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October 31, 2019

VIA EMAIL

Ms. Chu Lan Shubert-Kwock

Mr. James Skizewski
Acting Executive Director
City and County of Honolulu
Neighborhood Commission Office

Re: Home Address of Neighborhood Board Member (U APPEAL 20-23)

Dear Ms. Shubert-Kwock and Mr. Skizewski:

The Office of Information Practices (OIP) opened an appeal regarding Ms. Shubert-Kwock's (Requester) request for a determination as to whether the City and County of Honolulu Neighborhood Commission Office (NC-HON) violated Part II of the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes (HRS), by denying her two requests for the home address of a member of Neighborhood Board Number 13 (Member).

This appeal file was randomly assigned to OIP's experimental alternative appeal resolution track pursuant to H.R. 104, Regular Session of 2019, in which the Hawaii House of Representatives requested that OIP conduct an alternative appeal resolution pilot program and prepare "short, informal, unenforceable guidance" for files assigned to the alternative appeal resolution track within two weeks of receiving the agency's final response. A copy of H.R. 104 is enclosed with this letter.

NC-HON provided a statement of position dated October 4, 2019 (hand delivered to OIP on October 8, 2019), and supplemental information in a letter dated October 23, 2019 (emailed to OIP on October 24, 2019, and hand delivered on October 29, 2019). OIP is now providing informal, unenforceable guidance through this letter.

In this appeal, Requester asked whether the Member's home address is public. While the reason for a record request is generally irrelevant, it appears requester wishes to challenge whether the Member lives in the district he represents. The NC-HON explained that under section 2-17-402 of the 2008 Neighborhood Plan, a resident registered to vote in neighborhood board elections may challenge the right of a neighborhood board candidate to stand for election on the basis that the candidate does not meet the eligibility and registration requirements. A challenge by a resident registered to vote must be filed with the NC-HON before the third Friday in March of the neighborhood board election year pursuant to section 2-17-402(a). The eligibility and registration

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requirements for neighborhood board candidates include the requirement that the candidate's primary residence is in the district and subdistrict of the neighborhood board to which they are seeking election. The chief elections officer and chief monitoring officer may also challenge the right of a neighborhood board candidate to stand for election. When a neighborhood board candidate is challenged, the chief elections officer gives notice to the candidate and may conduct evidentiary hearings. The chief elections officer decides the challenge within fourteen days and sends copies of the written decision to the parties and NC-HON.

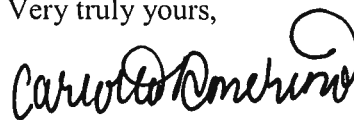
Section 92F-11, HRS, requires that agencies disclose records or information contained therein unless the record may be withheld under section 92F-13, HRS. Section 92F-13(1), HRS, allows agencies to withhold records or information in order to avoid a clearly unwarranted invasion of personal privacy. When a requested record carries a privacy interest, section 92F-14(a), HRS, requires that the agency maintaining the record balance that privacy interest against the public interest in disclosure, and only disclose if the public interest is greater. In this case, because home addresses of neighborhood board members are not routinely disclosed by NC-HON, and because there is a process in place to challenge a neighborhood board candidate's residency qualification, OIP is inclined to find that the Member's interest in his home address is greater than the public interest in disclosure. OIP is further inclined to find that public disclosure of the Member's home address would be a clearly unwarranted invasion of personal privacy and that disclosure is not required.

OIP's inclinations as stated herein are informal guidance and are not binding on the parties to this appeal. By this letter OIP notifies Requester and NC-HON that if any party does not wish to accept this informal guidance as resolving this appeal, that party is requested to so notify OIP in writing within 20 business days of the date of this letter and OIP will issue a binding determination in accordance with its usual procedures at a future time. If OIP does not hear from either party within that time, OIP will close this file. If either party chooses to request that OIP proceed under OIP's usual procedures, OIP will resolve this appeal according to our general "first-in-first-out" policy and cases older than this will be completed first. Depending upon the facts of each appeal, many, but not all, appeals are closed with the issuance of an OIP opinion letter, which could take a year or longer to complete because of OIP's backlog of cases.

This letter also serves as notice that OIP is not representing anyone in this matter. OIP's role herein is as a neutral third party.

If you have any questions concerning this matter, please contact OIP.

Very truly yours,



Carlotta Amerino
Staff Attorney

CMA:za

Enclosure