
A BILL FOR AN ACT

RELATING TO OPEN DATA.

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

1 SECTION 1. Open data is the idea that certain data should
2 be freely available to everyone to use and republish as they
3 wish, without restrictions from copyright, patents, or other
4 mechanisms of control. Open data applies to data that is
5 already deemed public and made available electronically, such as
6 on a website; it could include department, agency, and
7 legislative data. Open data is not data that is governed by
8 privacy, security, or any pre-existing protection of the law.

9 Open data is a top initiative of the chief information
10 officer, as identified in the State of Hawaii Business and
11 Information Technology/Information Resource Management
12 Transformation Plan. The purpose of the initiative is to
13 increase public awareness and access to data and information
14 created by and available from state departments and agencies,
15 enhance government transparency and accountability, encourage
16 public engagement, and stimulate innovation with the development
17 of new analyses or applications based on the unique data
18 provided by the State.



1 The State launched its alpha open data site,
2 data.hawaii.gov, with data sets provided by departments and
3 agencies. The site incorporates data that was readily available
4 in digital format and commonly requested by the public. The
5 intent of this Act is to continue the efforts of the chief
6 information officer in the multi-year, multi-phased program open
7 data initiative.

8 SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended
9 by adding four new sections to part VII to be appropriately
10 designated and to read as follows:

11 "§27- Electronic data set availability; updates. (a)
12 Each executive branch department shall use reasonable efforts to
13 make appropriate and existing electronic data sets maintained by
14 the department electronically available to the public through
15 the State's open data portal at data.hawaii.gov or successor
16 website designated by the chief information officer; provided
17 that nothing in this chapter shall require departments to create
18 new electronic data sets. Such disclosure shall be consistent
19 with the policies, procedures, and standards developed by the
20 chief information officer and consistent with applicable law,
21 including laws related to security and privacy. Nothing in this
22 chapter shall supersede chapter 27G.



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

6 (c) For purpose of this part:

7 "Data" means final versions of statistical or factual
8 information:

9 (1) In alphanumeric form reflected in a list, table,
10 graph, chart, or other non narrative form, that can be
11 digitally transmitted or processed; and

12 (2) Regularly created or maintained by or on behalf of and
13 owned by an executive branch department that records a
14 measurement, transaction, or determination related to
15 the mission of that executive branch department.

16 "Data set" means a named collection of related records on
17 an electronic storage device, with the collection containing
18 individual data units organized or formatted in a specific and
19 prescribed way, often in tabular form, and accessed by a
20 specific access method that is based on the data set
21 organization.



1 "Open data" means certain data that is available to the
2 public to use and republish, without restrictions from
3 copyright, patents, or other mechanisms of control. Open data
4 applies to data that is already deemed public and made available
5 electronically and can include executive department, agency, or
6 legislative data. Open data is not data that is governed by
7 privacy, security, or any pre-existing protection of the law.

8 §27- State liability for data sets. Data sets shall be
9 available for informational purposes only. The State shall not
10 be liable for any deficiencies in the completeness or accuracy
11 of any data set, except where the State's conduct would
12 constitute gross negligence, wilful and wanton misconduct, or
13 intentional misconduct, and does not warrant its fitness for any
14 particular use.

15 §27- Data set licensing. The chief information officer
16 may make the departments' electronic data sets on
17 data.hawaii.gov available to third parties pursuant to a
18 license, which may require the licensee to allow any user to
19 copy, distribute, display, or create derivative works at no cost
20 and with an appropriate level of conditions placed on the use.

21 §27- Data set rules. (a) The chief information
22 officer, in consultation with the office of information



1 practices, shall adopt rules in accordance with chapter 91 to
2 make data sets available to the public, including which data
3 sets are appropriate for public disclosure pursuant to chapter
4 92F. In making this determination, the chief information
5 officer, in consultation with the office of information
6 practices, and the information security and privacy council,
7 shall balance the benefits of publicly available data sets with
8 the need to protect information that is proprietary or
9 confidential. The rules shall be adopted by July 1, 2015.
10 Information that is protected from disclosure by law shall not
11 be subject to open data.

12 (b) The rules shall include the following:

13 (1) Technical requirements with the goal of making data
14 sets available to the greatest number of users and for
15 the greatest number of applications, including
16 whenever practicable, the use of machine readable,
17 non-proprietary technical standards for web
18 publishing; and

19 (2) Guidelines for departments to follow in making data
20 sets available."

21 SECTION 3. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$ or so

1 much thereof as may be necessary for fiscal year 2013-2014 and
2 the same sum or so much thereof as may be necessary for fiscal
3 year 2014-2015 for the office of information practices to
4 establish FTE positions, to promote open data pursuant to
5 this Act.

6 The sums appropriated shall be expended by the office of
7 information practices for the purposes of this Act.

8 SECTION 4. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2013-2014 and the
11 same sum or so much thereof as may be necessary for fiscal year
12 2014-2015 for departments and agencies to provide open data
13 coordinators.

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

16 SECTION 5. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2013.



Report Title:

Open Data; Office of Information Management and Technology

Description:

Requires executive branch department to make electronic data sets available to the public. Absolves State for liability for deficiencies or incomplete data. Requires the Chief Information Officer to develop rules to implement the open data initiative. Effective July 1, 2013. (HB632 HD1)

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

