

TESTIMONY OF THE OFFICE OF INFORMATION PRACTICES

ON H.B. NO. 1593

RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)

BEFORE THE HOUSE COMMITTEE ON JUDICIARY

DATE: TUESDAY, February 16, 1993

TIME: 2:00 p.m.

PLACE: Conference Room 802
Leiopapa A Kamehameha Building
235 South Beretania Street

PERSON(S) TESTIFYING:

Kathleen Callaghan
Director
Office of Information Practices

or

Lorna Loo
Staff Attorney

TESTIMONY OF THE OFFICE OF INFORMATION PRACTICES**ON H. B. NO. 1593****RELATING TO THE UNIFORM INFORMATION PRACTICES ACT
(MODIFIED).**

The Honorable Chairperson and Committee Members:

The Office of Information Practices supports this bill. The purpose of this bill is to provide for an extension of time from December 31, 1993 to December 31, 1994 for all State and county government agencies to complete the public records report required by section 92F-18(b), Hawaii Revised Statutes.

The Office of Information Practices ("OIP"), an agency administratively attached to the Department of the Attorney General, was created to implement and administer the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes ("UIPA"). The UIPA, which took effect July 1, 1989, is a public records law which promotes open government while protecting individuals' constitutional right to privacy. All government agencies at the State and county levels, including the administrative functions of the Judiciary, are subject to the UIPA.

Each agency of state and county government is required by section

92F-18(b), Hawaii Revised Statutes, to prepare a public report describing each set of records that it routinely uses or maintains using forms prescribed by the OIP. The reports must designate each set of records as being public or confidential, as well as the record's name, location, uses, disclosures, sources of information, and retention period, among many other things. All sets of records, both public and confidential, must be reported to the OIP regardless of whether they are in written, auditory, visual, electronic, or in some other physical form.

The records report project is an instrumental part of the UIPA, and is an integral part of open government in Hawaii. There can be no doubt that the completion of the records report project is crucial to the overall success of the new records law. The records report initially was proposed as a manual system to be generated on paper, with a completion date of July 1, 1989, the effective date of the UIPA. However, no one was aware of the tremendous volume of information to be collected and reported until the OIP set about fulfilling its statutory mandate. It became apparent that due to the magnitude of this project, automation was critical to its ultimate success, and to make the project both cost effective and efficient.

At the OIP's request, the Legislature amended the UIPA in 1989

and 1991 to permit extensions of time in order to appropriate funds and allow for the development of an automated Records Report System. Because uniformity in the reporting of information is critical, the OIP advised all agencies to wait for the completion of the automated system before starting their records reports. This will ensure that all agencies use the proper format, thus enabling the data to be efficiently entered into the computer system.

Once the data is entered into the Records Report System, the OIP and all government agencies will be able to access the reports, as will the public at large via public access computer terminals. In addition, the OIP, government agencies, and the public will all have varying degrees of ability to make inquiries of and to obtain management reports from the computer system about the Records Report System database. Any person will be able to request the assistance of the OIP in formulating and obtaining answers to more complex inquiries or report requests.

The Records Report System is unique, novel, and precedent setting for a multitude of reasons including the following: (1) we anticipate that it will be the largest electronic data system in the State; (2) all State and county data entered into the Records Report System will be centrally located in one

mainframe computer at the ICSD; (3) the system has the largest projected user population of any electronic data system in the State; (4) the system will provide on-line data entry and reporting functions for all government agencies (unlike other systems that simply provide browse and output capabilities); (5) a wide variety of connectivity problems must be resolved for over 130 State and county government agencies; (6) the system will contain a public access component that will be available for public access on Hawaii, Inc.'s database, "HAWAII FYI;" (7) statewide training in how to use the computer system will be required; and (8) the system has already generated national attention.

In 1992, the automated Records Report System was completed by the OIP and became operational. During that year, the Legislature appropriated approximately \$765,000 to the OIP all of which was earmarked for the State-wide implementation of the RRS. Included in this appropriation was funding for: (1) five new permanent positions within the OIP, (2) necessary consultant services, (3) use of a computer-equipped training facility, and (4) the printing of user manuals and required forms, among other things. In 1992, the Legislature also amended the UIPA to allow another extension of the deadlines to give agencies sufficient time to file their records

report.

However, because of severe budget restrictions that were imposed in July 1992, all of the funds appropriated by the Legislature for system implementation were eliminated from the OIP's budget. Consequently, the OIP was left unable to obtain the necessary support staff, consultant services and other resources that are vital to the implementation phase of the Records Report System.

Hence, the OIP's existing staff and resources are heavily strained as the OIP attempts to train, educate, assist, complete, and implement the Records Report System without the necessary professional and clerical assistance. Further, as a result of the recent budget restrictions, agencies completing the records report have limited staff and resources that they can devote to the implementation of the Records Report System.

Because of the impact of the unexpected budgetary restrictions on the records report project, it will be impossible for the OIP to fully provide the necessary support and assistance to government agencies in completing the records report by December 31, 1993. Thus, the OIP is proposing a new and more realistic incremental completion schedule for the records report project, with final completion by all government agencies required on or

before December 31, 1994.

Under the proposed timetable in this bill, each government agency will be required to adhere to the following schedule for filing their public records reports with the OIP:

<u>ON OR BEFORE</u>	<u>COMPLETE</u>
December 31, 1993	25%
March 31, 1994	50%
July 1, 1994	75%
December 31, 1994	100%

Even this proposed schedule may not be realistic because of the very limited personal and financial resources of the OIP, and the number of records that must ultimately be reported. The Legislature may even wish to consider whether, in light of current economic conditions and budgetary constraints imposed upon government agencies, the bill should be amended to extend the proposed new incremental deadlines by an additional one-year period.

Irrespective of what new deadlines are chosen the OIP will proceed with enthusiasm and in good faith to accomplish the stated objectives.

In conclusion, we urge the passage of this bill. We will be happy to try to answer any questions.

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