



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Government Operations
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By

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SB 2139 – RELATING TO PUBLIC RECORDS

Chair McKelvey, Vice Chair Gabbard, and Members of the Committee:

Thank you for the opportunity to testify on SB 2139, which imposes caps and provides for waivers for certain costs and fees associated with reproduction and disclosure of government records. The University of Hawai'i (University) notes that responding to public record requests requires considerable time and effort by government agencies, which should be permitted to recover reasonable costs and fees for that effort while promoting government transparency. The policy of shifting the costs incurred by private interests whose business model now includes paying these costs, to the public taxpayer, is problematic without concrete evidence of corresponding value to the public (vs. private interests).

Undertaking compiling, copying, formatting, or reproducing records for disclosure entails costs and pulls resources from other primary public services of departments. This bill does not recognize that departments with limited resources should be permitted the capability to recover taxpayer funds for servicing private interests, even those posed under the premise of purported specific public purposes of a private organization.

The University also respectfully notes that the administrative rules of the Office of Information Practices (Chapter 2-71 of the Hawaii Administrative Rules) currently address the allowable costs and fees associated with responding to record requests, and if necessary, adjustments through the rule-making process could be a way to address the concerns behind the introduction of this measure.

Thank you for the opportunity to testify.