2017. The net chargeable fees and costs also doubled from \$8,027 in FY 2016 to \$16,293 in FY 2017. The amount actually paid in completed complex cases increased by one-half from \$3,488 in FY 2016 to \$5,355 in FY 2017.

Chart 8B (Counties)

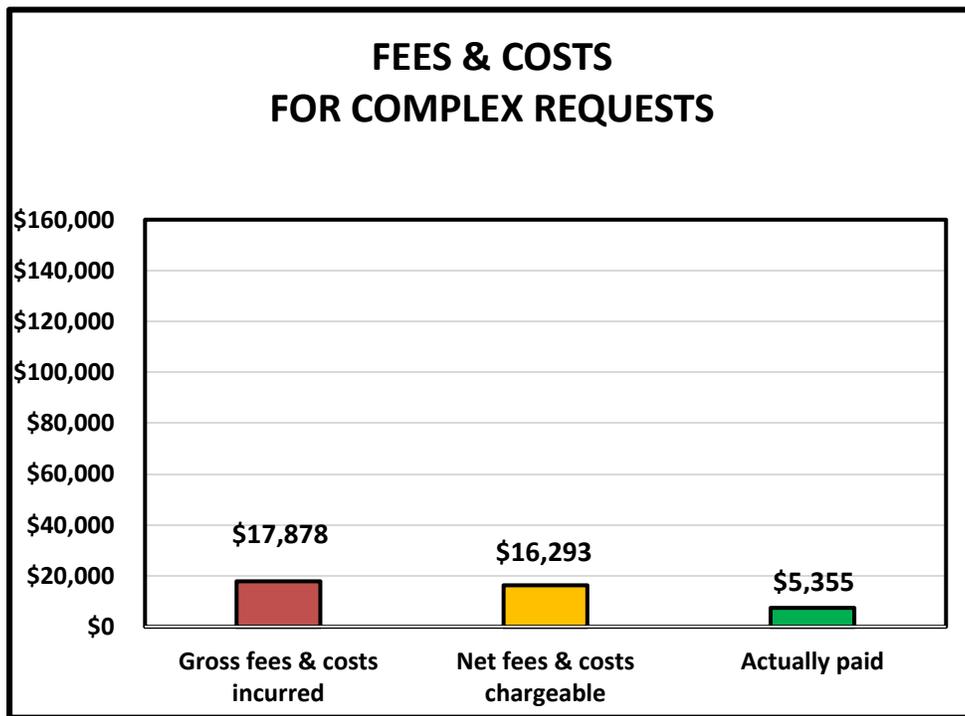


Table 8B shows the breakdown by county.

Table 8B

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

	Gross Fees & Costs Incurred	Net Fees & Costs Chargeable	Actually Paid
Honolulu	\$ 13,668	\$ 12,647	\$ 3,878
Hawaii	\$ 1,004	\$ 834	\$ 114
Kauai	\$ 2,135	\$ 1,856	\$ 666
Maui	\$ 1,071	\$ 956	\$ 697
All Counties	\$ 17,878	\$ 16,293	\$ 5,355

By subtracting the totals shown for the complex requests in Chart 8B from their counterparts for all requests in Chart 8A, the bar graph in the following **Chart 8C** visualizes the totals for typical and personal record request cases as follows:

- \$27,190 gross fees and costs incurred in 1,477 typical and personal cases
- \$19,965 net fees and costs chargeable in 1,477 typical and personal cases
- \$15,211 actually paid in 1,432 completed typical and personal cases

Based on a total of 1,432 completed typical and personal record requests and \$15,211 as the total amount paid by those types of requesters, the average per request calculates to \$10.62 actually paid by typical and personal record requesters. This average is misleading, however, as 789 requesters paid nothing, as will be seen later in Charts 11 and 12.

Chart 8C (Counties)

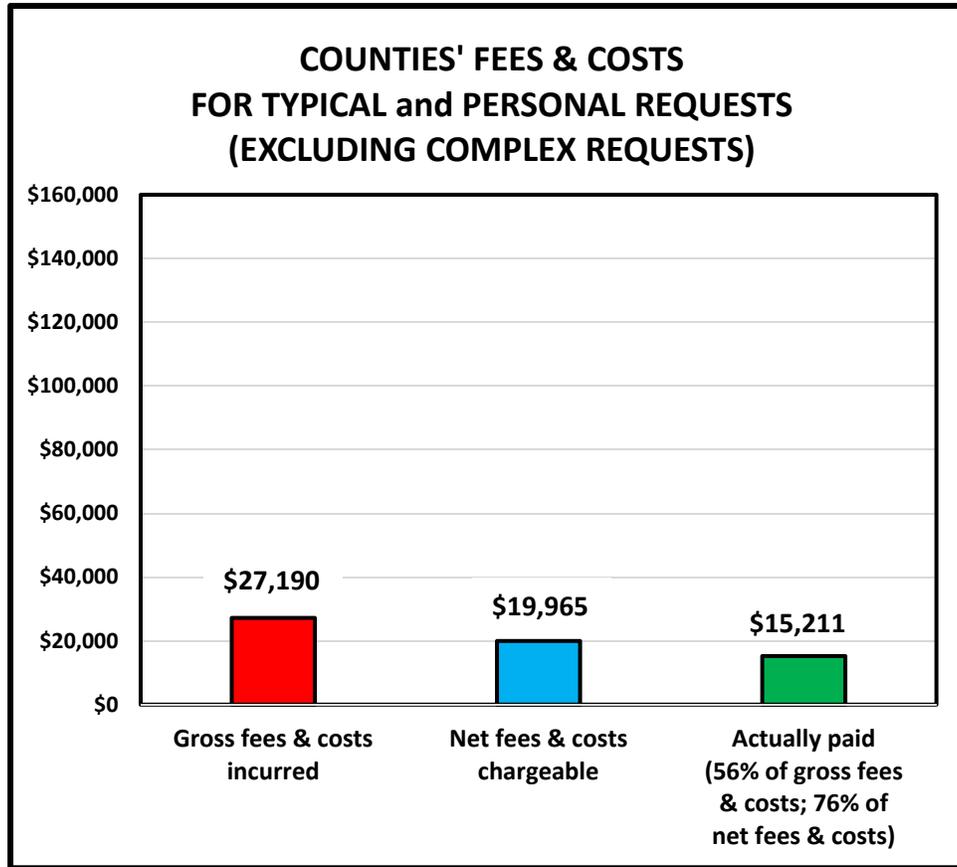


Table 8C shows the breakdown by county.

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	\$ 16,781	\$ 12,695	\$ 9,656
Hawaii	\$ 3,279	\$ 2,813	\$ 1,286
Kauai	\$ 1,572	\$ 592	\$ 1,279
Maui	\$ 5,558	\$ 3,865	\$ 2,990
All Counties	\$ 27,190	\$ 19,965	\$ 15,211

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 566 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 133 in FY 2017. Moreover, fee waivers are only entered when SRS fees are entered, so there would generally be no waivers in most of the 297 cases where requests were denied, abandoned, or withdrawn, or when the agency was unable to respond.

Using 1,517 as the total number of completed cases, **Chart 9** below shows that the agencies reported granting \$30 fee waivers for 930 requests (61%) and \$60 fee waivers for 21 requests (1%). **Table 9** shows the breakdown by county.

Chart 9 (Counties)

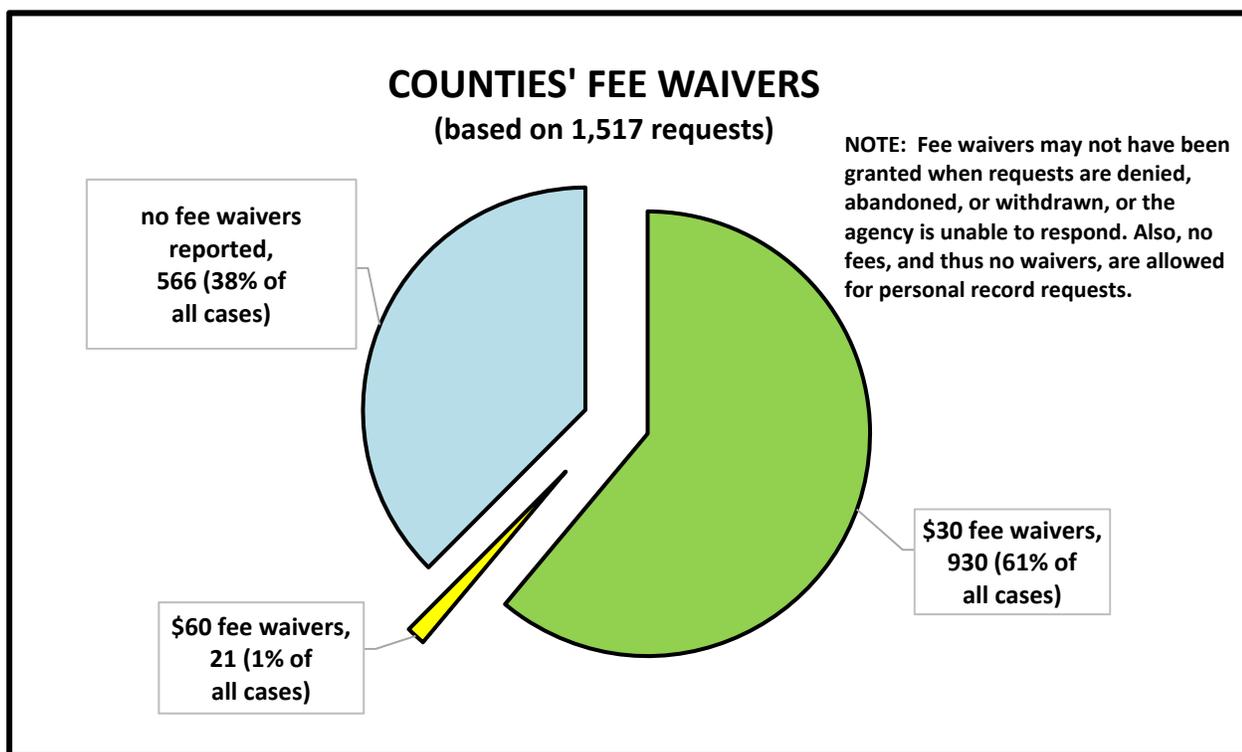


Table 9
Fee Waivers – by County

	<u>\$30 Fee Waivers</u>	<u>\$60 Fee Waivers</u>	<u>No Fee Waivers</u>
Honolulu	688 (60%)	15 (1%)	446 (39%)
Hawaii	52 (71%)	1 (1%)	20 (28%)
Kauai	57 (58%)	1 (1%)	40 (41%)
Maui	133 (68%)	4 (2%)	60 (30%)
All Counties	930 (61%)	21 (1%)	566 (38%)

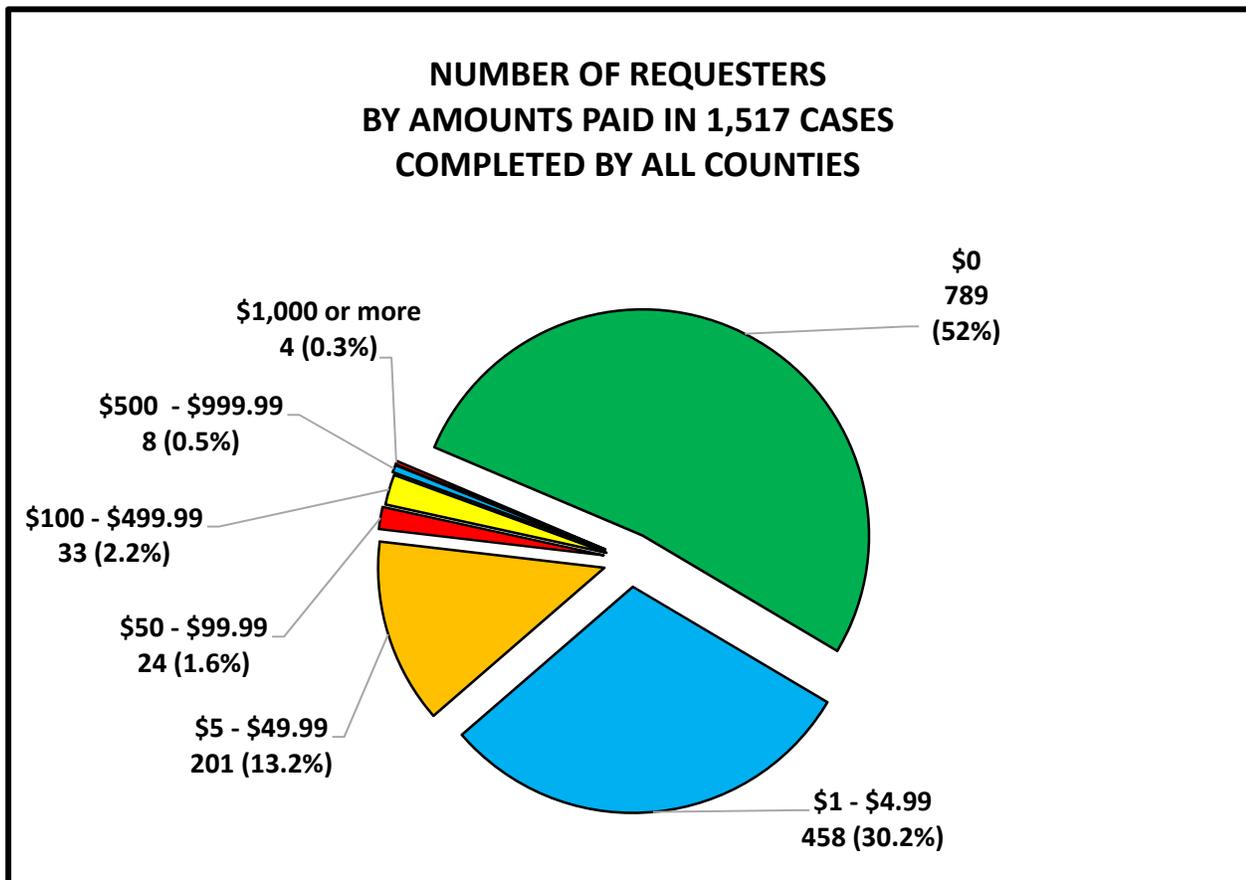
By reviewing each agency’s Log, OIP compiled the data found in **Table 10**, which is attached at the end of this report. For the 1,517 total completed requests, a total of \$20,566 was paid by requesters for fees and costs per Table 10. Table 10 lists the data by county and provides subtotals for each county.

Based on the 1,517 completed requests, **Chart 11** below shows that 789 requesters (52%) paid nothing, 458 requesters (30.2%) paid \$1 to \$4.99 per request; 201 requesters (13.2%) paid \$5 to \$49.99; 24 requesters (1.6%) paid \$50 to 99.99; 33 requesters (2.2%) paid \$100 to \$499.99; 8 requesters (0.5%) paid \$500 to \$999.99; and 4 (0.3%) requesters paid \$1,000 or more in fees and costs.

Of the 69 requesters who paid \$50 or more, at least 56 requesters (81%) in the attached **Table 10 Supplement: Summary of Fees & Costs Paid by Requesters** were reported by county agencies as representing attorneys, media, or for-profit or nonprofit organizations.

Compared to the prior year, a smaller percentage in FY 2017 (52%) paid no fees and costs than in FY 2016 (73.4%), but a greater percentage (30.2%) paid less than \$5.00 in FY 2017 compared to FY 2016 (7%). Thus, the combined percentage of requesters who paid zero or less than \$5.00 in fees and costs was higher in FY 2017 (82.2%) than in FY 2016 (80.4%).

Chart 11 (Counties)

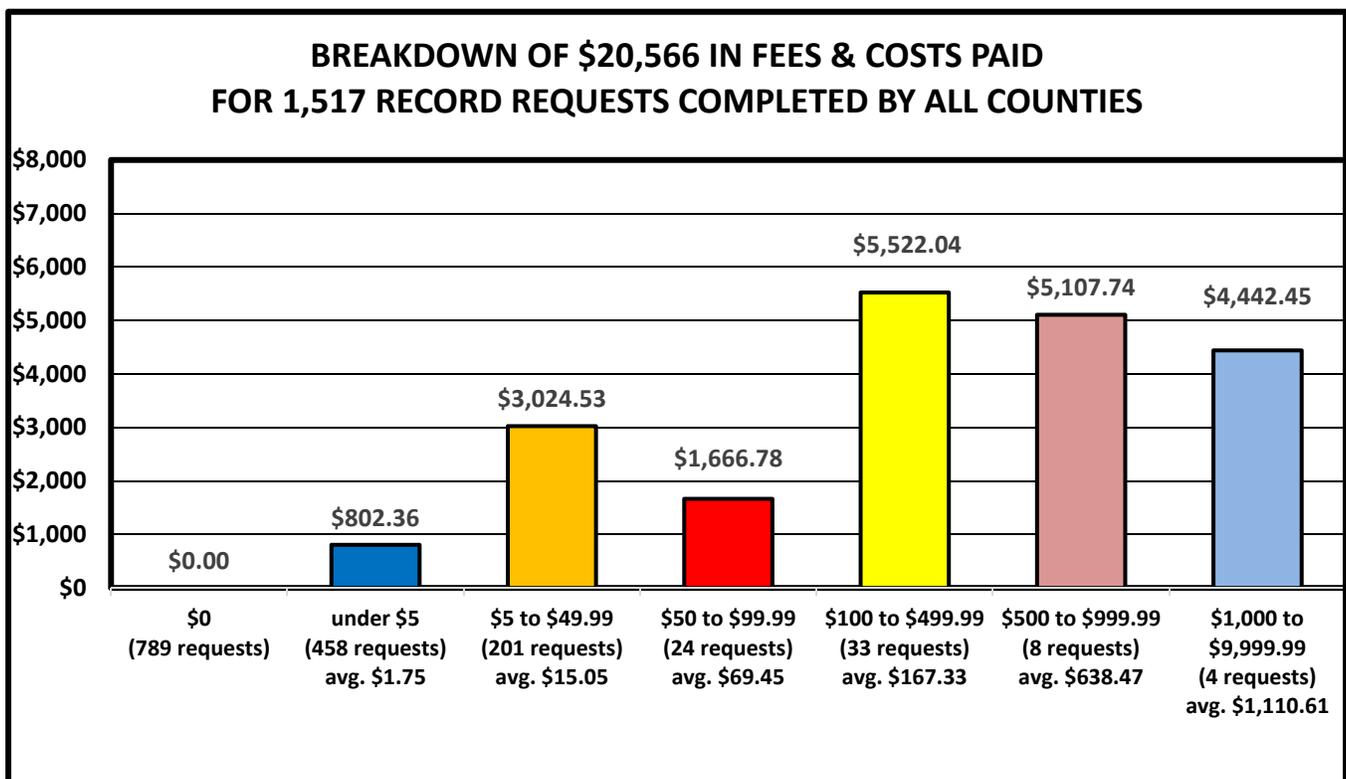


Again using Table 10's data, **Chart 12** below shows the breakdown of the \$20,566 in fees and costs paid in 1,517 completed cases. As Chart 12 shows, 789 requesters (52% of 1,517 completed requests) paid nothing, and 728 requesters (48% of 1,517 completed requests) paid a total of \$20,566. Of the 728 requesters that paid any amount, 458 requesters (63%) paid less than \$5, for a total of \$802.36 or average of \$1.75 per request. Another 201 requesters (28% of paying requesters) paid between \$5 and \$49.99, for a total of \$3,024.53 or average of \$15.05. Twenty-four requesters (3% of paying requesters) paid between \$50 and \$99.99, for a total of \$1,666.78 or average of \$69.45. Thirty-three requesters (4.5% of paying requesters) paid between \$100 and \$499.99, for a total of \$5,522.04 or average of \$167.33. Eight requesters (1% of paying requesters) paid between \$500 and \$999.99, for a total of \$5,107.74 or average of \$638.47. Four requesters (0.5% of paying requesters) paid between \$1,000 and \$9,999.99, for a total of \$4,442.45 or average of \$1,110.61.

Twenty-four requesters (3% of paying requesters) paid between \$50 and \$99.99, for a total of \$1,666.78 or average of \$69.45. Thirty-three requesters (4.5% of paying requesters) paid between \$100 and \$499.99, for a total of \$5,522.04 or average of \$167.33. Eight requesters (1% of paying requesters) paid between \$500 and \$999.99, for a total of \$5,107.74 or average of \$638.47. Four requesters (0.5% of paying requesters) paid between \$1,000 and \$9,999.99, for a total of \$4,442.45 or average of \$1,110.61.

The counties collected slightly more fees and costs from requesters in FY 2017 (\$20,566) than in FY 2016 (\$19,202).

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. OIP appreciates the counties' cooperation in providing Log 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 FY 2017 data shows that the typical county record request was granted in whole or in part and was completed in less than eight work days, and the typical requester paid nothing for fees and costs. Excluding an estimated 138,190 routine requests, county agencies logged 1,580 formal UIPA record requests in FY 2017. (Chart 1) Of the 1,580 formal UIPA record requests that were received, 133 (8%) were personal record requests, 103 (7%) were complex requests, and 1,344 (85%) were typical (noncomplex/nonpersonal) record requests. (Chart 2)

County agencies completed 1,517 requests, or 96% of the 1,580 requests received in FY 2017. (Chart 3B) Of the completed cases, 122 were personal (8%), 85 were complex (6%), and 1,310 (86%) were typical record requests.

Of the 1,517 completed requests, 81% were granted in full or in part, 5% 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 9.7 days to respond to 1,517 completed requests. (Chart 5) When broken down by type of requests, the average days to complete the "typical" request was 8.5 days; personal requests averaged 11.8 days; and complex requests averaged 26.9 days. After adjusting for the Log's formulas causing the inflation of completion days, county agencies averaged less than eight work days to complete 1,432 typical and personal record requests, which is 94% of all completed cases. (Chart 5) It took the county agencies more than three times as many days to complete 85 complex requests. (Chart 5)

In terms of hours worked per request, county agencies took a total of 1,979 hours to respond to all requests, which includes nonchargeable time for legal review and the 63 requests that were not completed in FY 2017. (Chart 6) When broken down into chargeable search, review, and segregation hours for both completed and pending cases, agencies worked an average of 0.57 hours for a typical request, 1.73 hours for a personal record request, and 10.33 hours for a complex request. (Chart 7)

County agencies incurred \$44,400 in gross fees and costs (excluding legal review hours, personal record fees, and additional response fee estimates) to respond to all requests, of which \$20,566 (46%) was actually paid by all requesters. (Chart 8A) Although the 103 complex requests comprised 7% of all requests, they consumed more than more than 18 times as many SRS hours compared to the typical request, and complex requests disproportionately accounted for \$17,878 (21.4%) of the gross fees and costs incurred by agencies. (Charts 2, 7, 8A and 8B) Requesters for the 85 completed complex record requests paid \$5,355 (26%) of the \$20,566 total amount recovered from all county requesters. (Charts 8A and 8B)

Fee waivers were granted in 62% of 1,517 cases. (Chart 9) The majority (930, or 61%) of requests were granted \$30 fee waivers, while 21 requests (1%) were allowed the \$60 public interest fee waivers. The 566 cases in which no fee waivers were granted may be explained, in part, by cases that were denied (82), withdrawn (31), or abandoned (75); for which the agency was unable to respond (109); or for personal records (122) for which no fees may be charged. (Charts 4 and 9)

In the 1,517 completed county cases, 789 (52%) requesters paid nothing, and 728 (48%) requesters paid for fees or costs. (Charts 11 and 12; Table 10) Of the 728 requesters that paid any amount, 458 (63%) paid less than \$5, and 201 (27.6%) paid between \$5 and \$49.99 for their requests. (Charts 11 and 12; Table 10) Only 69 requesters (9.4% of all paying requesters) paid \$50 or more per request, of whom at least 56 requesters (81%) were reported by the agencies as representing law firms, media, or commercial, or other for-profit or non-profit entities. (Table 10 Supplement) It appears from the Table 10 Supplement that most fees and costs are being paid by for-profit entities, and not by individual requesters.

TABLE 10: FY 2017 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	\$ -	2	\$ -	0	\$ -	2								
CC HON	BUDGET/ ACCTS PAYABL	0	\$ -	0	\$ -	2	\$ 60.00	1					1			
CC HON	BUDGET/ ADMIN	0	\$ -	0	\$ -	7	\$ 42.75	5			2	\$42.75				
CC HON	BUDGET/ CIP ADMIN	0	\$ -	0	\$ -	0	\$ -									
CC HON	BUDGET/ INTERNAL CTL	0	\$ -	0	\$ -	0	\$ -									
CC HON	BUDGET/ LIQUOR COM	5	\$ 3.25	13	\$ 1,431.83	379	\$ 2,367.73	60	234	\$334.57	93	\$1,272.22	5	3	2	
CC HON	BUDGET/ PURCHASING	28	\$ 2,059.00	0	\$ -	1	\$ 115.00	8	9	\$19.50	6	\$87.25	2	2	2	
CC HON	BUDGET/ REAL PROPRTY	0	\$ -	1	\$ -	1	\$ -	2								
CC HON	BUDGET/ TREASURY	0	\$ -	2	\$ 91.50	59	\$ 398.00	46	1	\$1.50	12	\$273.25	1	1		
CC HON	CITY CLERK	0	\$ -	0	\$ -	16	\$ 644.35	15							1	
CC HON	CITY COUNCIL	0	\$ -	0	\$ -	0	\$ -									
CC HON	CORP COUNSEL	1	\$ -	0	\$ -	11	\$ 72.50	9	1	\$2.50	1	\$20.00	1			
CC HON	COUNCIL SERVICES	0	\$ -	0	\$ -	0	\$ -									
CC HON	CUSTOMER SERVICES	0	\$ -	1	\$ -	12	\$ 1,135.00	12								1
CC HON	EMERGENCY MGMT	0	\$ -	2	\$ 140.25	0	\$ -				1	\$40.50	1			
CC HON	ENTERPRISE SERVICES	0	\$ -	2	\$ -	0	\$ -	2								
CC HON	ENVIRONMENTAL SVCS	0	\$ -	0	\$ -	19	\$ 133.00	14	2	\$5.25	2	\$55.00	1			
CC HON	ETHICS COMMISSION	0	\$ -	0	\$ -	11	\$ -	11								
CC HON	FACILITY MAINTENANCE	0	\$ -	6	\$ 975.00	8	\$ 50.00	8	2	\$3.00	2	\$81.25		1	1	
CC HON	HON AUTH RAPID TRANS	0	\$ -	5	\$ -	15	\$ -	20								
CC HON	BOARD OF WATER SUPP	24	\$ 244.74	0	\$ -	0	\$ -	15	4	\$6.99	2	\$37.00	3			
CC HON	HON EMERGENCY SVCS	0	\$ -	0	\$ -	3	\$ 6.46	2			1	\$6.46				
CC HON	HON FIRE DEPT	18	\$ 168.00	7	\$ -	370	\$ 1,719.10	211	156	\$336.35	26	\$256.75		1		1
CC HON	HON POLICE COMMN	3	\$ -	0	\$ -	27	\$ 79.50	29					1			

**TABLE 10 SUPPLEMENT: SUMMARY OF FEES & COSTS PAID BY REQUESTERS
FY 2017
COUNTIES**

\$1,000 & over:

- * 1. C&C/ Customer Services – James J. Stone, Esq. - \$1,135.00
- * 2. C&C/ Fire Dept. – Butler Weihmuller Katz Craig - \$1,164.00 (all costs)
- * 3. C&C/ Mayor/Managing Director – Civil Beat - \$1,140.25
- 4. Maui/ Finance – Jill Kanewhailua - \$1,003.20

TOTAL = \$4,442.45

\$500 - \$999.99:

- * 1. C&C/ Liquor Commission – Love & Kirschenbaum - \$700.33 (all costs)
- 2. C&C/ Liquor Commission – Nicholas Haney - \$694.81 (all costs)
- * 3. C&C/ Budget/ Purchasing – Jennings Pacific LLC - \$728.00 (all costs)
- * 4. C&C/ Budget/ Purchasing – (contract request) - \$695.50 (all costs)
- * 5. C&C/ City Clerk – Elizabeth P. Hodes on behalf of ACLU Hawaii,
Davis Wright Tremaine LLC - \$644.35
- * 6. C&C/ Facility Maintenance – Lorraine Minatoishi, Architects - \$614.75
- * 7. Hawaii/ Finance – Hawaii Community Federal Credit Union - \$500.00 (all costs)
- * 8. Kauai/ County Clerk – Gary Hooser - \$530.00 (all fees)

TOTAL = \$5,107.74

\$100 - \$499.99:

- 1. C&C/ Fire Dept. – Grace Stafford - \$130.00 (all fees)
- * 2. C&C/ Liquor Commission – Wayne Luke - \$123.70 (all costs)
- * 3. C&C/ Liquor Commission – Benjamin Sadoski - \$122.25 (all costs)
- * 4. C&C/ Liquor Commission – Bridget G. Morgan and William W. Saunders, Jr. - \$204.70 (all costs)
- * 5. C&C/ Budget/ Purchasing – RFP-DES-905119 - \$361.00 (all costs)
- * 6. C&C/ Budget/ Purchasing – (Kuhio Beach Stand request) - \$115.00 (all costs)
- * 7. C&C/ Budget/ Treasury – PZ - \$123.25 (all costs)
- * 8. C&C/ Facility Maintenance - Nicole Altman-Goodsill - \$326.00)
- * 9. Hawaii/ Finance – Tri Tech Software Systems - \$160.99 (all costs)
- * 10. Hawaii/ Finance – Myounghee Noh & Associates, LLC - \$367.50
- * 11. Hawaii/ Public Works – Wsquared Engineering LLC - \$100.80 (all costs)
- * 12. Kauai/ County Clerk - Elizabeth P. Hodes, ACLU - \$156.10
- 13. Kauai/ Planning – JH - \$440.00
- 14. Kauai/ Planning – GK - \$305.75 (all costs)
- 15. Kauai/ Public Works/ Building – BP - \$212.00 (all costs)

- * 16. Maui/ County Clerk – Data Craft - \$100.00 (all costs)
- * 17. Maui/ County Clerk – Democratic Party - \$100.00 (all costs)
- 18. Maui/ County Clerk – Tiare Lawrence - \$100.00 (all costs)
- * 19. Maui/ County Clerk – Statewide Inf. Systems, Inc. - \$100.00 (all costs)
- * 20. Maui/ County Clerk – LC, Inc. - \$100.00 (all costs)
- * 21. Maui/ County Clerk – Republican National Committee - \$100.00 (all costs)
- * 22. Maui/ County Clerk – Catalist LLC - \$100.00 (all costs)
- * 23. Maui/ County Clerk – Scott Teruya, Real Property Tax Division - \$100.00 (all costs)
- * 24. Maui/ County Clerk – Aristotle Inc. - \$100.00 (all costs)
- * 25. Maui/ County Clerk – Greg Shapan - \$100.00 (all costs)
- * 26. Maui/ County Clerk – Democratic Party - \$100.00 (all costs)
- * 27. Maui/ County Clerk – Data Craft - \$100.00 (all costs)
- * 28. Maui/ County Clerk – i360 LLC - \$100.00 (all costs)
- * 29. Maui/ County Clerk – Elizabeth P. Hodes, Davis Wright
Tremaine LLP for ACLU Hawaii - \$246.35
- * 30. Maui/ Liquor Control – “2016-1019” - \$107.75
- * 31. Maui/ Planning – Lance Collins - \$170.50 (all costs)
- * 32. Maui/ Planning – Lance Collins - \$162.50 (all costs)
- * 33. Maui/ Police Dept. – ACLU - \$286.00

TOTAL = \$5,522.04

\$50 - \$99.99:

- 1. C&C/ Liquor Commission – Edward Greene - \$68.95 (all costs)
- * 2. C&C/ Liquor Commission – Roeca Luria Hiraoka, LLP - \$56.25 (all costs)
- 3. C&C/ Liquor Commission – Stephanie Say - \$86.70 (all costs)
- * 4. C&C/ Liquor Commission – Travis Grobe - \$78.45 (all costs)
- 5. C&C/ Liquor Commission – Benson Kim - \$59.88 (all costs)
- * 6. C&C/ Budget/ Accounts Payable – Goodwill Anderson Quinn & Stifel - \$60.00 (all fees)
- 7. C&C/ Budget/ Purchasing – RFP-ENV-894617 - \$92.00 (all costs)
- 8. C&C/ Budget/ Purchasing – RFP-ENV-894617 - \$75.75 (all costs)
- * 9. C&C/ Budget/ Treasury – PS - \$91.50
- * 10. C&C/ Corp Counsel – Mangieri, KHON2 - \$50.00 (all fees)
- * 11. C&C/ Emergency Mgmt. – David Stapp - \$99.75
- * 12. C&C/ Environmental Services – A. Jones/Solar Bldg Info - \$72.75 (all costs)
- * 13. C&C/ Board of Water Supply – certified payroll request - \$84.25
- * 14. C&C/ Board of Water Supply – sub-listings request - \$58.25 (all costs)
- * 15. C&C/ Board of Water Supply – contract request - \$58.25 (all costs)
- * 16. C&C/ Honolulu Police Commission – Civil Beat - \$79.50
- * 17. C&C/ Honolulu Police Dept. – Associated Press - \$70.00 (all costs)
- * 18. C&C/ Honolulu Police Dept. – Civil Beat - \$93.25 (all costs)
- * 19. Kauai/ County Clerk – Belles Graham Proudfoot Wilson & Chun, LLP - \$72.00
- 20. Kauai/ Public Works/ Building – MS - \$55.00 (all costs)
- * 21. Maui/ County Clerk – UPW - \$50.00 (all costs)
- * 22. Maui/ County Clerk – UPW - \$50.00 (all costs)
- * 23. Maui/ Liquor Control – Unite 5 - \$54.30

* 24. Maui/ Police Dept. – Law Offices of James Stone - \$50.00 (all fees)

TOTAL = \$1,666.78

GRAND TOTAL paid by requesters \$50+ = \$16,739.11

Plus total paid by requesters \$5 to \$49.99 = 3,024.53

Plus total paid by requesters under \$5 = 802.36

TOTAL paid for all requests = \$20,566.00

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