

## **Access Hawai'i Committee Meeting Minutes**

June 6, 2013

1:00 p.m.

Video Conference Centers

Kalanimoku Building

1151 Punchbowl Street, Room B-10

Honolulu, Hawai'i 96813

### **Members Present**

Randy Baldemor, Deputy CIO, Office of Information Management and Technology (OIMT), representing the CIO  
Kerry Yoneshige, Business Management Officer, Department of Accounting and General Services (DAGS), representing the Comptroller  
Sharon Wong, Acting Administrator, DAGS/Information and Communication Services Division (ICSD)  
Aaron Fujioka, Administrator, State Procurement Office (SPO)  
Michael Little, Records Report Management Specialist, representing the Director of the Office of Information Practices (OIP) (Secondary representative)  
Herbert Lam, IT Manager, Department of Attorney General  
Kevin Thornton, Director of Support Department, Judiciary  
Mark Wong, Director Designate & CIO, City and County of Honolulu  
Jacob Verkerke, IS Manager, County of Maui (VCC)  
Susan Underwood, IM Section Head, representing the IS Manager for the County of Maui (Secondary representative) (VCC)  
Mandi Swanson, IT Project Leader, representing the CIO for the County of Kauai (Secondary representative) (VCC)  
Senator Glenn Wakai, representing Senator Les Ihara, Jr. (Secondary representative)  
Representative Kyle Yamashita, State Representative

### **Members Absent**

Keali'i Lopez, Director, Department of Commerce and Consumer Affairs (DCCA)  
Robert Su, IT Manager, Department of Taxation (DOTAX)  
Donald Jacobs, Acting Director, County of Hawaii  
Brandon Raines, CIO, County of Kauai

### **Other Attendees**

Joshua Wisch, Deputy Director, DOTAX  
Keith Ho, Acting Director and CIO, City and County of Honolulu (VCC)  
Russell Castagnaro, General Manager, Hawaii Information Consortium (HIC)  
Janet Pick, Project Manager Officer, HIC  
Diane Erickson, Deputy Attorney, Department of the Attorney General (ATG)  
Susan Shaner, State Archives  
Adam Jansen, Consultant  
Peter Fritz, Attorney  
Susan Bannister, ICSD

*\*\*Participated via videoconference center (VCC)*

## **I. Call to Order, Public Notice, Quorum**

Designated Chairperson Baldemor called the meeting to order at 1:18 p.m. at which time quorum was established and introductions made.

Designated Chair Baldemor asked for a motion to amend the agenda to add a new agenda item to authorize expenditure from the Access Hawaii Committee (AHC) Special Fund to pay for accommodations requested by the public. Member S. Wong so moved, Member Thornton seconded. Vote was taken and the motion to amend the agenda was unanimously carried.

Member S. Wong explained that prior to the meeting a request was made from the public that AHC provide Computer Assisted Real Time (CART) services. Hawaii Interpretive Services (HIS) was contacted and Ann Matsumoto was contracted and present at this meeting to provide this service. Member S. Wong stated that HIS charges \$95.00 per hour with a minimum of two hours and also provides electronic copies of the meeting. She informed the committee that the Information Privacy and Security Council has used services from HIS and was charged \$12 per copy. Member S. Wong requested that the committee authorize these charges to be paid from the AHC Special Fund citing Chapter 27G-6 of the Hawaii Revised Statutes, which states that expenditures from the AHC Special Fund shall be approved by the AHC.

During discussion, two issues were raised— whether the request to pay for accommodations is for this current meeting only and whether the committee approved a threshold amount at a previous meeting for a standing authorization for expenses such as this. Mr. Fritz, a member from the public, stated that regardless of the number of requests, it is an expense that is an obligation under the law. Member Fujioka recalled that a standing approval and threshold amount to pay for things like computers were approved at a prior meeting giving the committee operating authority. Thus, he believed that this reasonable request did not need to be a special agenda item and should be covered under the policy.

Designated Chair Baldemor asked for a motion to authorize expenditure from the Access Hawaii Committee (AHC) Special Fund to pay for accommodations requested by the public for this meeting. Member M. Wong so moved and Member Yoneshige seconded the motion. Vote was taken and the motion unanimously carried. Member S. Wong clarified that discussion for future expenditures will be put on the next AHC meeting agenda.

## **II. Approval of the March 7, 2013 Meeting Minutes**

Member S. Wong moved to approve the minutes as distributed, Member Fujioka seconded. Vote was taken and the meeting minutes were unanimously approved.

## **III. Hawaii Information Consortium (HIC) General Manager's Report and Appropriate Action**

HIC General Manager, Russell Castagnaro, went through his report which covered March 2013 through May 2013. He pointed out that HIC's financial report shows it has not done well during the past quarter. He attributed it to the high number of applications that they have worked on but have not been able to execute for various reasons.

## **IV. Discussion to Suspend the Collection of the Portal Management Fee and Appropriate Action**

Mr. Castagnaro explained that HIC has been paying \$8,000 a month into the AHC special fund. Most of the fee was to support the AHC Portal Program Manager who has yet to be hired. He stated that the amount HIC has contributed thus far is above the ceiling for the Portal Program Manager's position so would like to suspend payments until the position is filled. He noted that HIC could use the \$8,000 to spend on projects, hire more staff, and generate more applications for the state.

Member S. Wong stated that the collection of the fee was in anticipation of filling the Portal Program Manager position. A few applications were received; one applicant was offered the position but declined. She reported that during this past legislative session, AHC was denied its request to increase the special fund ceiling to allow for a higher salary in order to attract more qualified applicants. At the next legislative session, AHC should again consider a request to increase the special fund ceiling. Member Yoneshige suggested suspending HIC's payment of the portal management fee when there is two years' worth of expenses in reserve. Member S. Wong noted that there is currently \$208,000 in the fund, which is three years' worth in reserve. AHC could resume billing HIC for the \$8,000 if the reserve falls below a minimum.

Designated Chair Baldemor asked for a motion to suspend the collection of a portal management fee automatically when there is a two-year reserve in place. Member M. Wong so moved and the motion was seconded by Member Yoneshige. During discussion, Member Verkeke asked to amend the motion to add a requirement that some of the funding be used for promotional and educational activities. This would allow AHC a role in how HIC uses the \$8,000 it would have paid while AHC continues to seek a Portal Program Manager. Mr. Castagnaro supported his amendment to the motion. Member Verkeke asked for an

investigative committee be formed to meet with HIC to develop an acceptable arrangement which can then be presented to the committee.

Designated Chair Baldemor decided that an investigative committee would be formed to investigate the suspension of the collection of the Portal Management fee and develop a recommendation for the AHC at its next meeting.

Member M. Wong asked to vote on the original motion to suspend the collection of the Portal Management fee automatically when there is a two year reserve in place. Motion was seconded by Member Yoneshige. Vote was taken and unanimously carried.

Members Verkerke, Thornton, and S. Wong volunteered to be on the investigative committee. Designated Chair Baldemor appointed Member S. Wong to chair the committee. Member Verkerke withdrew his motion to amend the motion.

## **V. Discussion on Digital Records Retention/Destruction Policies**

At a previous AHC meeting, Chair Bhagowalia had concerns regarding the state's digital record retention and destruction policies. He extended an invitation to Susan Shaner, State Archivist, to provide clarification on email, web, and other information as related to records retention and destruction. Ms. Shaner and Adam Jansen, Hawaii State Digital Archives Consultant, attended today's meeting. Ms. Shaner distributed copies of Comptroller's Memorandum 2002-30 Amendment 2, Comptroller's Memorandum 2002-30, and the State of Hawaii - Accounting and General Services Archives Division General Records Schedules – Schedule 11.7 Electronic Mail Records.

Ms. Shaner explained that the two Comptroller's Memorandums deal with email systems management and not with email retention. She stated that the memorandums are about how long something should be kept on a server, whereas email retention is how long an email should be kept.

Ms. Shaner explained that email is only a format and not a record. She stressed that it is the content of the email that is important. A record requires certain elements that have been created or sent in the normal course of business and has been demonstrated to be an activity of government. She gave an example that if someone writes about an employee's performance, it becomes a record that would need to be kept per its retention policy. What is done with the email (how it is saved and how it is on the server for only 60 days) is the issue because it falls on the individual to keep that email.

Mr. Jansen stated that there is nothing in the rules that state what a person should do with a particular email that is a record. He did note that there are clear rules under Chapter 626 of the Hawaii Revised Statutes, that a public record is any writing regardless of format that is made or received by an agency or department. Chapter 94-3 states that the record cannot be destroyed unless it is on an approved retention schedule even if it has no business value.

He noted that the Hawaii State Archives has a great mission to foster open government by preserving or making accessible to the public its records of state government but does not have the tools to do it. Mr. Jansen shared the following:

- Act 88, approved during the 2013 Legislature session, sets up a special fund for State Archives specifically to preserve digital records.
- State Archives has started a digital archives initiative using international standards and best practices to develop a standalone depository to store records in a trustworthy way in perpetuity regardless of the format it is stored in. The digital archives will be able to take records and store them in a documented trustworthy state that can be used as evidence, etc. and certified as true authentic records.
- With Act 88, the State Archivist will be able to issue guidelines on minimum requirements that have to be met for digital records. He also noted that Act 177 (2005), which allowed the conversion from paper to electronic, will help them set guidelines. They hope to have some guidelines in place within 6-12 months.

## **VI. Announcement**

Designated Chair Baldemor announced that the next meeting is scheduled for September 5, 2013 at 1:00 p.m. He also noted that on April 18, 2013, the Governor signed into law Act 21, which designates the Chief Information Officer or his designee to serve on and chair the AHC. It also requires the AHC to include the portal manager's financial reports in its annual report to the legislature. Member Verkerke had a concern regarding the Portal Program Manager's position which was within DAGS as it relates to Act 21. Member S. Wong noted that in its position description the Portal Program Manager is to report to the Chair, which is now the CIO.

**VII. Adjournment**

Member Fujioka moved to adjourn the meeting, Member Thornton seconded. Upon a unanimous affirmative vote, the meeting was adjourned at 2:18 p.m.

DRAFT