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



1 reasonable efforts to provide public access to this data, unless
2 expressly prohibited by law or applicable regulatory
3 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, of which one
12 member shall be appointed by the speaker of the house
13 of representatives and one member shall be appointed
14 by the president of the senate; and
- 15 (10) Two members of the public to represent for-profit
16 stakeholders with experience in data, of which one
17 member shall be appointed by the speaker of the house
18 of representatives and one member shall be appointed
19 by the president of the senate.



1 The chief data officer shall serve as the chair of the task
2 force and shall ensure that the task force is evaluated
3 periodically."

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

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

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

16 "(a) The chief [~~information~~] data officer, in consultation
17 with the data task force and the office of information
18 practices, shall develop policies and procedures to implement
19 section 27-44, including standards to determine [~~which~~] the data
20 sets that are appropriate for online disclosure as provided in
21 section 27-44[+] and the data set format standards to be used by



1 all agencies in making their data sets available; provided that
 2 the standards shall not require the departments to post
 3 information that is otherwise required to be disclosed under
 4 chapter 92F, but is personally identifiable information,
 5 information that may pose a personal or public security risk, is
 6 of minimal public interest, or is otherwise inappropriate for
 7 online disclosure as part of a data set."

8 SECTION 5. There is appropriated out of the general
 9 revenues of the State of Hawaii the sum of \$ or so
 10 much thereof as may be necessary for fiscal year 2022-2023 for
 11 the salary and benefits of the chief data officer.

12 The sum appropriated shall be expended by the office of
 13 enterprise technology services for the purposes of this Act.

14 SECTION 6. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect upon its approval;
 17 provided that section 5 shall take effect on July 1, 2022.

18

INTRODUCED BY: *Hekaulani*

JAN 21 2022



H.B. NO. 1885

Report Title:

Government Data; Chief Data Officer; Data Task Force, Office of Enterprise Technology Services; 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 policies, procedures, and standards and to facilitate data sharing across state agencies. Appropriates funds.

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