

THE CIVIL BEAT
LAW CENTER FOR THE PUBLIC INTEREST

700 Bishop Street, Suite 1701
Honolulu, HI 96813

Office: (808) 531-4000
Fax: (808) 380-3580
info@civilbeatlawcenter.org

House Committee on Legislative Management
Honorable Ty J.K. Cullen, Chair
Honorable Mark M. Nakashima, Vice Chair

RE: Testimony in Support of H.R. 104
Hearing: March 21, 2019 at 3:05 p.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote governmental transparency. Thank you for the opportunity to submit testimony **supporting H.R. 104.**

Please note that the Senate has moved forward alternative resolutions to this version (S.C.R. 107 / S.R. 81) that the Law Center would prefer. We would ask that the Committee amend H.R. 104 to follow S.R. 81.

H.R. 104 requests that the Office of Information Practices (OIP) experiment with a random sample of public complaints in the search for a way to reduce the time needed to resolve those complaints. This bill reinforces the legislative intent that OIP's review be "*expeditious*, informal, and at no cost to the public."

OIP is not resolving complaints in an expeditious manner. Reviewing data from OIP, the Law Center discovered in 2017 that time taken to resolve complaints has quadrupled in recent years, fewer complaints on average are being resolved each year, and OIP's backlog is trending upward despite a downward trend in new filings. Successive reports have not shown improvement. The Law Center's three years of reports are posted at www.civilbeatlawcenter.org/resources.

When we advise members of the public regarding options for resolving UIPA or Sunshine disputes, the Law Center must explain that an appeal to OIP will take at least a year, but closer to two years or more. Some give up. Others who move forward with OIP often complain later that the information they sought is no longer useful when OIP orders disclosure. Timely access is critical.

Although a legislative resolution should not be necessary for OIP to re-examine its internal processes and seek out more efficient methods for resolving complaints, any effort in this direction would be greatly appreciated.

Thank you again for the opportunity to testify in **support** of H.R. 104.