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OIP'S REPORT OF COUNTY AGENCIES' UIPA RECORD REQUEST YEAR-END LOGS for FY 2018

(For record requests received from July 1, 2017 through June 30, 2018)

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 2018 (“Master Log”)¹ for 86 executive, legislative, and independent agencies² from all four counties.

OIP reviewed each agency’s Log to correct obvious errors and uploaded agencies’ entries onto 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 2018 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 2018. 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 significantly higher numbers of formal requests reported by the City and County of Honolulu,³ which resulted in Honolulu requests comprising 85% (1,277) of total requests from all

¹ For the Master Log, go to <https://data.hawaii.gov/Government-Wide-Support/OIP-Master-UIPA-Record-Request-Year-End-Log-for-FY/pwcd-mmyy/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 In FY 2018, 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.

counties (1,819 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 2018?

Excluding routine requests,⁴ there were 1,819 formal written record requests requiring county agencies to send notices to the requester under the state’s Uniform Information Practices Act (“UIPA”), chapter 92F, Hawaii Revised Statutes (“HRS”). County agencies estimated that they received 275,776 routine requests for information 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 1,819 formal UIPA record requests constituted 0.6% and the estimated 275,776 routine requests comprised 99.4 % of the 277,595 total requests reported by the agencies, and **Table 1** breaks down these numbers by county.

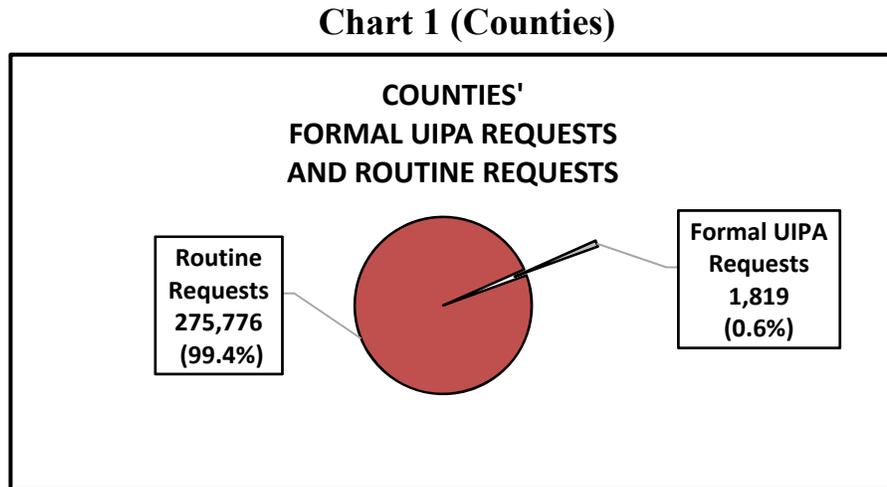


Table 1

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

| | <u>Formal Requests</u> | <u>Routine Requests</u> | <u>ALL</u> |
|---------------------|------------------------|-------------------------|------------|
| Honolulu | 1,277 (1%) | 84,378 (99%) | 85,655 |
| Hawaii | 209 (1%) | 138,128 (99%) | 138,337 |
| Kauai | 132 (2%) | 5,297 (98%) | 5,429 |
| Maui | 201 (1%) | 47,973 (99%) | 48,174 |
| All Counties | 1,819 (1%) | 275,776 (99%) | 277,595 |

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 1,819 formal requests to all counties can be broken down into 271 (15%) personal record requests⁵ and 195 (11%) complex requests,⁶ resulting in a balance of 1,353 (74%) nonpersonal and noncomplex requests, *i.e.* “typical” requests,⁷ as shown in **Chart 2** below. **Table 2** shows the breakdown by county.

Chart 2 (Counties)

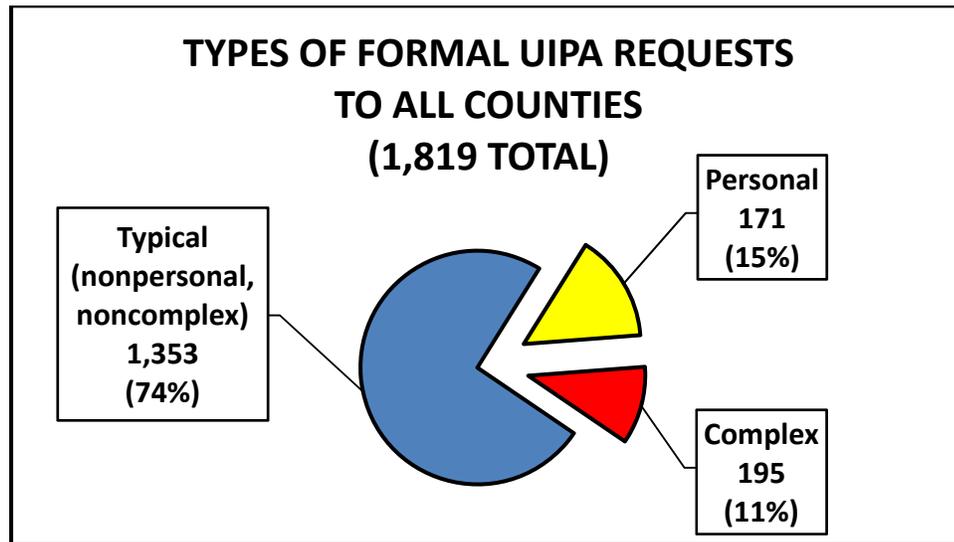


Table 2

**Types of Formal UIPA Requests
(1,819 Total) – by County**

| | <u>Typical</u> | <u>Personal</u> | <u>Complex</u> | <u>ALL</u> |
|---------------------|----------------|-----------------|----------------|---------------|
| Honolulu | 905 (72%) | 223 (17%) | 149 (11%) | 1,277 (70%*) |
| Hawaii | 168 (86%) | 6 (3%) | 35 (11%) | 209 (12%*) |
| Kauai | 111 (84%) | 15 (11%) | 6 (5%) | 132 (7%*) |
| Maui | 169 (87%) | 27 (5%) | 5 (8%) | 201 (11%*) |
| All Counties | 1,353 (74%*) | 271 (15%*) | 195 (11%*) | 1,819 (100%*) |

* = percentage of all counties’ totals.

No * = percentage of each county’s totals.

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, and have different requirements than government record requests under Part II.

⁶ Complex record requests involve extenuating circumstances or voluminous records that prevent an agency from fulfilling the request within the usual ten days.

⁷ The “typical” requests were for government records and were subject to Part II of the UIPA.

How many requests were completed?

Chart 3A shows that out of 1,819 total requests received by the county agencies, 1,699 (93%) requests were completed in FY 2018.⁸ Of the 1,699 completed requests, 194 (11%) were personal record requests, 183 (11%) were complex requests, and 1,335 (78%) were “typical” nonpersonal and noncomplex record requests 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)

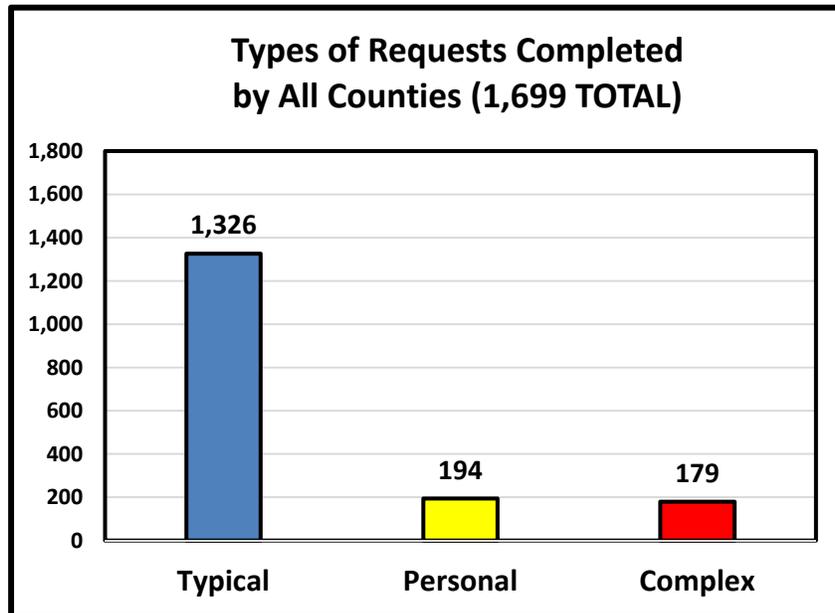


Table 3A

Types of Requests Completed (1,699 Total) – by County

| | <u>Typical</u> | <u>Personal</u> | <u>Complex</u> | <u>ALL</u> |
|---------------------|----------------|-----------------|----------------|----------------|
| Honolulu | 900 (76%) | 146 (12%) | 142 (12%) | 1,188 (69.9%*) |
| Hawaii | 148 (82%) | 6 (3%) | 27 (15%) | 181 (10.6%*) |
| Kauai | 112 (84%) | 15 (11%) | 5 (5%) | 132 (7.8%*) |
| Maui | 166 (84%) | 27 (14%) | 5 (2%) | 198 (11.7%*) |
| All Counties | 1,326 (78%*) | 194 (11%*) | 179 (11%*) | 1,699 (100%*) |

* = percentage of all counties’ totals.

No * = percentage of each county’s totals.

⁸ Requests that were completed in FY 2018 may have included those carried over from an earlier year. Likewise, requests that were not completed in FY 2018, may be completed in a later fiscal year. In FY 2017, 63 county cases were not completed and may have been completed in FY 2018.

Of the 1,819 formal requests received by the county agencies, 1,699 (93%) were completed and 120 (7%) were not completed as of June 30, 2018, as shown in **Chart 3B** below. **Table 3B** shows the breakdown by county. Notably, Kauai County completed 100% of the requests it received in FY 2018.

Chart 3B (Counties)

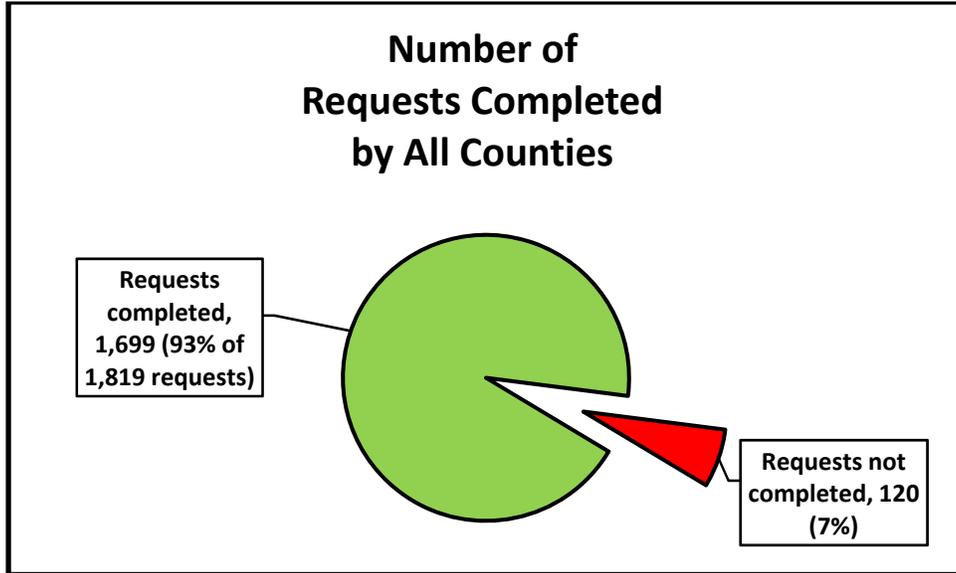


Table 3B

Number of Requests Completed – by County

| | <u>Completed</u> | <u>Not Completed</u> | <u>% Not Completed</u> |
|--------------|------------------|----------------------|------------------------|
| Honolulu | 1,188 | 89 | 7% |
| Hawaii | 181 | 28 | 15% |
| Kauai | 132 | 0 | 0% |
| Maui | 198 | 3 | 2% |
| All Counties | 1,699 | 120 | 7% |

How were requests resolved?

Of the 1,700 requests completed by the county agencies, **Chart 4** below shows that 1,249 (73%) were granted in full; 100 (6%) were granted or denied in part; 108 (6%) were denied in full; in 138 (8%), the agency was unable to respond; 39 (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)

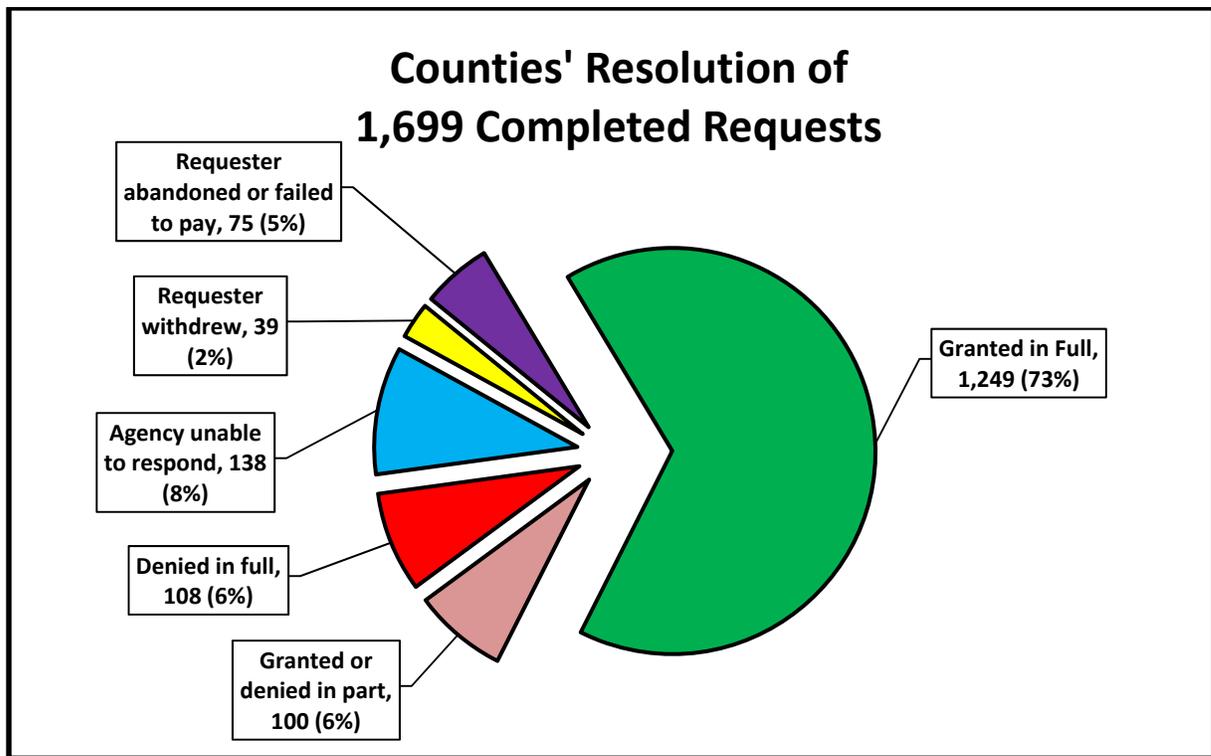


Table 4

Resolution of 1,700 Completed Requests – by County

| | Granted in Full | Granted in Part | Denied in Full | Unable to Respond | Requester Withdrew | Requester Abandoned |
|---------------------|------------------------|------------------------|-----------------------|--------------------------|---------------------------|----------------------------|
| Honolulu | 897 (75%) | 72 (6%) | 58 (5%) | 79 (7%) | 35 (3%) | 51 (4%) |
| Hawaii | 130 (73%) | 20 (11%) | 7 (4%) | 12 (1%) | 1 (0%) | 16 (11%) |
| Kauai | 75 (57%) | 6 (5%) | 30 (23%) | 19 (14%) | 0 (0%) | 2 (1%) |
| Maui | 147 (74%) | 2 (1%) | 13 (6%) | 28 (14%) | 3 (2%) | 6 (3%) |
| All Counties | 1,249 (75%) | 100 (6%) | 108 (6%) | 138 (8%) | 39 (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 1,643 requests, or 90% of all requests. (Column I of the Master Log) In 100 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 10% of total cases.

As shown in the following bar graph, **Chart 5**, it took an average of 9.4 workdays from date of receipt to complete all record requests, based on 16,106 workdays to complete 1,699 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 7.7 days to complete 1,326 typical (noncomplex and nonpersonal) record requests; 10.9 days to complete 194 personal record requests; and 19.0 days to complete 179 complex requests. (Columns AQ through AS of Master Log) **Table 5** shows the breakdown by county.

Compared to FY 2017, Chart 5, complex record requests are taking counties significantly less time, on average, to complete: 26.9 days in FY 2017 vs. 19.0 days in FY 2018. Personal record requests are also taking less time to complete (11.8 in FY 2017 vs. 10.9 days in FY 2018), and the typical requests are taking less time (8.5 in FY 2017 vs. 7.7 days in FY 2018). The overall average days to completion has gone down slightly from 9.7 in FY 2017 to 9.4 in FY 2018.

Looking at the counties individually, Kauai showed the biggest improvement. Kauai had the biggest reduction in average number of workdays spent on complex record requests: from 29.1 in FY 2017 vs. 11.6 average workdays in FY 2018. Although Kauai reported more requests in FY 2018 (132) vs. FY 2017 (98) Table 3A, its overall average number of days to complete all requests lowered to 6.3 in FY 2018 from 12.4 in FY 2017 (Table 5). Kauai not only completed all requests it received in FY 2018, it also reported the second lowest average number of days (6.1) to complete a typical request. (Table 5) The County of Hawaii had the lowest average number of days (5.1) to complete a typical record request. (Table 5)

Chart 5 (Counties)

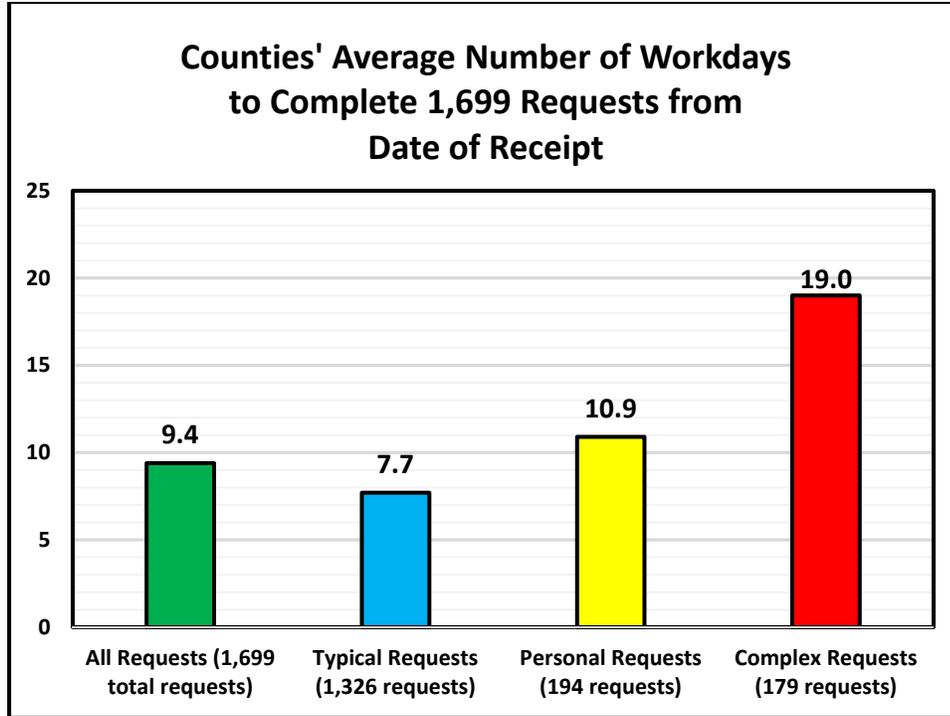


Table 5

**Average Number of Workdays
to Complete 1,699 Requests from
Date of Receipt – by County**

| | <u>All Requests</u> | <u>Typical Requests</u> | <u>Personal Requests</u> | <u>Complex Requests</u> |
|---------------------|-------------------------|-----------------------------|------------------------------|-----------------------------|
| Honolulu | 10.1 | 8.2 | 12.5 | 17.6 |
| Hawaii | 8.4 | 5.3 | 10.1 | 26.0 |
| Kauai | 6.3 | 6.1 | 6.6 | 11.6 |
| Maui | 8.2 | 8.0 | 4.8 | 27.2 |
| All Counties | 9.4 | 7.7 | 10.9 | 19.0 |

Agencies were 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 2,658 hours to respond to record requests, of which 1,657 hours were for search, 877 hours were for review and segregation, and 124 hours were for legal review. These figures also include the time spent by agencies working on the 120 pending cases that were not completed at the end of FY 2018. **Table 6** shows the breakdown by county.

Chart 6 (Counties)

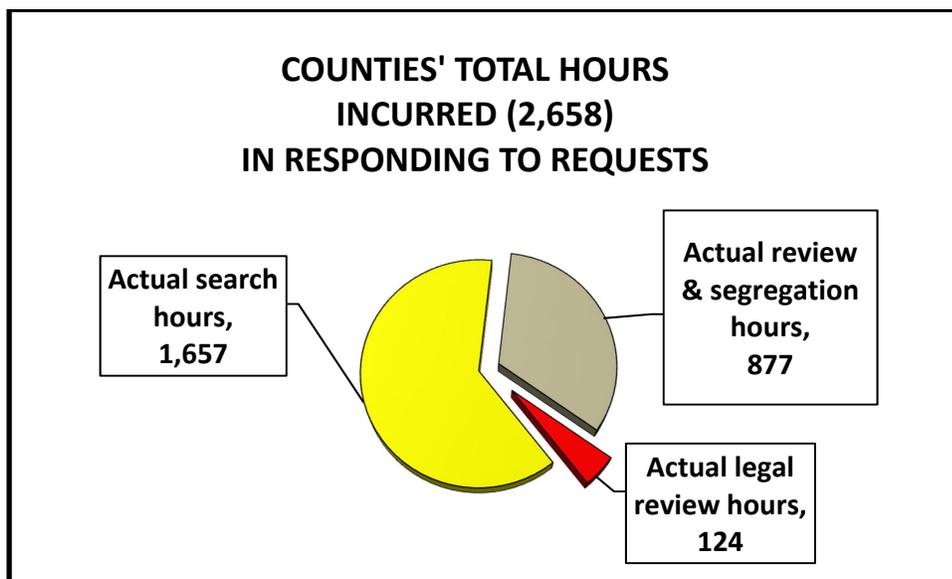


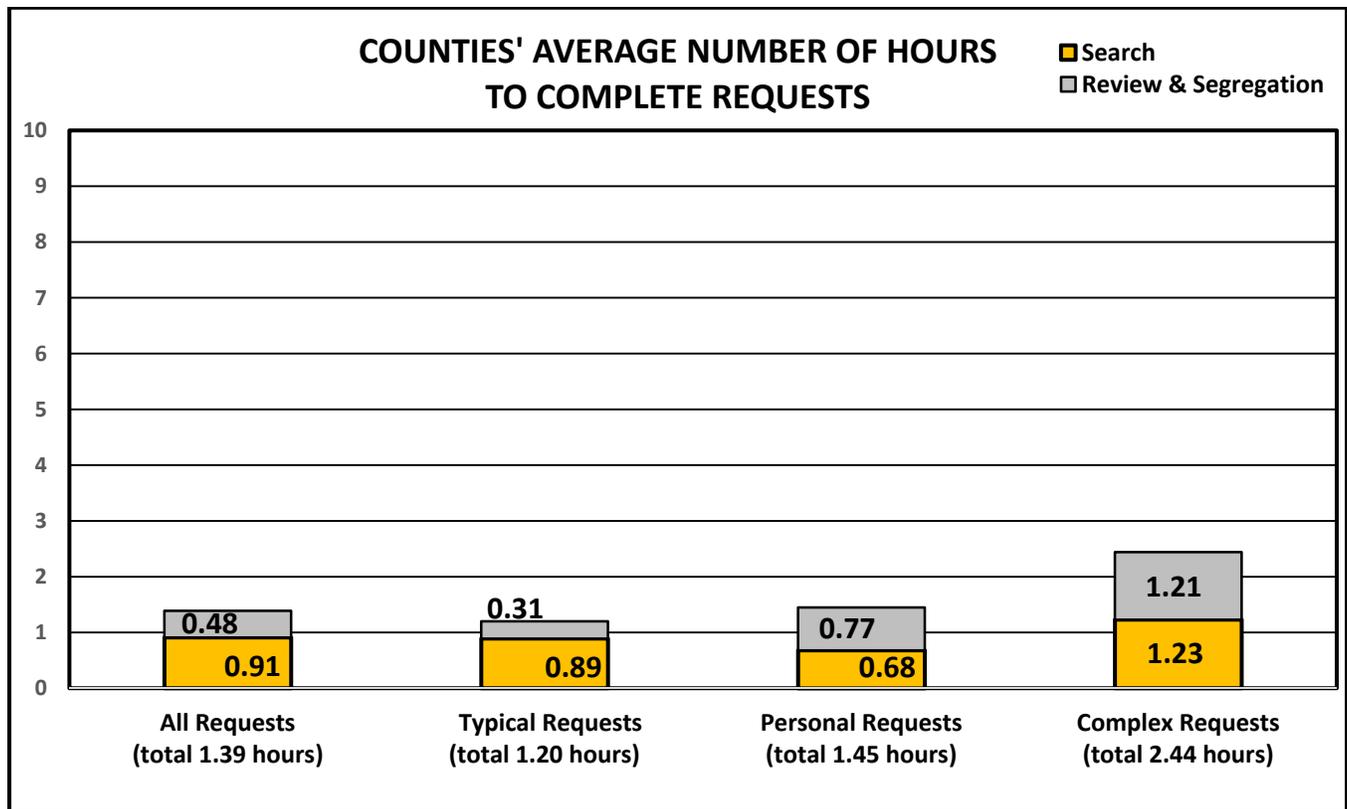
Table 6

**Total Hours Incurred (2,658)
in Responding to Requests – by County**

| | Search Hours | Review & Segregation Hours | Legal Review Hours | Total Hours |
|---------------------|---------------------|---------------------------------------|---------------------------|--------------------|
| Honolulu | 562 | 616 | 81 | 1,259 |
| Hawaii | 836 | 72 | 2 | 910 |
| Kauai | 45 | 24 | 1 | 70 |
| Maui | 214 | 165 | 40 | 419 |
| All Counties | 1,657 | 877 | 124 | 2,658 |

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 120 requests that were not completed at the end of FY 2018. Based on those SRS hours, and excluding legal review hours, it took an average of 1.39 total SRS hours of work for 1,819 record requests in FY 2018, as shown in **Chart 7** below. The 1,353 typical (noncomplex/nonpersonal) record requests took an average of 1.20 SRS hours, and 271 personal record requests took an average of 1.45 SRS hours of agency work. The 195 complex record requests took 2.44 SRS hours on average, which is about twice as long as the typical request.

Chart 7 (Counties)



In comparison to last year, however, the average number of hours spent by all counties on complex record requests has been substantially reduced from 10.33 hours in FY 2017 to 2.44 hours in FY 2018. (Chart 7) Except for Maui County, each county reported spending substantially less hours, on average, for complex record requests in FY 2018 than FY 2017. (Table 7)

In comparison to the state agencies for FY 2018, the Chart 7 county averages are lower to complete typical requests: 1.20 hours for county agencies compared to 1.42 hours for state agencies to complete typical record requests. The county averages, however, are higher to complete personal record requests: 1.45 hours for county agencies compared to 0.35 hours for state agencies. The county averages are lower to complete complex requests: 2.44 hours for county and 4.60 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 | .44 | .48 | .92 |
| Noncomplex/ Nonpersonal | .34 | .33 | .67 |
| Personal | .76 | .91 | 1.67 |
| Complex | .52 | .72 | 1.29 |
| <u>Hawaii:</u> | <u>Search</u> | <u>Review & Segregation</u> | <u>Total SRS hours</u> |
| All requests | 4.00 | .34 | 4.34 |
| Noncomplex/ Nonpersonal | 4.44 | .06 | 4.46 |
| Personal | .58 | 0 | .58 |
| Complex | 2.16 | 1.58 | 3.74 |
| <u>Kauai:</u> | <u>Search</u> | <u>Review & Segregation</u> | <u>Total SRS hours</u> |
| All requests | .34 | .18 | .52 |
| Noncomplex/ Nonpersonal | .33 | .16 | .49 |
| Personal | .25 | 0 | .25 |
| Complex | .37 | .91 | 1.28 |
| <u>Maui:</u> | <u>Search</u> | <u>Review & Segregation</u> | <u>Total SRS hours</u> |
| All requests | 1.06 | .82 | 1.88 |
| Noncomplex/ Nonpersonal | .68 | .54 | 1.22 |
| Personal | .29 | .17 | .46 |
| Complex | 16.85 | 13.65 | 30.50 |
| <u>All Counties:</u> | <u>Search</u> | <u>Review & Segregation</u> | <u>Total SRS hours</u> |
| All requests | .91 | .48 | 1.39 |
| Noncomplex/ Nonpersonal | .89 | .31 | 1.20 |
| Personal | .68 | .77 | 1.45 |
| Complex | 1.23 | 1.21 | 2.44 |

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, agencies were asked 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 \$45,772 but could only charge \$33,118 for fees and costs allowed under OIP's rules, and they actually collected from requesters \$15,574.

Please note that the data in Chart 8A includes gross and net fees and costs for all 1,819 county requests, even if they were not completed or charged to requesters. Moreover, the gross incurred SRS fees of \$28,091 (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 (124.55 hours), SRS fees for personal records, or additional response fee estimates. If those nonchargeable amounts were included and \$17,681 (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 \$45,772 shown in the far left column of Chart 8A.

While agencies incurred fees and costs in all 1,819 cases, whether or not they were completed or charged to requesters, the amounts actually paid by requesters in Charts 8A, 8B, and 8C are based only on the 1,699 completed requests (1,326 typical; 194 personal; 179 complex. See Chart 3A).

Chart 8A visualizes the totals for all types of requests reported on the FY 2018 Master Log:

\$45,772 in total gross fees and costs incurred for all 1,819 cases, consisting of \$28,091 in fees and \$17,681 in costs

\$33,118 in total net chargeable fees and costs chargeable in all 1,819 cases, consisting of \$16,808 in fees and \$16,310 in costs

\$15,574 in fees and costs actually paid in 1,699 completed cases.

Chart 8A (Counties)

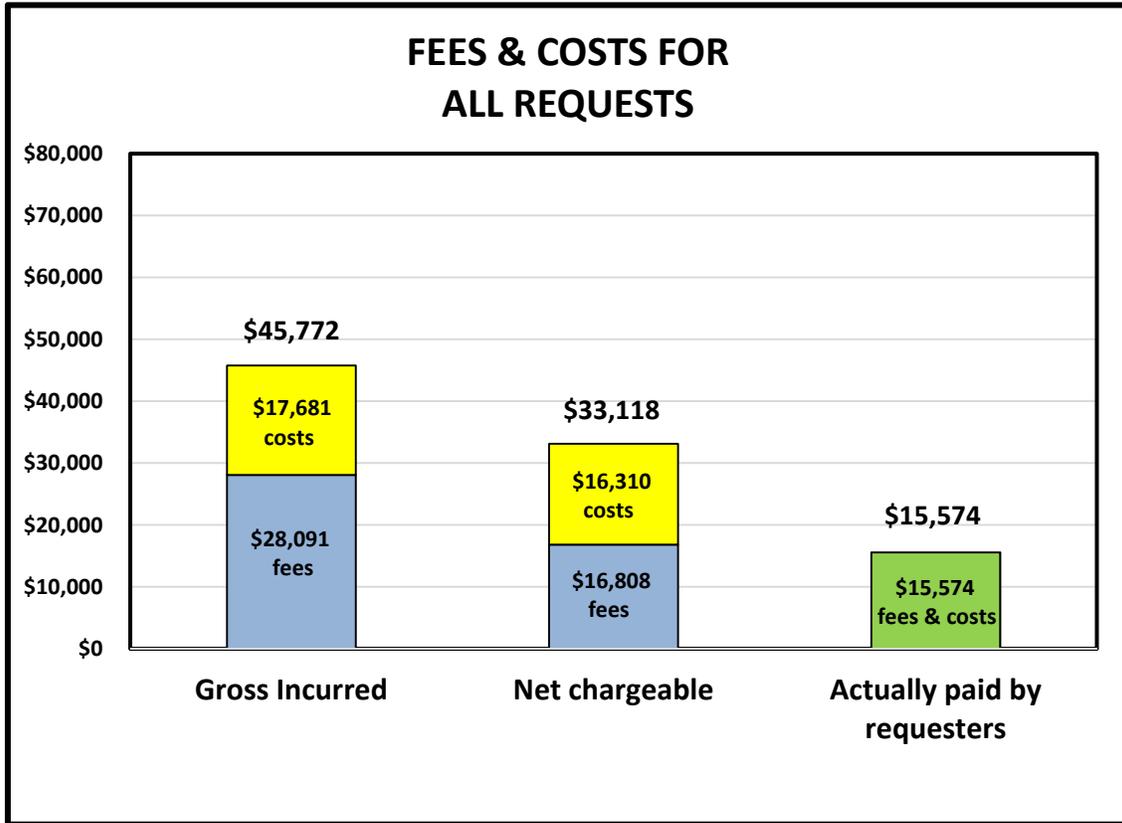


Table 8A shows the fees and costs breakdown by county.

Table 8A

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

| | Gross Fees/Costs Incurred | Total Incurred | Net Fees/Costs Chargeable | Total Chargeable | Actually Paid |
|---------------------|--------------------------------------|---------------------------|--------------------------------------|-----------------------------|--------------------------|
| Honolulu | \$11,971/ \$13,026 | \$24,997 | \$5,309/ \$11,679 | 16,988 | \$9,513 |
| Hawaii | 9,975/ 386 | 10,361 | 7,967/ 363 | 8,330 | 1,072 |
| Kauai | 890/ 1,290 | 2,180 | 277/ 1,289 | 1,566 | 1,082 |
| Maui | 5,255/ 2,979 | 8,234 | 3,255/ 2,979 | 6,234 | 3,907 |
| All Counties | \$28,091/ \$17,681 | \$45,772 | \$16,808/ \$16,310 | \$33,118 | \$15,574 |

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 179 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:

- \$15,366 gross fees and costs incurred in 195 complex cases
- \$11,480 net fees and costs chargeable in 195 complex cases
- \$ 9,291 actually paid in 179 completed complex cases.

Notably, the 179 completed complex cases in FY 2018 was more than double the number of cases completed in FY 2017 (85). The gross fees and costs incurred by all counties for complex record requests (\$15,366) were lower than the \$17,878 incurred in FY 2017. The net chargeable fees and costs (\$11,480) were also lower than the \$16,293 chargeable in FY 2017. The amount actually paid in completed complex cases, however, increased from \$5,355 in FY 2017 to \$9,291 in FY 2018.

Chart 8B (Counties)

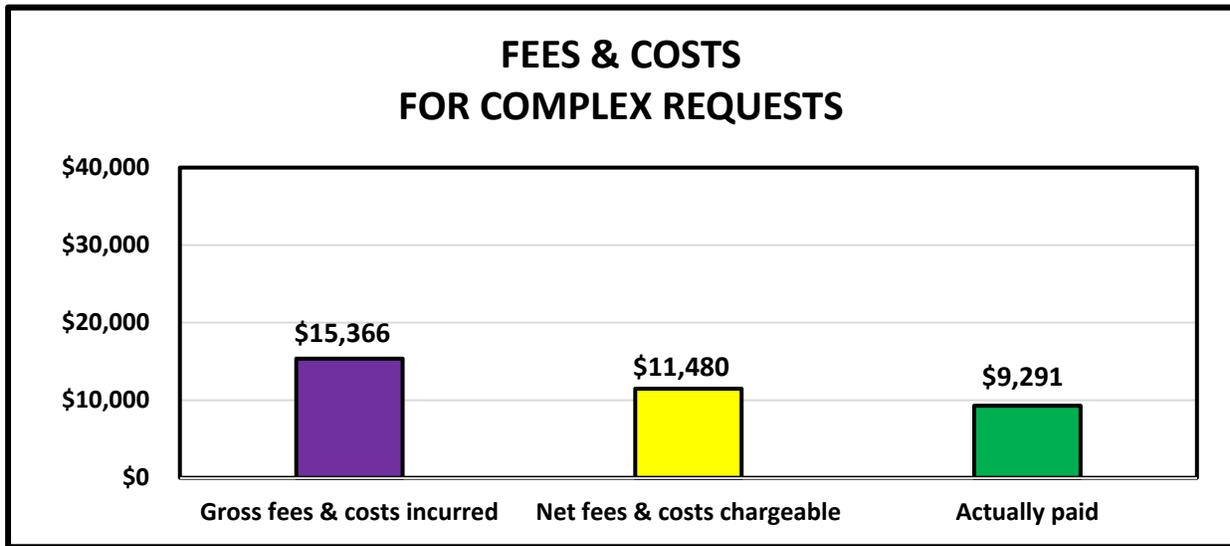


Table 8B shows the breakdown by county.

Table 8B

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

| | Gross Fees & Costs Incurred | Net Fees & Costs Chargeable | Actually Paid |
|---------------------|--|--|--------------------------|
| Honolulu | \$ 9,996 | \$ 6,832 | \$ 5,434 |
| Hawaii | \$ 2,118 | \$ 1,596 | \$ 949 |
| Kauai | \$ 830 | \$ 760 | \$ 738 |
| Maui | \$ 2,422 | \$ 2,292 | \$ 2,170 |
| All Counties | \$ 15,366 | \$ 11,480 | \$ 9,291 |

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:

- \$30,406 gross fees and costs incurred in 1,624 typical and personal cases
- \$21,638 net fees and costs chargeable in 1,624 typical and personal cases
- \$ 6,283 actually paid in 1,520 completed typical and personal cases.

Based on a total of 1,520 completed typical and personal record requests and \$6,283 as the total amount paid by those types of requesters, the average per request calculates to \$4.13 actually paid by typical and personal record requesters. This average is misleading, however, as 1,178 requesters paid nothing, as will be seen later in Charts 11 and 12.

Chart 8C (Counties)

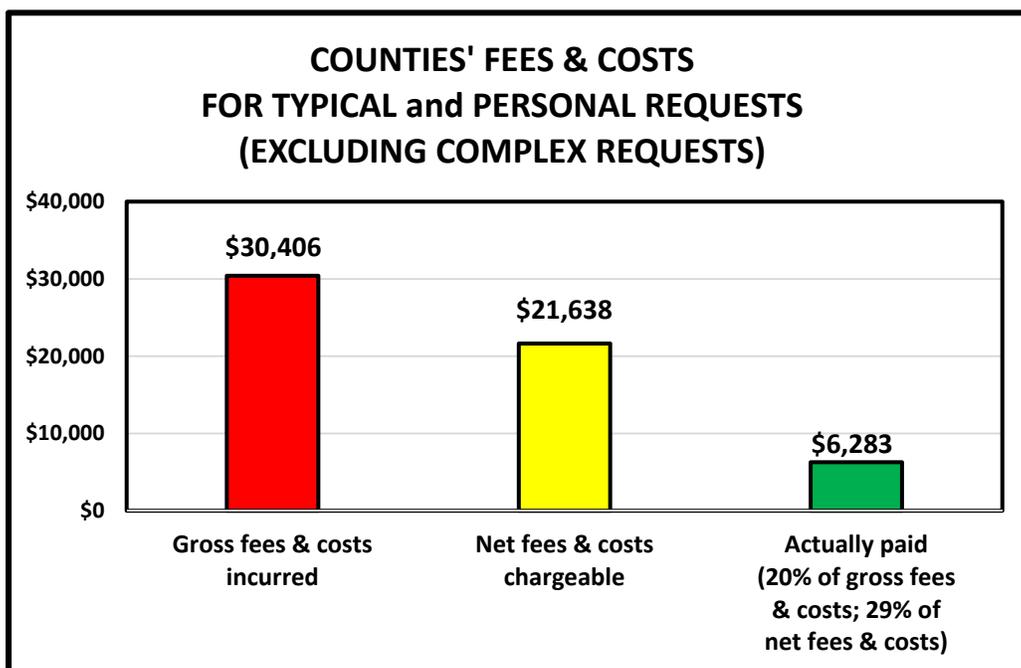


Table 8C shows the breakdown by county.

Table 8C

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

| | <u>Gross Fees & Costs Incurred</u> | <u>Net Fees & Costs Chargeable</u> | <u>Actually Paid</u> |
|---------------------|--|--|----------------------|
| Honolulu | \$ 15,001 | \$ 10,156 | \$ 4,079 |
| Hawaii | \$ 8,243 | \$ 6,734 | \$ 123 |
| Kauai | \$ 1,350 | \$ 806 | \$ 344 |
| Maui | \$ 5,812 | \$ 3,942 | \$ 1,737 |
| All Counties | \$ 30,406 | \$ 21,638 | \$ 6,283 |

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 828 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 194 completed requests in FY 2018 (see Chart 3A). Moreover, fee waivers are only entered when SRS fees are entered, so there would generally be no waivers in most of the 360 cases where requests were denied in full, abandoned, or withdrawn, or when the agency was unable to respond (see Chart 4). Also, fee waivers are automatically entered by the Log only when the agency enters SRS hours, but not when only costs, and no SRS hours are entered.

Using 1,699 as the total number of completed cases, **Chart 9** below shows that the agencies reported granting \$30 fee waivers for 848 requests (50%) and \$60 fee waivers for 23 requests (1%). **Table 9** shows the breakdown by county.

Chart 9 (Counties)

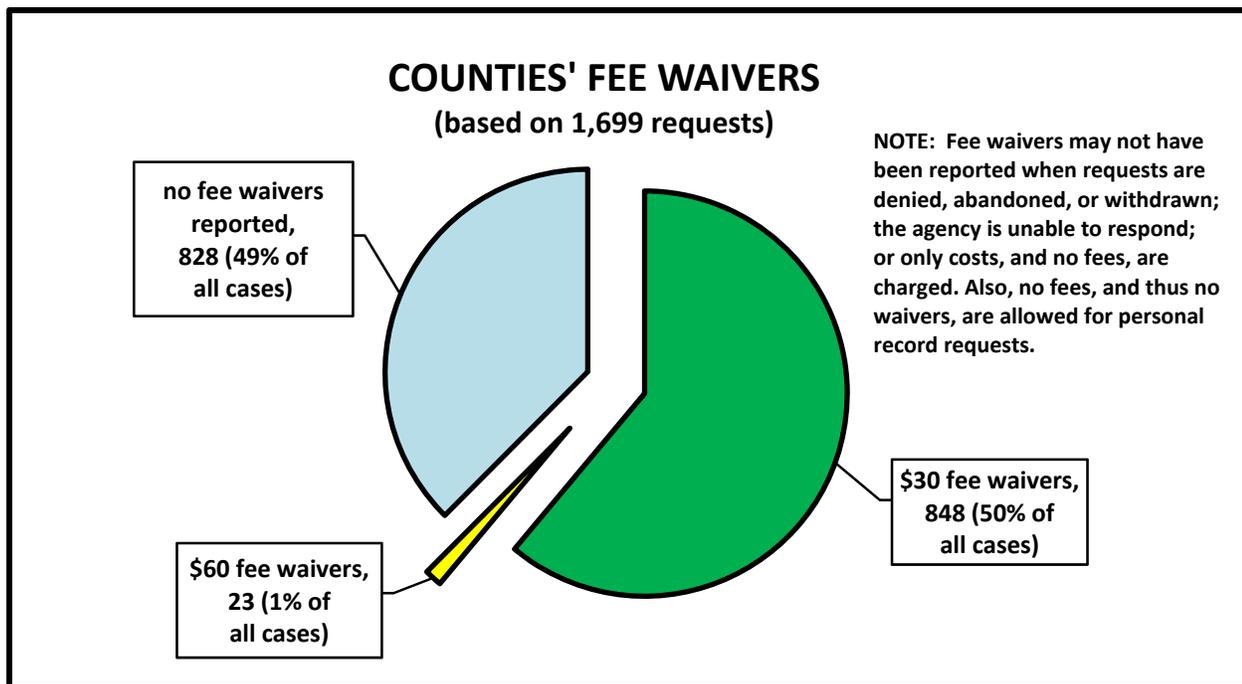


Table 9
Fee Waivers – by County

| | <u>\$30 Fee Waivers</u> | <u>\$60 Fee Waivers</u> | <u>No Fee Waivers</u> |
|---------------------|-------------------------|-------------------------|-----------------------|
| Honolulu | 518 (44%) | 17 (1%) | 653 (55%) |
| Hawaii | 94 (52%) | 3 (2%) | 84 (46%) |
| Kauai | 96 (73%) | 1 (1%) | 35 (26%) |
| Maui | 140 (71%) | 2 (2%) | 56 (28%) |
| All Counties | 848 (50%) | 23 (1%) | 828 (49%) |

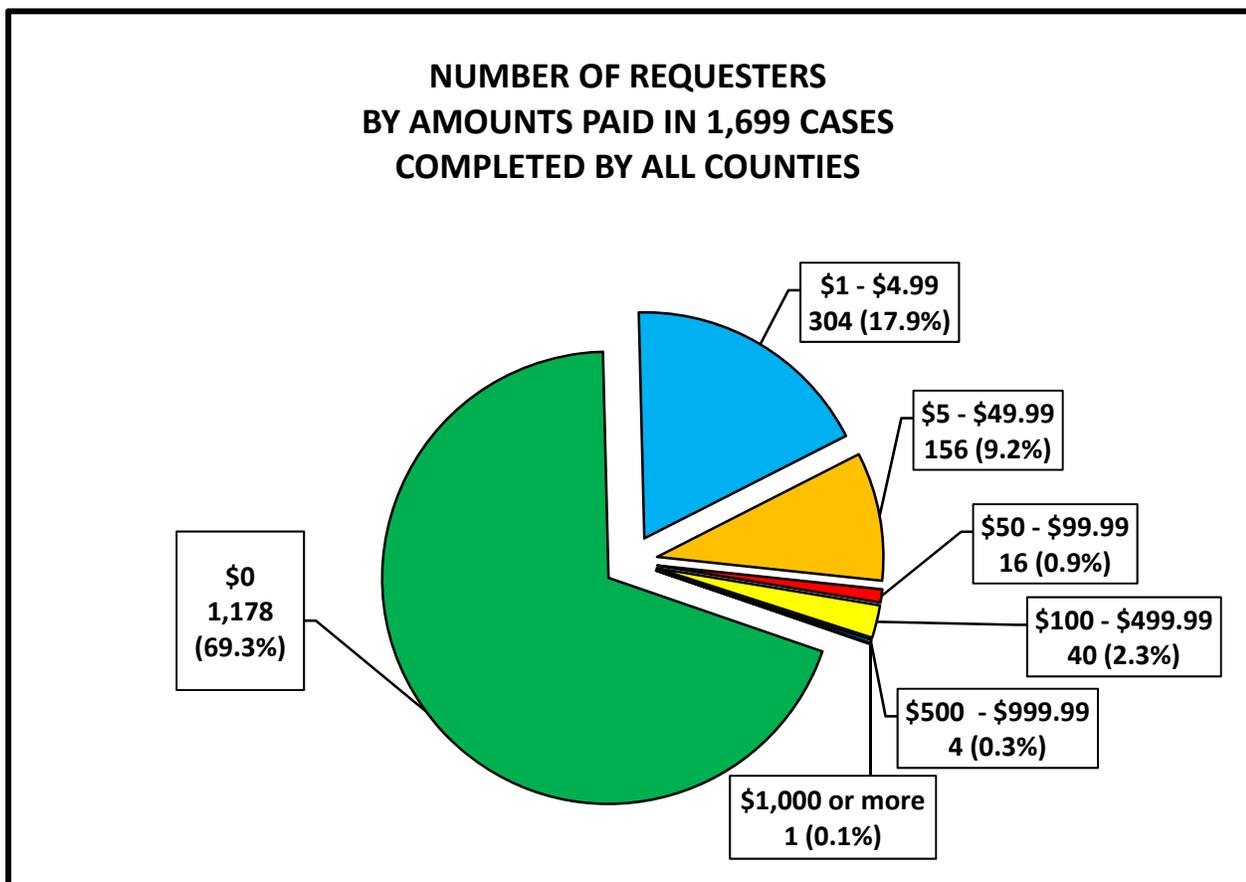
By reviewing each agency’s Log, OIP compiled the data found in **Table 10**, which is attached at the end of this report. For the 1,699 total completed requests, a total of \$15,574 was paid by requesters for fees and costs per Table 10. Table 10 lists the data by county and provides subtotals for each county.

Based on the 1,699 completed requests, **Chart 11** below shows that 1,178 requesters (69.3%) paid nothing, 304 requesters (17.9%) paid \$1 to \$4.99 per request; 156 requesters (9.2%) paid \$5 to \$49.99; 16 requesters (0.9%) paid \$50 to 99.99; 40 requesters (2.3%) paid \$100 to \$499.99; 4 requesters (0.3%) paid \$500 to \$999.99; and 1 (0.1%) requester paid \$1,000 or more in fees and costs.

Of the 61 requesters who paid \$50 or more, at least 48 requesters (78.6%) 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 greater percentage in FY 2018 (69.3%) paid no fees and costs than in FY 2017 (52%), but a smaller percentage (17.9%) paid less than \$5.00 in FY 2018 compared to FY 2017 (30.2%). The combined percentage of requesters who paid zero or less than \$5.00 in fees and costs was higher in FY 2018 (87.2%) than in FY 2017 (82.2%).

Chart 11 (Counties)

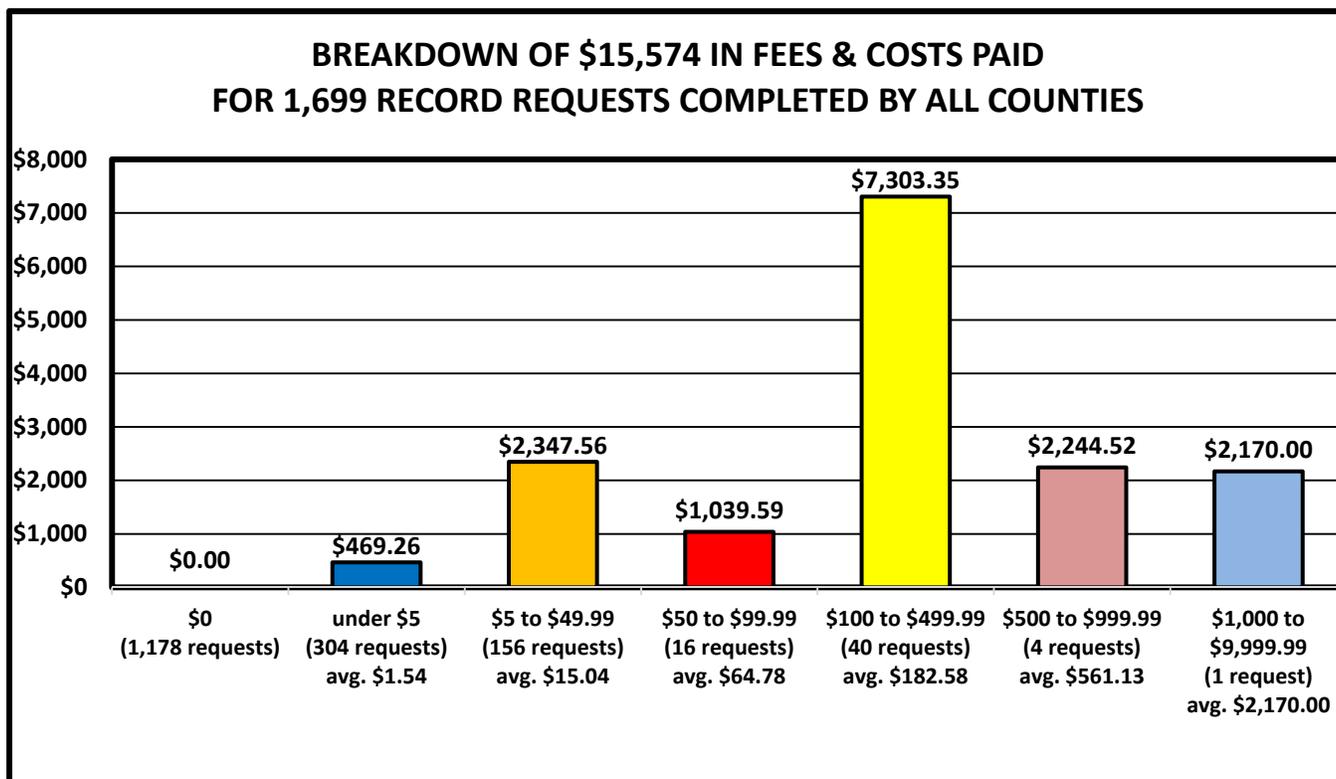


Again using Table 10's data, **Chart 12** below shows the breakdown of the \$15,574 in fees and costs paid in 1,699 completed cases. As Chart 12 shows, 1,178 requesters (69.3% of 1,699 completed requests) paid nothing, and 521 requesters (30.7% of 1,699 completed requests) paid a total of \$15,574. Of the 521 requesters that paid any amount, 304 requesters (58.3% of 1,699 completed requests) paid less than \$5, for a total of \$469.20 or average of \$1.54 per request. Another 156 requesters (29.9% of paying requesters) paid between \$5 and \$49.99, for a total of \$2,347.56 or average of \$15.04. Sixteen requesters (3% of paying requesters) paid between \$50 and \$99.99, for a total of \$1,039.59 or average of \$64.78. Forty requesters (7.6% of paying requesters) paid between \$100 and \$499.99, for a total of \$7,303.35 or average of \$182.58. Four requesters (0.7% of paying requesters) paid between \$500 and \$999.99, for a total of \$2,244.52 or average of \$561.13. One requester (0.1% of paying requesters) paid between \$1,000 and \$9,999.99, for a total of \$2,170.00.

Sixteen requesters (3% of paying requesters) paid between \$50 and \$99.99, for a total of \$1,039.59 or average of \$64.78. Forty requesters (7.6% of paying requesters) paid between \$100 and \$499.99, for a total of \$7,303.35 or average of \$182.58. Four requesters (0.7% of paying requesters) paid between \$500 and \$999.99, for a total of \$2,244.52 or average of \$561.13. One requester (0.1% of paying requesters) paid between \$1,000 and \$9,999.99, for a total of \$2,170.00.

The counties collected less for fees and costs from requesters in FY 2018 (\$15,574) than in FY 2017 (\$20,566).

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 2018 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 275,776 routine requests, county agencies logged 1,819 formal UIPA record requests in FY 2018. (Chart 1) Of the 1,819 formal UIPA record requests that were received, 271 (15%) were personal record requests, 195 (11%) were complex requests, and 1,353 (74%) were typical (noncomplex/nonpersonal) record requests. (Chart 2)

County agencies completed 1,699 requests, or 93% of the 1,819 requests received in FY 2018. (Chart 3B) Of the completed cases, 194 were personal (11%), 179 were complex (11%), and 1,326 (78%) were typical record requests. (Chart 3A)

Of the 1,699 completed requests, 79% were granted in full or in part, 6% were denied in full, and the agency was unable to respond or the requester withdrew or abandoned the request in the remaining 15% of the county cases. (Chart 4)

It took all county agencies an average of 9.4 days to respond to 1,699 completed requests. (Chart 5) When broken down by type of requests, the average days to complete the "typical" request was 7.7 days; personal requests averaged 10.9 days; and complex requests averaged 19.0 days. After adjusting for the Log's formulas causing the inflation of completion days, county agencies averaged less than seven work days to complete 1,326 typical record requests, which are 78% of all completed cases. (Chart 5) It took the county agencies more than twice as many days to complete 179 complex requests, which are 10.5% of all completed cases. (Chart 5)

In terms of hours worked per request, county agencies took a total of 2,658 hours to respond to all requests, which includes nonchargeable time for legal review and the 120 requests that were not completed in FY 2018. (Chart 6) When broken down into chargeable search, review, and segregation hours for both completed and pending cases, agencies worked an average of 1.20 hours for a typical request, 1.45 hours for a personal record request, and 2.44 hours for a complex request. (Chart 7)

County agencies incurred \$45,772 in gross fees and costs (excluding legal review hours, personal record fees, and additional response fee estimates) to respond to all requests, of which \$15,574 (34%) was actually paid by all requesters. (Chart 8A) Although the 179 complex requests comprised only 11% of all completed requests, they consumed more than twice as many SRS hours compared to the typical request, and complex requests disproportionately accounted for \$15,366 (33.5%) of the gross fees and costs incurred by agencies. (Charts 2, 7, 8A and 8B) Requesters for the 179 completed complex record requests paid \$9,291 (59%) of the \$15,574 total amount recovered from all county requesters. (Charts 8A and 8B)

Fee waivers were granted in 51% of 1,699 cases. (Chart 9) Half (848, or 50%) of requests were granted \$30 fee waivers, while 23 requests (1%) were allowed the \$60 public interest fee waivers. The 828 cases in which no fee waivers were reported may be explained, in part, by cases that were denied (108), withdrawn (39), or abandoned (75); for which the agency was unable to respond (138); for personal records (194) for which no fees may be charged, or because only, costs, and no fees, were charged. (Charts 4 and 9)

In the 1,699 completed county cases, 1,178 (69.3%) requesters paid nothing, and 521 (30.7%) requesters paid for fees or costs. (Charts 11 and 12; Table 10) Of the 521 requesters that paid any amount, 304 (58.3%) paid less than \$5, and 156 (29.9%) paid between \$5 and \$49.99 for their requests. (Charts 11 and 12; Table 10) Only 61 requesters (11.7% of all paying requesters) paid \$50 or more per request, of whom at least 48 requesters (78.6%) were reported by the agencies as representing law firms, media, or commercial, or other for-profit or non-profit entities. (Table 10 Supplement) As in years past, 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 SUPPLEMENT: SUMMARY OF FEES & COSTS PAID BY REQUESTERS
FY 2018
COUNTIES**

\$1,000 & over:

- * 1. MAUI/ Parks & Recreation - Matson Kelley - \$2,170.00

TOTAL = \$2,170.00

\$500 - \$999.99:

- * 1. C&C/ Liquor Commission – Ralph Rosenberg Court Reporters - \$506.57 (all costs)
- 2. C&C/ Planning & Permitting – Robert Fox - \$658.75 (all costs)
- * 3. C&C/ Planning & Permitting – O'Connor Playdon Guben - \$570.50 (all costs)
- * 4. HAWAII/ Public Works – Law Office of Sheri J. Tanaka - \$508.70

TOTAL = \$2,244.52

\$100 - \$499.99:

- * 1. C&C/ Liquor Commission – Sergio Rufo, Esq. - \$268.00 (all costs)
- * 2. C&C/ Liquor Commission – UNITE HERE Local 5 - \$233.50
- * 3. C&C/ Liquor Commission – Cades Schutte LLP - \$180.95 (all costs)
- * 4. C&C/ Budget/ Treasury – TA - \$127.00
- * 5. C&C/ Budget/ Treasury – TZ - \$227.75
- * 6. C&C/ Budget/ Treasury – JK - \$177.25
- * 7. C&C/ Facility Maintenance - Alston Hunt Floyd & Ing - \$373.35
- 8. C&C/ Board of Water Supply – bid tabulation request - \$137.00 (all costs)
- 9. C&C/ Board of Water Supply – certified payroll request - \$211.25 (all costs)
- * 10. C&C/ Honolulu Fire Department - Kobayashi, Sugita and Goda - \$373.00
- * 11. C&C/ Honolulu Police Department – Nick Grube, Civil Beat - \$476.50 (all costs)
- * 12. C&C/ Honolulu Police Department – Nick Grube, Civil Beat - \$414.75 (all costs)
- * 13. C&C/ Planning & Permitting - Kobayashi Sugita Goda - \$145.75 (all costs)
- * 14. C&C/ Planning & Permitting - Ronald Ogomori - \$281.00 (all costs)
- 15. C&C/ Planning & Permitting - Robert Kleimann - \$105.50 (all costs)
- * 16. C&C/ Planning & Permitting - Partner Engineering & Science - \$131.50 (all costs)
- * 17. C&C/ Planning & Permitting - Cronin Fried Sekiya - \$207.25 (all costs)
- * 18. C&C/ Planning & Permitting - Development Services Consulting - \$148.00 (all costs)
- * 19. C&C/ Planning & Permitting - Sullivan Meheula Lee - \$236.00 (all costs)
- * 20. HAWAII/ Fire Dept. - Jason Almcrantz, Kamehameha Schools - \$200.00 (all fees)
- * 21. HAWAII/ Human Resources – Civil Beat - \$150.00 (all fees)
- * 22. KAUAI/ Planning – Mizuo Lee - \$244.50

- * 23. KAUAI/ Planning – Mizuo Lee - \$244.00
- * 24. KAUAI/ Planning – Edwards - \$107.25
- * 25. KAUAI/ Planning – Ziegler - \$249.50 (all costs)
- * 26. MAUI/ County Clerk - Demeter Analytics Ser., LLC Operating - \$100.00 (all costs)
- * 27. MAUI/ County Clerk - Republican National Committee - \$100.00 (all costs)
- * 28. MAUI/ County Clerk – Catalist - \$100.00 (all costs)
- * 29. MAUI/ County Clerk - North Creek PKWY - \$100.00 (all costs)
- * 30. MAUI/ County Clerk - Democratic National Committee - \$100.00 (all costs)
- * 31. MAUI/ County Clerk - Democratic Party - \$100.00 (all costs)
- * 32. MAUI/ County Clerk - Data Craft Inc. - \$106.65 (all costs)
- * 33. MAUI/ County Clerk - i360, LLC - \$100.00 (all costs)
- * 34. MAUI/ County Clerk - Oahu County Comm. Dem. Party- \$106.00 (all costs)
- * 35. MAUI/ County Clerk - Catalist LLC - \$106.70 (all costs)
- * 36. MAUI/ County Clerk - Republican National Committee - \$206.70 (all costs)
- * 37. MAUI/ County Clerk - Hawaii Laborers Union Local 368 - \$106.70 (all costs)
- * 38. MAUI/ County Clerk - LL2- \$106.70 (all costs)
- * 39. MAUI/ County Clerk - HGEA AFSCME Local 152- \$106.70 (all costs)
- * 40. MAUI/ County Clerk - Data Craft Inc. - \$106.65 (all costs)

TOTAL = \$7,303.35

\$50 - \$99.99:

- 1. C&C/ Liquor Commission – Rachel Linden - \$89.00 (all costs)
- 2. C&C/ Liquor Commission – Dale Schippers - \$84.75 (all costs)
- * 3. C&C/ Liquor Commission – Lanikai Brewing Co. - \$79.00 (all costs)
- 4. C&C/ Liquor Commission – Newton Chu - \$87.25 (all costs)
- 5. C&C/ Liquor Commission – Gabriele Provenza - \$72.20 (all costs)
- 6. C&C/ Liquor Commission – Douglas Kern - \$63.50 (all costs)
- 7. C&C/ Liquor Commission – Scott Suzuki-Jones - \$80.25 (all costs)
- 8. C&C/ Liquor Commission – Brian Paisley - \$57.49 (all costs)
- 9. C&C/ Design & Construction - IUPAT-DC50 - \$55.50 (all costs)
- * 10. C&C/ Environmental Services - E. St. John - \$54.25 (all costs)
- * 11. C&C/ Honolulu Fire Department - Kobayashi, Sugita and Goda - \$83.50 (all costs)
- * 12. C&C/ Planning & Permitting - Alston Hunt Floyd Ing - \$81.25 (all costs)
- * 13. C&C/ Planning & Permitting - Greater Pacific Law Office - \$60.25 (all costs)
- * 14. HAWAII/ Public Works – LM / LW - \$51.90 (all costs)
- * 15. KAUAI/ County Clerk - Gina Mangieri (KHON2) - \$67.50 (all costs)
- * 16. KAUAI/ Planning – Rabago - \$61.00

TOTAL = \$1,039.59

| | |
|---|------------------------|
| GRAND TOTAL paid by requesters \$50+ | = \$12,757.46 |
| Plus total paid by requesters \$5 to \$49.99 | = 2,347.56 |
| <u>Plus total paid by requesters under \$5</u> | = <u>469.20</u> |
| TOTAL paid for all requests | = \$15,574.22 |

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