

UIPA RECORD REQUEST LOG (Revised) FREQUENTLY ASKED QUESTIONS December 2017

While the written Instructions will answer most questions about the changes to the Log, here are additional questions that may not have been directly addressed in the Instructions. For any other questions, please call OIP at 586-1400 or email oip@hawaii.gov. For updates, please check out the training page or look for OIP's What's New emails and articles on its website at oip.hawaii.gov.

1. What agencies must use the UIPA Record Request Log?

By July 1, 2015, all State and County government agencies subject to the UIPA must use the Log, which includes Executive branch departments, the Judiciary, the Legislature, University of Hawaii, Office of Hawaiian Affairs, and independent agencies such as the Oahu Metropolitan Planning Organization, state Ombudsman, state Auditor, and State Ethics Commission. The Log replaces the report formerly required by OIP.

2. What are the changes to entering data in the revised Log?

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

- a. Routine requests have been clarified** to be requests that are automatically granted or denied without supervisory review, and may include interagency requests between government agencies. See pages 3 to 4 of the Log Instructions, "What Record Requests are Covered by the Log?" Agencies must now report their estimated number of routine requests on the new "Checklist to Accompany Completed UIPA Record Request Log," which is described in #5 below regarding the change in procedures
- b. Column D: Add an asterisk * before the name** or file number of a requester who is acting on behalf of a for-profit or non-profit organization, business, law firm, insurance company, newspaper/TV/radio station, or other commercial entity. **Also, for personal record requests, use initials or file numbers and not the full names of individuals.**
- c. Column U:** Clarified to require one "x" to be entered if a lawsuit is filed **by or against** the agency concerning the record request.
- d. Columns AB and AC: The \$30 fee waivers are now automatically calculated** and need not be entered by the agency in Column AB. **If the agency grants the \$60 public interest fee waiver, then the agency must enter one "x" in Column AC.** The fee waivers will count towards

the total number automatically calculated in cells AB 10 and AC 10 only if SRS hours have been entered.

- e. The formula in cell AI10 for total net fees and costs chargeable for all requests now includes personal record costs (not fees). **This change does not affect how agencies enter data.**
- f. Although some of the headings, descriptions, and instructions have been moved around, added, or revised, **the columns for agencies to input data remain in the same order and collect the same data.** See # 4 below.

3. Where do I find the revised Log form?

Beginning in June, 2016, the Log form for FY 2017 and later can be found on OIP's website at <http://oip.hawaii.gov/laws-rules-opinions/uipa/uipa-record-request-log/>. **Please do not use the prior years' Log forms, as some formulas and instructions have been changed**, and the current Log is easier to use. Please also be sure to use the proper form as your agency's Log.

The Log is an Excel spreadsheet that can be downloaded onto your agency's computers and thereafter does not require an internet connection to be used. There are tabs on the bottom left for **two Excel worksheets**: (1) a shortened **Sample Log** for agency practice and training, which includes the highlighted Examples in rows 5 through 8 showing how to properly enter data and also includes improperly entered data in the white rows 12 through 15 – **DO NOT USE the Sample Log to enter your agency's data as it has been shortened and does not include all columns**; and (2) the **Log form for FY 2017 and later**, which the agencies should use to enter data in the white cells only beginning at row 12. Please be sure to use the proper form to begin entering your agency's data on the Log that will be submitted to OIP.

4. Why does the Sample Log have fewer columns visible than the Log Form online?

While the Log form that you can see on your computer is very long, the Sample Log has been considerably shortened and shows only the columns that the agency must complete or compare with their data. Accordingly, in the FY17 Log Instructions are also significantly shorter, as they do not describe the statistical data that OIP is collecting in the columns after AK. All columns, however, remain visible on your computer for the Log form that the agency will use and must submit to OIP semiannually. **Please do not eliminate any of the columns from the Log form that will be submitted to OIP.**

5. What procedures have changed?

Effective July 1, 2016, agencies no longer have to post their Log summaries to the Master UIPA Record Request Log on data.hawaii.gov because OIP will do this for

them. But agencies, through their UIPA Coordinator, must provide OIP with an electronic copy of their completed Logs (not PDF) after checking them for data entry errors, using a new Checklist form. The Checklist will help the agencies spot and correct data entry errors and must be submitted with each agency's completed Log on a semiannual and annual basis.

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

Because OIP will now do the uploading onto data.hawaii.gov, agencies will no longer require passwords to access the Master Log.

6. Why are agencies required to fill out the Log?

The Uniform Information Practices Act (UIPA) requires each agency to “[t]ake steps to assure that all its employees and officers responsible for the collection, maintenance, use, and dissemination of government records are informed of the requirements of this chapter.” HRS § 92F-18(a)(2). The law also states that “[e]ach agency shall compile a public report describing the records it routinely uses or maintains using forms prescribed by the office of information practices.” HRS § 92F-18(b). Each agency must file an annual report “to ensure that the information remains accurate and complete.” HRS § 92F-18(c).

7. Why did OIP create the Log?

The state Office of Information Practices (OIP) has created the Log as a uniform tool/method of collecting data that each state and county department/agency must provide to OIP. Consistent with the State's open data policy (Act 263, SLH 2013), the information collected by the Log will be posted on the State's centralized website – data.hawaii.gov – where data can be summarized and used to create various reports and visualizations by agency, department, and branch of government to show how Hawaii's open records law is working. OIP has posted a Master Log on data.hawaii.gov, where each department will report the total numbers from all of their agencies' Logs. Additionally, OIP prepares annual reports of the year-end Log data, which are posted on the [Reports page of oip.hawaii.gov](#).

The Log is a useful tool to help agencies meet their UIPA obligations, as it will assist agencies to keep track of UIPA requests, so that the requests do not go unresolved when the personnel handling them may have forgotten to respond, have gone on vacation, or have left their jobs. The Log also helps agencies to comply with the UIPA because it walks agency personnel through the process of properly responding to UIPA requests. Moreover, based on the agencies' entries of their response times and fee waivers, the Log automatically calculates search, review, and segregation fees. Overall, the Log data will give agencies, OIP, the Legislature, and the general public a better analysis of how the UIPA is working in Hawaii, including how many UIPA requests are being made, how requests are resolved,

the timeliness of agencies' UIPA responses, the amount of resources being used to fulfill agencies' UIPA obligations, and how many fee waivers are being granted.

Notably, OIP has not revised its administrative rules setting forth allowable fees and waivers since 1998, and there have been many changes in personnel costs and technology since then. Before it considers possible amendments to its administrative rules, OIP is seeking objective data that is collected in a uniform manner, which can be used to evaluate whether any rule changes are warranted.

Finally, data from the Log can be used to measure the effectiveness of the UIPA. The baseline information collected by the Log can be compared over time with new data to determine the impact of the State's open data and modernization efforts on the number, outcomes, fees, and costs of UIPA record requests and the amount of agency staffing/time needed to fulfill them. Additionally, the Log data may help to identify and support improvements, such as electronic processing of record requests.

8. Based on the Master Log data, will OIP be posting charts, graphs, and other visualizations of Log data?

Yes. OIP prepared charts and visualizations as part of its annual reports summarizing the year-end Log data, which can be found on the [Reports page at oip.hawaii.gov](https://oip.hawaii.gov/reports/).

9. Do routine requests have to be tracked?

Yes, by the agency but not on the Log that is submitted to OIP. Routine requests have been clarified to be requests that are automatically granted or denied without supervisory review, such as agency forms and brochures, school transcripts, birth or marriage certificates, and police reports. As explained in more detail on pages 3 to 4 of the Log Instructions, most agencies have their own methods of tracking or estimating routine requests, which can be through their accounting systems as they collect fees or costs for records such as birth and death certificates, or can be as simple as a dedicated notepad used by the agency to keep track of the number of brochures handed out to the public. Providing OIP with the estimated number of routine requests is important because the compiled total can give the public a better understanding of the services they pay for with their tax dollars.

Routine requests should not be logged, as they could actually skew the Log data because of their substantial numbers in comparison to UIPA formal record requests. Therefore, when the agency submits its Log of formal UIPA record requests to OIP, it must simply provide on the accompanying Checklist an estimate of the number of routine requests that it received for the Log period.

10. Do routine requests include requests made by other government agencies?

Yes, unless they happen **infrequently and are reported as formal UIPA record requests on the agency's Log.** Requests between government agencies might be

considered routine if, for example, they are typically granted as part of a process or requirement for a contract, grant, appropriation, or statute. **But, if a request by a government agency is an infrequent or unusual one**, such as a legislative request for information from a state or county agency, **then it is not “routine” and should be reported on the Log.**

11. The Log is so long; do all columns have to be filled out?

No. While there are a lot of columns, it is also very colorful and **no data should be entered in the colored areas. All of the colored will be automatically calculated or populated for you.** Therefore, you should not feel intimidated by the Log’s appearance because it is easy to fill out if you have an average knowledge of the UIPA, and guidance in the headings and drop-down instructions to walk you through the process.

Overall, the agency may have to fill out as few as 11 columns for a simple request. No data is entered by the agency after Column AH, and 39 columns will be automatically calculated or populated by the Log.

Not all white cells have to be filled out. For example, in the request resolution section (columns M through U), there are nine possible column entries, but this section could be filled out with as little as two entries by the agency. Column N is automatically calculated when the date of completion is entered by the agency in Column M. Only one “x” must be entered between Columns O and T to indicate how a request was finally resolved. On rare occasions, if the agency knows that a UIPA lawsuit involving the request was filed, then an “x” is entered in Column U.

12. How can I learn to use the Log?

For training on how to use the Log, OIP has a power point presentation and Sample Log on the UIPA training page of its website at oip.hawaii.gov. The Log itself contains brief instructions in the column headings and in drop-down detailed instructions for easy reference while using it. A full set of written instructions can be downloaded from OIP’s website and kept by the user’s computer to assist in filling out the Log. A Tip Sheet and a Process Chart (formerly called “Cheat Sheet”) are also available on the website. Additionally, OIP’s website has various videos, guides, and other training materials regarding the UIPA in general.

If you have additional questions about the Log or the UIPA, you can call OIP at 586-1400 or email oip@hawaii.gov.

13. Can the formulas be viewed and can the Log be revised?

Like any Excel spreadsheet, you can see the formulas in the Log’s formula bar. But the **Log formulas are locked and cannot be revised**, in order to ensure that uniform information will be collected from various levels of government without having any columns, formulas, and instructions accidentally modified or deleted. To provide all the information that is required by OIP, **the agency must not add or delete any**

columns to the Log that it is submitting to OIP. The agency can modify Columns C, and E, and can add additional requester data to Column D, but must still enter an asterisk in front of the requester's name in Column D.

14. Why do we have to keep track of search, review, and segregation (SRS) time, when the agencies are not charging for the records and it costs more to process payment than to give the records to the requester?

If it is a routine request, do not track on the Log that will be submitted to OIP. On the Checklist, simply provide OIP with the estimated number of routine requests that the agency received during the reporting period.

As for formal written UIPA record requests that must be tracked on the Log, the agency must keep track of the time it spends on requests for which it sends a Notice to Requester, even if the agency is not now charging for UIPA record requests or waives most fees. OIP needs objective data from the agencies themselves about how much time it takes to actually respond to record requests. This data will help to provide a true measure of the costs and benefits of the UIPA. The data is being analyzed to determine whether and how OIP's 1998 rules regarding allowable fees, costs, and waivers could be changed in light of increased personnel costs and technology, and whether a more efficient system can be developed to fulfill record requests. Over time, this data could also help the State to evaluate how its efforts to upgrade its technology and to provide more readily accessible information through data.hawaii.gov have impacted agency staff time and resources to fulfill UIPA record requests. The data can also be used by the agencies to identify more efficient ways to process record requests, such as by the proactive posting of data in electronic databases, and, if warranted, may be used to support their requests for additional financial or personnel resources.

15. Does each agency have to turn in its completed Log to OIP?

Yes, through its department's UIPA Coordinator. Agencies no longer have to upload their totals onto the Master Log at data.hawaii.gov, but they must submit their completed Logs and Checklist to OIP through their UIPA Coordinator.

16. How often must the Log be submitted to OIP?

Through their UIPA Coordinator, agencies must submit an electronic copy (not PDF) of their completed Logs and Checklists twice a year to OIP: (1) **by January 31**, to cover record requests received by the agency from July 1 through December 31; and (2) **by July 31**, to cover the requests received during the entire fiscal year from July 1 through June 30.

To make an electronic copy of your agency's Log from July 1 through December 31, saved a copy as your "semiannual Log," which your agency will then submit to OIP. At the end of the fiscal year, save a copy as your agency's "year-end Log" to submit to OIP.

17. Do I start a new Log with each new fiscal year?

Yes, the Log is to be kept on a fiscal year basis, which begins on July 1 and ends on June 30. Every July 1, please start a new Log of record requests received from that date forward. Continue using the Log that you began on July 1 and do not start a new Log after submitting your semiannual results to OIP in January. Use only one Log for the entire fiscal year.

This means, however, that you will be working with two Logs for approximately one month after each fiscal year ends on June 30 because you will still be inputting results in the prior year's Log regarding pending requests received in that year, while also recording new requests in the current fiscal year's Log. The one-month delay in submitting the year-end Log to OIP should give your agency enough time to try to resolve and to report all requests received through June 30 of the prior fiscal year.

18. What is the retention period for the Logs?

OIP does not set or administer agencies' retention schedules. However, according to the Department of Accounting and General Services' General Records Schedule 1.17, formal requests for government information under Part II of chapter 92F, HRS (UIPA) must be retained for 2 years after action on the request is completed. Therefore, OIP recommends that the department also retain its Log for 2 years after submitting it to OIP.

19. Do agencies still have to fill out OIP's "Log of Written Requests for Access to Agency Records" or the "Report of Statistical Information Required by the UIPA, section 92F-18(b)(12)," which were formerly required by the Records Report System?

No. The Log replaces both of those previous reports.

20. How many record requests can I record on the Log?

Although the print area for the Log is currently set at 50 requests, the Log can actually record up to 1000 requests. If you need to record more than 1000 requests in a fiscal year, you can contact OIP for help in adding more rows to the Log.

21. The Log is so long; how can I print it out?

Detailed instructions on how to print out the Log in sections are provided in the written Instructions. Additionally, to accompany the power point training, a PDF version of the Sample Log with incorrect data entries has already been pre-formatted and is ready to be printed on either 11-inch standard or 14-inch legal sized paper, preferably in color, and can be downloaded from OIP's [UIPA Record Request Log training page](#) at oip.hawaii.gov. A PDF version of the Log form, showing all columns, has also been preformatted for printing on legal sized paper and can be found on OIP's training page.

22. Can the agency use a printed version of the Log to manually write in their entries?

Not unless someone will later enter the data onto the computer. Manually entered data cannot be uploaded to data.hawaii.gov and will not provide the benefit of having totals, fees and costs, and various statistics automatically calculated.

The PDF version of the Log that is preformatted to be printed on legal sized paper is for training purposes only, and it should not be used as the agency's Log to be submitted to OIP.

23. Why can't OIP just distribute a survey asking agencies to provide the information desired, rather than using a Log?

Because a lot of detailed information is needed for OIP's study of fees, costs, and waivers, the Log was developed as an excel spreadsheet to uniformly and electronically collect data. The Log also automatically calculates for the agencies many amounts that could not be easily provided by the agencies in response to a multi-page survey. As an Excel spreadsheet, the Log data can be easily uploaded to data.hawaii.gov, where it will be summarized and publicly available to view or create various reports.

24. Why am I getting an error message (#VALUE!) in Column Y and later?

If you mistakenly entered decimals using a comma, instead of a period, then the amounts in Columns V through X will not total properly and there will be an error message in Column Y and later columns. This may also happen if you entered two periods in one cell.

Although you will not get an error message to notify you, remember that you need to properly enter the data in the other columns as well, in order for the Log's "Totals" and "Averages" to provide correct data. For example, remember to enter only one "x" and no other letter, symbol, or date in Columns F, I through M, and O through U. Also, in Columns G and H, be sure to enter only one date per request.

25. Why doesn't OIP put the Log on a database online instead of using an Excel spreadsheet?

Unfortunately, not all government employees have the ability to access online databases and many agencies have old computer systems. OIP's Log must be used by agencies with varying degrees of technical capability, and the Excel format has worked for most state and county agencies.

If your agency has a different version of Excel and can only open a "read only" copy of OIP's Log, please contact OIP (oip@hawaii.gov or (808) 586-1400) to obtain the password to unlock the file and begin entering data.

26. Who are the UIPA Coordinators for the Counties?

Contact OIP for the latest names of UIPA Coordinators for the Counties.

27. Will each agency have to upload Log data onto the Master Log at data.hawaii.gov?

No. Beginning June 2016, OIP will upload the Log summary data for the agencies onto the Master Log at data.hawaii.gov. The agencies, through their UIPA Coordinator, must provide their completed Logs and Checklists to OIP.

28. If our agency had no UIPA record requests, do we still have to complete the Log?

Yes, so that OIP will know that the agency reported. The agency can state in the "Requester's Name" column that no requests were received.

If the agency had routine requests to report, the total estimated number should be reported on the Checklist that must accompany the agency's completed Log, which will be submitted to OIP by the agency's Log Coordinator.

29. Can the agency waive costs chargeable to the Requester?

Yes, the agency can waive costs of copying, delivery, or other expenses, if it so chooses. The agency, not OIP, sets its schedule of what it will charge for its costs. But remember that if the agency makes a copy for its internal use to review and redact a requested record, then those costs are not chargeable to the Requester because they are considered to be part of the SRS process. Only the cost of the copy provided to the Requester may be charged as a copying cost under current OIP rules. See the Log's written Instructions regarding Copy/Delivery costs on page 16.

Even if the agency decides to waive its costs, the gross amount incurred and the net amount chargeable should be listed in columns AF and AG of the Log.

30. Will the Log be publically disclosed?

Yes, upon request. **Because the names of individuals who made personal record requests may fall within an exception to disclosure, OIP recommends using the Requester's initials or file number, and not their full names, when entering personal record request data on the Log.** That way, the agency would not have to go back and redact individual's names if there is a request for disclosure of its Log.