

# **Exhibit 3**



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## Frequently Asked Questions about Vital Records of President Barack Hussein Obama II

On April 27, 2011 President Barack Obama posted a certified copy of his original Certificate of Live Birth.

- For information go to <http://www.whitehouse.gov/blog/2011/04/27/president-obamas-long-form-birth-certificate>
- [Hawaii Health Department Grants President Obama's Request for Certified Copies of 'Long Form' Birth Certificate](#)
- [President Obama's letter to the Hawaii State Department of Health and the Director of Health's response](#)
- [Department of Health's policy on the issuance of certified copies of vital records](#)

**Below are responses to frequently asked questions related to all records and documents maintained by the Hawaii State Department of Health (DOH) related to the vital records of President Barack Hussein Obama II. Frequently requested records and documents which can be released to the public are attached by electronic link below or, for those records and documents that are not available electronically, directions are provided for requesting copies.**

The State's public records law, the Uniform Information Practices Act (Modified) ("UIPA"), found at chapter 92F, Hawaii Revised Statutes ("HRS") requires that all government records be open to public inspection unless access is restricted or closed by law. Government records means information maintained by an agency in written, auditory, visual, electronic, or other physical form, see HRS §92F-3. The UIPA does not require an agency to provide access to government records that state law protects from disclosure, see, HRS §92F-13 (4), nor does it require agencies to respond to all questions asked of the agency.

Unless a request for DOH records is specific enough to be understood, the request cannot be responded to by the DOH.

The DOH may not have a record which is responsive to a request. The UIPA does not require an agency to compile or create information to respond to a request.

State law prohibits the DOH from disclosing any vital statistics records or information contained in such records unless the requestor has a direct and tangible interest in the record, or as otherwise allowed by statute or administrative rule. See HRS §338-18. Direct and tangible interest is determined by HRS §338-18(b).

In light of the unprecedented number of requests for information relating to the vital records of President Barack Hussein Obama II, the DOH has reviewed the requirements of UIPA and the confidentiality provisions of HRS Chapter 338.

Based upon that review, the DOH has determined that the information listed below constitutes all of the publicly available information related to requests for vital statistics records pertaining to President Barack Hussein Obama II, and the only disclosures pertaining to those records that can be made in accordance with Hawaii law. The Department of Health is providing links to copies of the records in the form that they are available to the public.

### 1. Birth Certificate or Certificate of Live Birth

State law prohibits the DOH for disclosing any information about a Hawaii vital record unless the requestor has a direct and tangible interest in the record. This includes verification of vital records and all the information contained in a record. Vital records disclosure laws protect all birth, death, marriage and divorce records held by the department and all amendments, changes, supporting records, and requests related to vital records.

Direct and tangible interest is determined by HRS §338-18(b). This statute may be accessed on the state legislative website at: [http://www.capitol.hawaii.gov/hrscurrent/Vol06/Ch0321-0344/HRS0338/HRS\\_0338-0018.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol06/Ch0321-0344/HRS0338/HRS_0338-0018.htm)

The law that governs vital records in the State of Hawaii is Hawaii Revised Statutes chapter 338, which may be accessed on the state legislature website at: <http://www.capitol.hawaii.gov/hrscurrent/>

The following court decision upheld the statute which restricts access to vital records:

Justice v. Fuddy--ICA--April 7, 2011 Concurring opinion by J. Leonard.-- denial of request to see President Obama's birth certificate.

[http://www.courts.state.hi.us/docs/opin\\_ord/ica/2011/apr/ica30176.pdf](http://www.courts.state.hi.us/docs/opin_ord/ica/2011/apr/ica30176.pdf)

Information on how to order certified copies of vital records in Hawaii and who is eligible to order vital records in Hawaii, is available on the DOH website at:

<http://hawaii.gov/health/vital-records/vital-records/index.html>

## Index Data

Haw. Rev. Stat. §338-18(d) states, "Index data consisting of name and sex of the registrant, type of vital event, and such other data as the director may authorize shall be made available to the public." Refer to link above for HRS §338-18.

Index data consisting of name and sex of the registrant, and type of event is made available to the public. The director, in accordance with HRS §338-18(d), has not authorized any other data to be made available to the public.

Index data referred to in HRS §338-18 from vital records in the State of Hawaii is available for inspection at the Department of Health's Office of Health Status Monitoring at 1250 Punchbowl Street in Honolulu. The public will be asked to provide identification and sign in to inspect the names and sex of all births, deaths and marriages that occurred in the state. Data are maintained in bound copies by type of event with names listed alphabetically by last name.

The index data regarding President Obama is:

Birth Index  
Obama II, Barack Hussein  
Male

To request a search for index data, provide a first and last name of the individual, and the type of event along with a self-addressed, stamped envelope. Requests must be sent in writing to:

State Department of Health  
Office of Health Status Monitoring  
Issuance/Vital Statistics Section  
P.O. Box 3378  
Honolulu, HI 96801

There may be a cost for search, segregation and copying based on the request. If prepayment is required, the DOH will send a Notice to Requestor form with the amount required for prepayment. Only a money order, certified check, or cashier's check (make money order and checks payable to the State Department of Health) will be accepted. Personal checks will not be accepted. All fees are non-refundable; if no data is found after a search is conducted, the fees are retained to cover the cost of the search. Requests for index data will be sent out within 2-3 weeks after receipt of payment.

## 2. All past statements by the Health Director are available at:

<http://hawaii.gov/health/about/pr/2008/08-93.pdf>  
<http://hawaii.gov/health/about/pr/2009/09-063.pdf>

The statements speak for themselves and there are no other public records maintained by the department related to these statements that are available to the public

## 3. Records pertaining to the Department of Health database for vital statistics information:

Records pertaining to the Department of Health database for vital statistics information are not required to be disclosed by the Uniform Information Practices Act because those records, by their very nature, must be confidential in order for the government to avoid the frustration of a legitimate government function (see HRS §92F-13(3)). Disclosing such information compromises the department's ability to protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system as is required by HRS §338-18.

## 4. All records on department regulations and rules related to vital records are at:

<http://gen.doh.hawaii.gov/sites/har/admrules/default.aspx>

These records consist of:

Public Health Regulations Chapter 8 (Vital Records Regulations and Records)

Public Health Regulations Chapter 8A (Delayed Birth Registration)

Public Health Regulations Chapter 8B (Vital Statistics Regulations and Records)

Hawaii Administrative Rules, Title 11 Department of Health Chapter 120 (Foreign Born Persons Adopted in Hawaii)

Hawaii Administrative Rules, Title 11 Department of Health Chapter 123 (Names of Natural Parents in Birth Certificate of Adopted Person)

If you would like to have a hard copy of the rules sent to you by mail or by facsimile, please send a prepayment of \$10.00 along with your written request to:

State Department of Health  
Office of Health Status Monitoring  
Issuance/Vital Statistics Section  
P.O. Box 3378  
Honolulu, HI 96801

