

ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

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**POLICY AND PROCEDURE FOR RELEASE AND PUBLICATION OF FORMAL
ADVISORY OPINIONS**

1. **Purpose.** This policy describes the general process by which the Honolulu Ethics Commission (“Commission”) will publish and transmit formal advisory opinions to: (a) someone who was requested advice, (b) the subject of a complaint, (c) the appointing authority or Council, (d) the complainant, and (e) the media or other persons who request a copy of a formal advisory opinion. The commission may follow different procedures as the circumstances warrant.

2. **Policy.** The commission acknowledges that the public has an important right to know whether government officers and employees follow the city ethics laws, as well as whether the Commission also understands that government officers and employees have a right, although limited, to privacy in their official conduct. In addition, the commission desires to protect the confidentiality of those who request advice, bring to the Commission’s attention possible ethical misconduct or witnesses to possible misconduct. It is the intent of the Commission to balance these rights and interests when it determines whether to redact any information from a formal advisory opinion.

3. Formal advisory opinions resulting from requests for advice.

- a. The formal advisory opinion will be transmitted to the requester as soon as practicable after the opinion is rendered by the Commission and signed by the Chair.
- b. The opinion will be reviewed and redacted in compliance with Chapter 92F, Hawaii Revised Statutes (“HRS”) and published on the Commission’s web site.
- c. Requests for a copy of the unredacted version of the opinion from anyone other than the requester are generally prohibited by HRS Sec. 92F-13 (frustration of legitimate government purpose and unwarranted invasion of personal privacy) and relevant opinions of the Hawaii State Office of Information Practices (“OIP”).

4. Formal advisory opinions resulting from complaints where the Commission finds no violation of the standards of conduct.

- a. The formal advisory opinion will be transmitted to the subject of the complaint as soon as practicable after the opinion is rendered by the Commission and signed by

the Chair. The commission may redact the identity of witness from the formal advisory opinion.

- b. The opinion will be reviewed and redacted in compliance with Chapter 92F, HRS, and published on the Commission's web site.
- c. Requests for a copy of the unredacted version of the opinion are generally prohibited by HRS Sec. 92F-13 (frustration of legitimate government purpose and unwarranted invasion of personal privacy) and relevant opinions of OIP.
- d. The Commission will transmit to the complainant a copy of the opinion with redactions, if any.

5. Formal advisory opinions based on complaints where the Commission finds a violation of the standards of conduct.

- a. The formal advisory opinion will be transmitted to the subject of the complaint as soon as practicable after the opinion is rendered and signed by the Chair. The Commission may redact the identity of witnesses from the formal advisory opinion.
 - b. The opinion will be transmitted to the subject's appointing authority, or the Council in the case of a councilmember, as soon as practicable after the opinion is rendered and signed by the Chair. Sec. 11-1107, Revised Charter of Honolulu, and Sec. 3-6.5(e), Revised Ordinances of Honolulu.
 - c. The Commission will transmit to the complainant a copy of the opinions with redaction, if any.
 - d. The opinion will be reviewed and redacted in compliance with Chapter 92F, HRS, for publication on the Commission's web site.
 - e. Requests for a copy of the unredacted version of the opinion from anyone other than the subject, the appointing authority or the Council in the case of a councilmember will be reviewed under the standards established by HRS Chapter 92F and the relevant opinions of OIP.
- (1) Generally, information identifying the ethics violator may be disclosed if the interest in informing the public of the Commission's review and analysis and the violator's misconduct outweighs the violator's privacy interest in maintaining the confidentiality of the violator's conduct.
 - (2) If the Commission finds that information identifying the violator may be released, it shall do so in the published opinion without a request from any person.
 - (3) If the Commission determines to identify the violator in the published opinion, it will inform the violator of the intended disclosure ten days before publication.

6. **Disclosure of formal advisory opinions requested by other government agencies.**

The Commission may release the unredacted version of a formal advisory opinion where the request to do so satisfies the requirement of HRS Sec. 92F-19.

ADOPTED:

BY: /S/
CHARLES W. GALL, Chairperson
Honolulu Ethics Commission

9/12/12
DATE