



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

July 29, 2009

Mr. Doug White
www.poinography.com

Dear Mr. White:

This responds to your request, in which you state: "I hereby respectfully request from your office (in digital or analog form, as appropriate) all records, memoranda, telephone messages, staff meeting materials, office visitors, incoming communication and outgoing communication concerning bills passed during the 2009 Regular Legislative Session."

Based on your broad request, we have determined that you would be entitled to receive transmittals from the Legislature to the Governor and official Governor's messages and transmittals from the Governor to the Legislature on bills that were passed at the 2009 legislative session. These documents are already public documents and available through sources such as the legislature. If you are requesting copies of these documents, please confirm and we will prepare an estimated cost for the searching, reviewing and copying of those documents, as provided under OIP rules. As to other documents covered in your request, your request is denied based on the doctrine of Executive Privilege and Hawaii Revised Statutes § 92F-13(3).

The documents that you request constitute records that form a part of the Governor's deliberative process. These records are compiled for the purpose of advising the Governor relative to her executive function in the legislative process. This executive privilege is a necessary part of the Governor's executive powers. All information in the possession of the Governor or the Governor's immediate advisors, compiled for the purpose of advising the Governor relative to an executive function, is protected by the Executive Privilege. See Office of the Governor v. Washington Post Co., 360 Md. 520, 759 A.2d 249 (2002); Herald Ass'n, Inc. v. Dean, 174 Vt. 350, 816 A.2d 469 (2002) (documents reflecting communications in the course of the governor's decision-

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-2-

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making and deliberative process may be withheld to protect and facilitate the governor's consultative and decisional responsibilities). The privilege is justified on the ground that the quality of advice and the candor of policy discussions would be greatly impaired if the private discussions and reports of advisors were given a public airing.

Sincerely,

A handwritten signature in black ink, appearing to be 'Barry', written over the word 'Sincerely,'.

Barry Fukunaga
Chief of Staff