
A BILL FOR AN ACT

RELATING TO OPEN DATA.

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

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

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



1 of new analyses or applications based on the unique data
2 provided by the State.

3 The State launched its open data site, data.hawaii.gov,
4 with data sets being voluntarily provided by departments and
5 agencies. The site incorporates data that was readily available
6 in digital format and commonly requested by the public. The
7 intent of this Act is to continue and ensure the efforts of the
8 chief information officer in the multi-year, multi-phased open
9 data initiative. This Act is not intended to impede or delay
10 state agencies' currently ongoing efforts to move data online.
11 This Act is not intended to create any new liability, and
12 instead is intended to protect the State from any liability for
13 making open data available to the public, except for gross
14 negligence, wilful and wanton misconduct, or intentional
15 misconduct.

16 SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended
17 by adding five new sections to part VII to be appropriately
18 designated and to read as follows:

19 "§27- Definitions. For purposes of this part:

20 "Data" means final versions of statistical or factual
21 information:



- 1 (1) In alphanumeric form reflected in a list, table,
2 graph, chart, or other non-narrative form, that can be
3 digitally transmitted or processed; and
- 4 (2) Regularly created or maintained by or on behalf of and
5 owned by an executive branch department that records a
6 measurement, transaction, or determination related to
7 the mission of that executive branch department.

8 "Data set" means a named collection of related records on
9 an electronic storage device, with the collection containing
10 individual data units organized or formatted in a specific and
11 prescribed way, often in tabular form, and accessed by a
12 specific access method that is based on the data set
13 organization.

14 "Open data" means data made available in electronic form
15 via the Internet or similar means to the public for use and
16 republication without restriction, including data maintained by
17 state agencies; provided that open data does not include data
18 that is governed by privacy, security, or any pre-existing
19 protection of the law.

20 §27- **Electronic data set availability; updates.** (a)

21 Each executive branch department shall use reasonable efforts to
22 make appropriate and existing electronic data sets maintained by



1 the department electronically available to the public through
2 the State's open data portal at data.hawaii.gov or successor
3 website designated by the chief information officer; provided
4 that nothing in this chapter shall require departments to create
5 new electronic data sets or to make datasets available upon
6 demand; and provided further that data licensed to the State by
7 another person or entity shall not be made public under this
8 chapter unless the person or entity licensing the data agrees to
9 the public disclosure. Such disclosure shall be consistent with
10 the policies, procedures, and standards developed by the chief
11 information officer and consistent with applicable law,
12 including laws related to security and privacy, and no
13 personally identifiable information shall be posted online
14 unless the posting has been consented to by the individual or is
15 necessary to fulfill the lawful purposes or duties of the
16 department. Nothing in this chapter shall require the chief
17 information officer to adopt rules pursuant to chapter 91 and
18 nothing in this chapter shall supersede chapter 27G.

19 (b) Each department shall update its electronic data sets
20 in the manner prescribed by the chief information officer and as
21 often as is necessary to preserve the integrity and usefulness



1 of the data sets to the extent that the department regularly
2 maintains or updates the data sets.

3 §27- State liability for data sets. Data sets shall be
4 available for informational purposes only. The State does not
5 warrant the fitness of any data set for a particular purpose and
6 shall not be liable for any deficiencies in the completeness or
7 accuracy of any data set, except where the State's conduct would
8 constitute gross negligence, wilful and wanton misconduct, or
9 intentional misconduct.

10 §27- Data set licensing. The chief information officer
11 may make the departments' electronic data sets on
12 data.hawaii.gov available to third parties pursuant to a
13 license, which may require the licensee to allow any user to
14 copy, distribute, display, or create derivative works at no cost
15 and with an appropriate level of conditions placed on the use.

16 §27- Data set policies and procedures. (a) The chief
17 information officer, in consultation with the office of
18 information practices, shall develop policies and procedures to
19 implement the open data initiative, including standards to
20 determine which data sets are appropriate for public disclosure;
21 provided that information protected from disclosure by law or
22 contract, and proprietary information, shall not be disclosed.



- 1 (b) The policy and procedures shall include the following:
- 2 (1) Technical requirements with the goal of making data
- 3 sets available to the greatest number of users and for
- 4 the greatest number of applications, including
- 5 whenever practicable, the use of machine readable,
- 6 non-proprietary technical standards for web
- 7 publishing; and
- 8 (2) Guidelines for departments to follow in making data
- 9 sets available."

10 SECTION 3. There is appropriated out of the general
 11 revenues of the State of Hawaii the sum of \$ or so
 12 much thereof as may be necessary for fiscal year 2013-2014 and
 13 the same sum or so much thereof as may be necessary for fiscal
 14 year 2014-2015 for the office of information practices to
 15 establish full-time equivalent (FTE) positions, to
 16 promote open data pursuant to this Act and chapter 92F, Hawaii
 17 Revised Statutes, the Uniform Information Practices Act
 18 (Modified).

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

21 SECTION 4. There is appropriated out of the general
 22 revenues of the State of Hawaii the sum of \$ or so much



1 thereof as may be necessary for fiscal year 2013-2014 and the
2 same sum or so much thereof as may be necessary for fiscal year
3 2014-2015 for departments and agencies to provide open data
4 coordinators to implement the purposes of this Act and chapter
5 92F, Hawaii Revised Statutes, the Uniform Information Practices
6 Act (Modified).

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

9 SECTION 5. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Open Data; Office of Information Management and Technology;
Appropriation

Description:

Requires executive branch departments to make electronic data sets available to the public. Absolves the State from liability for certain deficiencies or incomplete data. Requires the Chief Information Officer to develop policies and procedures to implement the open data initiative. Appropriates funds for departments and agencies to provide open data coordinators to implement the purposes of this Act. Effective 07/01/2050.

(SD2)

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