

*The Office of Information Practices (“OIP”) is charged with the administration of Hawaii’s open records law, the Uniform Information Practices Act (Modified), chapter 92F, HRS (the “UIPA”), and Hawaii’s open meetings law, part I of chapter 92, HRS (the “Sunshine Law”).*

## OIP Looks to the Future: 2012 Legislative Proposals

The Office of Information Practices (OIP) is already looking ahead to the 2012 legislative session and will be developing proposals to clarify or update Hawaii’s open government laws, including agencies’ right to appeal OIP’s determinations and the impact of social media on open government laws.



OIP is charged with administration of Hawaii’s open government laws:

the Uniform Information Practices Act (“UIPA,” Chapter 92F, H.R.S.) and the “Sunshine Law” (Part I of Chapter 92, H.R.S.). While the UIPA clearly gives non-government requesters the right to sue an agency to compel disclosure of government records even after an OIP determination that the agency was justified in denying access to the records, the law does not specifically give an agency the same right to appeal an OIP determination that the agency was required to disclose government records.

The agencies’ lack of a right to challenge OIP’s determinations was expressly acknowledged in a legislative conference committee report of the original UIPA, which stated that “[t]he legislative intent for expedience and uniformity in providing access to government records would be frustrated by agencies suing each other.”

Based on their interpretation of the Sunshine Law, however, the courts have allowed a county to challenge an OIP determination by directly naming OIP in an appeal, rather than by simply moving the dispute between the county and the requesters to the court as in a typical appeal.

Consequently, during the next legislative session, OIP intends to seek clarification of the appeals process and OIP’s authority when issuing determinations. In the meantime, OIP will continue to provide advisory opinions instead of determinations.

Another issue for potential legislative action concerns the government’s use of social media in communicating with the public, which was the main topic of the Hawaii State Association of Counties’ conference on Maui on June 23, 2011, at which OIP Director Cheryl Kakazu Park was a panelist. “There have been vast changes in technology and communication since 1975 when the Sunshine Law was first enacted and since 1988 when the UIPA was enacted. Today, there are new tools and methods to share information, expand discussion, and engage more people,” Park noted. “These changes in technology and people’s use of social media, such as Facebook

*See 2012 Legislative Proposals, p. 2*

### Governor Appoints New OIP Director: Cheryl Kakazu Park

On April 1, 2011, Governor Neil Abercrombie appointed **Cheryl Kakazu Park** as the Director of the Office of Information Practices.

A 1981 graduate of the William S. Richardson School of Law, Ms. Park was a partner at the Honolulu law firm of Watanabe, Ing, & Kawashima before moving to Europe in 1992 and to Nevada in 1995. In addition to her legal experience, Ms. Park applied her Masters of Business Administration from the University of Hawai’i Manoa to work in the business world with American Express Financial Advisors and Wells Fargo Insurance in Reno, Nevada.

Ms. Park’s volunteer activities include being a past president of Soroptimist International of Reno, a founder of the Reno Cowboy Poetry & Music Gathering, a member of the Reno Rodeo Association and its Foundation, and an active participant in the Beta Beta Gamma Foundation’s annual fundraiser in Hawaii for various charitable causes.

Ms. Park had been a staff attorney at the Nevada Supreme Court since 2003, and has now returned to the islands where she was born and raised. Welcome, Cheryl!

## 2012 Legislative Proposals (cont. from p. 1)


and Twitter, may require modernization of our open government laws in order to avoid violations of our current statutes. Therefore, our office is seeking input from various government agencies and public interest groups to see if changes to the open government laws are necessary and whether there will be broad support for proposed legislation that OIP may be willing to sponsor in the 2012 session.”



ous government agencies and public interest groups to see if changes to the open government laws are necessary and whether there will be broad support for proposed legislation that OIP may be willing to sponsor in the 2012 session.”


ous government agencies and public interest groups to see if changes to the open government laws are necessary and whether there will be broad support for proposed legislation that OIP may be willing to sponsor in the 2012 session.”

OIP is in the process of developing its 2012 legislative package and is willing to consider third-party proposals that are supported with specific facts or data, such as actual examples of situations indicating a need for revisions, the adoption of similar legislation by other states or the federal government, or actual costs of compliance. “Please keep in mind,” Park said, “that OIP administers, but does not make, the laws. If there are reasonable legislative proposals that various interest groups are willing to support, then OIP will consider including those proposals in our legislative package next year. And while not all proposed changes to the law will be supported by OIP as a part of our legislative package, people always have the right to present their own proposals directly to the Legislature, which makes the laws.”

Government entities that would like to participate in developing OIP’s 2012 legislative package must remember to follow the usual Sunshine Law requirements to conduct official business, which includes the establishment of permitted interaction groups to allow more than two members of the same board or agency to officially investigate and report on possible legislative solutions. OIP plans to have its legislative proposals prepared by July 30, 2011, and is willing to consider other proposals submitted by that date. Proposals may be submitted to [oiip@hawaii.gov](mailto:oiip@hawaii.gov). 



## OIP Updates Its Guides

OIP’s newly revised Open Meetings and Open Records guides are now available on its website at [hawaii.gov/oiip](http://hawaii.gov/oiip). A separate edition of the Open Meetings Guide has also been created specifically for neighborhood boards and is also available on OIP’s website. 

## OIP Offers New Training: MCPE Credits for Attorneys and Board Training Sessions


In June 2011, the Office of Information Practices (OIP) began offering its first accredited legal seminar that provides attorneys with one credit to meet Hawaii’s mandatory continuing professional education (MCPE) requirements. Also in June, OIP conducted general Sunshine Law training for county board and commission members on Kauai and Oahu.

“To keep our already large backlog from growing and to prevent violations from occurring in the first place, OIP is developing new tools to train the many state and county agencies, boards, and commissions on how to comply with these laws,” explained OIP Director Cheryl Kakazu Park.



“In addition to our general Sunshine Law training for board members and staff, our new legal ethics course is specifically geared to government attorneys who advise state and county agencies, boards, and commissions on Sunshine Law issues. Attorneys will earn one MCPE credit for attending this course. By training these key legal advisors, OIP can leverage its small staff and be assisted by many other attorneys who can help us to obtain government agencies’ voluntary compliance with the laws that we administer,” Park stated.

The new legal course, **Ethical Considerations for Counsel When Advising Sunshine Law Boards**, was offered for the first time at the Hawaii State Association of Counties’ (HSAC) conference on Maui on June 22.

OIP will be developing two additional legal education courses on the UIPA and Sunshine Law. After these courses are accredited, OIP plans to host a seminar with all three courses in Honolulu in September 2011 and has discussed providing one or all legal courses in Kona later in the fall. Details of the upcoming seminars will be announced when they are finalized. 

Office of Information Practices  
Cheryl Kakazu Park  
Director

No. 1 Capitol District Building  
250 S. Hotel St., Suite 107  
Honolulu, Hawaii 96813

Phone: (808) 586-1400  
Internet: [hawaii.gov/oiip](http://hawaii.gov/oiip)

Fax: (808) 586-1412  
E-mail: [oiip@hawaii.gov](mailto:oiip@hawaii.gov)

