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PAUL T. TSUKIYAMA
DIRECTOR

August 7, 2009

VIA EMAIL:

RE: Appeal from Agency Denial of Access to General Records

Dear :

The Office of Information Practices ("OIP") is in receipt of your email requesting an appeal from the State of Hawaii, Department of Health's ("DOH") denial of your record request. In your August 3 request to DOH, you requested "*all President Barack Obama's vital records, including any and all birth certificates that are maintained and on file with the Hawaii State Department of Health; this request includes any & all material(s) used as support and as evidence of the information put forth in the President's vital records, be disclosed also...*". Thereafter, on August 6, DOH properly denied your request pursuant to HRS section 338-13.

For your information, the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes does not require the disclosure of documents which are protected from disclosure under State or Federal law. See, Hawaii Revised Statutes ("HRS") section 92F-13(4). Based on your request, it appears that the central issue involves a determination of whether HRS section 338-13 permits disclosure of the record(s) requested. OIP previously addressed this question in OIP Op. Ltr. No. 90-23, and cited the language of the statute which authorizes DOH to make that determination.

Very truly yours,

Paul T. Tsukiyama
Director

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