
Final Report of the

Act 68 Conviction Data Review Committee

**Submitted to the
Twenty-Fourth Legislature, 2007**

**Pursuant to Act 68
Session Laws of Hawai`i, 2006**

Act 68 Conviction Data Review Committee
The Honorable Derrick H.M. Chan, Chair
c/o Judicial Council of Hawai`i
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I. ACT 68 CONVICTION DATA REVIEW COMMITTEE FORMATION AND MANDATE

Act 68, Session Laws of Hawai'i, 2006 (H.B. 1984, H.D.1, S.D.1) requested the Judicial Council to appoint a review committee to "investigate the current status of internet access to state criminal conviction data and recommend to the legislature action necessary to protect offenders balanced against the public interest in access to criminal conviction data." A copy of Act 68 is attached to this report as Appendix A.

In response to Act 68, Chief Justice Ronald T.Y. Moon convened the Judicial Council of Hawai'i and in turn appointed a Conviction Data Review Committee (the Committee), chaired by Judge Derrick H.M. Chan. Act 68 mandated the Committee include representatives from the Judiciary, Department of the Attorney General, Office of the Public Defender, and the American Civil Liberties Union. The membership of the Committee is set forth in subsection A below.

Act 68 called for a final report to be submitted to the legislature, together with any proposed legislation, "no later than twenty days prior to the convening of the regular session of 2007." This report is submitted in response to that mandate.

A. Membership of the Committee

The Conviction Data Review Committee had the following members:

Hon. Derrick H.M. Chan, Chair
Circuit Court of the First Circuit

Liane Moriyama
Hawai'i Criminal Justice Data Center, Department of the Attorney General

Susan L. Arnett, Esq.
Office of the Public Defender

Lois Perrin, Esq.
American Civil Liberties Union of Hawai'i

B. Work of the Committee

The Committee convened on July 14, 2006; August 23, 2006; September 19, 2006; and November 21, 2006 at Ka'ahumanu Hale on Oahu. Committee members also corresponded by email and were very active in exchanging material and sharing their views to arrive at the final version of this report

The Committee would like to thank Lori Okita, Court Administrator, Legal Documents Branch, First Circuit Court, whose knowledge of the court records section of the First Circuit Court and content of the Judiciary's Ho'ohiki website was invaluable to the work of the Committee. In addition, as a member of the State of Hawai'i Judiciary's Committee to Develop a Policy Governing Access to Records (see NOTE below), Ms. Okita's input provided needed insight to the Judiciary's long-term vision of balancing public information against privacy issues. While she was called upon to assist only in the early part of the meetings, Ms. Okita volunteered to assist to the very end, contributing significantly to the final composition of this report.

NOTE: The State of Hawai'i Judiciary recognizes that public access to records is crucial for enhancing awareness of and participation in government. As such, a committee was formed in 2002 to develop a policy governing access to Judiciary records. Once finalized, this "Access Policy" will govern public access to the records of Judiciary courts, programs, and administrative offices. The Access Policy will provide guidance for entities and individuals seeking information and records retained by the Judiciary in any form (e.g., hard copy, electronic). The Access Policy will not supersede any existing laws or rules governing records access. For instance, access to Judiciary administrative records falls under the Uniform Information Practices Act (Modified) (UIPA). Ultimately, the Access Policy will strive to strike a balance between providing easy access to records while remaining sensitive to, and safeguarding, the privacy rights of individuals, as embodied in Sections 6 and 7, Article I of the Hawai'i State Constitution.

The Committee also thanks Laureen Uwaine and Norma Ueno of the Hawai'i Criminal Justice Data Center, Department of the Attorney General. Their knowledge of the criminal conviction data kept by the Hawai'i Criminal Justice Data Center and the Hawai'i Criminal Justice Data Center's expungement process was instrumental to the success of the Committee.

II. FINDINGS

A. Sources of Criminal Conviction Data Available on the Internet

Committee members engaged in fruitful exchanges as discussion centered on the two Hawai'i government websites which currently provide criminal conviction data on the Internet: the Hawai'i Criminal Justice Data Center's "eCrim" website and the State of Hawai'i Judiciary's Ho'ohiki website.

1. Description of the Hawai'i Criminal Justice Data Center's Data Available on the Internet (eCrim)

The Hawai'i Criminal Justice Data Center (HCJDC) manages a web-based facility called "eCrim" to allow the general public access to a

comprehensive adult criminal conviction history of offenders via the Internet. The data provided by eCrim is from a centralized automated system maintained by the HCJDC called CJIS-Hawai'i (formerly known as the Offender-Based Transaction Statistics/Computerized Criminal History). CJIS-Hawai'i is the only criminal justice information system on offenders arrested in Hawai'i that contains statewide information from the police, sheriffs, prosecutors, all levels of courts, intake centers, community correctional facilities, and probation and parole agencies. Currently, there are over 458,000 offenders and in excess of two million records in the system.

Information provided by eCrim and CJIS-Hawaii includes: last name, first name, alias(es), sex, age, weight, height, summary of charges (total number of convictions), and charge information (final charge, disposition, disposition date, sentencing, appeal information, case number, arrest report number). The information provided does not include data maintained by the FBI or other states.

First-time eCrim users must verify their identity by making a one-time charge of US \$1.00 to a valid US credit card. In addition, there is a \$13.00 fee to view the details and print a certified copy of the criminal conviction record.

2. Description of the State of Hawai'i Judiciary's Data Available on the Internet (Ho`ohiki)

Internet access to criminal and non-criminal case information is provided by the State of Hawai'i Judiciary as a free service to the general public via the Ho`ohiki website. Ho`ohiki provides access to information from criminal and civil case files in the circuit and family courts and certain civil cases of the district courts of the State of Hawai'i.

Case information available through Ho`ohiki includes: case number, party name(s), alias(es), case type, party designation (plaintiff, defendant), count/charge (criminal cases only), bail information (criminal cases only), document information (title, filing date/time, name of filing party), and list of court appearances (date, time, and description of appearance; minutes of hearing; disposition of hearing; settlement conference report minutes).

The information displayed on Ho`ohiki does not comprise all information from official court records available to the public. For instance, court pleadings may be found in case files that are available at a courthouse but not currently available through Ho`ohiki. Confidential cases pursuant to statutory requirements and court-ordered sealed cases also are not available on-line. Personal identifiers (fields containing social security

numbers, birth dates, home addresses and home telephone numbers) are blocked out.

Information on Ho`ohiki is provided in real-time (i.e., updated at the same time the court's computer is updated).

B. Methods of Public Access to Criminal Conviction Data Available on the Internet

1. Description of Public Access to eCrim (and CJIS-Hawai`i)

The information on eCrim and CJIS-Hawai`i is used to provide access to timely and accurate criminal history record information for all authorized purposes, including public access to conviction-only information, and to conduct criminal history record checks on all individuals subject to such requirements by law. The general public has access to this information via eCrim on the Internet and via public-access terminals located at the HCJDC (465 South King Street, Room 102, Honolulu, Hawai`i) and the main county police stations on all islands. Using the eCrim website, the public may also purchase and pay for certified printouts on-line. Since its inception, the eCrim website has received more than 535,418 on-line inquiries.

2. Description of Public Access to Ho`ohiki

The general public has access to the information provided on Ho`ohiki via the Internet. The Ho`ohiki website is shutdown daily between 12:30 a.m. and 3:30 a.m.

On average, the Ho`ohiki website receives more than 26,692 on-line inquiries per month, approximately 890 per day.

III. RECOMMENDATIONS

Although the Committee members could not agree on specific legislation to recommend, and some members felt further review of the issues is required, the majority felt it necessary to inform the legislature of the general consensus achieved. Whether or not future legislation is derived from this report is under the purview of the legislature.

The Committee agreed the expungement process should be simplified. Although several recommendations toward that end were discussed, consensus was only reached on addressing the expungement of court records in the expungement process whether by court order or statutorily.

The Committee also agreed the privacy statement contained in the Judiciary website should be enhanced.

NOTE: One recommendation discussed which the Committee could not agree on, dealt with automatically expunging records for offenders who have successfully completed their Deferred Acceptance of Guilty (DAG) plea, Deferred Acceptance of No Contest (DANC) agreement, or graduated from Drug Court, resulting in a non-conviction. These individuals are allowed to expunge their record. However, because of a lack of understanding of the procedure or indifference on the part of the offender, the majority do not, and their records remain on-line. As a matter of record, 2,012 DAG/DANC agreements were successfully completed in 2005. Of this number, only 182 applied to have their records expunged under HRS § 831-3.2.

A. Include Court Records in Expungement Statute

The advent of the Judiciary's Ho'ohiki and HCJDC's eCrim websites allow greater ease and more widespread access to Hawai'i court-case and criminal-history information. As such, many people conduct record searches on-line and often are dismayed to learn the records they expunged at the HCJDC still appear on the Judiciary's website. The reason for this is because a court order is required to remove records from the court file, and thus the Ho'ohiki website. Therefore, although a record may be correctly expunged on the eCrim website, a separate procedure is required to remove the same record from the Ho'ohiki website. People are consequently confused why they have to expunge their records at both the HCJDC as well as the court.

The current expungement statute (HRS § 831-3.2) directs only the HCJDC to expunge the record of arrest upon proper written application. A copy of HRS § 831-3.2 is attached to this report as Appendix B.

The Committee identified there is a need to include court records in the expungement process.

B. Enhance Internet Privacy Statement

The advent of the Internet and the associated technologies have allowed for the development of systems that offer broader public access to case files, including electronic access from locations outside the courthouse. Data is more easily obtained, stored, transferred, and used than in the past. Electronic access to court records advances our state's goal of maintaining open government. There is increasing awareness, however, of the personal privacy implications of electronic access to court case files, especially access through the Internet.

It appears that nearly all of the state judiciaries post an Internet privacy statement. In comparing Hawai'i's to those of other states, it is apparent that Hawai'i's

abridged statement should be refined. Specifically, in reviewing the current abbreviated Privacy Statement of the Judiciary (attached hereto as Appendix C) and the draft of the Policy Governing Access to the Records of the Hawai'i State Judiciary (Appendix D), it appears that an enhanced privacy statement is necessary to better reflect the following three themes: (1) public access to court records; (2) a definition of information that is automatically collected (e.g., cookies, IP addresses, domain name, time and date of access, etc.), as well as a description as to how such information may be used by the Judiciary; and (3) a definition of personally identifiable information that may be voluntarily provided (e.g., name, address, email address, social security number, etc.), as well as a description as to how such information may be used by the Judiciary.

To this end, the Internet privacy statements from New Hampshire and Oregon (attached hereto as Appendices E and F, respectively) may be instructive. These privacy statements provide the Internet user with more comprehensive information about the purpose of the websites and the potential privacy risks that may be associated with use of the website.

APPENDIX A

Act 68, Session Laws of Hawai`i, 2006

HOUSE OF REPRESENTATIVES
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

H.B. NO. 1984
H.D. 1
S.D. 1

A BILL FOR AN ACT

RELATING TO CONVICTION DATA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The judicial council, established pursuant to
2 section 601-4, Hawaii Revised Statutes, through a review
3 committee shall investigate the current status of internet
4 access to state criminal conviction data and recommend to the
5 legislature action necessary to protect offenders balanced
6 against the public interest in access to criminal conviction
7 data. The review committee shall include representatives from:

- 8 (1) The judiciary;
9 (2) The attorney general;
10 (3) The office of the public defender; and
11 (4) The American Civil Liberties Union.

12 The review committee shall investigate the current status
13 of:

- 14 (1) Methods and sources for collecting criminal conviction
15 data made available over the internet;
16 (2) The extent to which the public is granted internet
17 access to criminal conviction data, and whether
18 further limitations on internet access to this data is



1 necessary to ensure proper uses of the data, such as
2 promoting public safety;

3 (3) The methods by which the public may conduct internet
4 searches for criminal conviction data, including
5 search engines and other means of sorting data by
6 category; and


7 (4) Any other relevant issues concerning internet access
8 to criminal conviction data.

9 The investigation of the review committee shall not include
10 a review of the sex offender registry pursuant to chapter 846E.

11 The review committee shall submit a final report of its
12 findings and recommendations, together with any proposed
13 legislation, to the legislature no later than twenty days prior
14 to the convening of the regular session of 2007.

15 SECTION 2. This Act shall take effect upon its approval.

APPROVED this 2 day of MAY, 2006



GOVERNOR OF THE STATE OF HAWAII



APPENDIX B

Hawai`i Revised Statutes, § 831-3.2

§831-3.2 Expungement orders. (a) The attorney general, or the attorney general's duly authorized representative within the department of the attorney general, upon written application from a person arrested for, or charged with but not convicted of a crime, shall issue an expungement order annulling, canceling, and rescinding the record of arrest; provided that an expungement order shall not be issued:

- (1) In the case of an arrest for a felony or misdemeanor where conviction has not been obtained because of bail forfeiture;
- (2) For a period of five years after arrest or citation in the case of a petty misdemeanor or violation where conviction has not been obtained because of a bail forfeiture;
- (3) In the case of an arrest of any person for any offense where conviction has not been obtained because the person has rendered prosecution impossible by absenting oneself from the jurisdiction;
- (4) In the case of a person acquitted by reason of a mental or physical defect under chapter 704; and
- (5) For a period of one year upon discharge of the defendant and dismissal of the charge against the defendant in the case of a deferred acceptance of guilty plea or nolo contendere plea, in accordance with chapter 853.

Any person entitled to an expungement order hereunder may by written application also request return of all fingerprints or photographs taken in connection with the person's arrest. The attorney general or the attorney general's duly authorized representative within the department of the attorney general, within 120 days after receipt of the written application, shall, when so requested, deliver, or cause to be delivered, all fingerprints or photographs of the person, unless the person has a record of conviction or is a fugitive from justice, in which case the photographs or fingerprints may be retained by the agencies holding such records.

(b) Upon the issuance of the expungement certificate, the person applying for the order shall be treated as not having been arrested in all respects not otherwise provided for in this section.

(c) Upon the issuance of the expungement order, all arrest records pertaining to the arrest which are in the custody or control of any law enforcement agency of the state or any county government, and which are capable of being forwarded to the attorney general without affecting other records not pertaining to the arrest, shall be so forwarded for placement of the arrest records in a confidential file.

(d) Records filed under subsection (c) shall not be divulged except upon inquiry by:

- (1) A court of law or an agency thereof which is preparing a presentence investigation for the court;
- (2) An agency of the federal or state government which is considering the subject person for a position immediately and directly affecting the national or state security; or
- (3) A law enforcement agency acting within the scope of their duties.

Response to any other inquiry shall not be different from responses made about persons who have no arrest records.

(e) The attorney general or the attorney general's duly authorized representative within the department of the attorney general shall issue to the person for whom an expungement order has been entered, a certificate stating that the order has been issued and that its effect is to annul the record of a specific arrest. The certificate shall authorize the person to state, in response to any question or inquiry, whether or not under oath, that the person has no record regarding the specific arrest. Such a statement shall not make the person subject to any action for perjury, civil suit, discharge from employment, or any other adverse action.

(f) The meaning of the following terms as used in this section shall be as

indicated:

(1) "Conviction" means a final determination of guilt whether by plea of the accused in open court, by verdict of the jury or by decision of the court.

(2) "Arrest record" means any existing photographic and fingerprint cards relating to the arrest.

(g) The attorney general shall adopt rules pursuant to chapter 91 necessary for the purpose of this section.

(h) Nothing in this section shall affect the compilation of crime statistics or information stored or disseminated as provided in chapter 846. [L 1974, c 92, §2; am L 1975, c 103, §1; am L 1976, c 116, §§1, 2; am L 1980, c 12, §1; am L 1983, c 78, §4; gen ch 1985; am L 1987, c 322, §1; am L 1993, c 7, §§1, 2]

Case Notes

In Federal prosecution, error in admitting evidence of expunged prior arrest for interfering with local police officers did not justify reversal of conviction where there was overwhelming evidence of guilt. 614 F.2d 214.

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APPENDIX C

Hawai`i State Judiciary Internet Privacy Statement



Hawai'i State Judiciary

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Privacy Statement

At the Hawai'i State Judiciary, we understand that personal privacy on the Internet is important to you as a user of our website. You may be concerned about whether data is being collected about you as you view various pages of our website. This Privacy Statement is meant to explain what information is collected and what the information is used for.

The Hawai'i State Judiciary collects data in two categories: General Web Activity and Personal Information. We do not collect any personal information from you when you visit our website unless you voluntarily provide that information to us.

General Web Activity

The Hawai'i State Judiciary periodically collects general information about how visitors use our website. This information is referred to as website "hits," and includes data such as the length of time that users spend on our website, the webpages most often accessed by users, and the peak-usage periods for our site. We use this information to monitor and improve our services to the public. Information about you as the website user is not tracked or collected.

Personal Information

Personal information is collected by the Hawai'i State Judiciary only when you voluntarily provide it to us by filling out a form and submitting it to us or by e-mail message. Examples of personal information include name, home address, and telephone number.

We use this information to contact you and to respond to your request or message. We do not share personal information unless required to do so by law.

If you have any questions regarding our Privacy Statement, please [contact us](#).



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APPENDIX D

Draft Policy Governing Access to Records of the Hawai`i State Judiciary

State of Hawai'i Judiciary's Policy Governing Access to the Records of the Hawai'i State Judiciary

Purpose, Scope and Objectives

The Hawai'i State Judiciary's ("Judiciary") Policy Governing Access to the Records of the Hawai'i State Judiciary ("Access Policy"), once finalized, will govern public access to the records of Judiciary courts, programs, and administrative offices. The Access Policy provides guidance for entities and individuals seeking information and records retained by the Judiciary in any form (e.g., hardcopy, electronic). The Access Policy does not supersede any existing laws or rules governing records access. For instance, access to Judiciary administrative records fall under the Uniform Information Practices Act (Modified) (UIPA), and the Access Policy incorporates that law (Hawaii Revised Statutes chapter 92F).

The Judiciary recognizes that public access to Judiciary records is crucial for enhancing awareness of and participation in government. The Access Policy strives to strike a balance between providing easy access to records while remaining sensitive to, and safeguarding, the privacy rights of individuals, as embodied in sections 6 and 7, article I of the Hawaii State Constitution.

APPENDIX E

New Hampshire Internet Privacy Statement

[HOME](#)[VISITORS](#)[RESIDENTS](#)[BUSINESS](#)[GOVERNMENT](#)

Privacy Statement

This privacy notice contains the following sections:

- [Policy Statement](#)
- [What information about users does the State of New Hampshire collect?](#)
- [Public Disclosure](#)
- [Cookies](#)
- [Security](#)
- [Disclaimer](#)
- [Contact information](#)

Policy Statement

In the State of New Hampshire, laws exist to ensure that government is open and that the public has access to appropriate information obtained and held by the government. At the same time, the State recognizes that personal information collected by the State should be used only for the purpose for which it is collected. Except as authorized by law, such information will not be disclosed to other persons or organizations. Therefore, it is the policy of the State of New Hampshire that all personal information collected by state government Web sites shall be subject to the following principles:

- *Electronic information* - information collected and held electronically shall be afforded the same protection as non-electronic information;
- *Collection of personal information* - the collection of personal information shall be limited to and consistent with the requirements of the government program or activity;
- *Use of personal information* - individuals shall be informed as to why information is being collected and how it will be used;
- *Disclosure of personal information* - disclosure of information shall be limited to the purpose for which it was collected unless otherwise authorized by law; when practical and provided by law, information may be obtained from other government entities;
- *Access to personal information* - individuals shall be allowed a reasonable opportunity to obtain access to their personal information and to ensure that it is correct; and
- *Security precautions* - reasonable precautions shall be taken to ensure the security of personal information.

What information about users does the State of New Hampshire collect through its Web sites?

What information is collected automatically?

The following information is collected and stored automatically from all users accessing State of New Hampshire Web sites:

- The Internet domain (for example, "xcompany.com" if you use a private Internet access account, or "yourschool.edu" if you connect from a university's domain) and Internet Protocol (IP) address from which you access our site;
- The type of hardware, browser and operating system used to access our

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- [Visitors](#)
- [Residents](#)
- [Business](#)
- [Government](#)
- [Laws and Rules](#)
- [State Employees](#)
- [Just For Kids](#)
- [ShopNH](#)

- site;
- The date and time you access our site;
- The number of bytes of data transmitted during your visit;
- Transaction and routing information to and from your computer;
- The pages you visit; and
- If you linked to our site from another Web site, the address of that Web site (URL).

This information is used for purposes such as assessing what information is of most interest to users and system enhancements.

What about personal information voluntarily provided to the State?

Unless you choose to do so (i.e. sending an E-mail, participating in a survey, responding to a feedback or "contact us" form, or applying for benefits or State services), State of New Hampshire Web sites do not obtain personally identifying information.

We consider any information that could reasonably be used to identify you as "personally identifying information." This may include, but is not limited to:

- Your name;
- Your address (excluding zip code);
- Your E-mail address;
- Your social security number;
- Your password;
- Bank account information;
- Credit card information;
- License or identification number;
- Telephone number;
- Medical or disability information;
- Any combination of data that could be used to identify you such as birth date, zip code and gender; and
- Any graphical or visual representation of you.

Government agencies may request personally identifying information from you in order to provide requested services, but such information is handled as it would be on an in-person visit to a government office.

If personal information is requested on the Web site or volunteered by the user, State law and the federal Privacy Act of 1974 may protect it. However, this information is a public record once you provide it, and may be subject to public inspection, distribution and copying if not protected by federal or State law.

How can I access and correct my personal information?

Persons concerned about information contained in their personal records should contact the custodian of the record, which typically is the State agency or other governmental entity that collects and maintains the information.

Public Disclosure

The State does not disclose any personal information except when: permission has been granted by the individual; where the information is considered public information under the New Hampshire Right to Know Law, [RSA 91-A](#), and is not otherwise protected from disclosure by applicable State or federal laws; or, we are required to do so by law, subpoena, court order or legal process.

Cookies

State of New Hampshire applications and Web pages may use cookies (or programs called "applets") to store information. Cookies are text files stored on your computer to enhance the

usability of a particular Web site. They can tell a web site if you have visited before and can pass short bits of information from the Web site back to itself the next time you visit. Any information, including personal information, which you choose to provide at a site may be stored in a cookie. Your Web browser can be configured to refuse cookies or to notify you when a Web site attempts to send you a cookie. Cookie files can also be found and deleted from your computer's hard drive.

Security

The State of New Hampshire has instituted security measures to protect the information and systems that we maintain. These measures are designed to ensure that this service remains available to all users by blocking unauthorized access to our systems and preventing corruption of data, thus providing reasonable protection of personal information in our possession.

Disclaimer

State of New Hampshire Web sites may contain links to or data from other, non-State Web sites. When linking to another site, this State of New Hampshire Privacy Notice no longer applies. The State of New Hampshire does not endorse any products or services linked from or supplied to this site. In addition, some State agencies may have policies specific to their agency that augment or supersede this policy.

While the State of New Hampshire's Web sites are intended to provide current and accurate information, neither the State nor any of its employees, agencies, and officers can warranty the information contained on the site and shall not be held liable for any losses caused on the reliance of information provided. Relying on information contained on these sites is done at one's own risk.

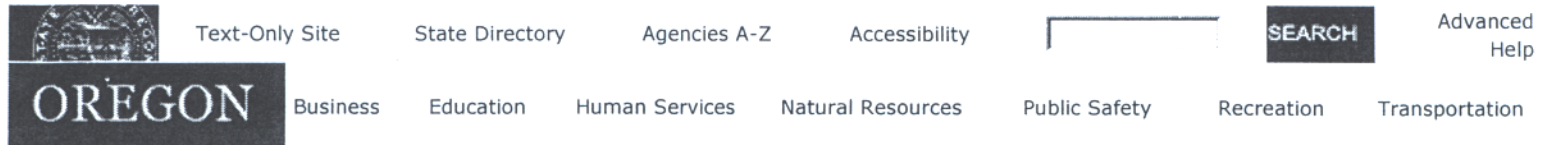
Contact information

Additional questions or concerns about this Privacy Notice should be directed to:
webmaster@nh.gov.



APPENDIX F

Oregon Internet Privacy Statement



Oregon E-government Program

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Privacy and Terms and Conditions

[Terms and Conditions](#)


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Terms and Conditions

Thank you for visiting the Oregon.gov web site (the Site). By accessing and browsing the Site, you accept these terms and conditions without limitation.

1. Without limiting any of the foregoing, the content of the Site in languages other than the English language is provided "AS IS" AND WITHOUT WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY and FITNESS FOR A PARTICULAR PURPOSE OR NON-INFRINGEMENT.
2. You agree that you will hold harmless and indemnify the State of Oregon and its agencies and officers from and against any damages based on your use of content of this Site that is translated into languages other than the English language.

 [Back to the top](#)

Privacy Statement

Links to Other Sites - A Disclaimer

This site has links to other web sites as a convenience to our customers. These include links to web sites operated by other government agencies, nonprofit organizations and private businesses. When you use one of these links, you are no longer on this site and this Privacy Notice will not apply. When you link to another web site, you are subject to the privacy policy of that new site.

When you follow a link to one of these sites neither the State of Oregon, nor any agency, officer, or employee of the State of Oregon warrants the accuracy, reliability or timeliness of any information published by these external sites, nor endorses any content, viewpoints, products, or services linked from these systems, and can not be held liable for any losses caused by reliance on the accuracy, reliability or timeliness of their information. Portions of such information may be incorrect or not current. Any person or entity that relies on any information obtained from these systems does so at his or her own risk.

Information Collected When You Just Browse

If you do nothing during your visit to this web site but browse or download information, we automatically collect and store the standard data collected by all web server software. That information is as follows:

1. The Internet Protocol (IP) address and domain name used (but not the e-mail address). The IP address is a numerical identifier assigned either to your Internet service provider or directly to your computer. We use the Internet IP to respond to your browser request. Example:

- 122.125.36.42;
2. The Domain domain name (DNS) assigned on the Internet to your IP Address (if there is one).
Example: somename.com;
 3. The type of browser and operating system you used. Example: Mozilla/4.0 (compatible; MSIE 4.01; Windows NT; IE4WDUS-1998101501);
 4. The date and time you visited this site;
 5. The web pages or services you accessed at this site; and
 6. The web site you visited prior to coming to this web site. (Note: this is included so that summary analysis can be done on how visitors get to your site, i.e., from a search engine, from a link on another site, etc.)

We do not track individual user navigation choices. We do, however, summarize the information listed above to determine:

- what organizations are our most frequent users (item 2 above) to better target our content for the audience.
- what browsers are being used on our site to determine what techniques we can use to develop pages that will work with different browsers (item 3 above).
- how often our pages are being used (item 5 above).
- by the traffic from organization names such things as the search engines that are good at directing people to the site (item 6 above)

For site security purposes and to ensure that this service remains available to all users, this site may monitor network traffic to identify unauthorized attempts to upload or change information, or otherwise cause damage. If security monitoring reveals evidence of possible abuse or criminal activity, system personnel may provide the results of such monitoring to appropriate officials. Except for authorized law enforcement investigations no attempts are made to identify individual users or their usage habits. Unauthorized attempts to upload information or change information on this service are strictly prohibited and may be punishable under the state law and federal statutes including the Computer Fraud and Abuse Act of 1986 and the National Information Infrastructure Protection Act of 1996.

Public Disclosure

All information collected at this site becomes a public record unless an exemption in law exists. ORS Chapter 192 contains the Oregon Public Records Law. and other program specific ORS's and OAR's.

In the State of Oregon, laws exist to ensure that government is open and that the public has a right to access appropriate records and information possessed by state government. At the same time, there are exceptions to the public's right to access public records that serve various needs including the privacy of individuals. Both state and federal laws provide exceptions. We may request personally identifiable information from you in order to provide requested services, but such information is handled as it would be on an in-person visit to a governmental office.

Personal Information and Nondisclosure

"Personal information" is information about a natural person that is readily identifiable to that individual, such as an individual's name, address and telephone number. Such personal information may be exempt from disclosure if disclosure would constitute an unreasonable invasion of privacy under the circumstances. A domain name or Internet Protocol (IP) address is not considered personal information. Most information collected by state government is assumed to be open to the public unless specifically exempted. ORS Chapter 192 contains the Oregon Public Records Law. Under this law, individuals are permitted to request that public officials not disclose a public record that contains their home address and telephone number under certain circumstances. ORS 192.445 specifies how to request non-disclosure.

Email

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Forms

Each electronic form that collects personal information on this site will have a specific privacy statement or a link to the privacy statement that explains the conditions (if any) under which information may be shared with other parties.

Requesting Personal Information Inspection

You have the right to review information collected about you by this site. Contact the agency that provides the service you requested.

Secure Transmission

For secured-data transmission, this site uses the industry standard encryption software, Secure Socket Layer (SSL). The URL in your browser will change to "HTTPS" instead of "HTTP" when this security feature is invoked. Your browser may also display a lock or key symbol on its task bar to indicate invoked secure transmission. If these indicators are not present, any information is susceptible to interception by other parties. Most Internet e-mail communication will not be secure. If you are communicating sensitive information, you might want to consider sending it in by postal mail.

Cookies

A cookie file is a small text file created by a web site on your computer hard drive that contains unique information the site can use to track such things as passwords, lists of pages you've visited, the date when you last looked at a specific page or to identify your session at a particular web site. A cookie is often used in commercial sites to identify the items selected for a specific shopping cart application. If cookies are used on the web site their use will be clearly marked. While most browsers have an option that allows you to control the use of cookies, their use might provide some features that can not be used if cookies are turned off. Each application start page where cookies are used will have a specific statement that explains the use of the cookies, what information is being stored and whether the information is deleted or retained for future use when you complete your session.

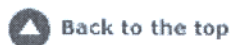
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