

**COUNTY COUNCIL**

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**OFFICE OF THE COUNTY CLERK**

Peter A. Nakamura, County Clerk  
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**Council Services Division**  
4396 Rice Street, Room 206  
Līhu'e, Kaua'i, Hawai'i 96766-1371

July 20, 2009

Peter Nakamura, County Clerk  
County of Kaua'i  
4396 Rice Street, Room 206  
Līhu'e, Hawai'i 96766

Dear Mr. Nakamura:

We are in receipt of your memo dated July 6, 2009 (received July 8, 2009) in response to our request for access to public documents submitted on May 26, 2009 pursuant to the Hawaii Uniform Information Practices Act (UIPA). Although we appreciate that you have begun and are in partial compliance with the legal requirements of the UIPA, your memo raises a number of very significant concerns.

As you are aware, the UIPA disclosure provision requires: "Within ten business days of receipt of a request, the agency must respond to the requester. Depending upon the circumstances, the agency must: A. Make the record available; OR B. Provide a "Notice to Requester" or an "Acknowledgment to Requester". Your response was received on July 8th, a full 31 business days after the initial request.

We have also heard from constituents that other requests for information pursuant to the UIPA are not being responded to in the time frame required by law or not at all. We are aware of a request made in June that is apparently being ignored. We are not making a judgment about the appropriateness of any request but we are requesting that you have the courtesy to acknowledge our community members' requests as required by law.

We are also troubled by your statement that you have "have had difficulty locating electronic copies of Council meeting minutes" and other documents. This revelation has significant implications. Is it the case then that our key public documents exist only on paper in the Historic County building? Is it the case that our office documents are not backed up on the county network? Is it the case that we are not availing ourselves of the backup capabilities provided by the County IT department. Does this not leave an unacceptable risk that these key public documents could be lost completely?

As a result of the apparent lost files you have supplied us with documents scanned from hard paper copies which result in very large files (up to 130MB) that contain scanning errors and are difficult for persons with disabilities to appropriately access. Your statement that compliance is incremental and delayed by "voluminous nature of the request" only makes any sense if all of these documents are indeed lost. We have asked that these documents be made routinely available to all council members on the County intranet network which is secure and backed up offsite. Please make every effort to find the lost documents and release them to the public and to us in the appropriate electronic format. This process should consume less than an hour and not constitute an "unreasonable interference with (your) other duties and functions."

Sincerely,

LANI KAWAHARA  
Councilmember

TIM BYNUM  
Councilmember