
A BILL FOR AN ACT

RELATING TO GOVERNMENT DATA.

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

1 SECTION 1. The legislature finds that it is in the State's
2 interest to increase access to data maintained by and available
3 from state agencies as such data can inform public policy,
4 stimulate innovation both within and outside government,
5 encourage public engagement, and enhance transparency. This
6 data can also spur economic development and produce new and
7 innovative resources and services that benefit state employees,
8 individual citizens, and businesses. Further, the efficient
9 integration, management, governance, and sharing of data can
10 greatly improve state programs and the delivery of services to
11 the State's citizens. Therefore, unless expressly prohibited by
12 law or applicable regulatory requirement, it is vitally
13 important that data held by state agencies be made readily
14 available to other state agencies with a minimum of
15 administrative obstacles, so that data shared across agencies
16 contributes to the effective, efficient, and transparent
17 delivery of information resources and services. It is equally



1 vital that state agencies make reasonable efforts to provide
2 public access to this data, unless expressly prohibited by law
3 or applicable regulatory requirement.

4 The purpose of this Act is to establish within the office
5 of enterprise technology services a chief data officer and a
6 data task force to develop, implement, and manage statewide data
7 policies, procedures, and standards.

8 SECTION 2. Section 27-44, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~{}~~\$27-44~~{}~~—~~Electronic~~] Chief data officer; electronic
11 data set availability; updates. (a) There is established
12 within the office of enterprise technology services a full-time
13 chief data officer to develop, implement, and manage statewide
14 data policies, procedures, and standards pursuant to section 27-
15 44.3 and to facilitate data sharing across state agencies. The
16 chief data officer shall be appointed by and report directly to
17 the chief information officer. Each executive branch
18 department, including the department of education and the
19 university of Hawaii, shall use reasonable efforts to make
20 appropriate and existing [~~electronic~~] data sets maintained by
21 the department electronically available to the public through



1 the State's open data portal at data.hawaii.gov or successor
2 website designated by the chief [~~information~~] data officer;
3 provided that:

4 (1) Nothing in this chapter shall require departments to
5 create new electronic data sets or to make data sets
6 available upon demand;

7 (2) Data licensed to the State by another person or entity
8 shall not be made public under this chapter unless the
9 person or entity licensing the data agrees to the
10 public disclosure; and

11 (3) Proprietary and other information protected from
12 disclosure by law or contract shall not be disclosed.

13 [~~Such~~] This disclosure shall be consistent with the policies,
14 procedures, and standards developed by the chief [~~information~~]
15 data officer and consistent with applicable law, including
16 chapter 92F and other state and federal laws related to security
17 and privacy, and no personally identifiable information shall be
18 posted online unless the identified individual has consented to
19 the posting or the posting is necessary to fulfill the lawful
20 purposes or duties of the department.



1 (b) Nothing in this chapter shall require the chief
2 information officer or the chief data officer to adopt rules
3 pursuant to chapter 91 and nothing in this chapter shall
4 supersede chapter 27G.

5 (c) Each department shall update its electronic data sets
6 in the manner prescribed by the chief [~~information~~] data officer
7 and as often as is necessary to preserve the integrity and
8 usefulness of the data sets to the extent that the department
9 regularly maintains or updates the data sets.

10 (d) There is established a data task force to assist the
11 chief data officer in developing the State's data policies,
12 procedures, and standards. The task force shall be composed of
13 the following members:

14 (1) One member of the house of representatives, to be
15 appointed by the speaker of the house of
16 representatives;

17 (2) One member of the senate, to be appointed by the
18 president of the senate;

19 (3) One representative of the judiciary, to be appointed
20 by the chief justice of the supreme court;



- 1 (4) The superintendent of education or the
2 superintendent's designee;
- 3 (5) The director of human services or the director's
4 designee;
- 5 (6) The director of health or the director's designee;
- 6 (7) The director of business, economic development, and
7 tourism or the director's designee;
- 8 (8) The president of the university of Hawaii or the
9 president's designee;
- 10 (9) Two members of the public to represent nonprofit
11 stakeholders with experience in data, to be appointed
12 one each by the speaker of the house of
13 representatives and the president of the senate; and
- 14 (10) Two members of the public to represent for-profit
15 stakeholders with experience in data, to be appointed
16 one each by the speaker of the house of
17 representatives and the president of the senate.
- 18 The chief data officer shall serve as the chair of the task
19 force and shall ensure that the task force is evaluated
20 periodically."



1 SECTION 3. Section 27-44.2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~+~~]**§27-44.2**[~~+~~] **Data set licensing.** The chief
4 [~~information~~] data officer may make the departments' electronic
5 data sets on data.hawaii.gov or successor website designated by
6 the chief data officer available to third parties pursuant to a
7 license[~~, which~~] that may require the licensee to allow any user
8 to copy, distribute, display, or create derivative works at no
9 cost and with an appropriate level of conditions placed on the
10 use."

11 SECTION 4. Section 27-44.3, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) The chief [~~information~~] data officer, in consultation
14 with the data task force and the office of information
15 practices, shall develop policies and procedures to implement
16 section 27-44, including standards to determine [~~which~~] the data
17 sets that are appropriate for online disclosure as provided in
18 section 27-44[~~+~~] and the data set format standards to be used by
19 all agencies in making their data sets available; provided that
20 the standards shall not require the departments to post
21 information that is otherwise required to be disclosed under



1 chapter 92F, but is personally identifiable information,
2 information that may pose a personal or public security risk, is
3 of minimal public interest, or is otherwise inappropriate for
4 online disclosure as part of a data set."

5 SECTION 5. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2019-2020 and the
8 same sum or so much thereof as may be necessary for fiscal year
9 2020-2021 for the salary and benefits of the chief data officer.

10 The sums appropriated shall be expended by the office of
11 enterprise technology services for the purposes of this Act.

12 SECTION 6. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Chief Data Officer; Data Task Force; Office of Enterprise
Technology Services; Appropriation

Description:

Establishes a Chief Data Officer and Data Task Force in the
Office of Enterprise Technology Services to develop, implement,
and manage statewide data set policies, procedures, and
standards. Appropriates moneys. Effective 7/1/2050. (SD1)

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not legislation or evidence of legislative intent.*

