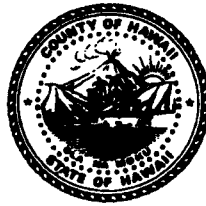


Harry Kim  
Mayor



Lincoln S.T. Ashida  
Corporation Counsel

Gerald Takase  
Assistant Corporation  
Counsel

**COUNTY OF HAWAII**  
**OFFICE OF THE CORPORATION COUNSEL**

101 Aupuni Street, Suite 325 • Hilo, Hawaii 96720-4262 • (808) 961-8251 • Fax (808) 961-8622

December 12, 2005

Ms. Charmaine Kamaka  
Department of Civil Service  
101 Pauahi Street, Suite 2  
Hilo, Hawai'i 96720

Re: Legal Opinion: Confidentiality of Employee Accident Reports

Dear Charmaine:

Pursuant to your question regarding whether vehicle damage and incident reports are considered a public record, I have had a chance to review the UIPA and relevant authorities. Based upon my research, this office is of the opinion that employee reports filed with your office are not public record and should not be disclosed.

This opinion is based on a number of factors, including the existence of personal information regarding an employee. The primary reason for this opinion, however, is that Section 92F-13(3) protects records that by their nature must be confidential in order for the government to avoid the frustration of a legitimate government function.

Any time an employee of the County is involved in a motor vehicle accident, the potential for litigation looms large. Any information in a record which includes facts which could be used in preparation of a defense, or in the prosecution of any lawsuit, has been construed by the Office of Information Practices to be "work product," i.e., information which is prepared in anticipation of litigation and therefore not to be disclosed.

Accordingly, this information should not be disclosed for the reasons stated above.

Yours truly,

A handwritten signature in black ink, appearing to read "Michael J. Udovic".

Michael J. Udovic  
Deputy Corporation Counsel

MJU:mc

s:\work 2005\dec\wrk 05-10588\lo to civ svc re accident rpts 12-12-05 MJUm