



League of Women Voters of Hawaii
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TESTIMONY FOR NOVEMBER 15TH 2012 HEARING ON ADMINISTRATIVE RULES

TO: Office of Information Practices
250 S. Hotel St. Suite 107, Honolulu HI 96813

Draft OIP Administrative Rules Sec. 2-73-12(c) in part proposes that:

An appeal based on the denial of records or information under chapter 92F, HRS, . . . shall include a copy of the agency's written denial of access or OIP's determination that an agency's failure to respond constitutes a denial of access.

Proposed OIP rules do not explain how to obtain OIP's determination that agency actions or inactions constitute denial of access. Potentially it could be very time consuming to obtain such a determination. If appeals could not be filed until after OIP determined that agency delays constitute denial of access, legitimate appeals concerning unreasonable agency delays would be stalled and discouraged.

OIP's work will be simplified, and no one will be harmed, if OIP simultaneously processes an appeal and a written request for assistance alleging unreasonable agency delays. In the event that an agency allows access to records after an appeal is filed, OIP can simply dismiss the appeal. There is no compelling reason to delay appeals arising from agency delays until after OIP has already determined that agency delays constitute denial of access.

Therefore, the League of Women Voters recommends that OIP revise this part of Sec. 2-73-12(c) to read as follows:

An appeal based on the denial of records or information under chapter 92F, HRS, . . . shall include a copy of the agency's written denial of access or

a copy of the appellant's written request for OIP assistance alleging that an agency has failed to provide timely access to records or information.

Submitted 11-9-12 by
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