



LINDA LINGLE  
GOVERNOR

JAMES R. AIONA, JR.  
LIEUTENANT GOVERNOR

**STATE OF HAWAII**  
**OFFICE OF THE LIEUTENANT GOVERNOR**  
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August 18, 2009

VIA STATE MESSENGER

The Honorable Barry Fukunaga  
Chief of Staff  
Office of the Governor  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: Appeal from Denial of Access to General Records  
(APPEAL 10-8)

Dear Mr. Fukunaga:

The Office of Information Practices ("OIP") has received an appeal from Mr. Douglas White with respect to the Office of the Governor's ("the Governor") denial of his request for record made under part II of the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes ("UIPA"). Specifically, Mr. White is appealing the denial of records and communications concerning bills passed during the 2009 Regular Legislative Session, except for inter-agency or intra-agency memoranda or correspondence.

Mr. White has indicated that he made written requests to the Governor dated June 28 and July 11, 2009, and received your letter to him dated July 29, 2009 denying these records in substantial part. Copies of Mr. White's request to OIP and his record request to the Governor are enclosed for your information.

If you would like to provide additional justification for the agency's denial or if there is any additional information that you would like us to consider in considering this appeal, please provide it to this office within ten business days from the date of this letter. If we do not receive any response from the agency by that date, we will assume that you believe that your letter to Mr. White sufficiently articulates the Governor's position.

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Please provide us with unaltered copies of the requested records for our use in reviewing your denial of Mr. White's request. See Haw. Rev. Stat. § 92F-42(5) (1993). We would appreciate receiving the copies of the records no later than ten business days from the date of this letter. For your information, we will destroy the records and any copies of the records in our possession upon our completion of this matter. If you would prefer that the records and any copies of the records be returned to you at the conclusion of this matter, please let us know. Even where we believe a record cannot be withheld under the UIPA, we will not disclose the record to the requester. If the record is to be disclosed, disclosure will be by the agency maintaining the record and not by OIP.

Please be advised that, for purposes of complying with the UIPA, the Office of the Governor should not destroy a requested record that may be required to be made available for public inspection by OIP or the court. See OIP Op. Ltr. No. 92-13 at 6 n.1.

Thank you in advance for your cooperation and assistance in this matter. Please do not hesitate to contact the undersigned attorney if you have any questions or require assistance in responding to this letter.

Very truly yours,



Cathy L. Takase  
Staff Attorney

CLT:dms  
Enclosures

cc: Mr. Douglas White (without enclosures)