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OIP'S REPORT OF STATE
AGENCIES' UIPA RECORD REQUEST
YEAR-END LOGS for FY 2021

(For record requests received from July 1, 2020 through June 30, 2021)

Hawaii's Office of Information Practices ("OIP") has prepared this report based on information posted at data.hawaii.gov on the Master UIPA Record Request Year-End Log for FY 2021 ("Master Log"),¹ which compiles data from 209 State agencies² from all Executive Branch departments, the Legislature, the Judiciary, and independent agencies, such as the Office of Hawaiian Affairs, and the Oahu Metropolitan Planning Organization.

This is the eighth year that most State agencies have used the UIPA Record Request Log ("Log"). OIP reviewed each agency's Log to correct obvious errors. A summary of fees and costs by department that OIP prepared from the agencies' individual Logs is provided at the end of this report.

OIP notes that a single State agency accounted for 1,714 (46%) of the total 3,705 requests reported by all agencies. While that agency appears to have properly reported its data, its numbers were eliminated from the following report so as to not skew the overall results.³

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." § 92F-3, Hawaii Revised Statutes. Fourteen more agencies submitted Log reports in FY 2021 than FY 2020s.

³ The excluded agency was the Solid & Hazardous Waste Branch of the Department of Health, which receives the majority of its record requests from real estate agents seeking information as to whether a property has stored hazardous waste materials.

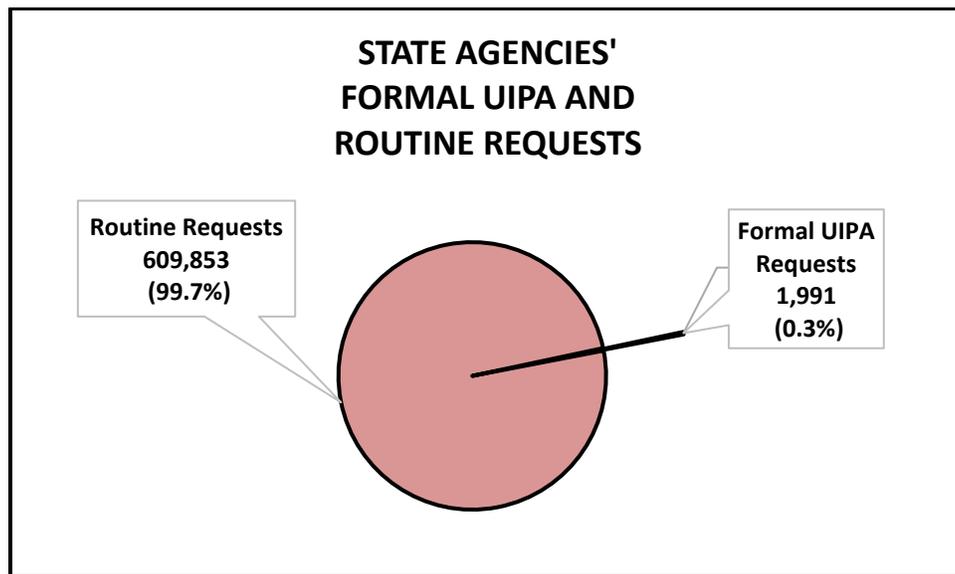
The State data for FY 2021 may be compared to the counties' data summarized in OIP's Report of County Agencies' UIPA Record Request Year-End Logs for FY 2021, as well as to prior years' State and county reports, which can be found on the [Reports page at oip.hawaii.gov](https://oip.hawaii.gov/reports).

How many requests were made to State agencies in FY 2020?

Excluding routine requests,⁴ there were 1,991 formal written record requests requiring State agencies to send notices to the requester under the UIPA. State agencies estimated that they received 609,853 routine requests for information for which fee schedules have been established and no formal UIPA response is required, such as requests for University of Hawaii transcripts or Department of Health's birth, marriage, and death records. Subpoenas for discovery of records in court cases, and responses to oral requests, or requests for agency brochures provided to the public are also not tracked by the Log as formal written record requests.

The following pie chart (**Chart 1**) shows that the 1,991 formal UIPA record requests constituted 0.3% and the estimated 609,853 routine requests comprised 99.7% of the 611,844 total requests reported by the agencies in FY 2021.

Chart 1 (State)



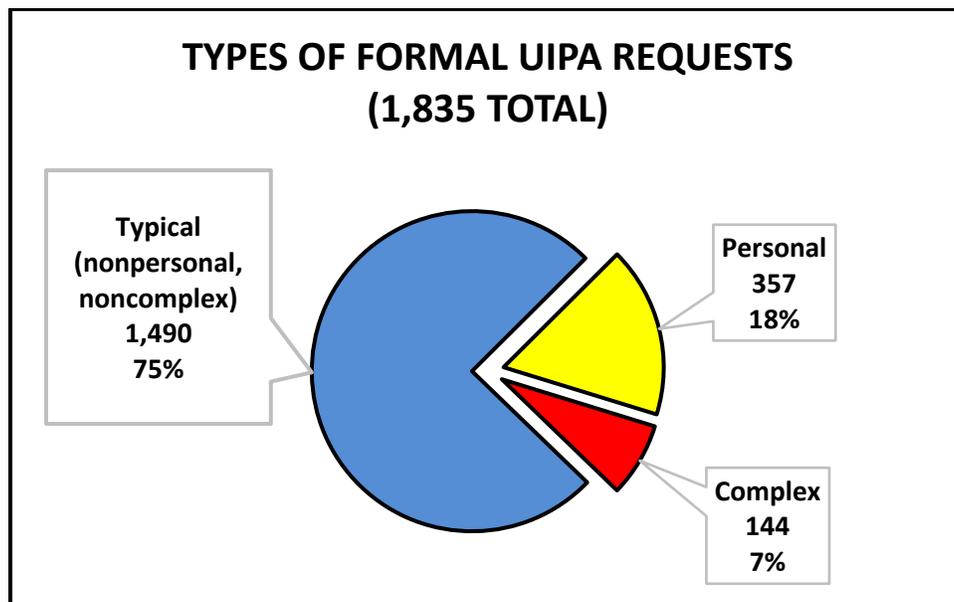
The total number of routine requests increased 28% from the 476,415 reported by State agencies in FY 2020. The number of formal UIPA record requests decreased by 373 (15.8%) in FY 2021 compared to FY 2020 (2,364). The total number of formal UIPA requests for the State (1,991) in FY 2021 was very close to the total for all counties (1,957). As a percentage of all routine and UIPA record requests, the State's 0.3% for formal UIPA requests is also close to the 0.2% figure reported by all counties in FY 2021.

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 1,991 formal requests to State agencies can be broken down into 357 (18%) personal record requests⁵ and 144 (7%) complex requests,⁶ resulting in a balance of 1,490 (75%) nonpersonal and noncomplex requests, *i.e.* “typical” requests,⁷ as shown in **Chart 2** below.

Chart 2 (State)



When compared to FY 2020, the State percentage of complex record requests remains the same in both years at 7%, and there were slight changes in the percentages of other types of record requests. Personal record requests decreased from 21% in FY 2020 and typical record requests increased slightly from 72%.

The State percentages for FY 2021 are similar to the counties’ breakdown of types of cases, which showed complex record requests constituting 10%, personal record requests at 11%, and typical record requests at 79%.

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 made under Part II.

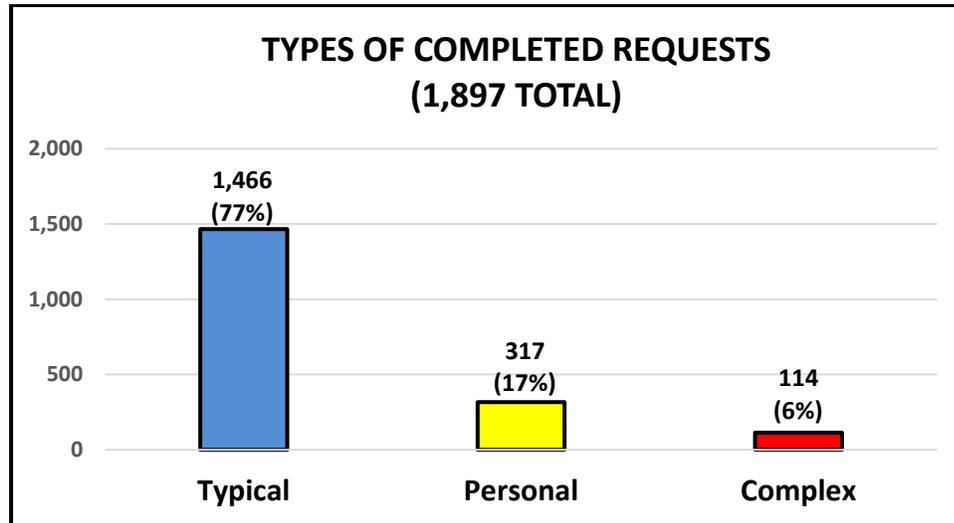
⁶ Complex record requests involve extenuating circumstances or voluminous records that prevent an agency from responding within the normal ten-day time limit.

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

How many requests were completed?

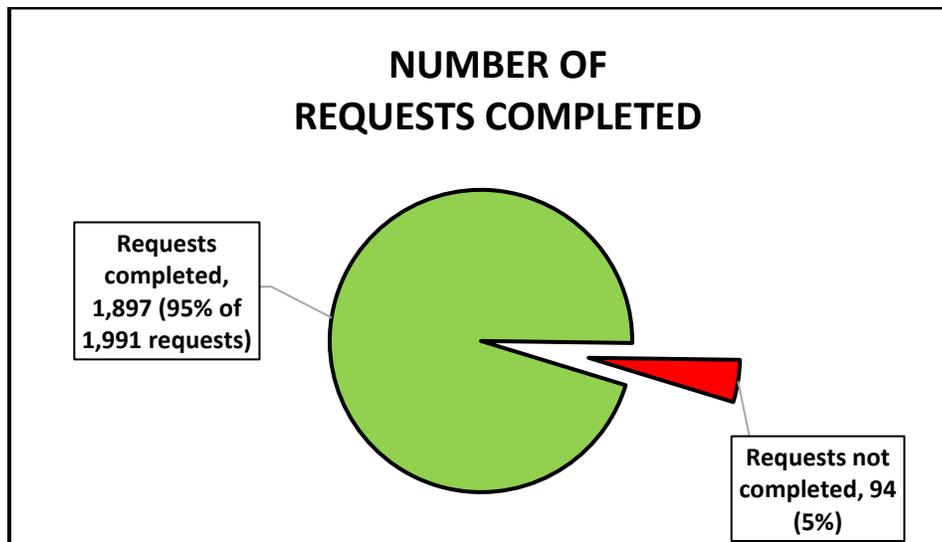
Chart 3A shows that out of 1,991 total requests received by State agencies, 1,897 requests (95%) were completed in FY 2021.⁸ Of the 1,897 completed requests, 317 (17%) were personal record requests, 114 (6%) were complex requests, and 1,466 (77%) were “typical” nonpersonal and noncomplex record requests.

Chart 3A (State)



Of the 1,991 formal requests received by State agencies, 1,897 (95%) were completed and 94 (5%) were not completed as of June 30, 2021, as shown in **Chart 3B** below.

Chart 3B (State)



⁸ 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, 136 cases were not completed and may have been completed in FY 2021.

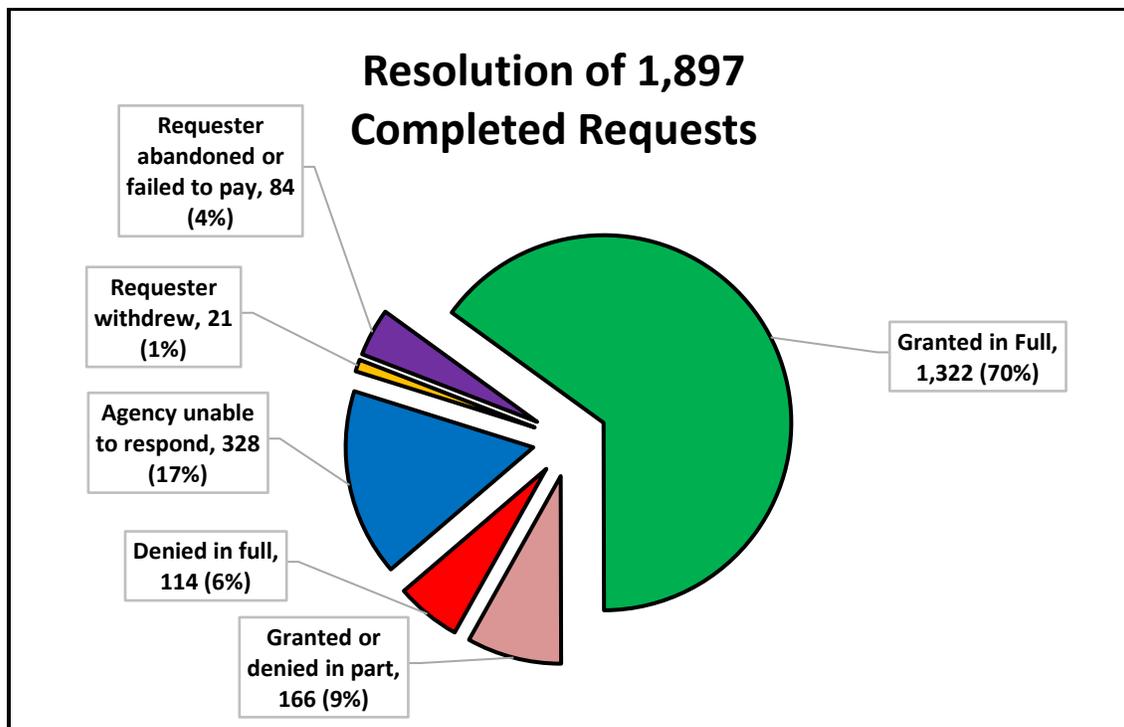
When compared to the prior year, State agencies received fewer UIPA requests than in FY 2020 (2,364) but completed nearly the same percentage of those requests (95% in FY 2021; 96% in FY 2020). In both years, complex record requests constituted 6% of the completed requests. A higher percentage of typical requests were completed in FY 2021 (77%) compared to FY 2020 (73%).

County agencies completed 98% of the 1,957 total requests that they received in FY 2021. Of the completed requests, complex record requests constituted 9% and personal requests were 11%. County agencies completed 80% of typical record requests, slightly more than the State's 77%.

How were requests resolved?

Of the 1,897 requests completed by State agencies, **Chart 4** below shows that 1,322 (70%) were granted in full; 166 (9%) were granted or denied in part; 114 (6%) were denied in full; in 328 cases (17%), the agency was unable to respond; 21 (1%) cases were withdrawn by the requester; and in 84 cases (4%), the requester abandoned or failed to pay for the request.⁹

Chart 4 (State)



The percentages compared to the prior year are similar. In FY 2020, 71% of completed requests were granted in full; 9% were granted or denied in part; 3% were denied in full; the agency was unable to respond in 15% of the requests completed; and the same percentage of

⁹ Although these results total 2,035, more than the number of completed requests (1,897), the discrepancy is due to agencies reporting more than one resolution for a completed request.

requesters withdrew (1%) or abandoned or failed to pay (4%).

The county agencies' percentages for FY 2021 are as follows: 62% were granted in full; 18% were granted or denied in part; 5% were denied in full; agency was unable to respond in 8%; requester withdrew in 2%; and the requester abandoned or failed to pay in 5% of the completed requests.

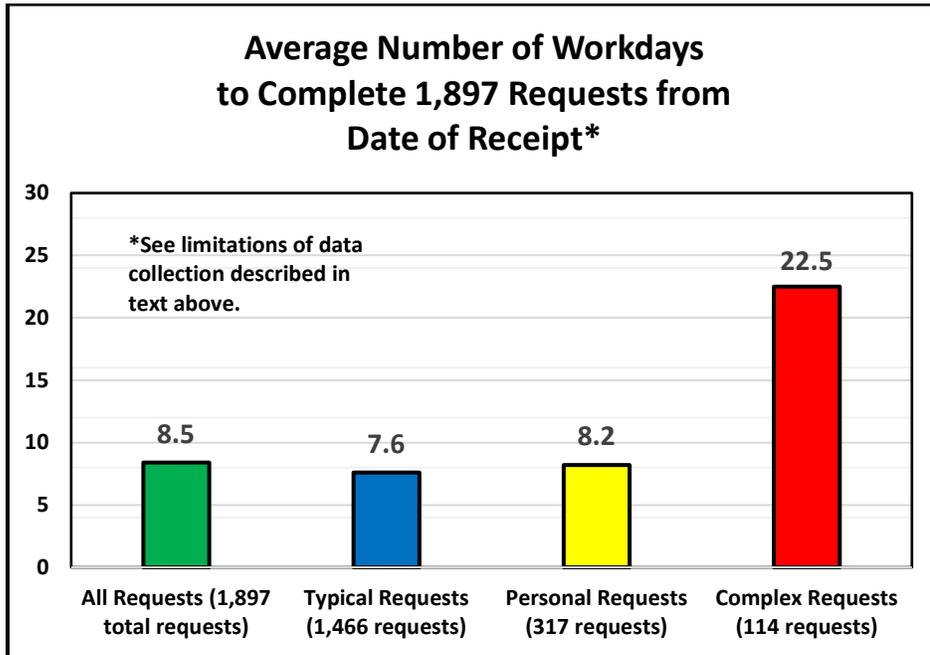
How long did it take to complete requests?

To calculate the number of working days taken 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 State agencies reported providing initial responses within ten business days to 1,698 requests, or 85% of all requests. (Column I of the Log) In 119 (6%) of the requests, the agencies reported that they needed initial clarification of the request, which may partly explain why they were not able to send their notice or acknowledgement to requesters within ten workdays. In the remaining 9% of all cases, the agencies did not check the Column I box to indicate that they provided their initial responses within ten days of receiving the requests.

As shown in the following bar graph, **Chart 5**, it took an average of 8.5 workdays from date of receipt to complete all record requests, based on 16,082 workdays to complete 1,897 requests. (Columns N and AP of the Log) When broken down by type of request, Chart 5 shows that it took an average of 7.6 days to complete 1,466 typical (noncomplex and nonpersonal requests; 77% of all requests) record requests; 8.2 days to complete 317 personal record requests; and 22.5 days to complete 114 complex requests. (Columns AQ through AS of the Log)

Chart 5 (State)



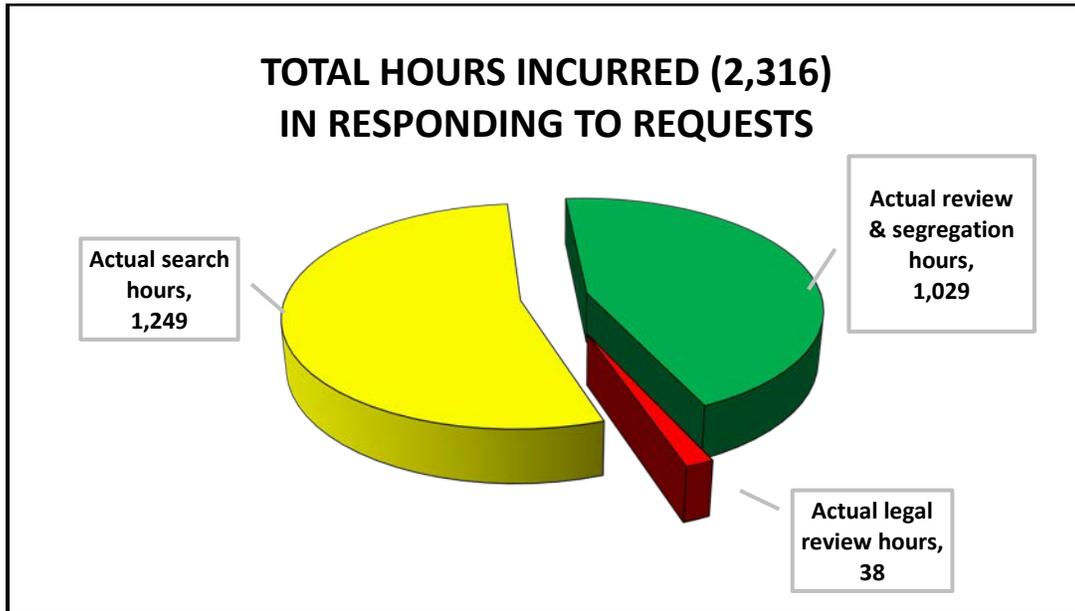
When Chart 5 for FY 2021 is compared to State agencies' prior year's results, the average number of workdays to complete all requests has increased slightly (8.1 workdays in FY 2020 to 8.5 days in FY 2021). The average number of workdays to complete typical requests decreased slightly (7.9 workdays in FY 2020 vs. 7.6 in FY 2021). The average number of workdays to complete the personal record requests, however, increased from 4.8 workdays in FY 2020 to 8.2 days in FY 2021. The average number of workdays to complete the complex record requests remained about the same at 22.6 workdays in FY 2020 versus 22.5 days in FY 2021.

While there were considerable differences in each counties' data, the overall average number of workdays to complete all counties' requests in FY 2021 was 8.8 workdays compared to 8.5 for State agencies.

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 hours, 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.¹⁰

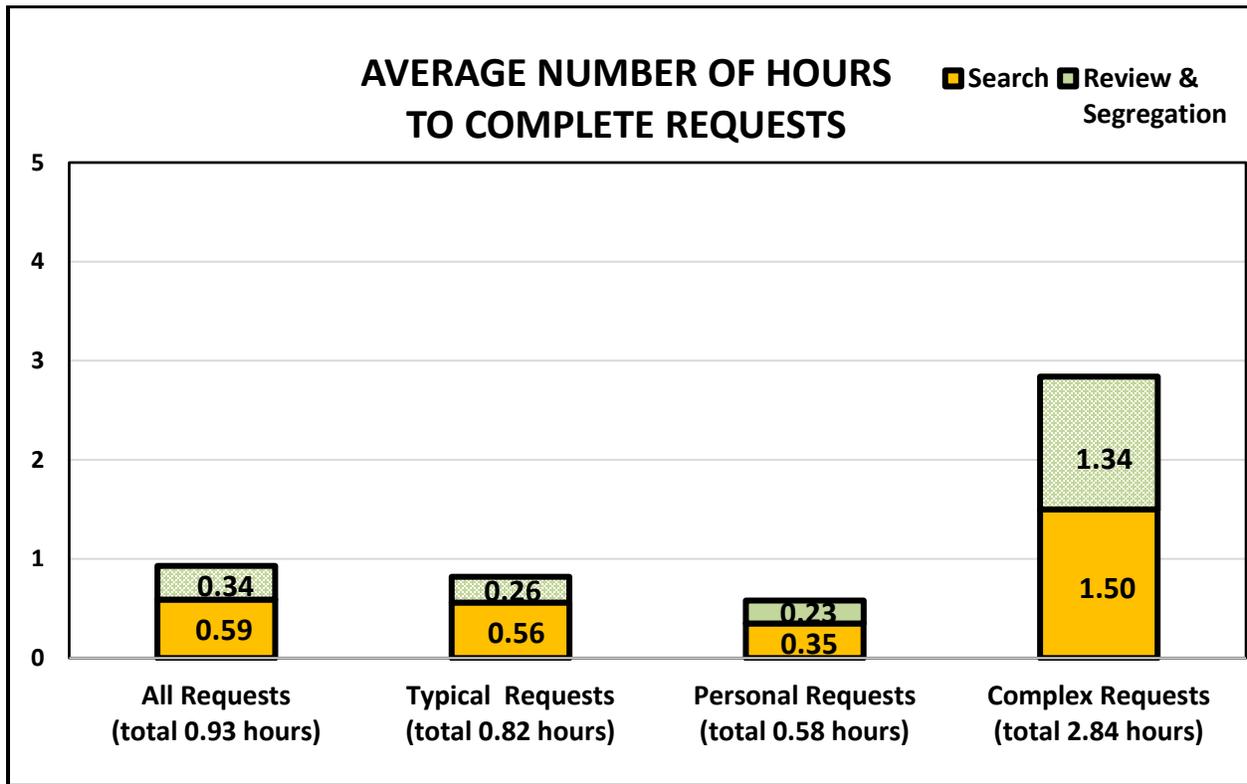
¹⁰ Chart 6 also includes the time spent by agencies working on the 94 pending cases that were not completed at the end of FY 2021, many of which were received toward the end of the year or were complex requests. Except for an anomaly concerning six incomplete cases in FY 19, the average SRS hours for requests not completed since FY 2019 have been between .86 to 1.2 hours. 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.

Chart 6 (State)



The totals in Columns AT through BA of the Log show the number of SRS hours that State agencies worked to respond to 1,991 total record requests. (Chart 2) Based on those SRS hours, and excluding legal review hours, it took an average of .93 total SRS hours of work for each of the 1,991 record requests received in FY 2021, as shown in **Chart 7** and the explanatory table that follows. The 1,490 typical record requests each took an average of .82 SRS hours, and 357 personal record requests each took an average of .58 SRS hours of agency work. The 144 complex record requests each took an average of 2.84 SRS hours, which is more than three times longer than the typical request.

Chart 7 (State)



**Table 7
Average Number of Hours to Complete Requests**

	<u>Search</u>	<u>Review & Segregation</u>	<u>Total SRS hours</u>
All requests	.59	.34	.93
Noncomplex/ Nonpersonal “Typical”	.56	.26	.82
Personal	.35	.23	.58
Complex	1.50	1.34	2.84

When Chart 7 for FY 2021 is compared to the same State chart in FY 2020, the amount of SRS hours has decreased to complete all requests (.93 in FY 2021 vs. 1.54 hours in FY 2020) and to complete typical requests (.82 hours in FY 2021 vs. 1.10 hours in FY 2020). The time to complete complex requests also decreased from 8.84 hours in FY 2020 to 2.84 hours in FY 2021. The SRS hours to complete personal requests, however, slightly increased from .41 hours in FY 2020 to .58 hours in FY 2021.

When compared to the FY 2021 Chart 7 for the counties, the average number of hours to complete all types of requests is higher for the counties (1.32) than the State (.93). County agencies took longer than State agencies to complete the average typical request (1.17 vs. .82) and personal requests (1.28 vs. .58), while the time to complete complex record requests was about the same for both county (2.65) and State (2.84) agencies.

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 the Chart 8A and the descriptive table that follows. In summary, the agencies incurred gross fees and costs of \$55,835 but could only charge \$18,206 for fees and costs allowed under OIP's rules, and they actually collected from requesters \$6,018 (11%).

Please note that the data in **Chart 8A** and the explanatory table on the next page include gross and net fees and costs for all 1,991 requests, even if they were not completed or charged to requesters. Moreover, the gross incurred SRS fees of \$55,835 (as shown in the left column of Chart 8A) do not include fees reported for legal review hours (38 hours) or SRS fees for personal records. If those nonchargeable amounts were included, and \$10,264 in gross copying and delivery costs were included, then the gross incurred fees and costs would be higher than the \$55,835 shown in the far left column of Chart 8A on the following page.

While agencies incurred fees and costs in all 1,991 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 1,897 completed requests (1,466 typical; 317 personal; 114 complex. See Chart 3A).

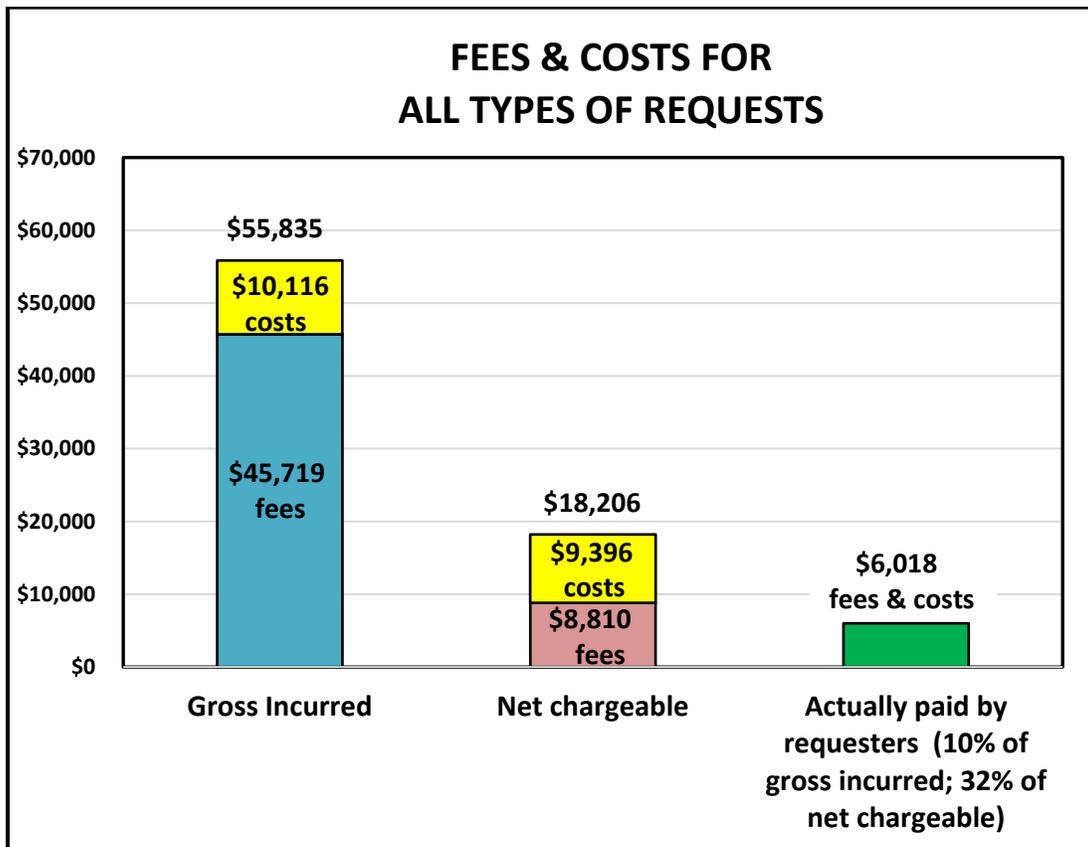
Chart 8A below visualizes the totals for all types of requests reported on the FY 2021 Master Log as follows:

\$55,835 in total gross fees and costs incurred for all 1,991 cases, consisting of \$45,719 in fees and \$10,116 in costs

\$18,206 in total net chargeable fees and costs in all 1,991 cases, consisting of \$8,810 in fees and \$9,396 in costs

\$6,018 in fees and costs actually paid in 1,897 completed cases.

Chart 8A (State)



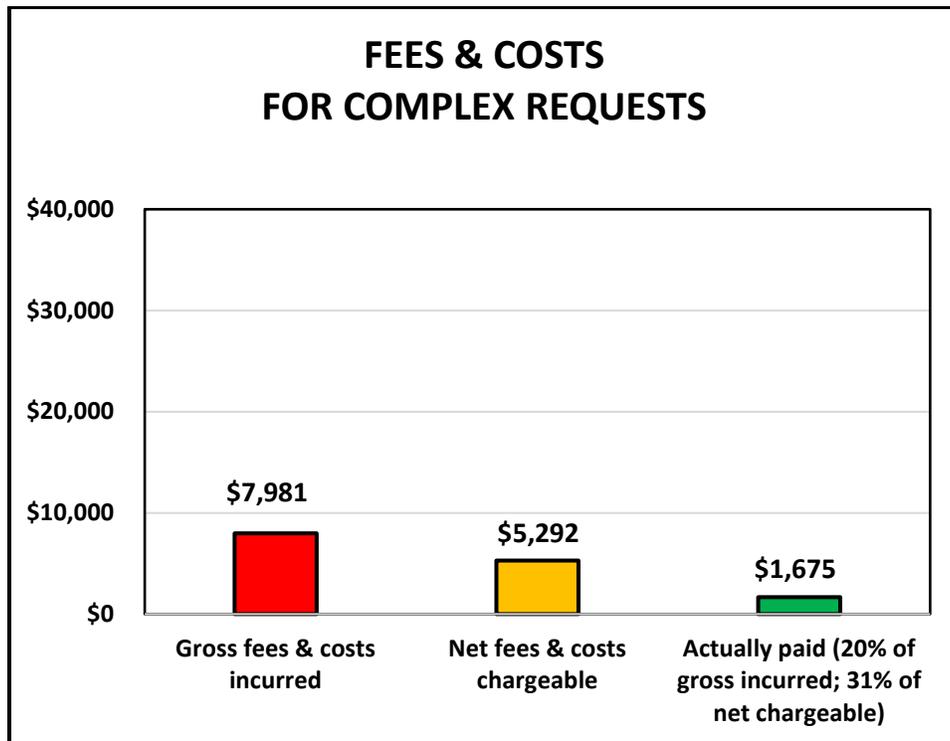
When compared to the prior year's data, State agencies incurred 8% less in gross fees and costs in FY 2021 (\$55,835) compared to FY 2020 (\$60,410). There was a 25% decrease in the amount of fees and costs actually paid by requesters to State agencies in FY 2021 (\$6,018) compared to FY 2020 (\$7,973).

Based on the data entered by the agencies, the Log automatically calculated the gross fees and costs incurred (Log Column AN) for the 144 complex record requests filed in FY 2021 (of which, 30 were still pending at the end of FY 2021) as well as the net amount that was properly

chargeable (Log Column AM) to the 114 completed complex cases. **Chart 8B** below visualizes the totals for complex requests reported on the Log as follows:

\$7,981 gross fees and costs incurred in 144 complex cases
\$5,292 net fees and costs chargeable in 144 complex cases
\$1,675 actually paid in 114 completed complex cases.

Chart 8B (State)



Compared to the previous year, State agencies incurred 73% less in gross fees and costs for complex records in FY 2021 (\$7,981) than in FY 2020 (\$29,155). The amount actually paid for complex records was also lower in FY 2021 (\$1,675) than in FY 2020 (\$2,389).

Compared to the counties, State agencies are recovering a smaller percentage (20%) of gross incurred fees and costs than the counties, which recovered 46% of the \$12,018 gross fees and costs that they incurred in FY 2021.

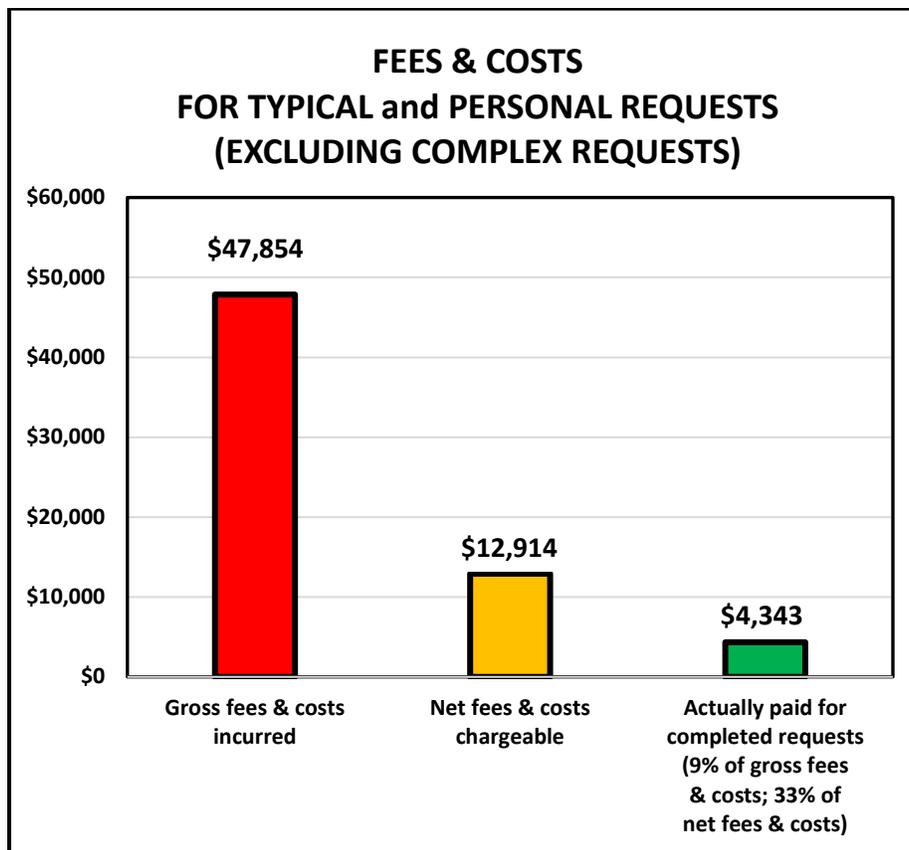
The 114 complex cases, which were 6% of all State completed requests, consumed more than three times as many SRS hours as the typical request and accounted for 14% (\$7,981) of the total gross fees and costs incurred by State agencies (\$55,835). Of the total gross fees and costs incurred by State agencies, requesters for the 114 completed complex cases paid 3% (\$1,675).

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 **Chart 8C** visualizes the totals for typical and personal record request cases as follows:

- \$47,854 gross fees and costs incurred in 1,847 typical and personal cases
- \$12,914 net fees and costs chargeable in 1,847 typical and personal cases
- \$ 4,343 actually paid in 1,783 completed typical and personal cases.

Based on a total of 1,783 completed typical and personal record requests and \$4,343 as the total amount paid by those types of requesters, the average per request calculates to \$2.42 actually paid by typical and personal record requesters. This average is misleading, however, as 1,708 requesters paid nothing, as will be seen later in Charts 11 and 12.

Chart 8C (State)



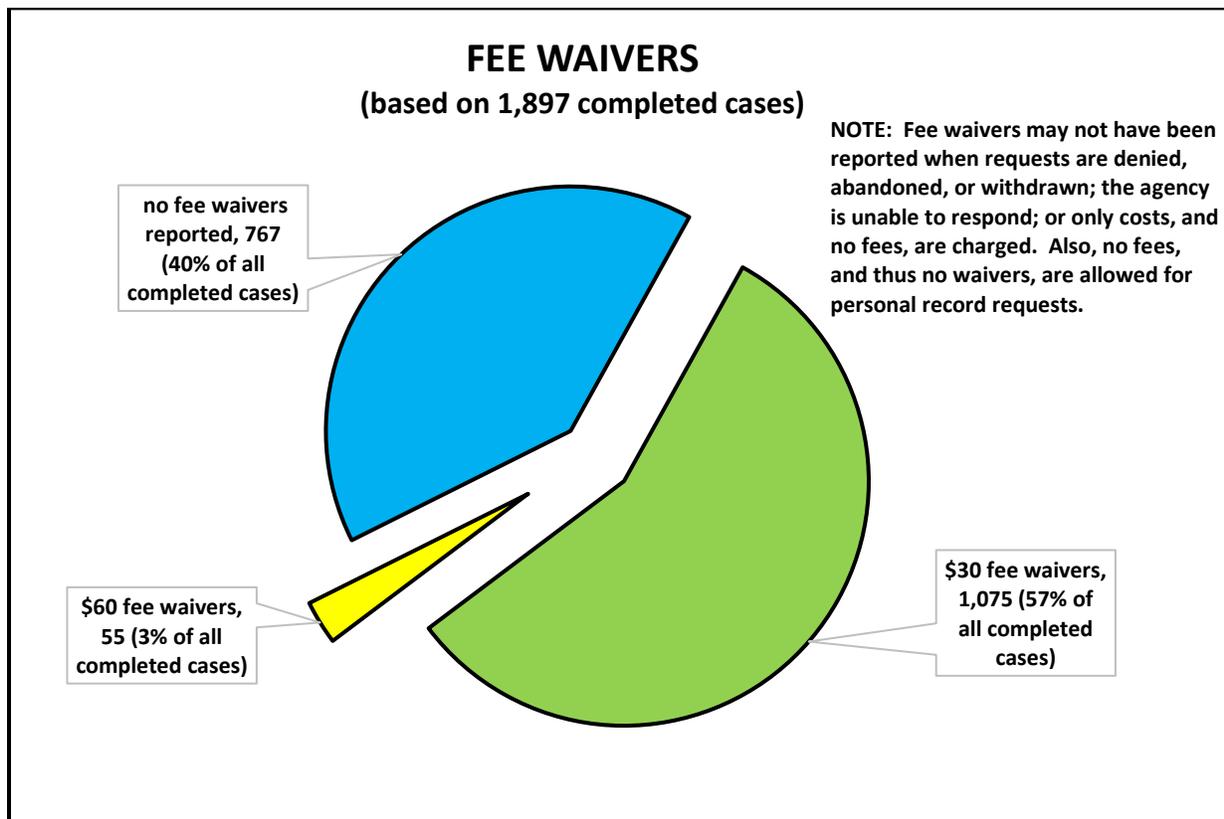
Compared to the prior year, State agencies incurred in gross fees and costs for typical and personal record requests 53% more in FY 2021 (\$47,854) than in FY 2020 (\$31,255). The amounts actually paid by the requesters was 22% less in FY 2021 (\$4,343) versus FY 2020 (\$5,584). Compared to the counties in FY 2021, the State agencies are recovering only 9% of gross fees and costs compared to the counties' 82% recovery.

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.¹¹ Note that no refunds are given to requesters whose SRS fees are less than the waiver amounts.

There were no fee waivers in 767 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 317 in FY 2021. Moreover, waivers are only entered when SRS fees are entered, so there would generally be no waivers in most of the 547 cases where requests were denied, abandoned, or withdrawn, or when the agency was unable to respond. (See Chart 4) Also, fee waivers are automatically entered by the Log when the agency enters SRS hours, but not when only costs, and no SRS hours, are entered.

Using 1,897 as the total number of completed cases, **Chart 9** below shows that the State agencies reported granting \$30 fee waivers for 1,075 requests (57%) and \$60 fee waivers for 55 requests (3%). In 2021, no fee waivers were reported in 40% of the cases compared to 49% in FY 2020. As for the counties, no fee waivers were reported in 54% of FY 2021 cases.

Chart 9 (State)



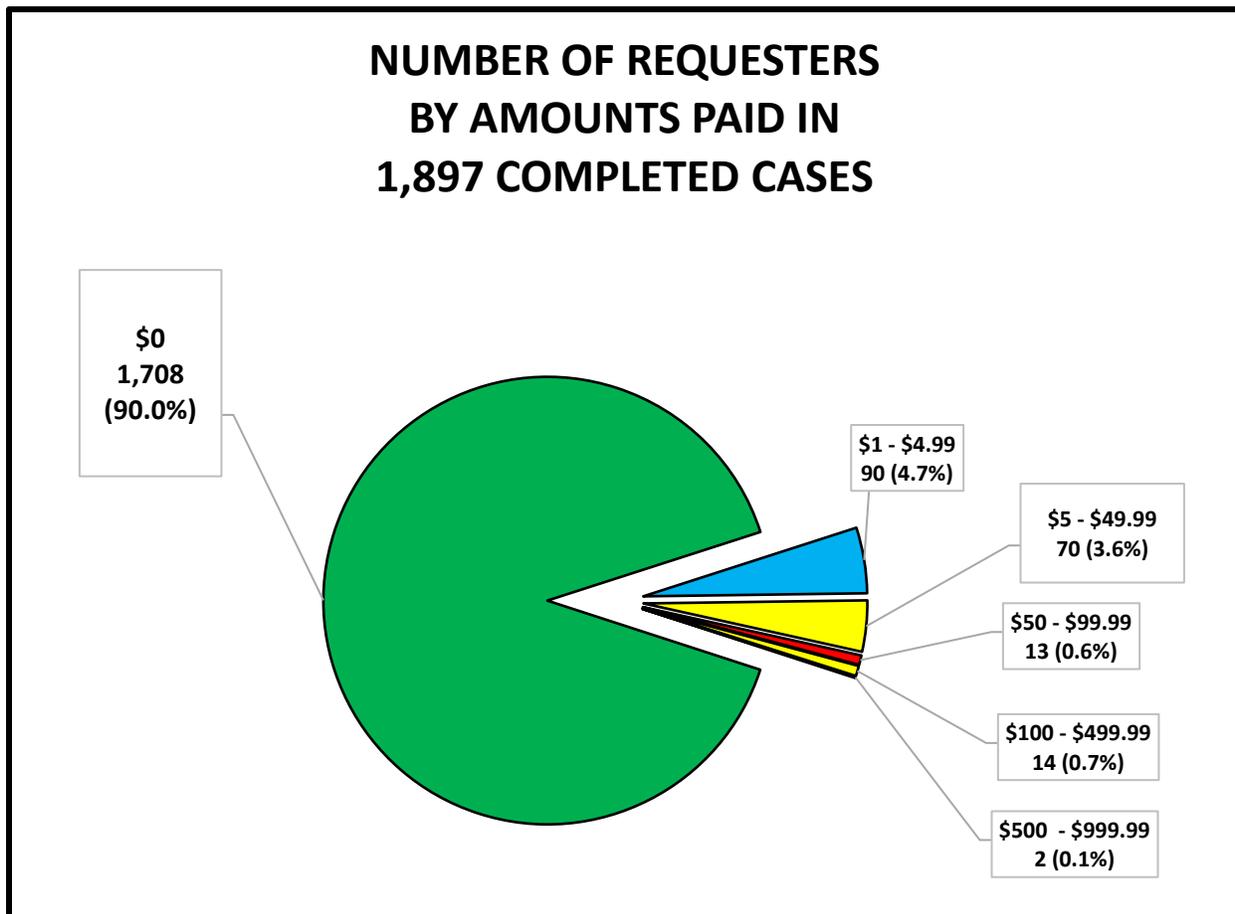
¹¹ In FY 2016, the Log form was changed to automatically enter fee waivers whenever SRS fees were entered (except for personal record requests where no fees could be charged).

By reviewing each State agency's Log, OIP compiled the data found in **Table 10**, which is attached at the end of this report. Based on 1,897 total completed requests, a total of \$6,018 was paid by requesters for fees and costs per Table 10.

Based on the data compiled in Table 10 for 1,897 completed requests, **Chart 11** below shows that 1,708 requesters (90.0%) paid nothing; 90 requesters (4.7%) paid \$1 to \$4.99 per request; 70 requesters (3.7%) paid \$5 to \$49.99; 13 requesters (0.6%) paid \$50 to 99.99; 14 requesters (0.7%) paid \$100 to \$499.99; and 2 requesters (0.1%) paid \$500 to \$999.99 in fees and costs. Of the 34 requesters who paid \$50 or more, at least 18 requesters (53%) in the attached Table 10 Supplement: Summary of Fees & Costs Paid by Requesters were reported by State agencies as representing attorneys, media, or for-profit or nonprofit organizations.

Compared to the prior year, about the same percentage in FY 2021 (90.0%) paid no fees and costs than in FY 2020 (89.7%). In comparison, 84.3% of the county requesters in FY 2021 paid no fees and costs.

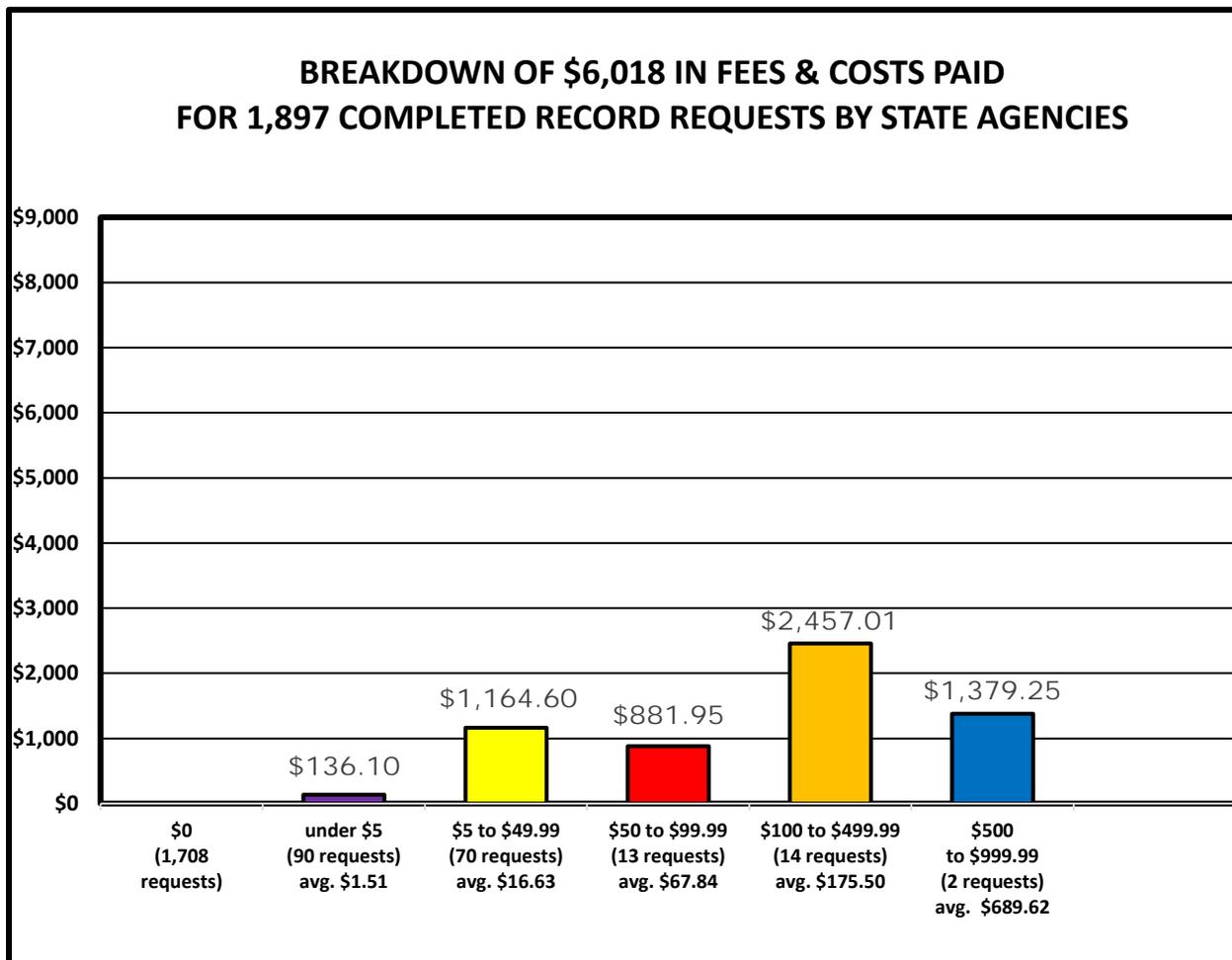
Chart 11 (State)



Again using Table 10's data, **Chart 12** below shows the breakdown of the \$6,018 in fees and costs paid in 1,897 completed cases. As Chart 12 shows, 1,708 requesters (90% of completed requests) paid nothing, and 189 requesters (10% of 1,897 requesters) paid a total of \$6,018. Of the 189 requesters that paid any amount, 90 requesters (47% of 260 paying requesters) paid less than \$5, for a total of \$136.10 or average of \$1.51 per request. Another 70 requesters (37% of paying requesters) paid between \$5 and \$49.99, for a total of \$1,164.60 or average of \$16.63. Another 13 requesters (7% of paying requesters) paid between \$50 and \$99.99, for a total of \$881.95 or average of \$67.84. Fourteen requesters (5% of paying requesters) paid between \$100 and \$499.99, for a total of \$2,457.01 or average of \$175.50. Two requesters (1% of paying requesters) paid between \$500 and \$999.99, for a total of \$1,379.25 or average of \$689.62. No requester paid \$1,000 or more in fees and costs for a State request in FY 2020 or 2021, or for a county request in FY 2021 .

Thirteen requesters (7% of paying requesters) paid between \$50 and \$99.99, for a total of \$881.95 or an average of \$67.84. Fourteen requesters (5% of paying requesters) paid between \$100 and \$499.99, for a total of \$2,457.01 or an average of \$175.50. Two requesters (1% of paying requesters) paid between \$500 and \$999.99, for a total of \$1,379.25 or an average of \$689.62. No requester paid \$1,000 or more in fees and costs for a State request in FY 2020 or 2021, or for a county request in FY 2021 .

Chart 12 (State)



STATE AGENCIES' SUMMARY

In closing, OIP would like to thank the State agencies that participated in recording their Log data and providing this information to OIP. OIP appreciates the agencies' 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 the State government. The State data can now be compared to the counties' and prior years' State data, which was summarized in OIP's other reports found on the [Reports page at oip.hawaii.gov](https://oip.hawaii.gov/reports/).

In brief, the FY 2021 data from 209 State agencies, typical record requests comprised 75% of all requests (Chart 2), were granted in whole or in part 78% of the time (Chart 4), and were completed in 7.6 work days on average (without subtracting the extra day generally added by the Log's calculations; Chart 5). Of all State requests, 95% were completed in FY 2021 (Chart 3B), and 90% of the completed requests paid nothing in fees and costs (Chart 11).

The Log tracks only the formal UIPA record requests made to agencies. In FY 2021, State agencies reported 1,991 formal UIPA record requests (Chart 1), which is 373 (15.8%) less than reported in FY 2020 (2,364). The formal requests can be broken down into 144 (7%) complex record requests, 357 (18%) personal record requests, and 1,490 (75%) "typical" requests (Chart 2).

State agencies completed 1,897 requests, or 95% of the 1,991 requests received in FY 2021. (Chart 3B) Of the completed requests, 70% were granted in full, 9% were granted or denied in part, 6% were denied in full, the agency was unable to respond in 17%, and the requester withdrew in 1% and abandoned the request in 4% of the State cases. (Chart 4). While the number of completed requests was lower in FY 2021 (1,897) than in FY 2020 (2,228), the percentage of completion remained close (95.3% vs. 94.2%). Some differences occurred in how cases were resolved: a higher percentage of cases were partially granted or denied (9% vs. 6%) or were denied in full (6% vs. 3%) in FY 2021 compared to FY 2020.

The following chart compares how cases were resolved by the State and counties in FY 2020 compared to FY 2021.

<u>How Resolved</u>	<u>FY20 State</u>	<u>FY21 State</u>	<u>FY20 Counties</u>	<u>FY21 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%

The average number of workdays to respond to all types of completed requests—8.5 workdays—was slightly higher than in FY 2020 (8.1 days). (Chart 5) When broken down by type of requests, the average days to complete the typical request was 7.6 days (compared to 7.9 days in FY 2020); personal requests averaged 8.2 days (compared to 4.8 days in FY 2020); and complex requests averaged 22.5 days (compared to 22.6 days in FY 2020).

In terms of average hours worked per request, State agencies reported a total of 2,316 hours to respond to all types of requests, which includes nonchargeable time for legal review and the 94 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, State agencies worked an average of 0.82 hours for a typical request (compared to 1.10 hours in FY 2020), 0.58 hours for a personal record request (compared to 0.41 hours in FY 2020), and 2.84 hours for a complex request (compared to 8.84 hours in FY 2020). (Chart 7) The State agencies' overall average (0.93 hours) is less than the county agencies' overall average of 1.32 hours to complete all types of requests in FY 2021.

For FY 2021, State agencies incurred \$55,835 in gross fees and costs (excluding legal review hours, personal record fees, and additional response fee estimates) to respond to all requests, of which only \$6,018 (11%) was actually paid by requesters. (Chart 8A) In comparison, in FY 2020 State agencies incurred more in gross fees and costs (\$60,410) and more was paid by requesters (\$7,973, or 13%). For FY 2021, the counties recovered from paying requesters a higher percentage (44%) of their total gross fees and costs (\$34,455) than State agencies recovered (10%).

Although the 144 complex requests in FY 2021 comprised only 7% of all requests, they consumed more than three times as many SRS hours of agency time compared to the typical request. Complex requests disproportionately accounted for \$7,981 (14%) of the gross fees and costs incurred by State agencies (\$55,835), of which only \$1,675 (3%) was actually paid by those requesters. (Charts 2, 7, 8A and 8B) Requesters for the 114 completed complex record requests paid \$1,675 (27%) of the \$6,018 total amount recovered from all requesters. (Charts 3A, 8A and 8B) In comparison, the 172 complex record requests to county agencies constituted 9% of all completed requests, took twice as many SRS hours to complete than typical requests, accounted for 35% of the gross fees and costs incurred by county agencies, and complex record requesters paid 16.4% of the gross fees and costs incurred in FY 2021.

Fee waivers were granted by State agencies in 60% of 1,897 completed cases, compared to 46% by county agencies. (Chart 9) The majority (1,075, or 57%) of completed requests were granted \$30 fee waivers, while 55 requests (3%) were allowed the \$60 public interest fee waivers. The 767 cases in which no fee waivers were reported could be explained in part by cases that were denied (114), withdrawn (21), or abandoned (84); for which the agency was unable to respond (328); concerned personal records (472) for which no fees may be charged; or where only costs, and no fees, were charged. (Charts 3A, 4, and 9)

In the 1,897 completed State cases, 1,708 (90%) requesters paid nothing, similar to the 88.3% in FY 2020 that paid nothing, and compared to the 84% of county requesters that paid nothing in FY 2021. In FY 2021, only 189 (10%) State requesters paid any amount for fees or costs. (Chart 11; Table 10) Of the 189 requesters that paid any amount, 90 (47% of paying requesters) paid less than \$5, and 70 (37%) paid between \$5 and \$49.99 for their requests. (Charts 11 and 12; Table 10) Only 29 requesters (15% of all paying requesters) paid \$50 or more per request, of whom at least 18 (62%) requesters were reported by the agencies as representing law firms, media, 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 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.

DEPT	DIVISION/AGENCY	PERSONAL	AMOUNT COLLECTED	COMPLEX	AMOUNT COLLECTED	TYPICAL	AMOUNT COLLECTED	\$0	Under \$5	Amt	\$5 to \$49.99	Amt	\$50 to \$99.99	\$100 to \$499.99	\$500 to \$999.99	\$1,000 & over
DLIR	DIRECTOR	0	\$ -	0	\$ -	0	\$ -									
DLIR	DOSH	0	\$ -	0	\$ -	16	\$ -	16								
DLIR	LIR APPEALS BOARD	0	\$ -	0	\$ -	0	\$ -									
DLIR	LABOR RELATIONS BOARD	0	\$ -	0	\$ -	4	\$ -	4								
DLIR	RESEARCH & STATS	0	\$ -	0	\$ -	0	\$ -									
DLIR	WAGE STANDARDS	0	\$ -	0	\$ -	11	\$ 17.55	6	4	\$8.85	1	\$8.70				
DLIR	WORKFORCE DEVELOP	0	\$ -	0	\$ -	0	\$ -									
DLIR	WORKFORCE DEVEL CNCL	0	\$ -	0	\$ -	2	\$ -	2								
DLIR	ADMINISTRATIVE SVCS	0	\$ -	0	\$ -	0	\$ -									
DLIR	CIVIL RIGHTS COMM'N	3	\$ -	0	\$ -	4	\$ -	7								
DLNR	ADMINISTRATIVE SVCS	0	\$ -	0	\$ -	0	\$ -									
DLNR	CHAIRPERSON	0	\$ -	1	\$ -	65	\$ 402.00	62	1	\$2.50	1	\$39.50		2		
DLNR	BUREAU OF CONVEYANCE	0	\$ -	0	\$ -	0	\$ -									
DLNR	ENGINEERING	0	\$ -	0	\$ -	10	\$ 15.50	9			1	\$15.50				
DLNR	COMM WATER RES MGMT	0	\$ -	3	\$ -	3	\$ -	6								
DLNR	BOATING & OCEAN REC	0	\$ -	0	\$ -	16	\$ 502.50	9			4	\$91.50		3		
DLNR	KAHOOLAWE IS RES COMN	1	\$ -	0	\$ -	39	\$ -	40								
DLNR	IT	0	\$ -	0	\$ -	0	\$ -									
DLNR	LAND MGMT	0	\$ -	1	\$ -	6	\$ -	7								
DLNR	STATE PARKS	0	\$ -	0	\$ -	1	\$ -	1								
DLNR	PERSONNEL	0	\$ -	0	\$ -	0	\$ -									
DLNR	HISTORIC PRESERVATION	0	\$ -	7	\$ -	0	\$ -	7								
DLNR	AQUATIC RESOURCES	0	\$ -	0	\$ -	0	\$ -									
DLNR	FORESTRY & WILDLIFE	0	\$ -	0	\$ -	0	\$ -									
DLNR	CONSRV & COASTAL LNDS	0	\$ -	0	\$ -	15	\$ -	15								
DOA	PLANT QUARANTINE	0	\$ -	0	\$ -	2	\$ -	2								
DOA	AGBUSINESS DEV CORP	0	\$ -	0	\$ -	18	\$ -	18								
DOA	AG PESTICIDES	1	\$ -	1	\$ 69.65	33	\$ 253.16	31					3	1		
DOA	CHAIRPERSON	0	\$ -	0	\$ -	12	\$ 73.50	10			1	\$12.00	1			

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

\$500 - \$999.99:

- * 1. DOT/ HIGHWAYS – Dawn Wilkinson (Law Ofc of Richard Serpe) - \$690.00
- * 2. DOE/ SUPERINTENDENT – AO - \$689.25

TOTAL = \$1,379.25

\$100 - \$500:

- * 1. DCCA/ PUBLIC UTILITIES COMMN - John E. Dubiel/Watanabe Ing LLP - \$292.50
- 2. DLNR/ CHAIRPERSON – LT - \$250.00
- 3. DLNR/ CHAIRPERSON – PM - \$110.00
- * 4. DLNR/ BOATING & OCEAN RECREATION - David Robyak, Klein Law Group - \$103.50
- * 5. DLNR/ BOATING & OCEAN RECREATION – Kimberly Perez Hults - \$108.00
- 6. DLNR/ BOATING & OCEAN RECREATION – A. Tanigawa Lum - \$199.50
- * 7. DOA/ PESTICIDES – Deborah Rybak - \$109.26
- * 8. DOE/ SUPERINTENDENT – JS - \$145.00
- * 9. DOH/ CLEAN AIR BRANCH - Crudele & Beerman. LLC - \$186.40
- * 10. DOH/ DEVELOPMENTAL DISABILITIES - GT Independence - \$361.25
- 11. DOH/ DEVELOPMENTAL DISABILITIES – PCG - \$100.25
- * 12. DOH/ HEALTH CARE ASSURANCE – Leavitt, Yamane, Soldner - \$118.60
- * 13. DOH/ HEALTH CARE ASSURANCE - Chun Kerr LLP - \$181.50
- 14. PSD – 2021-5 - \$191.25

TOTAL = \$2,457.01

\$50 - \$99.99:

- * 1. B & F/ EMPLOYEES RETIREMENT SYSTEM – Boston College - \$58.40
- * 2. DCCA/ RICO – Paul Grable, Esq. - \$71.50
- * 3. DCCA/ RICO – Tesla Energy - \$58.25
- 4. DCCA/ RICO - PR - \$76.00
- 5. DCCA/ RICO - MM - \$64.25
- * 6. DCCA/ RICO - JL (Veritas) - \$75.00
- 7. DCCA/ RICO – RF - \$76.25
- 8. DOA/ PESTICIDES – Barbara Barry - \$69.65
- * 9. DOA/ PESTICIDES – Robbie Dingman, Honolulu Magazine - \$92.55
- 10. DOA/ PESTICIDES - Vi Balantac/Manuel Balantac – 51.35
- 11. DOA/ CHAIRPERSON – Thoene - \$61.50
- * 12. DOA/ ANIMAL DISEASE CONTROL – Inga Gibson Pono Advocates - \$50.00
- * 13. DOH/ HEALTH CARE ASSURANCE – Kurt Kagawa - \$77.25

TOTAL = \$881.95

GRAND TOTAL paid by requesters \$50+	=	\$4,718.21
Plus total paid by requesters \$5 to \$49.99	=	1,164.60
<u>Plus total paid by requesters under \$5</u>	=	<u>136.10</u>
TOTAL paid for all requests	=	\$6,018.91

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