

EXECUTIVE CHAMBERS
HONOLULU

BENJAMIN J. CAYETANO
GOVERNOR

March 6, 2001

ADMINISTRATIVE DIRECTIVE NO. 01-01

TO: All Department Heads
SUBJECT: Disclosure of Public Information

People have a basic right to access government information. After all, the information is produced, gathered and processed at public expense.

Each of our public agencies need to examine the criteria they use to determine whether certain information is provided to the public, and in the future take into greater account the public's right to know.

Individual Agencies Are Ultimately Responsible

State agencies are expected to consult with the Attorney General, and give great weight to the advice rendered. In the end, however, each agency must take responsibility for the decisions that fall under their purview.

If information is not disclosed, reasons for the non-disclosure should immediately be made public and made clear.

Balancing the Impacts of Disclosure vs. Non-Disclosure

There are circumstances in which fully sharing the information we hold is not appropriate. For example, we need to recognize and honor doctor-patient and lawyer-client relationships. It's also clear that, in our increasingly litigious society, we must take precautions to shield taxpayers from exposure—and sometimes this means withholding certain information.

Only a limited number of interactions within the public sector, however, should rightly fall within these exceptions. If there is doubt as to whether information should be made public, disclose the information.

Openness Leads to Better Decision Making

By operating in a manner that exposes actions to public scrutiny, we will get better decision making and better results. We need to have enough confidence in the democratic process to engage in open discussions and allow people to weigh the evidence for themselves. And if there is a disparity between the actions of government officials and the interests of the public we serve, then we need to be held accountable.

Conclusion

Our administration has conducted itself in an honest and ethically sound manner. However, when we frequently decline to disclose information—even though for good reason—the impression may be left that we are in some way culpable.

I am hereby directing that there be a strong presumption in favor of transparency and openness in our administration, and ask your full commitment in carrying out this directive.

BENJAMIN J. CAYETANO