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# 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 use the state information assets and  
17 analytics to research and recommend processes and tools to  
18 improve inter-departmental and intra-departmental decision  
19 making and reporting through the departments. The chief data  
20 officer shall be appointed by and report directly to the chief  
21 information officer. Each executive branch department,~~



1 including the department of education and the University of  
2 Hawaii, shall use reasonable efforts to make appropriate and  
3 existing [~~electronic~~] data sets maintained by the department  
4 electronically available to the public through the State's open  
5 data portal at data.hawaii.gov or successor website designated  
6 by the chief [~~information~~] data officer; provided that:

7 (1) Nothing in this chapter shall require departments to  
8 create new electronic data sets or to make data sets  
9 available upon demand;

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

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

16 [~~Such~~] This disclosure shall be consistent with the policies,  
17 procedures, and standards developed by the chief [~~information~~]  
18 data officer and consistent with applicable law, including  
19 chapter 92F and other state and federal laws related to security  
20 and privacy, and no personally identifiable information shall be  
21 posted online unless the identified individual has consented to



1 the posting or the posting is necessary to fulfill the lawful  
2 purposes or duties of the department.

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

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

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

16 (1) One representative of the judiciary, to be appointed  
17 by the chief justice of the supreme court;

18 (2) The superintendent of education, or the  
19 superintendent's designee;

20 (3) The director of human services, or the director's  
21 designee;



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

19       SECTION 3. Section 27-44.2, Hawaii Revised Statutes, is

20 amended to read as follows:



1           "~~[§]~~27-44.2~~[§]~~ **Data set licensing.** The chief  
2   ~~[information]~~ data officer may make the departments' electronic  
3   data sets on data.hawaii.gov or a successor website designated  
4   by the chief data officer available to third parties pursuant to  
5   a license~~[, which]~~ that may require the licensee to allow any  
6   user to copy, distribute, display, or create derivative works at  
7   no cost and with an appropriate level of conditions placed on  
8   the use."

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

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

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

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

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

9 SECTION 6. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect on July 1, 2050;  
12 provided that section 5 shall take effect on July 1, 2022.

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# H.B. NO. 1885 H.D. 1

**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. Effective 7/1/2050. (HD1)

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

