



August 15, 2025

Dawn Szewczyk, Chair  
Charter Commission  
530 South King Street, Room 202  
Honolulu, Hawai'i 96813

**RE: Charter Proposal Concerning Public Records**

Dear Chair and Members of the Commission:

I am Executive Director at Public First Law Center, a nonprofit organization that promotes government transparency. We offer the attached proposal on the Honolulu City Charter provisions governing public access to government records.

**Issue or Concern**

This proposal seeks to address frequent obstacles that frustrate the public's access to government records.

**Relevant Charter Sections**

Charter § 13-105

**Current Charter Language**

Except as otherwise provided by law, all books and records of the city shall be open to the inspection of any person at any time during business hours. Certified copies or extracts from such books and records shall be given by the officer having custody of the same to any person demanding the same and paying or tendering a reasonable fee to be fixed by the council for such copies or extracts.

**Proposed Change**

New paragraph:

When a person requests access to records, employees shall, to the extent reasonable under the circumstances:

- (1) Assist the person to identify records that are responsive to the request or to the purpose of the request, if stated.
- (2) Describe the information technology and physical location in which the records exist.
- (3) Provide suggestions for overcoming any practical basis for denying access to the records sought.
- (4) Make every effort to ensure that any fees or other charges are minimized.



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### **Rationale and Intended Impact**

This proposal would require that City agencies assist individuals seeking access to public records. Requesters confront numerous obstacles when asking for public records. Many of those obstacles can be alleviated if City agencies provide requesters with information about how the agency maintains its records and discuss with requesters the most efficient (and thus less costly) way to obtain requested records.

Agencies have exclusive knowledge of how government records are maintained and the best way to obtain specific information. Agencies, however, frequently deny access or estimate excessively high fees for records without ever explaining to the requester how a request could be reframed to avoid undue burden on the agency and unnecessary cost to the requester.

Perpetuating obstacles to accessing public records discourages individuals from participating in government and fosters unnecessary suspicion of government among the electorate. The City benefits when citizens are more engaged and informed.

Maui County adopted an identical provision in 2022, which has been effective in setting a positive tone for interactions between requesters and government officials. The Maui Charter provision builds on language and ideas from federal Executive Order No. 13,392 § 2(c); the federal Freedom of Information Act, 5 U.S.C. 552(a)(6)(B)(ii), (l); California Government Code § 6253.1; and Delaware Code tit. 29, § 10003(d), (g), (m)(2).

Respectfully,

A handwritten signature in black ink, appearing to read 'R. Brian Black', with a long horizontal flourish extending to the right.

R. Brian Black  
Executive Director