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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

HONOLULU CIVIL BEAT INC.,

Plaintiff,

vs.

DEPARTMENT OF PUBLIC SAFETY,

Defendant.

CIVIL NO. 1CCV-21-0001329

DEFENDANT DEPARTMENT OF PUBLIC
SAFETY'S ANSWER TO COMPLAINT FILED
ON OCTOBER 29, 2021; CERTIFICATE OF
SERVICE

Honorable John M. Tonaki

No Trial Date Set

DEFENDANT DEPARTMENT OF PUBLIC SAFETY'S ANSWER TO
COMPLAINT FILED ON OCTOBER 29, 2021

Defendant Department of Public Safety, State of Hawai'i (DPS) answers Plaintiff's
complaint, filed October 29, 2021, as follows:

1. DPS admits the allegations contained in paragraphs 2-6, and 8 of the complaint.
2. DPS denies the allegations contained in paragraphs 10-12 of the complaint.
3. DPS is without sufficient information or knowledge to form a belief as to the truth
of the allegations contained in paragraph 1 of the complaint and on that basis denies them.

4. DPS denies the allegations as written in paragraphs 7 and 9 of the complaint and further states that DPS is a “covered entity” under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Federal law therefore prohibits DPS from disclosing individually identifiable health information contained in the documents sought by Civil Beat. That information does not need to be disclosed under HRS § 92F-11(a) because the information is “restricted or closed by law.” *See also* HRS § 92F-13(4) (no disclosure required of “records which, pursuant to state or federal law . . . are protected from disclosure”). Disclosure would also be a clearly unwarranted invasion of personal privacy.

WHEREFORE, DPS prays as follows:

- A. That the complaint be dismissed; and
- B. That the Court award such relief for DPS as it may deem just and proper.

DATED: Honolulu, Hawai‘i, November 22, 2021.

CLARE E. CONNORS
Attorney General
State of Hawai‘i

/s/ Craig Y. Iha
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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below a true and correct copy of the foregoing document was duly served via the State of Hawai'i Judiciary Electronic Filing and Service System to the following at the email address indicated below:

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Attorney for Plaintiff

DATED: Honolulu, Hawai'i, November 22, 2021.

CLARE E. CONNORS
Attorney General
State of Hawai'i

/s/ Craig Y. Iha
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