

**OIP’S REPORT OF
STATE AND COUNTY AGENCY
UIPA RECORD REQUEST YEAR-END LOGS for FY 2024**
(record requests received from July 1, 2023, through June 30, 2024)

The Office of Information Practices (“OIP”) asks agencies to prepare semi-annual reports for records requested under the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes (“HRS”), also referred to as the “UIPA.” This report is based on information posted at data.hawaii.gov on the Master UIPA Record Request Year-End Logs for FY 2024 (“Master Log”). There are two Master Logs. The first Master Log compiles data from 198 State agencies. The second Master Log compiles information for 111 agencies from the four main counties.¹ For the Master Logs, go to opendata.hawaii.gov.

Previously, OIP prepared two reports annually, one for State agencies and other for the four main counties. This year OIP is combining the data into one report for both the State and counties. The accuracy of data in this report is dependent upon the accuracy of the data submitted by the reporting agencies. OIP reviewed each agency’s log to correct obvious errors,² but did not perform a comprehensive audit for accuracy. Questions about the numbers reported by an agency should be addressed to that agency.

How many requests were made to state and county agencies in FY 2024?

There are two types of records maintained by agencies under the UIPA, government records and personal records. Section 92F-3, HRS, defines “government record” as “information maintained by an agency in written, auditory, visual, electronic, or other physical form.” Most record requests are for government records, although sometimes an individual, i.e., a natural person, will make a personal record request. Section 92F-3, HRS, defines “personal record” as “any item, collection, or grouping of information about an individual that is maintained by an agency.” This can include an individual’s education, financial, medical, or employment history, or items that contain or make reference to the individual’s name, identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. The logs capture information about both government and personal record requests.

¹ Some agencies submit one report for all UIPA requests submitted to any unit of the agency. Other agencies submit more than one report. For example, each division or office of a department may submit a separate report.

² For example, one log indicated it took 3,000 days (over 8 years) to process a record request when only 3 hours were meant to be logged. OIP corrected the number so it would not skew the statistics in the log report.

There were 2,221 **formal record requests**³ requiring state agencies to send notices to the requester⁴ under the UIPA. In FY 24, there were 3,192 formal requests requiring county agencies to send NTRs to the requesters.

Routine requests are requests that are made orally (such as by telephone or over the counter) and are automatically granted or denied without supervisory review (such as agency brochures). State agencies' routine requests typically include 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. County agencies' routine requests typically include requests for information that were made orally and were automatically granted or denied without supervisory review, such as requests for medical examiner death certificates, most police reports, and requests for agency brochures.

In FY 2024, state agencies reported 2,221 formal requests which constituted 0.4% of total requests, and the estimated 534,848 routine requests comprised 99.6% of the 537,069 total requests reported by state agencies.

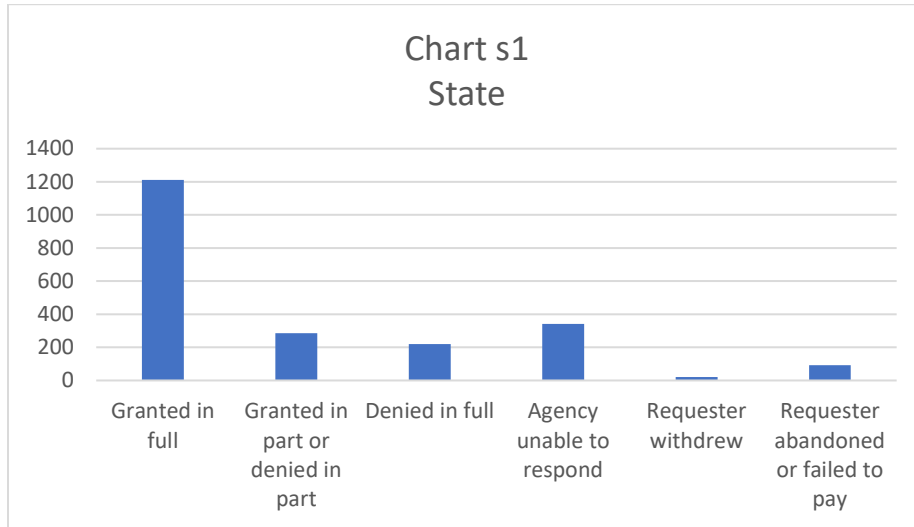
In FY 2024 county agencies reported 3,192 formal requests which constituted 0.4% of total requests, and the estimated 881,921 routine requests comprised 99.6% of the 884,113 total requests reported by the counties.

³ A "formal request" is defined in section 2-71-2, Hawaii Administrative Rules ("HAR"), as "a request that is in written, electronic, or other physical form that a person submits to an agency for access to records" and that contains the information prescribed by section 2-71-12(b), HAR. Section 2-71-12(b), HAR, requires a formal request to include information that would enable the agency to contact the requester; a reasonable description of the requested record; if applicable, a request for a waiver of fees in the public interest pursuant to section 2-71-32, HAR; and, a request to inspect or obtain a copy of records and the means by which the requester would like to receive the copy.

⁴ For formal government record requests, an agency must respond by providing a notice to requester ("NTR") as required by section 2-71-14, HAR. An NTR should include a good faith estimate of all fees that will be charged, including the amount of prepayment required; instructions, if any, regarding any additional arrangements the requester must make to inspect or copy the records; information about when the agency will make the record available; the specific record or parts of the record that will not be disclosed, along with the legal authorities for each denial; and other information set forth in the rule.

How were requests resolved?

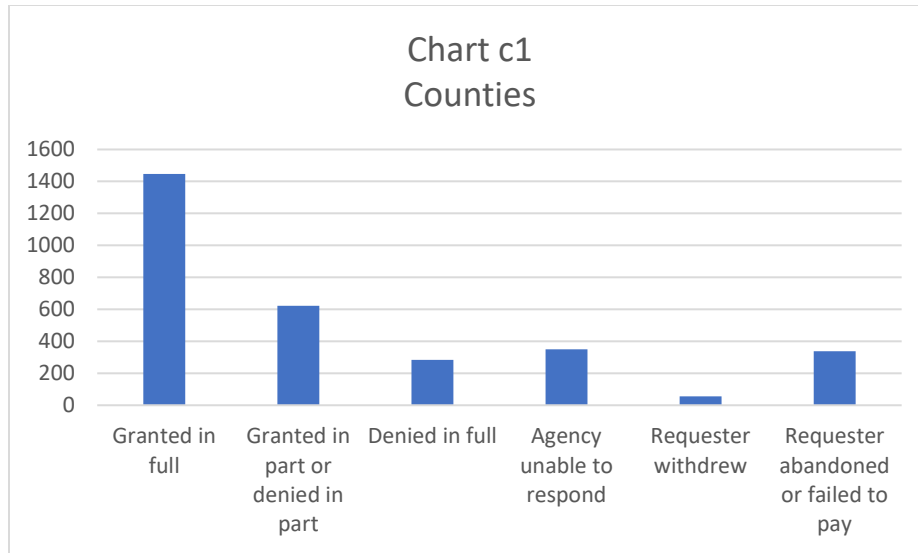
Of the 2,153 completed requests reported⁵ by state agencies, Chart s1 below shows that 1,212 (56%) were granted in full; 286 (13%) were granted in part and denied in part; 219 (10%) were denied in full; in 342 cases (16%), the agency was unable to respond; 21 (1%) cases were withdrawn by the requester; and in 92 cases (4%), the requester abandoned or failed to pay for the request.



Of the 2,986 completed requests reported by the county agencies, Chart c1 on the following page shows that 1,446 (48%) were granted in full; 623 (20%) were granted in part and denied in part; 283 (9%) were denied in full; for 349 (11%), the agency was unable to respond; 55 (1%) were withdrawn by the requester; and in 337 (11%), the requester abandoned or failed to pay for the request.⁶

⁵ Some requests that were completed in FY 2024 may have been carried over from the prior year.

⁶ OIP is no longer reporting how many days it took to complete requests because the Log's Excel formula excluded weekends but not state holidays, so the underlying formula presented limitations that could affect accuracy. 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.



How much did it cost to complete record requests?

OIP’s administrative rules allow agencies to charge time spent for search, review, and segregation⁷ (“SRS”) of records. Agencies may 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 copying and other costs, which are governed by section 92-21, HRS, and their own agency rules. OIP’s rules require that the first \$30 in SRS fees be waived for all requesters, and this waiver may be increased to \$60 total

⁷ “**Search**” means to look for a government record, including page-by-page or line-by-line identification of a government record. A search may be performed manually or by computer using existing retrieval or programming capabilities.

“**Review**” means to examine a government record, in response to a request for access to the record, in order to determine which portions, if any, of the record are exempt from disclosure by law. Review does not include the time spent by the agency, or another person, to resolve issues of general law or policy regarding the applicability of exceptions to disclosure under chapter 92F, HRS.

“**Segregate**” means to prepare a government record for disclosure by excising any portion of the record that is protected from disclosure under chapter 92F, HRS. HAR § 2-71-2.

(not \$30 plus \$60) for requests that are found by the agency to be in the public interest.⁸

On the log, agencies report their actual SRS time in 15-minute increments. No less than 0.25 hours, or 15 minutes, should be entered for search time for each request. The log shows the number of SRS hours that state agencies spent to respond to 2,221 total record requests received and county agencies spent to respond to 3,192 total requests received. The log captured data about the gross fees and costs incurred by the agencies, and also calculated the net amounts, after waivers, that could be charged by the agencies. The agencies manually inputted into the log the amounts that were paid by the requesters.

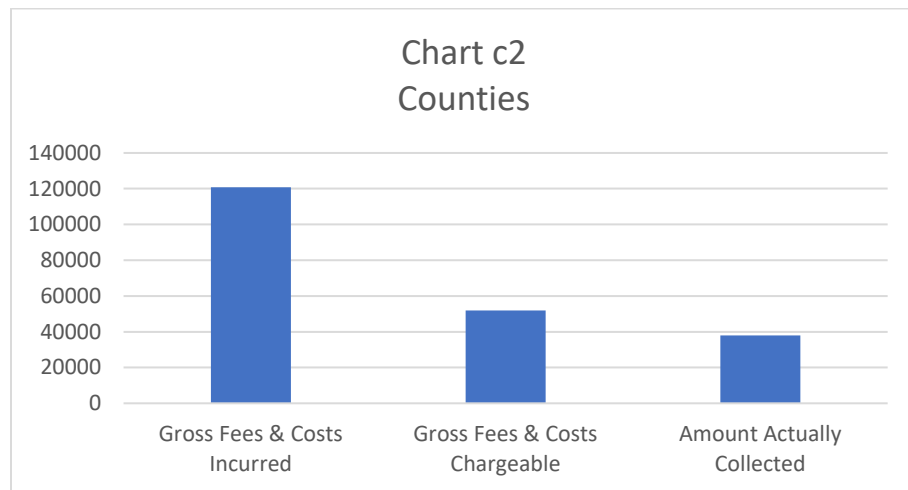
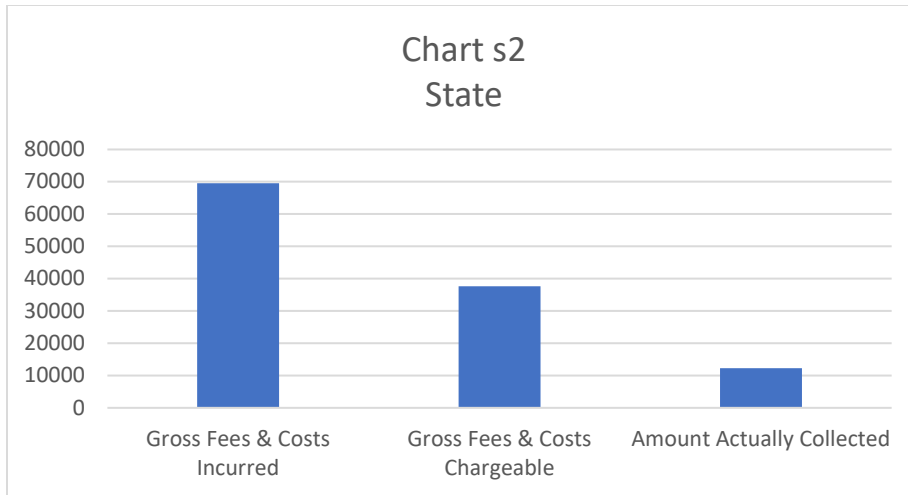
After subtracting fee waivers, the net chargeable amounts of fees and costs that agencies could properly charge requesters is compared to the gross fees and costs that agencies incurred and the total fees and costs that requesters actually paid, as shown in Charts s2 and c2 on the following page. In summary, the state agencies incurred gross fees and costs of \$69,504 but could only charge \$37,605 for fees and costs allowed under OIP's rules, and they collected from requesters \$12,285, while the county agencies incurred gross fees and costs of \$120,745 but could only charge \$51,975 for fees and costs allowed under OIP's rules, and they collected from requesters \$37,980.

The data in Charts s2 and c2 include gross and net fees and costs for all 2,221 state requests and 3,192 county requests, even if they were not completed or charged to requesters. The amounts actually paid by requesters in Charts s2 and c2 are based only on the 2,153 completed requests for state agencies and 2,986 completed requests for county agencies.

Chart s2 visualizes the totals for all types of requests reported on the FY 2024 Master Log as follows: \$69,504 in total gross fees and costs incurred for all 2,153 state cases, consisting of \$53,916 in fees and \$14,861 in costs.

Chart c2 visualizes the totals for all types of requests reported on the FY 2024 Master Log as follows: \$120,735 in total gross fees and costs incurred for all 2,986 county cases, consisting of \$73,911 in fees and \$40,674 in costs.

⁸ Section 2-71-32, HAR, requires agencies to waive \$60 of the SRS fees that may be assessed when: (1) the request for a waiver of fees is supported by a statement of facts and includes the requester's identity; and (2) the agency finds that the waiver of fees would be in the public interest. A waiver of fees is in the public interest when: (1) the requested record pertains to the operation or activities of an agency; (2) the record is not readily available in the public domain; and (3) the requester has the primary intention and the actual ability to widely disseminate information from the government record to the public.



State agencies collected 18% of gross incurred fees and costs and 32% of net chargeable fees and costs, while county agencies collected 31% of gross incurred fees and costs and 73% of net chargeable fees and costs.

The difference between the net amounts that agencies can charge versus the actual amounts paid by requesters may be explained by the fee waivers that agencies must grant under OIP rules. The first \$30 in SRS fees must be waived; and a total of \$60 in SRS fees may be waived if the request meets the public interest requirements. If a requester's SRS fees are equal to or less than the applicable waiver amount the requester pays \$0 in SRS fees. For a small request where the net amount of SRS fees chargeable is less than either the \$30 waiver or the \$60 public interest fee waiver, the difference between the net amount the agency can charge and the amount the requester actually paid (\$0) will be less than the full waiver amount.

Using 2,153 as the total number of completed cases, Chart s3 on the following page shows that state agencies reported granting \$30 fee waivers for 1,048 requests

(48%) and \$60 fee waivers for 74 requests (3%). For 49% of the reported cases, there was no data on waivers. This could be for a number of reasons. For example, in some case, agencies apparently charged no fees at all which results in no data on fees. In other cases, the agencies may have improperly completed the NTR or the log.

For the counties, using 2,986 as the total number of completed cases, Chart c3 below shows that county agencies reported granting \$30 fee waivers for 1,367 requests (46%) and \$60 fee waivers for 101 requests (4%). For 50% of the reported cases, there was no data on waivers. Again, this could be for the reasons described in the previous paragraph.

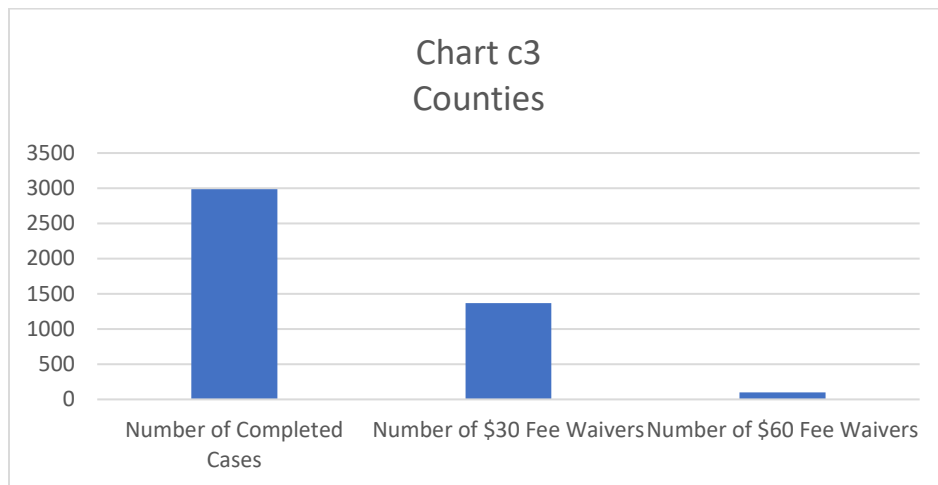
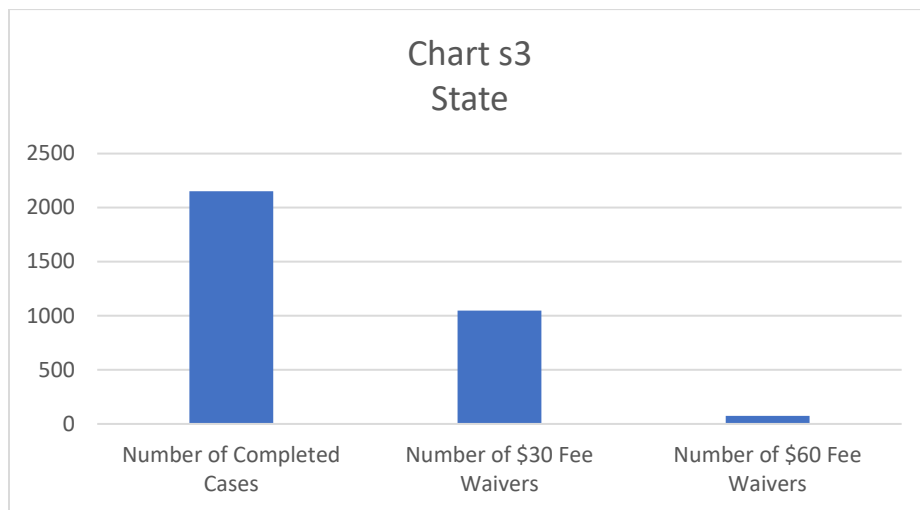
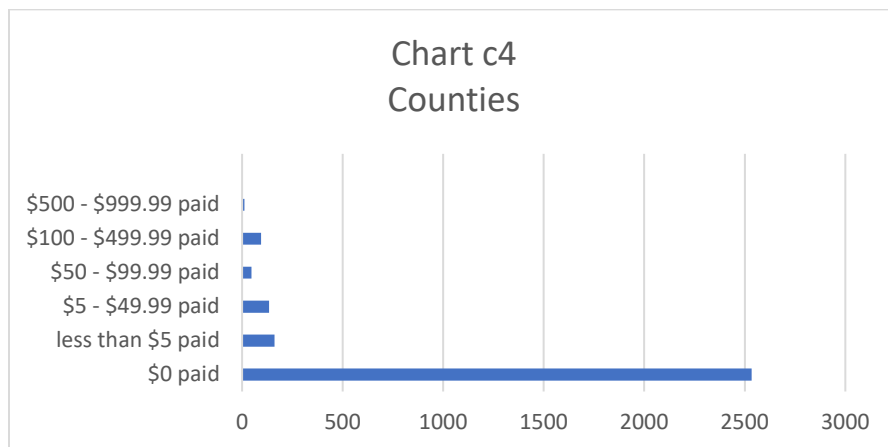
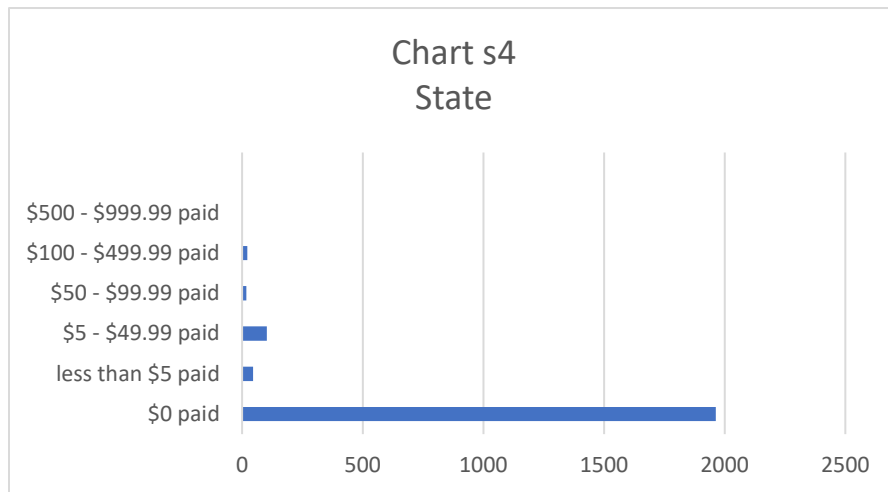


Chart s4 below shows the breakdown of the \$12,285.85 in fees and costs paid in 2,153 completed state cases. 1,963 requesters (90.4% of completed requests) paid nothing. Of the 190 requesters that paid any amount, 45 requesters (24% of 190

paying requesters) paid less than \$5. Another 102 requesters (54% of paying requesters) paid between \$5 and \$49.99. 18 requesters (9% of paying requesters) paid between \$50 and \$99.99. 21 requesters (11% of paying requesters) paid between \$100 and \$499.99. One requester (0.5% of paying requesters) paid between \$500 and \$999.99. Finally, three requesters (1.5% of paying requesters) paid between \$1,000 and \$9,999.99.

Chart c4 on the following page shows the breakdown of the \$37,980.55 in fees and costs paid in 2,986 completed county cases. 2,534 requesters (90.4% of completed requests) paid nothing. Of the 452 requesters that paid any amount, 161 requesters (35% of 452 paying requesters) paid less than \$5. Another 134 requesters (30% of paying requesters) paid between \$5 and \$49.99. 47 requesters (10% of paying requesters) paid between \$50 and \$99.99. 94 requesters (21% of paying requesters) paid between \$100 and \$499.99. 12 requesters (3% of paying requesters) paid between \$500 and \$999.99. Finally, four requesters (1% of paying requesters) paid between \$1,000 and \$9,999.99.



CONCLUSION

In fiscal year 2024, state and county agencies completed over 94% of a combined 5,445 formal requests along with over 1,000,000 routine requests. State agencies incurred \$69,504 in gross fees and costs, and recovered the \$12,285 (17%) actually paid by requesters. County agencies incurred \$120,745 and recovered the \$37,980 (31%) actually paid by requesters. For both state and county agencies, requesters paid nothing to receive records for 90.4% of completed requests.

OIP would like to thank the state and county agencies that participated in the recording of their log data and providing this information. The log data helps us to understand how the UIPA is working to provide public access to records maintained by state and county agencies and OIP appreciates the agencies' cooperation.