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**OIP'S REPORT OF COUNTY AGENCIES'
UIPA RECORD REQUEST
YEAR-END LOGS for FY 2021**
(For record requests received from July 1, 2020 through June 30, 2021)

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 2021 (“Master Log”)¹ for 80 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 2021 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 2021. 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 totals and 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, which resulted in Honolulu requests comprising 56% (1,092)

¹ “UIPA” refers to Hawaii’s Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes (HRS). 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 UIPA as “any unit of government ... but does not include the nonadministrative functions of the courts of this State.” Section 92F-3, Hawaii Revised Statutes.

of total requests received by counties (1,957 total), many of the overall averages in the Charts have been skewed by Honolulu’s larger numbers.

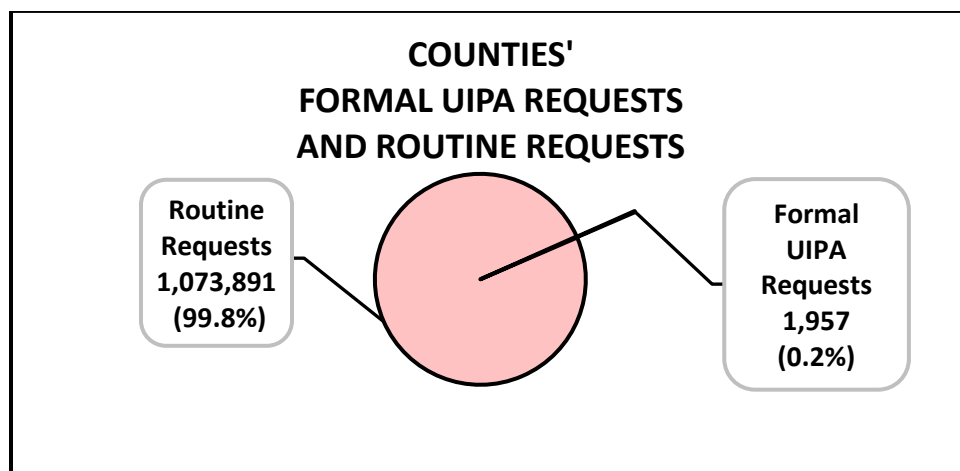
How many requests were made to the counties in FY 2021?

Excluding routine requests,³ there were 1,957 formal written record requests requiring county agencies to send notices to the requesters under the state’s Uniform Information Practices Act (“UIPA”), chapter 92F, Hawaii Revised Statutes (“HRS”). County agencies estimated that they received 1,073,891 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.

In FY 2021, formal UIPA record requests decreased by 12% (268), but 97% more routine requests were reported by all counties than in FY 2020 (544,897). A main reason for this large increase is because the Hawaii County Finance Department reported 968,172 routine requests made in FY 2021 versus 474,850 in FY 2020, a 104% increase. The department explained that due to COVID-19, their offices were initially closed to the public and later reopened with reduced staff and by appointment only. Consequently, the department saw a doubling of requests to renew vehicle licenses and drivers’ licenses by mail, along with calls for information and documentation. The three other counties reported a 51% increase in routine requests made in FY 2021 (105,719) versus FY 2020 (70,047).

The following pie chart (**Chart 1**) shows that the 1,957 formal UIPA record requests constituted 0.2% and the estimated 1,073,891 routine requests comprised 99.8% of the total requests reported by the county agencies in FY 2021. **Table 1** breaks down these numbers by county.

Chart 1 (Counties)



³ 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, vehicle and drivers’ licenses, or agency brochures).

Table 1

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

	<u>Formal Requests</u>	<u>Routine Requests</u>	<u>ALL</u>
Honolulu	1,092 (2%)	70,315 (98%)	71,407
Hawaii	348 (1%)	968,172 (99%)	968,520
Kauai	139 (7%)	1,781 (93%)	1,920
Maui	378 (1%)	33,623 (99%)	34,001
All Counties	1,957 (0.2%)*	1,073,891 (99.8%)*	1,075,848

* = percentage of all counties' totals.

No * = percentage of each county's totals.

What kinds of requests were made?

The formal requests received by all counties (1,957) can be broken down into 214 (11%) personal record requests⁴ and 201 (10%) complex requests,⁵ resulting in a balance of 1,542 (79%) nonpersonal and noncomplex requests, *i.e.* “typical” requests,⁶ as shown in **Chart 2** below. **Table 2** shows the breakdown by county.

The total number of formal UIPA requests decreased by 12% from 2,225 in FY 2020 to 1,957 in FY 2021. Also, mainly due to a 50% reduction in the number of complex cases in FY 2021 (201) vs. FY 2020 (403), the percentage of “typical” requests increased to 79% from 67% in those respective years.

Chart 2 (Counties)

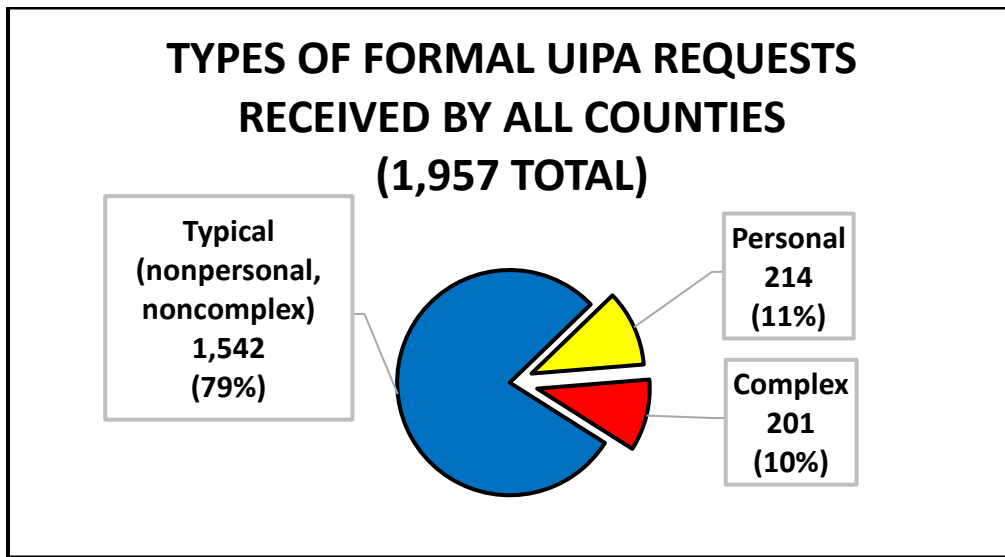


Table 2
Types of Formal UIPA Requests Received by County

	Typical	Personal	Complex	ALL
Honolulu	846 (77%)	115 (11%)	131 (12%)	1,092 (56%)*
Hawaii	321 (92%)	11 (3%)	16 (5%)	348 (18%)*
Kauai	48 (34%)	69 (50%)	22 (16%)	139 (7%)*
Maui	327 (87%)	19 (5%)	32 (8%)	378 (19%)*
All Counties	1,542 (79%)*	214 (11%)*	201 (10%)*	1,957 (100%)*

* = percentage of all counties’ totals.

⁴ 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.

⁵ Complex record requests involve extenuating circumstances or voluminous records that prevent an agency from fulfilling the request within the usual ten days.

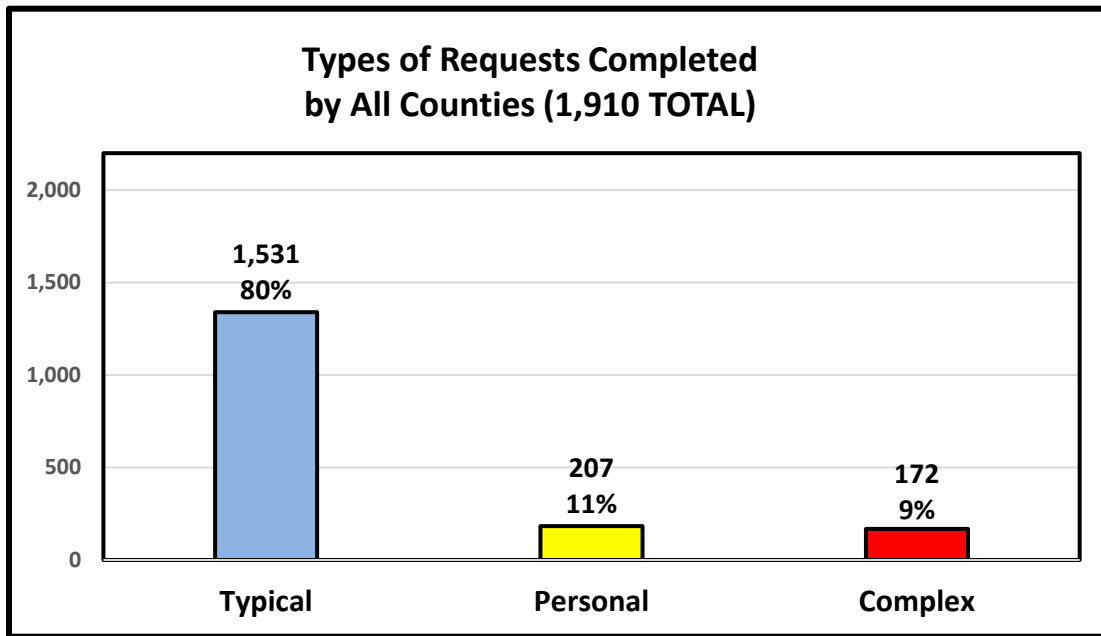
⁶ The “typical” requests were for government records and were subject to Part II of the UIPA.

How many requests were completed?

Chart 3A shows the types of requests that were completed in FY 2021. Of 1,957 total requests received by all county agencies, 1,910 (98%) were completed in FY 2021, compared to 95% completed in FY 2020.⁷ Of the 1,910 requests completed in FY 2021, 207 (11%) were personal record requests, 172 (9%) were complex requests, and 1,531 (80%) 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)



⁷ Requests that were completed in FY 2021 may have included those carried over from an earlier year. Likewise, requests that were not completed in FY 2021, may be completed in a later fiscal year. In FY 2020, 122 county cases were not completed and may have been completed in FY 2021.

Table 3A
Types of Requests Completed
(1,910 Total) – by County

	<u>Typical</u>	<u>Personal</u>	<u>Complex</u>	<u>ALL</u>
Honolulu	832 (79%)	112 (11%)	112 (11%)	1,056 (55%)*
Hawaii	322 (94%)	7 (2%)	13 (4%)	342 (18%)*
Kauai	56 (41%)	69 (50%)	13 (9%)	138 (7%)*
Maui	321 (86%)	19 (5%)	34 (9%)	374 (20%)*
All Counties	1,531 (80%)*	207 (11%)*	172 (9%)*	1,910 (100%)*

* = percentage of all counties' totals.

Of the 1,957 formal requests received by all county agencies, 1,910 (98%) were completed and 47 (2%) were not completed as of June 30, 2021, as shown in **Chart 3B** below. **Table 3B** shows the breakdown by county. The percentages for the prior year are similar at 95% completed and 5% not completed.

Chart 3B (Counties)

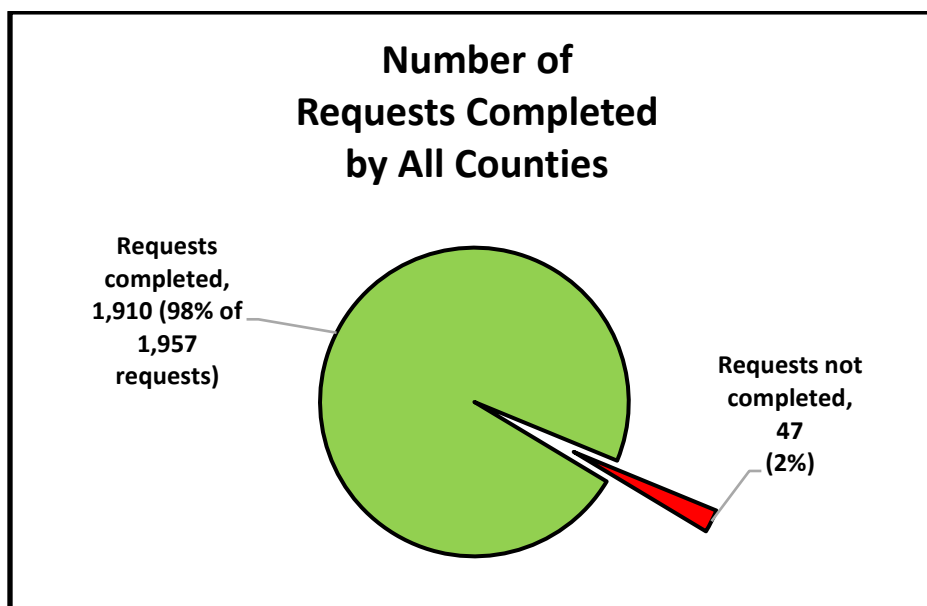


Table 3B
Number of Requests Completed by County

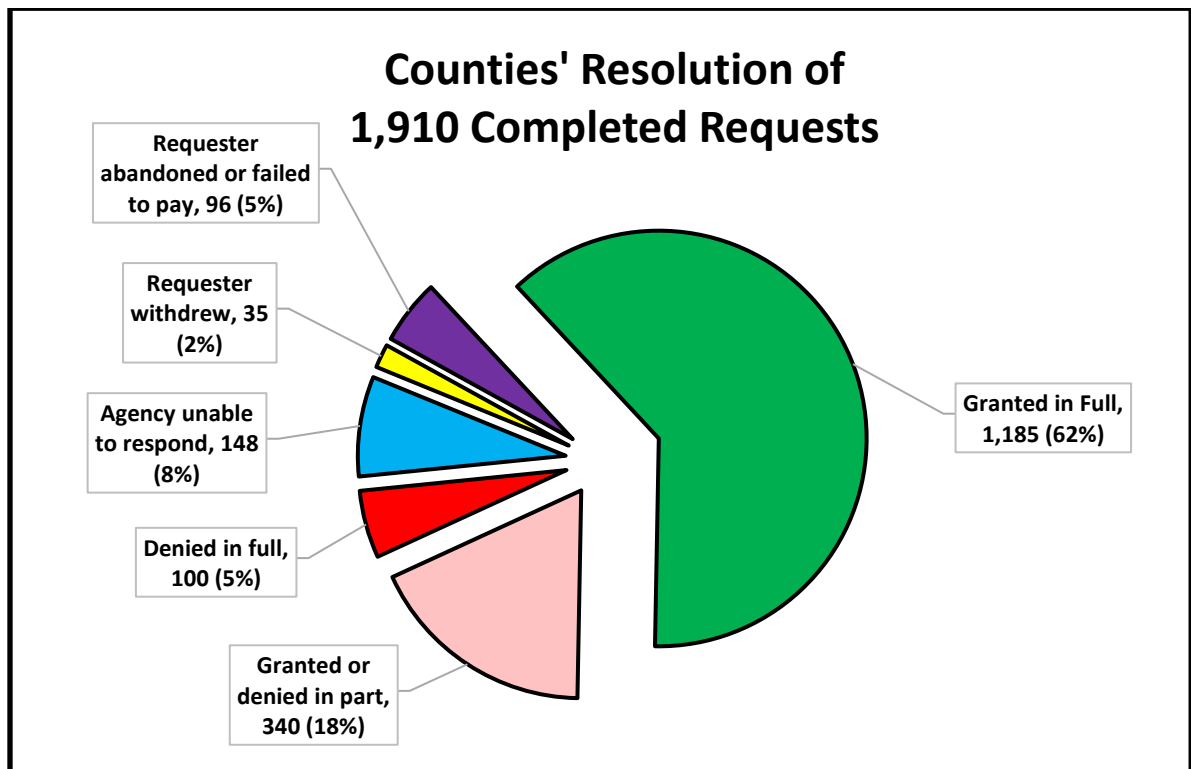
	<u>Completed</u>	<u>Not Completed</u>	<u>% Not Completed</u>
Honolulu	1,056	36	3%
Hawaii	342	6	2%
Kauai	138	1	0.7%
Maui	374	4	1%
All Counties	1,910	47	2%*

* = percentage of all counties' totals

How were requests resolved?

Of the 1,910 requests completed by the county agencies, **Chart 4** below shows that 1,185 (62%) were granted in full; 340 (18%) were granted or denied in part; 100 (5%) were denied in full; in 148 (8%), the agency was unable to respond; 35 (2%) were withdrawn by the requester; and in 96 (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.⁸

Chart 4 (Counties)



⁸ Although these requests by county total fewer than the number of completed requests (1,910), the discrepancy is due to agencies not reporting a resolution for some completed requests and reporting more than one resolution for other completed requests.

Table 4
Resolution of 1,910* Completed Requests – by County

	Granted in Full	Granted in Part	Denied in Full	Unable to Respond	Requester Withdrew	Requester Abandoned
Honolulu	539 (51%)	272 (26%)	76 (7%)	88 (8%)	27 (3%)	68 (6%)
Hawaii	240 (70%)	49 (14%)	12 (4%)	27 (8%)	2 (.06%)	20 (6%)
Kauai	100 (72%)	11 (8%)	8 (6%)	10 (7%)	2 (1%)	3 (2%)
Maui	306 (82%)	8 (2%)	4 (1%)	23 (6%)	4 (1%)	5 (1%)
All Counties	1,185 (62%)**	340 (18%)**	100 (5%)**	148 (8%)**	35 (2%)**	96 (5%)**

*Although 1910 requests were completed, there is no data on how some requests were resolved and agencies reported more than one resolution for other completed cases. Therefore, the total numbers by county in Table 4 will not match Table 3B.

** = percentage of all counties’ totals, based on 1,910 total completed requests; may not add to 100% due to agencies not reporting a resolution or reporting more than one resolution for some cases.

When the overall county data for FY 2021 is compared to the prior year, there was a decrease in the percentage of completed requests that were granted in full (62% vs. 75%) and an increase in the number of completed requests that were granted in part (18% vs. 8%). Other comparisons show smaller percentage changes or none at all.

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 county agencies reported providing initial responses within ten business days to 1,513 requests, or 77% of all 1,957 requests received. (Column I of the Master Log) In 145 (7.4%) of requests received, 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.

As shown in the following bar graph, **Chart 5**, it took an average of 8.8 workdays from date of receipt to complete all counties’ record requests, based on 16,728 workdays to complete 1,910 requests. (Columns N and AP of the Master Log, which excludes requests not completed.)

When broken down by type of request, Chart 5 shows that it took an average of 7.5 days to complete 1,531 typical (noncomplex and nonpersonal requests; 78% of all requests) record requests; 9.5 days to complete 207 personal record requests; and 21.1 days to complete 172 complex requests. (Columns AQ through AS of Master Log) **Table 5** shows the breakdown by county.

Chart 5 (Counties)

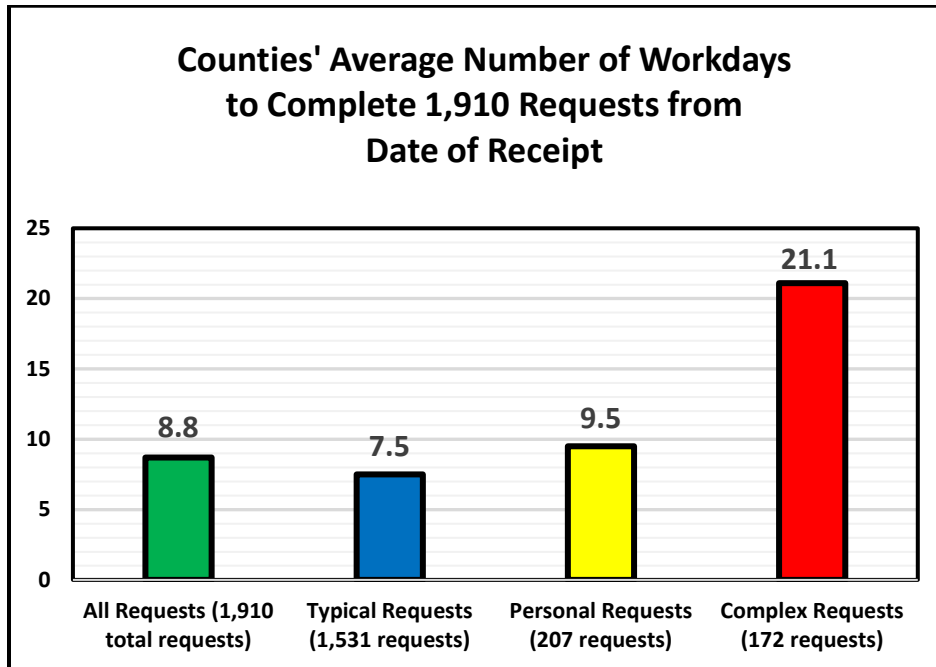


Table 5

Average Number of Workdays to Complete 1,910 Requests From Date of Receipt – by County

	<u>All Requests</u>	<u>Typical Requests</u>	<u>Personal Requests</u>	<u>Complex Requests</u>
Honolulu	8.1	6.6	9.2	22.2
Hawaii	11.2	8.1	10.5	27.0
Kauai	9.3	5.6	9.2	27.6
Maui	8.6	8.9	6.7	9.8
*All Counties' Avg.	8.8	7.5	9.5	21.1

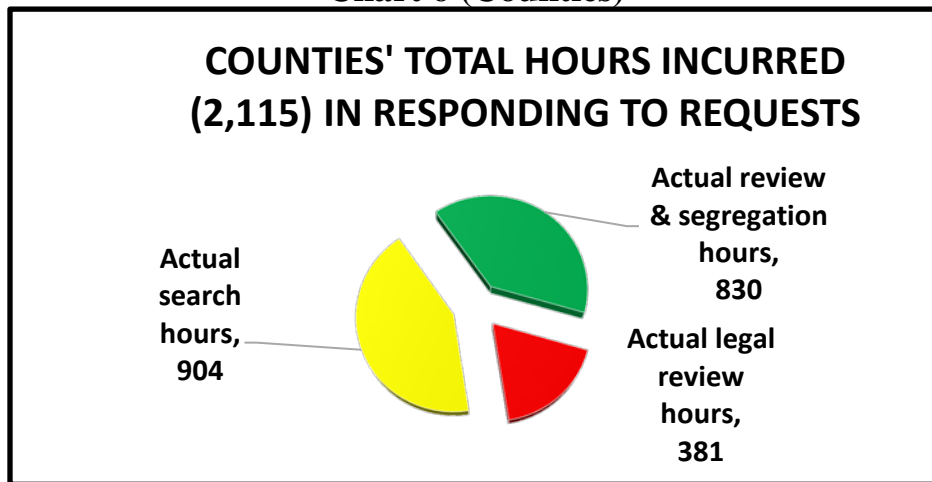
Compared to Chart 5 from FY 2020, the average number of workdays for all counties to complete record requests are taking fewer days, on average, to complete:

<u>Days to complete</u>	<u>FY 2020</u>	<u>FY 2021</u>
Overall average	11.3	8.8
Typical record requests	8.6	7.5
Personal record requests	15.9	9.5
Complex record requests	21.4	21.1

When each counties' numbers are viewed individually, however, the all county averages above appear to have been skewed by Oahu's larger numbers that declined for all types of requests, except complex requests, because the other three counties generally had a higher average number of days to complete the various types of requests in FY 2021 as compared to FY 2020.

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 **Chart 6**, the agencies reported incurring a total of 2,115 hours to respond to the 1,957 record requests received in FY 2021, of which 904 hours were for search, 830 hours were for review and segregation, and 381 hours were for legal review.⁹ **Table 6** shows the breakdown by county.

Chart 6 (Counties)



⁹ Chart 6 includes the time spent by agencies working on the 47 pending cases that were not completed at the end of FY 2021, many of which were received toward the end of the year or were complex requests. The SRS hours for requests not completed since FY 2019 have remained relatively constant at 37 or 37.25 hours each year. Including this relatively low number of hours for not completed requests provides a closer approximation of the total number of hours incurred by agencies to complete record requests, including those that agencies worked on but did not actually complete until a later fiscal year.

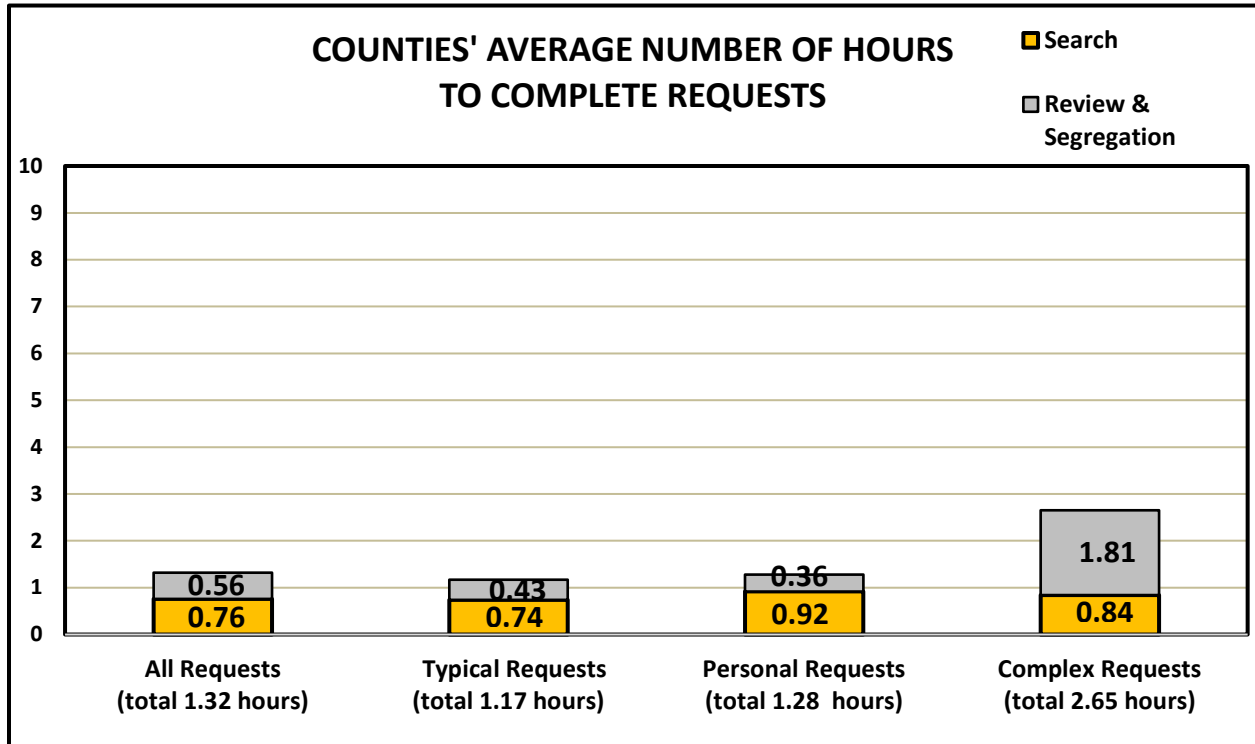
Table 6

**Total Hours Incurred (2,115)
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	312	576	365	1,253
Hawaii	228	51	9	288
Kauai	94	56	6	156
Maui	270	147	1	418
All Counties	904	830	381	2,115

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 received. Based on those SRS hours, and excluding legal review hours, it took an average of 1.32 total SRS hours of work for each of 1,957 record requests received in FY 2021, as shown in **Chart 7** below. The 1,542 typical (noncomplex/nonpersonal) record requests received each took an average of 1.17 SRS hours, and 214 personal record requests each took an average of 1.28 SRS hours of agency work. The 201 complex record requests each took 2.65 SRS hours on average, which is more than twice as long as the typical request.

Chart 7 (Counties)



In comparison to last year, the average number of hours spent by all counties on each complex record request has decreased from 4.54 hours in FY 2020 to 2.65 hours in FY 2021. (Chart 7) The average time to complete typical requests increased from 0.94 hours to 1.17 hours. Average completion time for personal record requests increased from 0.91 hours to 1.28 hours. 2020. The decrease in completion time for complex record requests has decreased the counties' overall average to complete all types of requests from 1.58 hours in FY 2020 to 1.32 hours in FY 2021. The counties' overall average of 1.36 hours to complete all types of requests received in FY 2021 is higher than the State agencies' overall average of 0.93 hours. 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	.83	.78	1.61
Noncomplex/ Nonpersonal	.81	.63	1.44
Personal	.93	.45	1.38
Complex	.90	2.06	2.96
<u>Hawaii:</u>	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	.65	.14	.79
Noncomplex/ Nonpersonal	.52	.06	.58
Personal	3.08	.09	3.17
Complex	1.56	1.75	3.31
<u>Kauai:</u>	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	.67	.40	1.07
Noncomplex/ Nonpersonal	.60	.29	.89
Personal	.72	.27	.99
Complex	.90	1.00	1.90
<u>Maui:</u>	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	.71	.38	1.09
Noncomplex/ Nonpersonal	.78	.30	1.08
Personal	.31	.31	.62
Complex	.15	1.37	1.52
<u>All Counties:</u>	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	.76	.56	1.32
Noncomplex/ Nonpersonal	.74	.43	1.17
Personal	.92	.36	1.28
Complex	.84	1.81	2.65

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 \$34,455 but could only charge \$19,965 for fees and costs allowed under OIP's rules, and they actually collected from requesters \$15,251.

Please note that the data in Chart 8A includes gross and net fees and costs for all 1,957 county requests made in FY 2021, even if they were not completed or charged to requesters. Moreover, the gross incurred SRS fees of \$34,455 (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 (381 hours), SRS fees for personal records, or additional response fee estimates. If those nonchargeable amounts were included and \$7,910 (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 \$34,455 shown in the far left column of Chart 8A.

While agencies incurred fees and costs in all 1,957 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 1,910 completed requests (1,531 typical; 207 personal; 172 complex. See Chart 3A).

Chart 8A visualizes the totals for all types of requests reported on the FY 2021 Master Log.

\$34,455 in total gross fees and costs incurred for all 1,957 cases, consisting of \$26,545 in fees and \$7,910 in costs

\$19,965 in total net chargeable fees and costs chargeable in all 1,957 cases, consisting of \$12,429 in fees and \$7,536 in costs

\$15,251 in fees and costs actually paid in 1,910 completed cases.

Chart 8A (Counties)

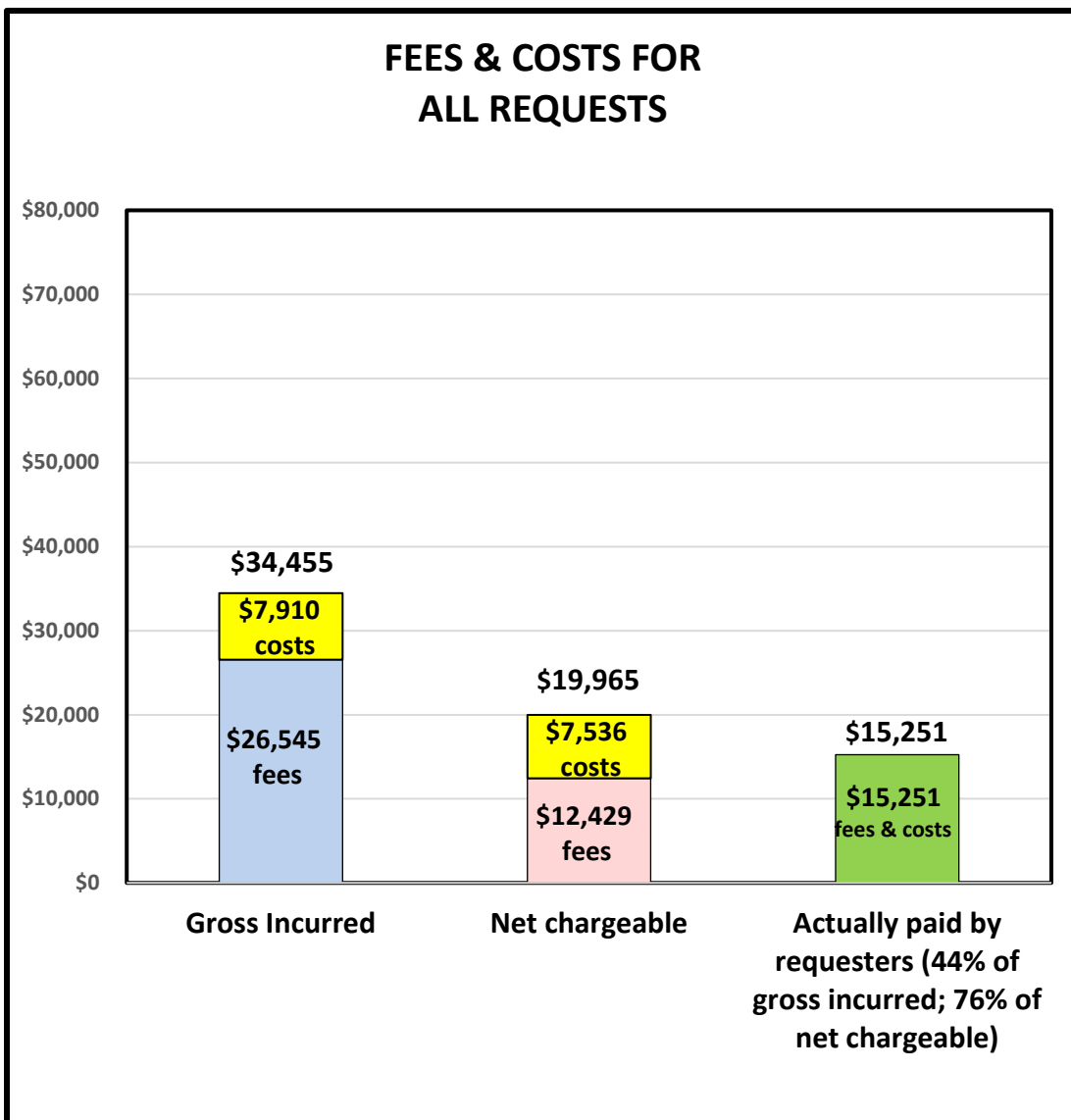


Table 8A below shows the fees and costs breakdown by county.

Table 8A

Fees & Costs for All Requests – by County

	<u>Gross Fees/Costs Incurred</u>		<u>Total Incurred</u>	<u>Net Fees/Costs Chargeable</u>		<u>Total Chargeable</u>	<u>Actually Paid</u>
Honolulu	\$15,140/	\$3,079	\$18,219	\$6,930/	\$2,965	\$9,895	\$ 9,070
Hawaii	2,932/	142	3,074	1,310/	142	1,452	723
Kauai	1,678/	1,212	2,890	517/	1,008	1,525	1,083
Maui	6,795/	3,477	10,272	3,672/	3,421	7,093	4,375
All Counties	\$26,545/	\$7,910	\$34,455	\$12,429/	\$7,536	\$19,965	\$15,251

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 201 complex record requests filed in FY 2021 as well as the net amount that was properly chargeable (Master Log Column AM) to 172 completed complex cases. **Chart 8B** visualizes the complex request totals reported by all counties on the Master Log as follows:

- \$12,018 gross fees and costs incurred in 201 complex requests made
- \$ 7,528 net fees and costs chargeable in 201 complex requests made
- \$ 5,643 actually paid in 172 complex requests completed

The numbers of filed and completed complex cases in FY 2021 (201; 172), compared with the numbers in FY 2020 (403; 343), show a 50% decrease in cases filed and completed in FY 2021. Similarly, the gross fees and costs incurred by all counties for complex record requests (\$12,018) were substantially lower than the \$36,183 incurred in FY 2020. The net chargeable fees and costs (\$7,528) were also lower than the \$31,649 chargeable in FY 2020. The amount actually paid in completed complex cases also decreased, from \$5,722 in FY 2020 to \$5,643 in FY 2021. Overall, in FY 2021, 9% (172) of all completed cases were complex record requests that accounted for 35% (\$12,018) of the total fees and costs incurred by the counties (\$34,455), of which 37% (\$5,643) was actually paid for complex record requests.

Chart 8B (Counties)

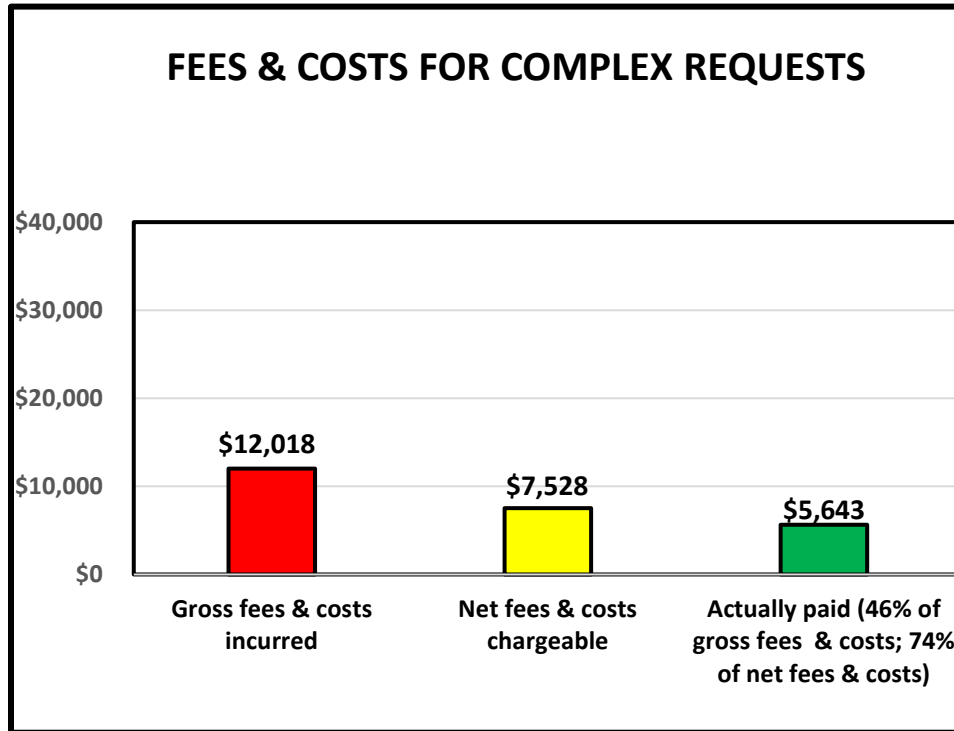


Table 8B shows the breakdown by county.

Table 8B

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

	Gross Fees & Costs Incurred	Net Fees & Costs Chargeable	Actually Paid
Honolulu	\$ 6,861	\$ 3,294	\$ 2,857
Hawaii	\$ 904	\$ 697	\$ 617
Kauai	\$ 1,680	\$ 1,199	\$ 886
Maui	\$ 2,573	\$ 2,338	\$ 1,283
All Counties	\$ 12,018	\$ 7,528	\$ 5,643

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:

\$22,437 gross fees and costs incurred in 1,756 typical and personal requests made
\$12,437 net fees and costs chargeable in 1,756 typical and personal requests made
\$ 9,608 actually paid in 1,738 typical and personal requests completed

Based on a total of 1,738 completed typical and personal record requests and \$9,608 as the total amount paid by those types of requesters, the average per request calculates to \$5.53 actually paid by typical and personal record requesters. This average is misleading, however, as 1,445 requesters paid nothing, as will be seen later in Charts 11 and 12.

Chart 8C (Counties)

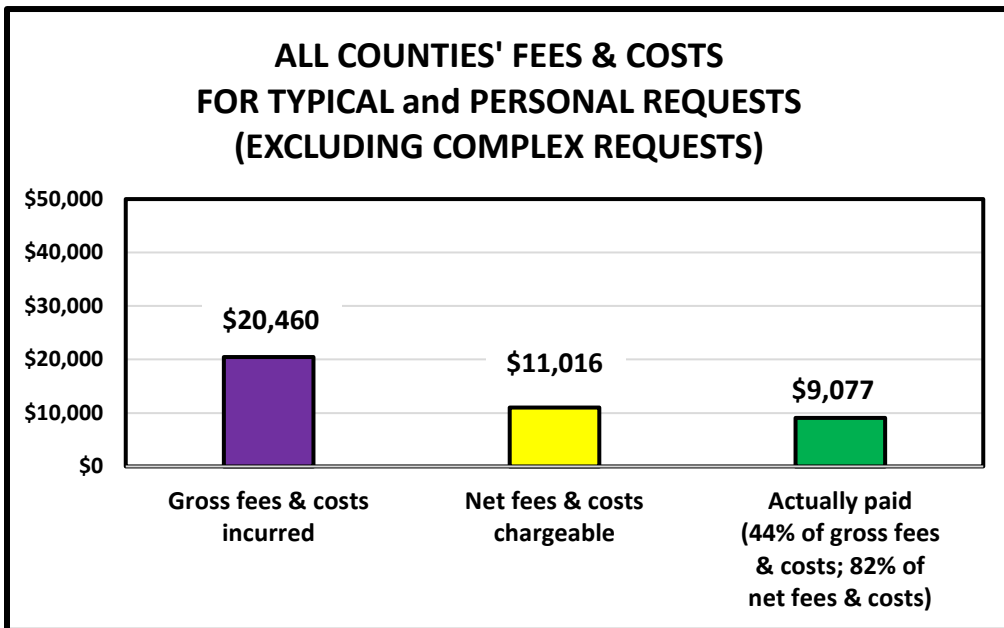


Table 8C shows the breakdown by county.

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	\$ 10,081	\$ 5,660	\$ 5,719
Hawaii	\$ 2,170	\$ 755	\$ 106
Kauai	\$ 1,210	\$ 326	\$ 197
Maui	\$ 6,999	\$ 4,275	\$ 3,055
All Counties	\$ 20,460	\$ 11,016	\$ 9,077

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 1,028 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 207 completed requests in FY 2021 (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 379 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 1,910 as the total number of completed cases, **Chart 9** below shows that the agencies reported granting \$30 fee waivers for 822 requests (43%) and \$60 fee waivers for 60 requests (3%). When compared to FY 2020, the counties are providing a smaller percentage of \$30 fee waivers (57%) and the same percentage of \$60 fee waivers (3%).

Chart 9 (Counties)

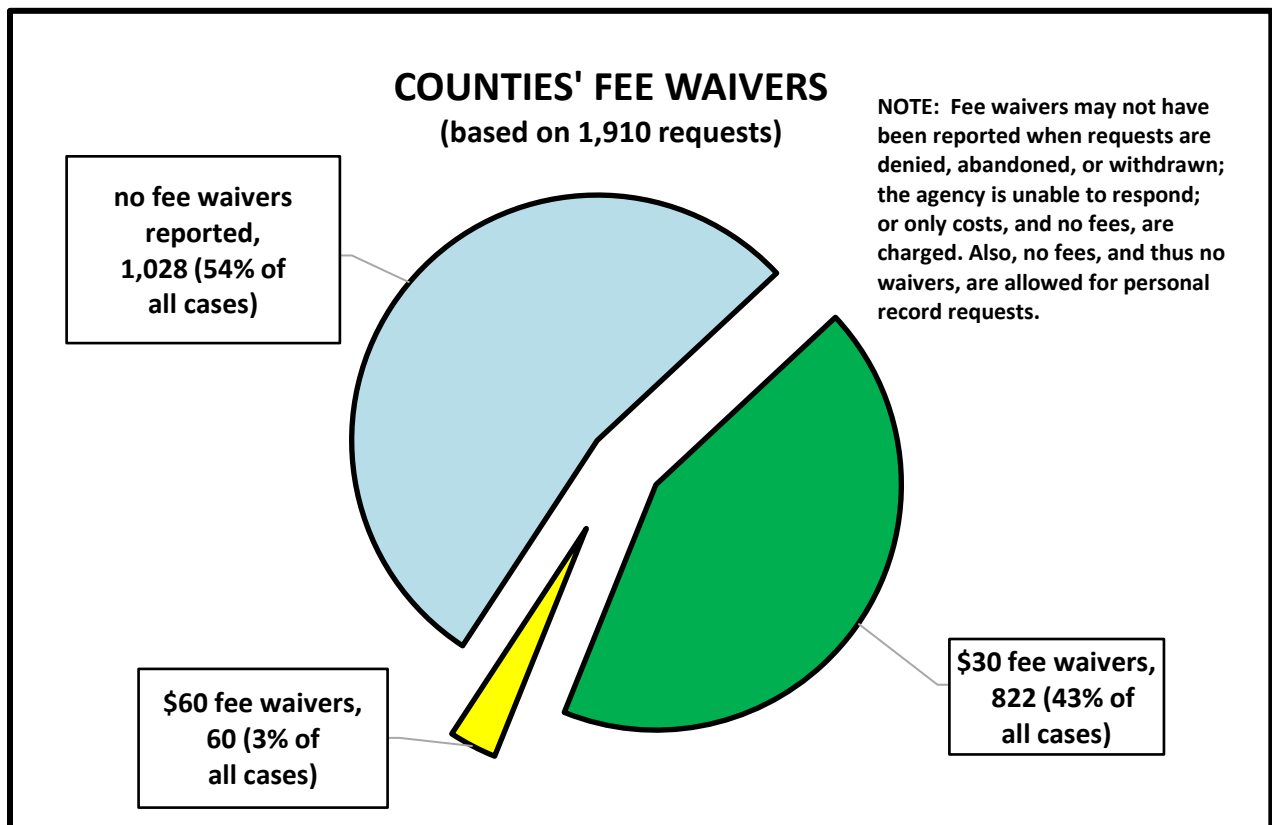


Table 9 shows the breakdown by county.

Table 9
Fee Waivers – by County

	<u>\$30 Fee Waivers</u>	<u>\$60 Fee Waivers</u>	<u>No Fee Waivers</u>
Honolulu	561 (53%)	48 (5%)	447 (42%)
Hawaii	92 (27%)	2 (1%)	248 (73%)
Kauai	45 (33%)	3 (2%)	90 (65%)
Maui	124 (33%)	7 (2%)	243 (65%)
All Counties	822 (43%)*	60 (3%)*	1,028 (54%)*

* = percentage of all counties' totals

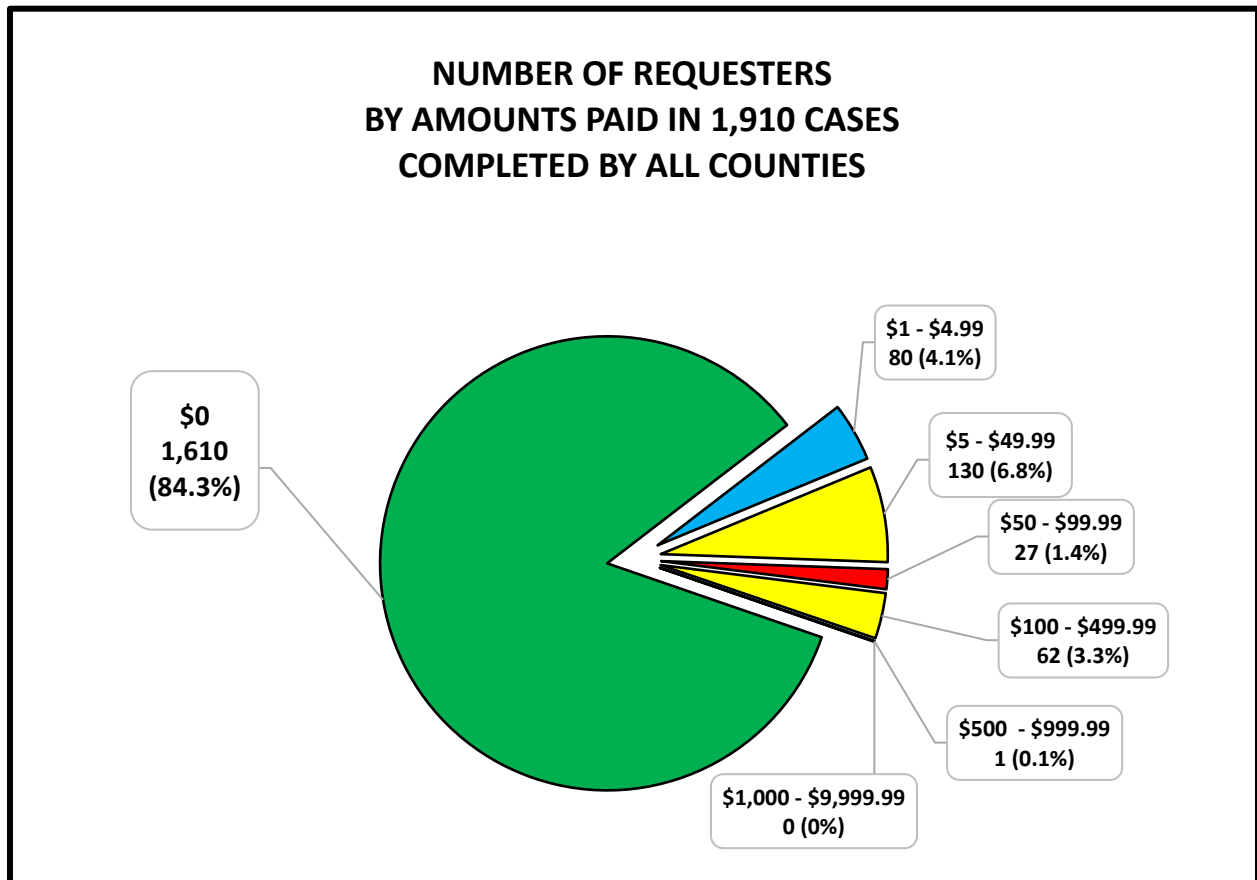
By reviewing each county agency’s Logs, OIP compiled the data found in **Table 10**, which is attached at the end of this report. For the 1,910 total completed requests, a total of \$15,250 was paid by requesters for fees and costs per Table 10. Table 10 lists the data by county and provides subtotals for each county.

Based on the data compiled in Table 10 for 1,910 completed requests, **Chart 11** below shows that 1,610 requesters (84.3%) paid nothing; 80 requesters (4.2%) paid \$1 to \$4.99 per request; 130 requesters (6.8%) paid \$5 to \$49.99; 27 requesters (1.4%) paid \$50 to 99.99; 62 requesters (3.2%) paid \$100 to \$499.99; 1 requester (0.1%) paid \$500 to \$999.99, and no requesters paid \$1,000 to \$9,999.99.

Of the 90 requesters who paid \$50 or more, at least 66 requesters (72%) 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 Chart 11 for FY 2020, the percentage breakdown is similar, although a slightly larger percentage in FY 2021 (84.3%) paid no fees and costs than in FY 2020 (83.0%) and no requesters paid \$1,000 or more in FY 2021.

Chart 11 (Counties)

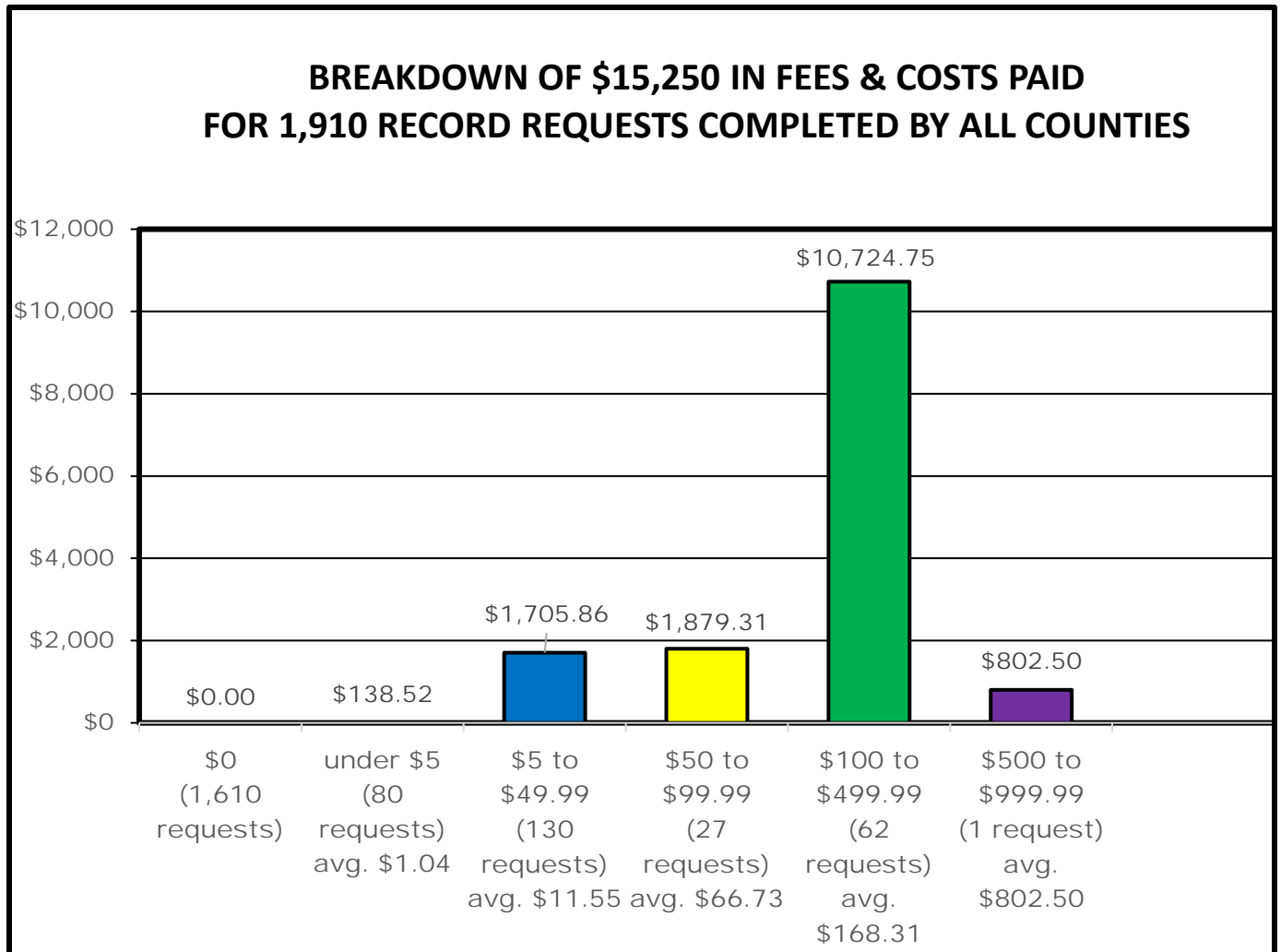


Again using Table 10's data, **Chart 12** below shows the breakdown of the \$15,250 in fees and costs paid in 1,910 completed cases. As Chart 12 shows, 1,610 requesters (84.3% of 1,910 completed requests) paid nothing, and 300 requesters (15.7% of completed requests) paid a total of \$15,250. Of the 300 requesters that paid any amount, 80 requesters (26.7%) paid less than \$5, for a total of \$83.61 or average of \$1.05 per request. Another 130 requesters (43.3% of paying requesters) paid between \$5 and \$49.99, for a total of \$1,705.86 or average of \$13.12.

Twenty-seven requesters (9% of paying requesters) paid between \$50 and \$99.99, for a total of \$1,879.31 or average of \$69.60. Sixty-two requesters (20.7% of paying requesters) paid between \$100 and \$499.99, for a total of \$10,724.75 or average of \$172.98. One requester (0.1% of paying requesters) paid between \$500 and \$999.99, for a total of \$802.50. No requesters paid \$1,000 and over.

The counties collected less for fees and costs from requesters in FY 2021 (\$15,250) than in FY 2020 (\$15,763).

Chart 12 (Counties)



COUNTY AGENCIES' SUMMARY FOR FY 2021

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, which 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](https://oip.hawaii.gov/reports/).

While there were significant differences between counties, the overall average for 80 county agencies reporting in FY 2021 showed that typical requests comprised 79% of all requests (Chart 2), were granted in whole or in part 80% of the time (Chart 4), and were completed in 7.5 work days on average (Chart 5). Of all county requests, 98% were completed in FY 2021 (Chart 3B), and 84.3% of all completed requests paid nothing for fees and costs (Chart 11).

OIP closely compared the FY 2021 data to prior years' data to see what effect the COVID-19 pandemic had upon record requests made to county agencies. The most noticeable difference was the 97% increase in the number of routine record requests made to counties as compared to the 28% increase in routine requests made to State agencies in FY 2021. The counties' extraordinary increase in the total number of routine requests is primarily due to the 950,183 routine requests reported by the Hawaii County Department of Finance because of COVID-19 changes to process vehicle and drivers' licensing.

The Log, however, tracks only the formal UIPA record requests made to agencies. In FY 2021, all county agencies reported a total of 1,957 formal UIPA record requests (Chart 1), which is 268 (12%) less than reported in FY 2020 (2,225). The formal requests can be broken down into 201 (10%) complex record requests, 294 (11%) personal record requests, and 1,542 (79%) "typical" requests (Chart 2).

County agencies completed 1,910 requests, or 98% of the 1,957 requests received in FY 2021. (Chart 3B) Of the 1,910 completed requests, 62% were granted in full, 18% were granted or denied in part, 5% were denied in full, the agency was unable to respond to 8%, the requester withdrew in 2%, and the requester abandoned the request in 5% of the county cases. (Chart 4) The following summary compares how cases were resolved by the State and counties in Chart 4 for FY 2020 versus FY 2021.

<u>How Resolved</u>	<u>FY20</u> <u>State</u>	<u>FY21</u> <u>State</u>	<u>FY20</u> <u>Counties</u>	<u>FY21</u> <u>Counties</u>
Granted in full	71%	70%	75%	62%
Partially granted/denied	6%	9%	8%	18%
Denied in full	3%	6%	3%	5%
Agency unable to respond	15%	17%	8%	8%
Requester withdrew	1%	1%	2%	2%
Requester abandoned/failed to pay	4%	4%	4%	5%

It took all county agencies an average of 8.8 days to respond to 1,910 completed requests of any type in FY 2021, a decrease from FY 2020's 11.3-day average response time and very close to the State's 8.5 average workdays in FY 2021. (Chart 5) When broken down by type of requests, the counties' average days to complete the "typical" request in FY 2021 was 7.5 days; personal requests averaged 9.5 days; and complex requests averaged 21.1 days. Because of the decrease in time to complete typical and personal record requests in FY 2021, it took 8.8 days on average to complete each request compared to 11.3 days in FY 2020. (Chart 5)

In terms of hours worked per request, county agencies took a total of 2,115 hours to respond to all requests, which includes nonchargeable time for legal review and the 47 requests that were not completed in FY 2021. (Chart 6) When broken down into chargeable search, review, and segregation hours for both completed and pending cases, county agencies worked an average of 1.17 hours for a typical request, 1.28 hours for a personal record request, and 2.65 hours for a complex request. (Chart 7) The counties' overall average to complete all types of requests decreased to 1.32 hours in FY 2021 versus 1.58 hours in FY 2020. In comparison, the State agencies averaged .93 hours to complete all types of requests in FY 2021.

For FY 2021, county agencies incurred \$34,455 in gross fees and costs (excluding legal review hours, personal record fees, and additional response fee estimates) to respond to all requests, of which \$15,251 (44%) was actually paid by all requesters. (Chart 8A) Although the 172 complex requests comprised only 9% of all completed requests, they consumed more than twice as many SRS hours compared to the typical request, and complex requests disproportionately accounted for \$12,018 (35%) of the gross fees and costs incurred by agencies (\$34,455), of which \$5,643 was actually paid by complex record requesters (Charts 2, 3A, 7, 8A and 8B) . (Charts 3A, 8A and 8B) Compared to State agencies' recovery rate of 10%, however, the counties recovered from all paying requesters a higher percentage (44%) of the their gross fees and costs in FY 2021.

Fee waivers by county agencies were granted in 46% of 1,910 completed cases, compared to 60% by State agencies. (Chart 9) For 822 (43%) of the requests, \$30 fee waivers were granted, while 60 requests (3%) were allowed the \$60 public interest fee waivers. The 1,028 cases in which no fee waivers were reported may be explained, in part, by cases that were denied (100), withdrawn (35), or abandoned (96); for which the agency was unable to respond (148); for personal records (207) for which no fees may be charged; or because only costs, and no fees, were charged. (Charts 4 and 9) When compared to FY 2020, the counties are providing a smaller percentage of \$30 fee waivers and the same percentage of \$60 fee waivers.

In the 1,910 completed county cases, 1,610 (84.3%) requesters paid nothing, and 300 (15.7%) requesters paid for fees and/or costs. (Charts 11 and 12; Table 10) Of the 300 requesters that paid any amount, 80 (26.7%) paid less than \$5, and 130 (43.3%) paid between \$5 and \$49.99 for their requests. (Charts 11 and 12; Table 10) Only 90 requesters (30% of all paying requesters) paid \$50 or more per request, of whom at least 66 requesters (73%) were identified as representing law firms, media, or commercial, or other for-profit or non-profit entities. (Table 10 Supplement)

No State or county requester paid \$1,000 or more for their requests completed in FY 2021. 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, for either State or county UIPA record requests.

TABLE 10: FY 2021 FEES & COSTS COLLECTED (by county agency for completed requests)

COUNTY	DEPARTMENT	PERSONAL	AMOUNT COLLECTED	COMPLEX	AMOUNT COLLECTED	TYPICAL	AMOUNT COLLECTED	TOTAL AMOUNT COLLECTED	# \$0	# Under \$5	Amt	# \$5 to \$49.99	Amt	# \$50 to \$99.99	Amt	# \$100 to \$499.99	Amt	# \$500 to \$999.99	Amt	\$1,000 & over	Amt	TOTAL AMOUNT COLLECTED
CC HON	CITY AUDITOR	0	\$ -	0	\$ -	5	\$ -	\$ -	5													
CC HON	CITY CLERK	0	\$ -	0	\$ -	6	\$ -	\$ -	6													
CC HON	CITY COUNCIL	0	\$ -	0	\$ -	2	\$ -	\$ -	2													
CC HON	CORPORATION COUNSEL	0	\$ -	2	\$ 120.00	11	\$ -	\$ 120.00	12							1	\$120.00					\$120.00
CC HON	DESIGN & CONSTRUCTION	0	\$ -	1	\$ 172.50	15	\$ -	\$ 172.50	15							1	\$172.50					\$172.50
CC HON	EMERGENCY MGMT	0	\$ -	0	\$ -	25	\$ -	\$ -	25													
CC HON	ENVIRONMENTAL SVCS	0	\$ -	0	\$ -	21	\$ 279.50	\$ 279.50	13	2	\$5.25	5				1	\$204.25					\$279.50
CC HON	ETHICS COMMISSION	2	\$ -	0	\$ -	3	\$ -	\$ -	5													
CC HON	CUSTOMER SERVICES	0	\$ -	0	\$ -	6	\$ -	\$ -	6													
CC HON	BOARD OF WATER SUPPLY	29	\$ -	0	\$ -	0	\$ -	\$ -	29													
CC HON	HON AUTHORITY RAPID TRANS	18	\$ -	0	\$ -	0	\$ -	\$ -	18													
CC HON	HON FIRE DEPT	56	\$ -	62	\$ 205.00	136	\$ -	\$ 205.00	252						1	\$55.00	1	\$150.00				\$205.00
CC HON	HUMAN RESOURCES	0	\$ -	0	\$ -	5	\$ -	\$ -	5													
CC HON	LAND MANAGEMENT	0	\$ -	0	\$ -	4	\$ -	\$ -	4													
CC HON	LIQUOR COMMISSION	0	\$ -	2	\$ 12.62	120	\$ 493.28	\$ 505.90	70	31	\$54.91	19	\$204.14	1	\$77.35	1	\$169.50					\$505.90
CC HON	MEDICAL EXAMINER	0	\$ -	0	\$ -	0	\$ -	\$ -														
CC HON	HON POLICE DEPT	4	\$ 7.00	38	\$ 1,912.75	387	\$ 4,497.66	\$ 6,417.41	311	38	\$57.26	45	\$770.44	18	\$1,232.21	17	\$4,357.50					\$6,417.41
CC HON	POLICE COMMISSION	3	\$ -	0	\$ -	21	\$ -	\$ -	24													
CC HON	MAYOR/MANAGE DIR	0	\$ -	0	\$ -	8	\$ -	\$ -	8													
CC HON	PARKS & RECREATION	0	\$ -	2	\$ -	10	\$ 31.75	\$ 31.75	10			2	\$31.75									\$31.75
CC HON	PLANNING & PERMIT	0	\$ -	5	\$ 434.75	29	\$ 903.25	\$ 1,338.00	12			16	\$344.25	3	\$228.75	3	\$765.00					\$1,338.00
CC HON	COUNCIL SERVICES	0	\$ -	0	\$ -	2	\$ -	\$ -	2													
CC HON	TRANSPORTATION SERVICES	0	\$ -	0	\$ -	5	\$ -	\$ -	5													
CC HON	PROSECUTING ATTY	0	\$ -	0	\$ -	11	\$ -	\$ -	11													
CC HON	CC HON TOTALS	112	\$ 7.00	112	\$ 2,857.62	832	\$ 6,205.44	\$ 9,070.06	850	71	\$117.42	87	\$1,420.58	23	\$1,593.31	25	\$5,938.75	0	\$0.00	0	\$0.00	\$9,070.06

**TABLE 10 SUPPLEMENT: SUMMARY OF FEES & COSTS PAID BY REQUESTERS
FY 2021
COUNTIES**

\$500 - \$999.99:

1. MAUI/ WATER SUPPLY – MO - \$802.50

TOTAL = \$802.50

\$100 - \$499.99:

- * **1. C&C/ DESIGN & CONSTRUCTION - Brandon Ili - \$172.50**
- * **2. C&C/ ENVIRONMENTAL SERVICES – Cades Schutte/WGSL - \$204.25**
- 3. C&C/ HONOLULU FIRE DEPT. – 2020-70505 - \$150.00**
- * **4. C&C/ HONOLULU POLICE DEPT. – Arrow Media, Caitlin Williams - \$340.00**
- * **5. C&C/ HONOLULU POLICE DEPT. – Envirowatch, Carroll Cox- \$133.75**
- 6. C&C/ HONOLULU POLICE DEPT. – G. Lamotte- \$275.00**
- * **7. C&C/ HONOLULU POLICE DEPT. – Law Office of W. Lawson- \$106.25**
- * **8. C&C/ HONOLULU POLICE DEPT. – SIMS Hawaii obo Leavitt, Yamane, & Soldner - \$246.25**
- * **9. C&C/ HONOLULU POLICE DEPT. – R. Serpe (Estate of J. Banks) - \$321.80**
- 10. C&C/ HONOLULU POLICE DEPT. – D. Apostol - \$196.25**
- * **11. C&C/ HONOLULU POLICE DEPT. – V. Devens (T. Lancaster) - \$236.00**
- * **12. C&C/ HONOLULU POLICE DEPT. – V. Devens (I. Tafaovale) - \$457.20**
- * **13. C&C/ HONOLULU POLICE DEPT. – Request from NFL - \$268.75**
- * **14. C&C/ HONOLULU POLICE DEPT. – SIMS Hawaii obo Leavitt, Yamane, & Soldner- \$133.75**
- 15. C&C/ HONOLULU POLICE DEPT. – O. Myronyuk - \$315.00**
- 16. C&C/ HONOLULU POLICE DEPT. – A. Eck - \$452.50**
- 17. C&C/ HONOLULU POLICE DEPT. – C. Garcia - \$146.25**
- 18. C&C/ HONOLULU POLICE DEPT. – L. Peer - \$200.00**
- 19. C&C/ HONOLULU POLICE DEPT. – C. Burkhardt - \$131.25**
- 20. C&C/ HONOLULU POLICE DEPT. – O. Hartman - \$397.50**
- 21. C&C/ PLANNING & PERMITTING – Libby Tomar - \$405.00**
- * **22. C&C/ PLANNING & PERMITTING – Rob Perez - \$110.00**
- 23. C&C/ PLANNING & PERMITTING – Jeremiah Henderson - \$250.00**
- * **24. HAWAII/ WATER SUPPLY– Beth Light, Central Main Bank - \$375.00**
- * **25. HAWAII/ PLANNING – Revere & Associates - \$242.00**
- * **26. KAUAI/ PLANNING – M.K.T. - \$260.00**
- * **27. KAUAI/ PLANNING – L.L. - \$313.00**
- 28. KAUAI/ PLANNING – E.F. \$172.00**
- * **29. MAUI/ COUNTY CLERK – Hawaii Laborers PAC - \$107.35**
- * **30. MAUI/ COUNTY CLERK – Friends of Michelle Tippens - \$107.35**
- * **31. MAUI/ COUNTY CLERK – Catalist, LLC - \$107.35**
- * **32. MAUI/ COUNTY CLERK – GuideNet Inc. - \$107.35**
- * **33. MAUI/ COUNTY CLERK – Ritte for House - \$100.00**
- * **34. MAUI/ COUNTY CLERK – Aristotle International - \$107.35**
- * **35. MAUI/ COUNTY CLERK – Friends of Tom Cook - \$100.00**
- * **36. MAUI/ COUNTY CLERK – Maui Pono Network - \$107.35**

- * 37. MAUI/ COUNTY CLERK – United Public Workers - \$107.35
- * 38. MAUI/ COUNTY CLERK – Republican National Committee - \$100.00
- * 39. MAUI/ COUNTY CLERK – Cardinal Services, Ltd - \$107.35
- * 40. MAUI/ COUNTY CLERK – 1360, LLC - \$100.00
- * 41. MAUI/ COUNTY CLERK – Democratic Party of Hawaii - \$100.00
- * 42. MAUI/ COUNTY CLERK – Friends of Christy Ann Gusman - \$100.00
- * 43. MAUI/ COUNTY CLERK – L2 Political - \$100.00
- * 44. MAUI/ COUNTY CLERK – Hawaii Republican Party - \$100.00
- * 45. MAUI/ COUNTY CLERK – Maui Pono Network - \$100.00
- * 46. MAUI/ COUNTY CLERK – Aristotle International - \$107.35
- * 47. MAUI/ COUNTY CLERK – Holomua Ohana for Professional Management - \$100.00
- * 48. MAUI/ COUNTY CLERK – Hawaii Republican Party - \$100.00
- * 49. MAUI/ COUNTY CLERK – Maui Pono Network - \$100.00
- * 50. MAUI/ COUNTY CLERK – Cardinal Services, Ltd - \$107.35
- * 51. MAUI/ COUNTY CLERK – Republican National Committee - \$100.00
- * 52. MAUI/ COUNTY CLERK – 1360, LLC - \$107.35
- * 53. MAUI/ COUNTY CLERK – Friends of Yuki Lei Sugimura - \$100.00
- * 54. MAUI/ COUNTY CLERK – Catalist, LLC - \$107.35
- * 55. MAUI/ COUNTY CLERK – L2 Political - \$107.35
- * 56. MAUI/ COUNTY CLERK – Democratic Party of Hawaii - \$107.35
- * 57. MAUI/ COUNTY CLERK – Republican National Committee - \$107.35
- 58. MAUI/ WATER SUPPLY/ ENGINEER – JBB - \$140.00
- 59. MAUI/ WATER SUPPLY/ ENGINEER – JBB - \$160.85

TOTAL = \$10,322.75

\$50 - \$99.99:

- * 1. C&C/ HONOLULU FIRE DEPT. – CK - \$55.00
- 2. C&C/ PLANNING & PERMITTING – Steve Bunting - \$91.00
- * 3. C&C/ PLANNING & PERMITTING – William Meheula - \$63.00
- 4. C&C/ PLANNING & PERMITTING – Leu & Okuda - \$74.75
- * 5. C&C/ HONOLULU POLICE DEPT. – CB, Nick Grube - \$68.00
- * 6. C&C/ HONOLULU POLICE DEPT. – Bickerton Law Grp (D. McKillip) - \$63.50
- * 7. C&C/ HONOLULU POLICE DEPT. – V. Devens (F. Sing) - \$88.85
- * 8. C&C/ HONOLULU POLICE DEPT. – Eric Seitz Esq. - \$52.00
- * 9. C&C/ HONOLULU POLICE DEPT. – SIMS Hawaii obo Leavitt, Yamane, & Soldner - \$53.75
- 10. C&C/ HONOLULU POLICE DEPT. – G. Landry - \$68.75
- 11. C&C/ HONOLULU POLICE DEPT. – E. Abarca - \$63.75
- 12. C&C/ HONOLULU POLICE DEPT. – J. Lee - \$88.75
- 13. C&C/ HONOLULU POLICE DEPT. – J. Lee - \$61.25
- * 14. C&C/ HONOLULU POLICE DEPT. – Chong, Nishimoto, Nakamura, Goya - \$87.50
- 15. C&C/ HONOLULU POLICE DEPT. – Y. Spiker - \$56.25
- * 16. C&C/ HONOLULU POLICE DEPT. – Bickerton Law - \$57.50
- 17. C&C/ HONOLULU POLICE DEPT. – E. Anastas - \$88.75
- 18. C&C/ HONOLULU POLICE DEPT. – T. Hackney - \$73.75
- * 19. C&C/ HONOLULU POLICE DEPT. – SIMS Hawaii obo Leavitt, Yamane, & Soldner - \$58.75
- 20. C&C/ HONOLULU POLICE DEPT. – C. Eveland - \$58.75

- * 21. C&C/ HONOLULU POLICE DEPT. – Remillard and Huynh: a Law Partnership- \$54.61
- * 22. C&C/ HONOLULU POLICE DEPT. – V. Devens (V. Kaonohi) - \$87.75
- * 23. KAUAI/ COUNTY ATTORNEY – Nick Grube, Civil Beat - \$77.50
- * 24. KAUAI/ PLANNING – M.K.T. - \$68.25
- * 25. KAUAI/ PLANNING – M.K.T. - \$72.75

TOTAL = \$1,879.31

GRAND TOTAL paid by requesters \$50+ = \$13,406.56

Plus total paid by requesters \$5 to \$49.99 = 1,705.86

Plus total paid by requesters under \$5 = 138.52

TOTAL paid for all requests = \$15,250.94

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