

JAN 18 2019

---

---

# 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  
2 interest of the State to increase access to data maintained by  
3 state agencies because data can inform public policy, stimulate  
4 innovation, encourage public engagement, and enhance  
5 transparency. Data can also spur economic development and  
6 produce innovative resources and services that benefit state  
7 employees, individual citizens, and businesses. Furthermore,  
8 efficient integration, management, governance, and sharing of  
9 data can greatly improve state programs and the delivery of  
10 services to its citizens. Therefore, it is vital that data held  
11 by state agencies is readily available to other state agencies,  
12 unless expressly prohibited by law or applicable regulatory  
13 requirement, with minimal administrative obstacles so that data  
14 shared across agencies contributes to the effective, efficient,  
15 and transparent delivery of information resources and services.  
16 It is equally vital that agencies take reasonable efforts to



1 make such data accessible to the public, unless expressly  
2 prohibited by law or applicable regulatory requirement.

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

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

9 "[+]§27-44[+]—~~Electronic~~ Chief data officer; electronic  
10 data set availability; updates. (a) There is established  
11 within the office of enterprise technology services a full-time  
12 chief data officer to develop, implement, and manage statewide  
13 data policies, procedures, and standards pursuant to section  
14 27-44.3 and facilitate data sharing across state agencies, as  
15 permitted by law. The chief data officer shall be appointed by  
16 and report directly to the chief information officer. Each  
17 executive branch department, including the department of  
18 education and University of Hawaii, shall use reasonable efforts  
19 to make appropriate and existing [~~electronic~~] data sets  
20 maintained by the department electronically available to the  
21 public through the State's open data portal at data.hawaii.gov



1 or successor website designated by the chief [~~information~~] data  
2 officer; provided that:

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

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

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

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

20 (b) Nothing in this chapter shall require the chief  
21 information officer, whether or not in conjunction with the



# S.B. NO. 1001

1 chief data officer, to adopt rules pursuant to chapter 91 and  
2 nothing in this chapter shall supersede chapter 27G.

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

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

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

15 (2) One member of the senate, to be appointed by the  
16 president of the senate;

17 (3) One representative of the judiciary, to be appointed  
18 by the chief justice of the Hawaii supreme court;

19 (4) The superintendent of education or the  
20 superintendent's designee;



- 1        (5) The director of human services or the director's  
2            designee;
- 3        (6) The director of health or the director's designee;
- 4        (7) The director of business, economic development, and  
5            tourism or the director's designee;
- 6        (8) The president of the University of Hawaii System or  
7            the president's designee;
- 8        (9) Two members of the public to represent non-profit  
9            stakeholders with experience in data, one to be  
10          appointed by the speaker of the house of  
11          representatives and one to be appointed by the  
12          president of the senate; and
- 13        (10) Two members of the public to represent for-profit  
14          stakeholders with experience in data, one to be  
15          appointed by the speaker of the house of  
16          representatives and one to be appointed by the  
17          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 may require the licensee to allow any user to  
8 copy, distribute, display, or create derivative works at no cost  
9 and with an appropriate level of conditions placed on the use."

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

12 "(a) The chief [~~information~~] data officer, in consultation  
13 with the data task force and the office of information  
14 practices, shall develop policies and procedures to implement  
15 section 27-44, including standards to determine which data sets  
16 are appropriate for online disclosure as provided in section  
17 27-44[+] and data set format standards to be used by all  
18 agencies in making their data sets available; provided that the  
19 standards shall not require the departments to post information  
20 that is otherwise required to be disclosed under chapter 92F,  
21 but is personally identifiable information, information that may



# S.B. NO. 1001

1 pose a personal or public security risk, is of minimal public  
 2 interest, or is otherwise inappropriate for online disclosure as  
 3 part of a data set."

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

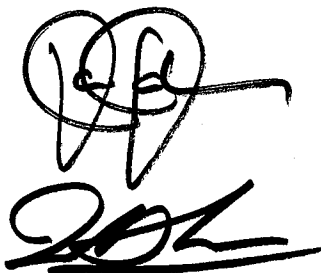
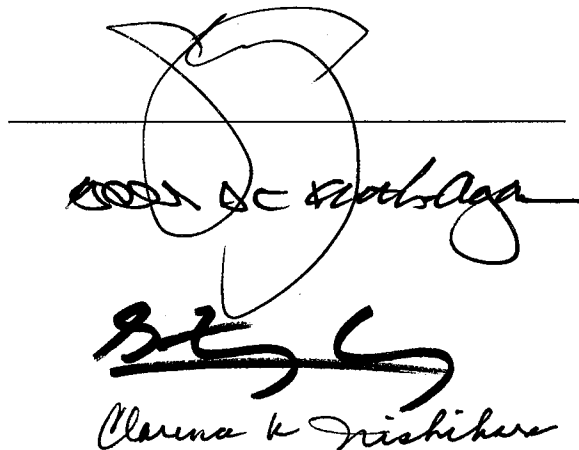
10 The sums appropriated shall be expended by the department  
 11 of accounting and general services for the purposes of this Act.

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, 2019.

15

INTRODUCED BY:

Clarena K. Irihikere



# S.B. NO. 1001

**Report Title:**

Chief Data Officer; Data Task Force; Appropriation

**Description:**

Establishes a chief data officer and data task force, within the office of enterprise technology services, to develop, implement, and manage statewide data set policies, procedures, and standards.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

