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The Office of Information Practices (OIP) is authorized to issue decisions under the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes (HRS) (the UIPA) pursuant to section 92F-42, HRS, and chapter 2-73, Hawaii Administrative rules (HAR). This is a memorandum decision and will not be relied upon as precedent by OIP in the issuance of its opinions or decisions but is binding upon the parties involved.

MEMORANDUM DECISION

Requesters: Tom and Christine Russi
Agency: Department of Transportation
Date: June 29, 2018
Subject: Reported Incidents at Intersection (U APPEAL 15-21)

Requesters sought copies of records of all incidents reported by the public or law enforcement for the intersection of Saddle Road¹ and the entrance to Mauna Kea State Park (Mauna Kea-Saddle Road Intersection), and seek an OIP decision as to discrepancies between information contained in the responses from the Department of Transportation (DOT).

Unless otherwise indicated, this decision is based solely upon the facts presented in a letter from OIP to Requesters dated August 19, 2014; a letter with enclosures from OIP to DOT dated December 3, 2014; an email message from OIP to Requesters dated February 13, 2018; Requesters' email messages to OIP dated November 24 and December 3, 2014, and February 12 and 15 (with enclosures), 2018; Requesters' email messages to DOT dated July 27, 2014, October 10, 2014 (with attachment), and January 25, 2015; DOT's Notice to Requester and email to Requesters dated August 11, 2014; an email message from DOT to Requesters dated November 10, 2014; email messages with attachments to OIP from DOT dated December 24, 2014, February 23, 2015, and February 16 and 27, 2018; an email to

¹ "Saddle Road" is the local term for Route 200, the Daniel K. Inouye Highway on Hawaii island.

OIP from DOT dated March 1, 2018; and two letters to OIP from DOT with enclosures dated February 20, 2015.

Decision

DOT's responses to Requesters' record request and subsequent requests for clarification were confusing, however DOT employees involved were attempting to be helpful when responding to the request and subsequent clarifications. The information about one incident reported by law enforcement involving a vehicle and a feral pig that is maintained in DOT's traffic accident database should be provided to Requesters after segregation of information that may be withheld from disclosure under section 92F-13(1), HRS, the UIPA's privacy exception.

Statement of Reasons for Decision

Requester Christine Russi, using the name Christine Paul, submitted an email message with the subject line "Request for Assistance" to DOT dated June 22, 2014 (Paul Request for Assistance). This email described an incident in which Requesters narrowly averted a vehicular accident at the Mauna Kea-Saddle Road Intersection, and asked to be referred to the proper person so that she could "report a concern." Thereafter, a number of communications ensued between Requesters and DOT.

I. DOT's Responses to Requesters Were Inconsistent and Confusing

A. The Request and Notice to Requester

DOT received a record request from Requesters dated July 27, 2014, for "[c]opies of any and all reported incidents" to the DOT, "by the public or law enforcement" for the intersection of Saddle Road and Mauna Kea State Park (Reported Incidents). Mr. Fred Pascua of the DOT Highways Division provided Requesters with a Notice to Requester (NTR) by email dated August 11, 2014. The NTR indicated that "any and all reported incidents by the public or law enforcement for" the Mauna Kea-Saddle Road Intersection were denied under Title 23 U.S.C., sections 402(k) and 409, on the basis that the request seeks information "protected from discovery and inadmissible as evidence." The email message from Mr. Pascua, to which the NTR was attached, stated "according to our Hawaii District Staff, there has been no public complaint/public notice of an incident to the Department with the exception of your notice." In other words, in its email to Requesters, DOT acknowledged it knew of the Paul Request for Assistance at the time of the record request, and knew that it was

a responsive record, but presumed Requesters did not want a copy of it.²

Prior to the opening of this appeal, Requesters sent an email to OIP dated August 11, 2014, which stated that DOT's NTR and accompanying email contradicted each other. A letter to Requesters from OIP dated August 19, 2014, agreed, stating:

Only DOT can tell you for sure whether it denied your request or whether no responsive records exist. However, reading both the NTR and [DOT's] e-mail together, it is possible that what DOT meant was that there are no records responsive to your request, but even if there were, DOT would withhold them from disclosure under "Title 23, U.S. C, Sections 402(k) and 409."

Requesters thereafter corresponded several times with DOT in an attempt to receive a clearer response to their request for Reported Incidents.

B. The First Clarification

In an email message dated August 29, 2014, Requesters asked DOT to clarify its August 11 response to their record request based on the "confusing" information provided in the NTR compared to the email it was attached to. In an email message to Requesters dated September 2, 2014, Robert Miyasaki, DOT Highways Division Engineering Program Manager, stated that it was his understanding that a search for "any and all reports by the public" located one previous complaint from Ms. Christine Paul on June 22, 2014 (emphasis in original). Mr. Miyasaki's message stated that it was DOT's belief that Requesters were not interested in paying for and receiving a copy of Ms. Paul's complaint since Requesters had attached it in an email to DOT. Mr. Miyasaki went on to state that, regarding the denial of "any and all reports from law enforcement[,] they are protected from disclosure which is why that portion of the record request was denied (emphasis in original).

C. The Second Clarification

Requesters responded to Mr. Miyasaki's email of September 2 in an email dated October 20, 2014, which asked that he clarify the denial of "any and all reports from law enforcement." Requesters stated their belief that "accident/incident reports about any intersection are public." Requesters then made a clarification of their prior

² DOT's response to this appeal stated it had not located the Paul Request for Assistance, and that it had apologized to Requesters regarding the "oversight." This is inconsistent with Mr. Pascua's email which makes clear that DOT knew of the Paul Request for Assistance and left it out of the NTR intentionally. Because DOT clearly knew of the existence of the Paul Request for Assistance when it first responded, OIP finds no reason to believe that DOT's search for responsive records was inadequate.

record request and asked whether DOT had “any reports or incidents from law enforcement about the intersection in question[.]”

In an “effort to bring closure to [Mr. Russi’s] UIPA request[,]” Mr. Miyasaki sent an email message to Mr. Russi³ dated October 21, 2014, which stated it was his understanding that there was only one prior complaint filed regarding the intersection, the Paul Request for Assistance. The Paul Request for Assistance was included as an attachment to Mr. Miyasaki’s October 21 email and DOT waived any fees. Mr. Miyasaki’s October 21 message also stated that Requesters’ understanding that accident/incident reports about any intersection are public is incorrect, and referred to the NTR which cited the applicable federal regulation that DOT believed authorized the denial of access.

D. The Third Clarification

Requesters sent an email dated November 8, 2014, to DOT Highways Administrator Alvin Takeshita which clarified their earlier request, asking “[c]an you clarify if the DOT has any reports or incidents from law enforcement about the intersection in question?”

In an email message dated November 10, 2014, Mr. Takeshita, responded to Requesters’ October 20 request for clarification, stating “DOT does have possession of major traffic accident reports, statewide. However, we do not have record of any traffic accident reports for this intersection at this time.” Mr. Takeshita’s email also stated:

Accident reports from the county police department are also confidential based on their contents. These reports have protected personal information, such as date-of-birth, license number, address, and telephone number. The report may also include confidential medical reports if injury occurred. As you can see, we are hesitant to treat these reports as public documents. We receive these reports from the county police and based on your location, it would be more convenient for you to submit a request to the Hawaii County Police Department.

Requesters thereafter filed this appeal.

To summarize, in the course of its correspondence with Requesters, DOT stated that:

³ This email message was re-sent on October 22, 2014, and addressed to both Requesters after they complained of disrespect directed towards Mrs. Russi.

1. The request was denied under Title 23 U.S.C., sections 402(k) and 409;
2. There has been no public complaint/public notice of an incident other than Requesters' notice;
3. The search for "any and all reports by the public" found only the Paul Request for Assistance;
4. "[A]ny and all reports from law enforcement" are protected from disclosure;
5. DOT does maintain "major traffic accident reports, statewide" but it does not have records of any traffic accident reports for this intersection at this time, and
6. DOT was hesitant to disclose county police reports which are confidential.

Based on the information provided, OIP believes DOT employees involved were attempting to be helpful when responding to the request for Reported Incidents and subsequent requests for clarification. Nonetheless, OIP must find, based upon these responses, that they are inconsistent and confusing. For future record requests, if the DOT employee assigned to respond is not familiar with the UIPA or chapter 2-71, HAR, the employee should contact OIP for assistance on how to properly respond to a record request.

II. The Withheld Accident Report Involving the Feral Pig

A. Motor Vehicle Accident Report (MVAR)

DOT's response to this appeal stated that, based on its initial search, an HCPD MVAR for an accident that occurred on Saddle Road dated July 21, 2014, was withheld. DOT explained that the accident did not occur at the Mauna Kea-Saddle Road Intersection, but instead involved the collision of a car and a feral pig already on Saddle Road. OIP presumes this incident did not involve the Requesters.

In an email message to DOT dated February 16, 2018, OIP asked:

[P]lease let me know whether there were any responsive records besides the incident reported by Christine Paul (Russi). DOT has mentioned an incident of a car hitting a pig down the road from the park entrance, but it was not clear whether that was a responsive record that was being withheld, or whether it was a nonresponsive record because it did not occur near the park entrance. If there are other responsive records that have not been provided to the Russis, please provide OIP with a list of those records as part of your response to this email.

DOT's response to OIP dated March 1, 2018, stated "[t]he incident of a car hitting a pig occurred at the park entrance intersection. However, it was withheld. To the best of our knowledge there are no other responsive records."

Again, the statements from DOT regarding the incident with the feral pig are inconsistent. Based on DOT's most recent correspondence, which states that the feral pig incident occurred at the Mauna Kea-Saddle Road Intersection, the MVAR for the feral pig incident was a responsive record that was withheld.

When an agency denies access to records, it is required to provide the requester with a description of the "specific record or parts of the record that will not be disclosed[.]" and the "specific legal authorities under which the request is being denied under section 92F-13, HRS, or other laws." HAR § 2-71-14(b). This information was not sufficiently provided on the NTR. DOT's NTR should have clearly indicated that two responsive records were found (the Paul Request for Assistance and the feral pig MVAR). The NTR should have further stated that access to the Paul Request for Assistance was granted, and access to the feral pig MVAR was denied, along with the legal justification for the denial. Instead, the NTR denied access to "any and all reported incidents,"⁴ which does not clearly indicate whether there were records being withheld.

The UIPA provides that "[a]ll government records are open to public inspection unless access is restricted or closed by law." HRS § 92F-11 (2012). DOT explained that it withholds MVARs to prevent requesters from using them in any existing or potential action against a county or the State. DOT asserted that law enforcement incident reports, in this case the feral pig MVAR, may not be disclosed under federal statutes. Therefore, DOT argued that the requested records, if any exist, may be withheld under section 92F-13(4), HRS, which provides that an agency is not required to disclose government records that are protected from disclosure pursuant to state or federal law or court order.⁵ Requesters assert that DOT's claim that MVARs are not public cannot be true because redacted MVARs are provided to the media.

Before discussing the federal laws cited by DOT, OIP discusses a Hawaii law that was not cited by DOT. There is a Hawaii statute making traffic accident reports held by police departments confidential:

⁴ OIP notes that "any and all reported incidents" was the language used in the record request and that DOT was citing it in the NTR.

⁵ The UIPA also provides that "[w]here compliance with any provision of [the UIPA] would cause an agency to lose or be denied funding, services, or other assistance from the federal government, compliance with that provision shall be waived but only to the extent necessary to protect eligibility for federal funding, services, or other assistance." HRS § 92F-4 (2012). DOT provided no argument that this section applies to the requested Reported Incidents.

[§291C-20] Disclosure of traffic accident reports. (a) Any traffic accident report required under this chapter shall be made without prejudice to the person required to report information concerning the accident and shall be for the confidential use of the police department, except that the department shall, upon request, disclose such record, to any person directly concerned in the traffic accident or having a proper interest therein, including:

- (1) The driver or drivers involved, or the employer, parent, or legal guardian thereof;
- (2) The authorized representative of any person involved in the accident;
- (3) Any person injured in the accident;
- (4) The owners of vehicles or property damaged in the accident;
- (5) Any law enforcement agency; and
- (6) Any court of competent jurisdiction.

(b) Any person who may sue because of death resulting from any such accident shall be deemed a party directly concerned.

(c) In the event of a conflict between this section and any other law, including sections 286-171 and 286-172 and chapter 92F, this section shall control.

HRS § 291C-20 (2007).⁶

Here, DOT asserted that its record of the feral pig incident was an HCPD MVAR. A plain reading of section 291C-20, HRS, shows this law applies to the MVAR as maintained by HPCD. DOT did not assert that HCPD shared the feral pig MVAR with DOT pursuant to section 92F-19(a), HRS.⁷ However, assuming that is what happened, then DOT would be subject to the same restrictions on disclosure of the

⁶ OIP previously noted that, to the extent that required accident data collected by DOT comes directly from traffic accident reports protected under section 291C-20, HRS, an argument may be made that certain information from those reports may also be protected from disclosure under section 92F-13(4), HRS (the UIPA's exception to disclosure for records protected by state statute). OIP Op. Ltr. No. 10-04 at 6 n. 6. OIP stated that, if DOT later sought an OIP opinion concerning disclosure of traffic accident data in a non-litigation context, it may raise this additional argument at that time. *Id.* DOT has not raised this issue in the context of this opinion.

In OIP Opinion Letter Number 05-06, OIP opined on a request to DOT for a copy of de-identified statistical data on major vehicle traffic accidents reported for two calendar years. In that case, one of the statutes DOT relied on in denying access was section 291C-20, HRS. OIP did not discuss the applicability of section 291C-20, HRS, to the facts of that case, as OIP found 23 U.S.C. § 409 as the "most relevant" to the issues therein.

⁷ Section 92F-19(a), HRS, restricts disclosure of records by an agency to another agency except for one or more of eleven listed purposes.

MVAR as the originating agency, here HCPD, as required by section 92F-19(b), HRS.⁸ Having received no evidence to the contrary OIP presumes, based on DOT's response to Requesters' third request for clarification, that DOT obtained the feral pig MVAR from HCPD under the provisions of section 92F-19, HRS. As such, DOT is subject to the confidentiality provisions of section 291C-20, HRS, and is prevented from disclosing the MVAR.

While the MVAR itself may be withheld in full pursuant to a Hawaii confidentiality statute, information in the MVAR may have been inputted into DOT's traffic accident database. For the reasons set forth below, OIP's existing formal opinion letters allow DOT to disclose the de-identified information concerning the feral pig incident that is contained in DOT's traffic accident database, after redaction of information subject to the privacy exception at section 92F-13(1), HRS.

B. Information in DOT Traffic Accident Database Containing De-Identified Information About the Feral Pig Incident

DOT maintains a traffic accident database on its computer system that is derived from MVAR forms. OIP Op. Ltr. No. 05-06 at 2. Although DOT did not present an argument on this issue, OIP next discusses disclosure of information contained in DOT's database.

OIP interprets the UIPA exception at section 92F-13(4), HRS, which allows agencies to withhold records protected by another law to allow an agency to withhold a record from disclosure only when that record is made confidential by another statute. OIP Op. Ltr. No. 05-06 at 3 (emphasis in original). The current wording of the federal law covering highway safety programs⁹ that was cited by DOT as authority to withhold MVARs states:

(k) Highway safety plan and reporting requirements.

(1) In general. With respect to fiscal year 2014, and each fiscal year thereafter, the Secretary [of Transportation] shall require each State, as a condition of the approval of the State's highway safety

⁸ This section states that "[a]n agency receiving government records pursuant to [section 92F-19](a) shall be subject to the same restrictions on disclosure of the records as the originating agency."

⁹ OIP Opinion Letter 10-04 provides more detail on these laws, noting that Congress created the Highway Safety Improvement Program "to achieve a significant reduction in traffic fatalities and serious injuries on public roads." OIP Op. Ltr. No. 10-04 at 3-4, citing 23 U.S.C. § 148. That program provides states with funding to carry out projects or strategies to eliminate safety hazards, in particular to address the most dangerous sections of their roads. Id. To be eligible for federal funds, a state must, among other things, identify and rank hazardous road locations based upon crash data. Id.

program for that fiscal year, to develop and submit to the Secretary for approval a highway safety plan that complies with the requirements under this subsection.

(2) **Timing.** Each State shall submit to the Secretary the highway safety plan not later than July 1st of the fiscal year preceding the fiscal year to which the plan applies.

(3) **Electronic submission.** The Secretary, in coordination with the Governors Highway Safety Association, shall develop procedures to allow States to submit highway safety plans under this subsection, including any attachments to the plans, in electronic form.

23 U.S.C. § 402(k) (2018).¹⁰

OIP finds there is no language in the provisions of 23 U.S.C. § 402(k) that require information about Reported Incidents within DOT's traffic accident database to be withheld from Requesters. Thus, this federal statute does not provide a basis under

¹⁰ At the time this appeal was filed, DOT provided OIP with a citation to what appears to have been an earlier version of this statute:

(k) **Highway safety plan and reporting requirements.**

(1) Subject to the provisions of this subsection, the Secretary shall make a grant to any State which includes, as part of its highway safety program under section 402 of this title, the use of a comprehensive computerized safety record keeping system designed to correlate data regarding traffic accidents, drivers, motor vehicles, and roadways. Any such grant may only be used by such State to establish and maintain a comprehensive computerized traffic safety record keeping system or to obtain and operate components to support highway safety priority programs identified by the Secretary under this section. Notwithstanding any other provision of law, if a report, list, schedule, or survey is prepared by or for a State or political subdivision thereof under this subsection, such report, list, schedule, or survey shall not be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report, list, schedule, or survey.

(2) No State may receive a grant under this subsection in more than two fiscal years.

(3) The amount of the grant to any State under this subsection for the first fiscal year such State is eligible for a grant under this subsection shall equal 10 per centum of the amount apportioned to such State for fiscal year 1985 under this section. The amount of a grant to any State under this subsection for the second fiscal year such State is eligible for a grant under this subsection shall equal 10 per centum of the amount apportioned to such State for fiscal year 1986 under this section.

23 U.S.C. § 402(k)(1) (2012). The fact that this law has been amended does not affect the advice rendered herein.

section 92F-13(4), HRS, for DOT to withhold information about Reported Incidents in its traffic accident database as it is not a confidentiality statute.

DOT cited to another federal law as allowing it to withhold MVARs:

§409. Discovery and admission as evidence of certain reports and surveys

Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, pursuant to sections 130, 144, and 148 of this title or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.

23 U.S.C. § 409 (2005).

In OIP Opinion Letter Number 05-06 (Opinion 05-06), OIP found that 23 U.S.C. § 409 (Section 409) does not make accident data DOT maintains in its traffic accident database confidential or otherwise protected from disclosure under the UIPA. Specifically, OIP opined that while Section 409 prohibits the use of traffic accident database information from being used as evidence in litigation, it is not a confidentiality statute and does not prohibit disclosure outside of a lawsuit. OIP Op. Ltr. No. 05-06 at 4. In Opinion 05-06, OIP agreed with the reasoning of the Supreme Court of New York, which concluded that Section 409 was not a confidentiality provision and did not preclude access under New York's version of the UIPA to certain intersection and highway location data, where the requestor was not engaged in a court proceeding involving an accident at a location mentioned in the data. Id. (citations omitted). The New York court noted that, if Congress had intended to make the traffic accident data confidential and not subject to disclosure in response to freedom of information requests, Congress could have explicitly done so as it had in other types of statutes. Id. Opinion 05-06 went on to state that OIP does not construe Section 409 as prohibiting disclosure outside of a lawsuit, because Section 409, by its express and unambiguous terms, is limited to court actions, *i.e.*, the information is not discoverable or admissible. Id. Moreover, OIP found that, given the purpose of the UIPA and its presumption that all records maintained by agencies are public, OIP would narrowly construe the exceptions to disclosure, including those purporting to make records confidential. Id. Where a record contains both public information and information that may be withheld, DOT is required to segregate the portion of the record that it may withhold and make the rest of the record available,

to the extent that the information is “reasonably segregable[.]” Id. at 5-6, citing HAR § 2-71-17(a)(1).

In an unrelated case, DOT had previously requested that OIP reconsider Opinion 05-06. OIP thereafter issued OIP Opinion Letter Number 10-04 (Opinion 10-04), which did not overrule Opinion 05-06 because the facts in the two opinions are different. In Opinion 10-04, DOT received a request for records evidencing traffic accidents that occurred on Pulehu Road and Hansen Road on Maui from a requester who represented parties in litigation with Maui County over an accident that occurred at the location for which the accident data was sought. OIP Op. Ltr. No. 10-04 at 2. In Opinion 10-04, OIP found that DOT could withhold accident data under section 92F-13(2), HRS,¹¹ to the extent that the data was compiled or collected pursuant to federal law and was non-discoverable under Section 409. Id. Specifically, in response to the UIPA request from a party in litigation with Maui County, OIP found that DOT could withhold traffic accident data from the requester to the extent that data was actually compiled or collected by DOT for purposes of a federal program identified in Section 409 because the County was a party to the litigation, and the records pertained to the defense of that action, qualifying it for the privilege created under Section 409. Id.

Opinion 10-04 is clearly distinguishable from the facts here and does not apply. Requesters’ incident at the Mauna Kea-Saddle Road Intersection occurred almost four years ago, and, at the time DOT responded to this appeal OIP was provided with no evidence that litigation had been threatened or initiated. Further, while OIP is not herein providing legal advice regarding the filing of a tort lawsuit, it does appear that any action by Requesters pertaining to their incident would have had to been brought within two years.¹² HRS § 657-7 (2006). Thus, there is no evidence that the Reported Incidents sought by Requesters are being sought for current or future litigation against the State or a county by Requesters. The federal laws cited by DOT are not confidentiality statutes preventing disclosure of information within DOT’s traffic accident database. These laws apply only to protect the use of information in the traffic accident database from being used in litigation and are not applicable to this case.

¹¹ Section 92F-13(2), HRS, allows an agency to withhold “[g]overnment records pertaining to the prosecution or defense of any judicial or quasi-judicial action to which the State or any county is or may be a party, to the extent that such records would not be discoverable.”

¹² Should a record requester obtain accident information and subsequently file a lawsuit in which the requester seeks to use the data as evidence, DOT would retain the option to file a motion in limine based on Section 409’s clear statement that such information “shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes.”

In conclusion, DOT need not provide a copy of the feral pig MVAR itself, which is protected from disclosure by the confidentiality provisions of section 291C-20, HRS, but it should provide information about the feral pig incident as that information is contained in DOT's traffic accident database, which is not protected by any confidentiality statute. DOT should make that information available to Requesters after redacting information that may be withheld under the UIPA's privacy exception, section 92F-13(1), HRS. This exception allows DOT to withhold certain information or fields of information, such as personally identifiable information of individuals involved in traffic accidents, including names and other personal information, such as home address, telephone number and driver's license number. OIP Op. Ltr. No. 05-06 at 3, 5, 4-5 n. 6. OIP has not been provided with and has not reviewed a copy of the requested information, and therefore does not comment on the specific information or fields of information contained in it.

Right to Bring Suit

Requester is entitled to seek assistance from the courts when Requester has been improperly denied access to a government record. HRS § 92F-42(1) (2012). An action for access to records is heard on an expedited basis and, if Requester is the prevailing party, Requester is entitled to recover reasonable attorney's fees and costs. HRS §§ 92F-15(d), (f) (2012).

For any lawsuit for access filed under the UIPA, Requester must notify OIP in writing at the time the action is filed. HRS § 92F-15.3 (2012).

This decision constitutes an appealable decision under section 92F-43, HRS. An agency may appeal an OIP decision by filing a complaint within thirty days of the date of an OIP decision in accordance with section 92F-43, HRS. The agency shall give notice of the complaint to OIP and the person who requested the decision. HRS § 92F-43(b) (2012). OIP and the person who requested the decision are not required to participate, but may intervene in the proceeding. Id. The court's review is limited to the record that was before OIP unless the court finds that extraordinary circumstances justify discovery and admission of additional evidence. HRS § 92F-43(c). The court shall uphold an OIP decision unless it concludes the decision was palpably erroneous. Id.

A party to this appeal may request reconsideration of this decision within ten business days in accordance with section 2-73-19, HAR. This rule does not allow for extensions of time to file a reconsideration with OIP.

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

OFFICE OF INFORMATION PRACTICES



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APPROVED:



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