

MAR 8 - 2019

SENATE RESOLUTION

REQUESTING THE OFFICE OF INFORMATION PRACTICES TO EXPLORE A
TRIAL PRELIMINARY INCLINATION PROCESS FOR INCOMING PUBLIC
APPEALS.

1 WHEREAS, the Office of Information Practices is able to
2 informally resolve most public questions, complaints, and
3 appeals under the Uniform Information Practices Act and Sunshine
4 Law without the Office issuing a formal enforceable ruling; and
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6 WHEREAS, some public appeals to the Office of Information
7 Practices under the Uniform Information Practices Act and
8 Sunshine Law cannot be resolved without the Office issuing a
9 formal enforceable ruling; and
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11 WHEREAS, when public appeals cannot be resolved without
12 formal enforceable rulings by the Office of Information
13 Practices, the Office normally prepares enforceable rulings on a
14 first-come first-served basis; and
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16 WHEREAS, the preparation of formal enforceable rulings by
17 the Office of Information Practices is time-consuming and
18 expensive; and
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20 WHEREAS, unless additional resources are provided to the
21 Office of Information Practices or the Office experiments and
22 finds an effective way to modify its procedures, the Office of
23 Information Practices will be unable to quickly resolve those
24 incoming public appeals that require a formal enforceable ruling
25 by the Office of Information Practices; and
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27 WHEREAS, experimenting with trial processes, new
28 procedures, or revised practices can be a source of useful
29 information, which can provide guidance for later changes or
30 action; now, therefore,
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32 BE IT RESOLVED by the Senate of the Thirtieth Legislature
33 of the State of Hawaii, Regular Session of 2019, that the Office
34 of Information Practices is requested to explore a trial
35 preliminary inclination process for incoming public appeals



1 under the Uniform Information Practices Act and Sunshine Law;
2 and
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4 BE IT FURTHER RESOLVED that for each appeal submitted
5 between July 1, 2019, and December 1, 2019, the Office of
6 Information Practices is requested to evaluate the relative
7 merits of the appeal within four weeks of receiving the appeal;
8 and
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10 BE IT FURTHER RESOLVED that for not less than ten appeals
11 submitted during that period, the Office of Information
12 Practices is requested to prepare a short preliminary
13 inclination regarding the appeal, within six weeks of receiving
14 the appeal; and
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16 BE IT FURTHER RESOLVED that when a preliminary inclination
17 is provided to the parties, the Office of Information Practices
18 is requested to provide the person who submitted the appeal with
19 a copy of the agency's response to the appeal, not including any
20 documents submitted for in camera review, if the person does not
21 already have a copy; and
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23 BE IT FURTHER RESOLVED that for each preliminary
24 inclination prepared by the Office of Information Practices, the
25 Office is also requested to provide an enforceable and
26 appealable final decision at a future time, to be determined by
27 the Office's usual policies, if the preliminary inclination does
28 not resolve the appeal; and
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30 BE IT FURTHER RESOLVED that the Office of Information
31 Practices is requested to publish the preliminary inclinations
32 on the Internet for public access; and
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34 BE IT FURTHER RESOLVED that the Office of Information
35 Practices is requested to submit a report of its findings and
36 recommendations, including specific recommendations concerning
37 future trial processes, practices, or procedures that could
38 improve the time to resolve appeals with the existing budget and
39 staffing to the Legislature no later than twenty days prior to
40 the convening of the Regular Session of 2020; and
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1 BE IT FURTHER RESOLVED that if the Office of Information
2 Practices finds the trial preliminary inclination process or
3 some aspect of the trial process has the potential to improve
4 the time it takes for the Office to resolve appeals, the Office
5 of Information Practices is requested to expand the trial
6 process to other appeals and continue to study the effects of
7 the process on the time frame for appeals resolution and its
8 impacts on staff workload; and
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10 BE IT FURTHER RESOLVED that certified copies of this
11 Resolution be transmitted to the Director of the Office of
12 Information Practices, President of the Senate, and Speaker of
13 the House of Representatives.
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OFFERED BY: _____

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