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February 2, 2026

VIA EMAIL

Mr. J. Roger Morton  
Director  
Department of Transportation Services  
City and County of Honolulu

Re: Second Letter Regarding Request for Assistance to Access Records (U RFA-P 26-108)

Dear Mr. Morton:

The Office of Information Practices (OIP) has not received a response from the City and County of Honolulu Department of Transportation (TRANS-HON) to OIP's January 13, 2026, letter, which notified TRANS-HON that Mr. Brian Black of the Public First Law Center requested OIP's assistance in obtaining copies of the following records from TRANS-HON:

[I]nformation about the Department's use of red light and speed enforcement cameras ("cameras"). Specifically, I would like a copy of:

- The Department's policies, procedures, or rules regarding cameras, including documents sufficient to describe who may use cameras, what cameras may be used for, the collection and retention process for data from cameras, the process for data sharing from cameras, and the oversight process for use of cameras.
- Documents sufficient to identify the Department's data sharing relationships with other federal or state agencies or other third parties regarding cameras, e.g., agreements or memoranda of understanding.
- All records maintained by the Department that were obtained from a camera regarding my registered vehicle [REDACTED]. To the extent that the Department is unable to verify my registration independently, I can provide proof of ownership at the Department's offices.

In that letter, OIP asked TRANS-HON to respond to Mr. Black's request by January 28, 2026, and, if TRANS-HON intends to deny all or part of Mr. Black's request, please specify: (1) the record, or parts, that will not be disclosed; and (2) the agency's specific legal authorities allowing access to be

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denied under section 92F-13, HRS, and other laws. Hawaii Administrative Rules (HAR) § 2-71-14. Mr. Black has indicated that he also has received no response from TRANS-HON.

Please remember that the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes (HRS) (the UIPA) places the burden on the agency to justify any denial of access to government records. HRS § 92F-15(c). Agencies must respond to a written UIPA request within ten business days. HAR § 2-71-13. Because Mr. Black submitted his request on December 22, 2025, TRANS-HON should have responded by January 7, 2026. TRANS-HON's failure to respond constitutes a constructive denial.

Because TRANS-HON has effectively denied Mr. Black's request, he may ask OIP to determine whether the denial was justified under the UIPA. Without an explanation from TRANS-HON, it seems unlikely that TRANS-HON will meet its burden. OIP prefers to fully consider an agency's legal basis for withholding records before issuing an opinion. We therefore ask again that TRANS-HON respond to Mr. Black's request and, if denying the request, specify the records withheld and cite the legal authority for doing so within **five business days** from the date of this letter.

Requesters are entitled to file a lawsuit for access within two years of a denial of access to government records. HRS §§ 92F-15, -42(1). Legal actions for access to records are heard on an expedited basis and, if a requester is the prevailing party, the requester is entitled to recover reasonable attorney's fees and costs. HRS §§ 92F-15(d), (f). Requesters may also appeal a denial of access to OIP pursuant to chapter 2-73, HAR. HRS § 92F-15.5

Thank you in advance for your cooperation and assistance in this matter. Please do not hesitate to contact our office if you have any questions or require assistance.

Very truly yours,



Lori K. Kato  
Staff Attorney

LKK:nn  
cc: Mr. Brian Black