

OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Judiciary and Labor

From: Cheryl Kakazu Park, Director

Date: February 18, 2015, 9:00 a.m.
State Capitol, Conference Room 016

Re: Testimony on S.B. No. 1194
Relating to Lobbyists

Thank you for the opportunity to submit testimony on this bill, which would require that lobbyist disclosure statements be electronically filed and posted online. The Office of Information Practices ("OIP") takes no position on the electronic filing and online posting provisions, but seeks clarification regarding an apparent change regarding public access to disclosure statements.

Section 97-4, HRS, currently provides that disclosure statements filed with the State Ethics Commission "constitute part of the *public* records of the state ethics commission." This bill would change that provision to instead make the statements "part of the *government* records of the state ethics commission." The effect would be to change the statements' public access status from records that are public by law, to records that may or may not be public depending on whether the UIPA's exceptions to disclosure (such as for privacy) apply to information in the statements.

If it is this Committee's intent that the statements should no longer be clearly public records, and instead should be withheld from public disclosure to the extent that the UIPA's privacy and other exceptions apply, OIP respectfully

requests that this Committee acknowledge the change and explain either in a purpose clause or in the Committee Report why the information is no longer statutorily public. In particular, OIP requests that this Committee clarify whether it believes the privacy interests of lobbyists filing statements are stronger than the public interest in disclosure of information contained in the statements. If it is not this Committee's intent to change the status of the statements as public records, OIP recommends that this Committee restore the original language, "part of the **public** records of the state ethics commission," on bill page 2, lines 12-13 (emphasis added).

Thank you for the opportunity to testify.



Senate Judiciary and Labor Committee
Chair Gil Keith-Agaran, Vice Chair Maile Shimabukuro

Wednesday 2/18/2015 at 9:00 AM in Room 016
SB1194 Relating to Lobbyists

TESTIMONY OF SUPPORT
Carmille Lim, Executive Director, Common Cause Hawaii

Dear Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Committee:

Common Cause Hawaii supports SB1194, which requires the electronic filing of lobbyist disclosure statements, and requires that these statements be posted online.

Searching and accessing lobbyist disclosure statements has been among the top issues for Common Cause members in the past year.

While lobbyist expenditures are currently done through "electronic filing", it is done so in an antiquated format. That is: these reports can be filed via emailing a pdf form online, which is not searchable, and its data cannot be extracted in spreadsheet formats-- thus making it more difficult for interested citizens to analyze available data. Ideally, we would have an electronic system that would require electronic filing and data input capabilities that would give citizens the ability to search, extract, and analyze lobbyist disclosure statements and relevant data filed with the Ethics Commission. We feel that SB1194 would give the Ethics Commission the flexibility to set this sort of system up.

Thank you for the opportunity to offer testimony **supporting SB1194**.