

THE CIVIL BEAT
LAW CENTER FOR THE PUBLIC INTEREST

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Senate Committee on Government Operations
Honorable Laura H. Thielen, Chair
Honorable Lorraine R. Inouye, Vice Chair

RE: Testimony in Support of S.B. 1057, Relating to Open Government
Hearing: January 31, 2019 at 2:45 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 S.B. 1057**.

S.B. 1057 amends HRS § 92F-42 to require the Office of Information Practices (OIP) to resolve all public complaints regarding access to public records or open meetings within six months. 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 two years ago 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. Last year's analysis revealed that *only three of the 46 OIP decisions from 2015-2017 were issued in less than 2 years*. The Law Center's two prior reports, as well as OIP's responses, are posted at www.civilbeatlawcenter.org/resources.

The preliminary analysis for 2018 indicates that OIP's backlog has decreased to 83 pending matters as of January 1, 2019 (from 115 matters in January 2018). But, last year, OIP received the fewest new appeals in more than 15 years. As of January 1, OIP had twenty-eight appeals pending more than 2 years (7 more than 3 years); twenty-nine appeals more than a year; and twelve appeals more than six months.

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.

A six-month deadline is critical to provide the intended "expeditious" review of complaints. Thank you again for the opportunity to testify in **support** of S.B. 1057.