

From: [PublicRecord Observer](#)
To: [OIP](#)
Subject: [EXTERNAL] Written Comments on Draft Legislation re SCR 192 Working Group
Date: Monday, October 3, 2022 3:24:16 PM

Aloha,

I have no objection generally to the purpose and intent of the proposed legislation to allow government agencies to withhold some truly pre-decisional records. I do object specifically to the inclusion of the language that the "name, title, or other information that would directly identify a public official or employee may be withheld if that person lacks discretionary authority".

I have observed that OIP included in its Examples of Records That an Agency Might Seek to Withhold as Deliberative and Predecisional (7.21.2022) the factor: "Personal privacy vs. disclosing the names of evaluators (e.g. selection committee for procurement or recruitment, admission committee for UH programs)." If we are truly concerned with matters of personal privacy, I think the statutory language should be written to empower the individual in question--not the agency--to decide whether they want their name withheld or revealed in public record disclosures. I also think that the reference to a person who "lacks discretionary authority" is too ambiguous.

I have an outstanding appeal (over three years old) with OIP asking for the names of all members of the UH Admissions Committee (including student members). For context, despite a decades old prior ruling from OIP declaring it a matter of public record, to my knowledge Richardson Law School personnel still impose strict confidentiality on student members of the Admissions Committee by telling the student members that they may not reveal they ever participated on the Admissions Committee. In the appeal, UH has been arguing "personal privacy" excuses like revealing the names of student committee members would somehow endanger the students. In actuality, the student members to the committee would merely like to include on their resume or cv that they volunteered and were selected to participate on the Admissions Committee. (Why would anyone volunteer their time for free while also being stressed out studying if they can't even acknowledge to anyone that they did it?) Is a member of a UH Admissions Committee a person who "lacks discretionary authority" within the meaning of the proposed draft language? They do not have "discretionary authority" on their own, but they are part of a group that does.

While that is only one small example, I am sure that other individuals may at times prefer to reveal their names in public records. A government employee may be proud of their work, their statements, and their actions, and want their names to be disclosed in records, especially in situations where individual employees may have been the whistleblower against corruption or standing up to a boss who is making a bad decision. Allowing the agency itself to make a decision about whether to withhold employee names only fosters more government secrecy and allows government to use "personal privacy" as a scapegoat regardless of whether the individuals in question want their involvement to be concealed or not.

--Anonymous