

Big Island News**Hawaii County Receives UIPA and Sunshine Training**

On October 12 and 13, the Office of Information Practices conducted training for Hawaii County employees, members of boards and commissions, and members of the public.

At the invitation of Hawaii County, OIP Director Moya Davenport Gray and staff attorney Carlotta Dias led four sessions in the Hawaii County Building in Hilo. The Friday training was also available to those in Kona through an audio/video link.

► Training for County Employees

Harry Kim, Mayor of Hawaii County, welcomed about 100 county employees to the training on Friday, October 12, and spoke on the importance of open government.

Then the county workers received a comprehensive UIPA Basics training in the State's public records law. This training lasted about three hours, and included a PowerPoint presentation. County employees expressed great interest in the UIPA, and had many questions on how the law affected their agencies and their records.

Another 60 board and commission members, and their staffs, were trained in the Sunshine Law (open meetings). This session lasted about three and a half hours, again with a PowerPoint presentation. Audience members exhibited a great interest in understanding the Sunshine Law and how it applies to specific practices of their board or commission.

► Training for the Public

On Saturday morning, October 13, members of the public received an overview of the UIPA and the Sunshine Law entitled "Holding Government Accountable: Your Public Record Rights" and "Holding Government Accountable: Your Public Meeting Rights."

In addition, Director Gray moderated a panel discussion on open government that included Hawaii County Council Member J. Curtis Tyler III, *Hawaii Tribune Herald* reporter

Hunter Bishop, Police Commission Chair Wilfred Okabe, and *Environment Hawaii* Editor Pat Tummons.

► Questions Raised

During the training sessions it became evident that while some people have a good understanding of the UIPA, there are many others who do not. In general, the questions asked did show that the county employees have many complex public records issues that they are dealing with on a day to day basis, and that the conference provided an opportunity for those people to get answers to their questions and for others to understand how the law operates.

The questions raised addressed specific records that do not fall into clean categories under the law. There were questions regarding interagency sharing of records under section 92F-19, Hawaii Revised Statutes. Other questions concerned law enforcement records, records containing privacy interests, and the disclosure of personnel records.

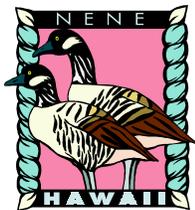
In addition, there were many substantive questions regarding the Sunshine Law. Many of these concerned the law as it applies to executive meetings of boards and commissions.

► Handouts Available

For those on the Big Island who would like a copy of the training handouts, there are extra copies available by contacting Martha Rodillas of the Corporation Counsel's office at 961-8304, ext. 23.

The OIP wishes to thank Mayor Kim, Corporation Counsel Lincoln Ashida, Martha Rodillas, Del Pranke, the panelists, and all those who helped make these training sessions possible. The OIP was awed by the generous hospitality that Hawaii County showed. Also, the initiative and dedication of the county employees and board and commission members has reinforced the OIP's commitment to ensuring that the policies behind the laws we administer are applied uniformly across Hawaii State and county governments. 



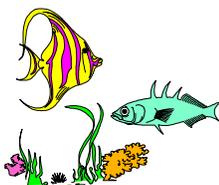


Staff Update

The Office of Information Practices welcomes new staff attorney **Susan Kern**. Susan was born in Chicago and spent a number of years in South America.

She is a graduate of the University of Colorado at Denver, with a major in elementary education. After teaching elementary school in Greeley, Colorado, she became a paralegal.

Susan graduated from the University of Puget Sound School of Law (now known as the University of Seattle School of Law). She practiced law for five years with the firm of Smolenski and Wooddell in Honolulu (working in civil litigation and contracts, and also monitoring legislation), then had a solo practice for two years.



Susan loves to snorkel off Oahu at 6 o'clock in the morning, although the fish tend to grumble when she wakes them up at that early hour. Welcome, Susan!

The OIP bids a fond farewell to staff attorney **Georgia Fligg**. Georgia has accepted an offer from the federal Department of Education Civil Rights Office and will work as an attorney for that agency in Denver. Thank you for all your hard work, Georgia. We wish you the best in your new position.

Disclosure of HIV and AIDS Status

The Office of Information Practices receives occasional inquiries from agencies about whether they can disclose a person's HIV and AIDS status. HIV status is "strictly confidential" by law.



There are 13 very limited circumstances when this information can be disclosed. HIV information cannot be disclosed or made public by subpoena or other discovery methods.

Section 325-101, Hawaii Revised Statutes, covers the confidentiality of these HIV and AIDS records and information. For willful violations, Hawaii law provides for a fine of up to \$10,000 plus reasonable court costs and attorney fees.

OIP Opinion

Disclosure of Inmate Information



A private company, Verifacts, Inc., asked the Department of Public Safety ("PSD") for a copy of inmate data that PSD maintains in its database. The Department of the Attorney General asked the OIP for written guidance regarding the record request.

The OIP noted that under the UIPA's mandatory disclosure provision, section 92F-12 (a)(4), Hawaii Revised Statutes, government agencies are required to disclose "directory information concerning an individual's presence at any correctional facility."

The OIP therefore advised that PSD is required to disclose directory information concerning an individual's presence at a correctional facility. Directory information is limited to names and locations of covered individuals.

Other inmate information should be disclosed subject to the personal privacy and frustration exceptions at section 92F-13, HRS.

PSD may withhold information such as social security number, birth date, complexion, gender, hair and eye color, race, and personal financial information, in which individuals have a significant privacy interest, when the privacy interest of the individual outweighs the public interest in disclosure of that information.

In addition, PSD has the discretion to withhold from disclosure information that must be confidential in order to prevent the frustration of a legitimate government function.

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