

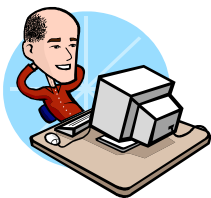
Open Government**Meeting Notices and Agendas Now Online**

Now playing on the Internet: meeting announcements and agendas for State boards and commissions. In another move to make government more accessible, the State is now posting these announcements on Hawaii's portal, www.ehawaii.gov.

This is one of a growing number of online services, and one dear to the OIP's heart because it promotes open government and the spirit of the Sunshine Law.

► Using the Calendar

Visitors to this new feature have been commenting on how easy it is to use. To go directly to the calendar, use www.ehawaii.gov/calendar. On that page you can select an office or department, or the board or commission, then click on "View Calendar" to bring up a calendar for that agency. There you can view, and print if you wish, the hearing announcement and agenda.



If you want to see the complete calendar, with all of the announcements, select "Statewide [ALL]" and click on "View Calendar." All the announcements in this master list are organized by date. You can see who's meeting today or tomorrow or next week, or which meetings you missed because you didn't know about this service yet!

► Expanding the Calendar

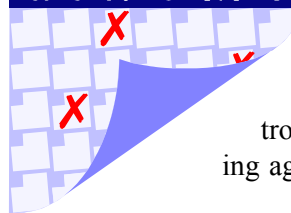
The calendar system is still under development, but many boards and commissions are already posting announcements. In addition, exploratory talks are underway to include meeting announcements from boards and commissions of the City and County of Honolulu.

► Electronic and Paper Posting

Posting meeting announcements online is voluntary. Paper copies of the notices are still posted at the Capitol by



the Office of the Lieutenant Governor ("OLG") for State boards, and at the county clerk's office for county boards. With the new system in place, boards and commissions now can post electronically and then fax in one copy of the meeting agenda to the OLG at 586-0231.

Calendar of events

For more information about this new service, please phone the OLG at 586-0255. The Office of Information Practices salutes all those who played a part in creating and maintaining the calendar. We know that as more people learn about this service, it will become another express road to sunshine and help to ensure convenient access to government. 📞

Settlement Agreement Between UH and Mouse Cloning Scientists: Public or Confidential?

Near the end of November 2001, a journalist contacted the University of Hawaii ("UH"), seeking to obtain a copy of a settlement agreement between the UH



and Anthony Perry in a lawsuit filed in the First Circuit Court, State of Hawaii. The subject matter of the lawsuit involved the right to profits derived from research into the genetic cloning of animals that has been conducted at the UH.

The UH denied access to the settlement agreement, stating that "the parties have agreed that the terms of the settlement will remain confidential and that any further statement is prohibited by the terms of the confidentiality agreement."

See Settlement Agreement, p. 2

Settlement Agreement (from p. 1)

The journalist then asked the OIP for its assistance in obtaining the settlement agreement, and for its advisory opinion as to the denial of access.

The OIP informed the UH that settlement agreements between agencies and members of the public are generally public documents required to be disclosed under the UIPA, and asked the UH to provide it with the record for review.

The UH reiterated its position that the settlement agreement was protected by the terms of the confidentiality agreement and refused to turn it over to the OIP without a court order requiring disclosure.

As the UH is required under the UIPA (section 92F-42(5) of the Hawaii Revised Statutes) to turn the documents over to the OIP for examination of the records to determine if there was a legal basis for withholding access to the documents, the OIP decided to obtain a court order. Therefore, the Attorney General assigned a deputy to the case.

A Petition to Examine Records of Agency was promptly drafted for filing in Circuit Court, where suits brought under the UIPA take precedence over all cases and are expedited in every way, except as to cases the court considers of greater importance.

The suit was not filed, however, because the UH agreed to turn over the settlement agreement to the OIP, where it will be reviewed. The OIP has asked the UH to state its reasons, pursuant to section 92F-13, Hawaii Revised Statutes, for withholding access to the record. 📄

OIP Opinion

Attorney Work Product

An employee of a state agency sought to obtain a copy of a letter containing legal advice from the Department of the Attorney General concerning a State agency's internet access policy.



The UIPA sets forth a list of government records that are not required to be disclosed. Haw. Rev. Stat. § 92F-13 (1993). The list includes "government records pertaining to the prosecution or defense of any judicial or quasi-judicial action to which the State or any county is or may be a party, to the extent that such records would not be discoverable." Haw. Rev.

New Year's Wishes

All of us at the Office of Information Practices join with you in celebrating this holiday season.



To our colleagues and their loved ones, to our neighbors in downtown Honolulu, to all of those with whom we interact throughout the year--government employees, members of the public, and those in the private sector--and to our many readers near and far, we say mahalo for your interest and support during the past year, and we wish you a happy, healthy, and prosperous New Year!

Moya T. Davenport Gray
Carlotta Dias
Jennifer L. Brooks
Susan R. Kern

Joy E. Fujimoto
Rita A. Newcom
Michael Little

Stat. § 92F-13(2) (1993).

This section exempts from disclosure any government records that would be protected under the "attorney work product doctrine." That doctrine is expressed in Hawaii Rules of Civil Procedure 26(b)(3) and protects an attorney's mental impressions, conclusions and opinions. The requested record discussed legal strategies behind decisions made or contemplated by the State agency.

As the employee had referenced a concern with legal problems prior to the State agency contacting the Department of the Attorney General, it was determined that the attorney work product doctrine protected the letter from disclosure as it was prepared in anticipation of litigation. Any factual information in the letter would not, however, be protected from disclosure. [OIP Op. Ltr. No. 01-05, December 14, 2001] 📄

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Director: Moya T. Davenport Gray
 Editor: Michael V. Little
 Address: No. 1 Capitol District Building
 250 S. Hotel St., Suite 107
 Honolulu, Hawaii 96813
 Phone: (808) 586-1400
 Internet: www.state.hi.us/oip

Fax: (808) 586-1412
 email: oip@state.hi.us