
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, and 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 legal protection.

9 Open data is a top initiative of the chief information
10 officer, as identified in the Hawaii business and information
11 technology/information resource management transformation plan.
12 The State launched its alpha open data site, data.hawaii.gov,
13 and is in alpha testing with data sets provided by departments
14 and agencies. The site incorporated data that was readily
15 available in digital format and commonly requested by the
16 public. The purpose of the initiative is to increase the public
17 awareness and access to data and information created by and
18 available from state departments and agencies, enhance



1 government transparency and accountability, encourage public
2 engagement, and stimulate innovation with the development of new
3 analyses or applications based on the unique data provided by
4 the State.

5 The purpose of this Act is to continue the efforts of the
6 chief information officer in the multi-year, multi-phased open
7 data initiative. This Act is not intended to impede or delay
8 state agencies' currently ongoing voluntary efforts to move data
9 online. This Act is also not intended to create any new
10 liability and instead is intended to protect the State from any
11 liability for making open data available to the public, except
12 in cases of gross negligence, wilful and wanton misconduct, or
13 intentional misconduct.

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

17 "§27- Electronic data set availability; review; updates.

18 (a) Each executive branch department shall use reasonable
19 efforts to make appropriate and existing electronic data sets
20 available to the public through the State's open data portal at
21 data.hawaii.gov or successor website designated by the chief
22 information officer; provided that nothing in this chapter shall



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

16 (b) Each executive branch department shall update its
17 electronic data sets in the manner prescribed by the chief
18 information officer and as often as is necessary to preserve the
19 integrity and usefulness of the data sets to the extent that the
20 department regularly maintains or updates the data sets.

21 (c) For purposes of this section:



1 "Data" means final versions of statistical or factual
2 information:

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

6 (2) Regularly created or maintained by or on behalf of and
7 owned by an executive branch department that records a
8 measurement, transaction, or determination related to
9 the mission of that executive branch department.

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

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



1 §27- State liability for data sets. Data sets shall be
2 available for informational purposes only. The State shall not
3 be liable for any deficiencies in the completeness or accuracy
4 of any data set, except where the State's conduct would
5 constitute gross negligence, wilful and wanton misconduct, or
6 intentional misconduct, and does not warrant its fitness for any
7 particular use.

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

14 §27- Data set policies and procedures. (a) The chief
15 information officer, in consultation with the director of the
16 office of information practices, shall develop policies and
17 procedures to implement the open data initiative, including
18 standards to determine which data sets are appropriate for
19 public disclosure. In making this determination, the chief
20 information officer, in consultation with the director of the
21 office of information practices and the information security and
22 privacy council, shall balance the benefits of publicly



1 available data sets with the need to protect information that is
2 proprietary, confidential, protected from disclosure by law or
3 contract, or otherwise inappropriate for disclosure as a data
4 set. Information that is protected from disclosure by law shall
5 not be subject to open data.

6 (b) The policies and procedures shall include the
7 following:

8 (1) Technical requirements with the goal of making data
9 sets available to the greatest number of users and for
10 the greatest number of applications, including
11 whenever practicable the use of machine readable, non-
12 proprietary technical standards for web publishing;

13 and

14 (2) Guidelines for departments to follow in making data
15 sets available."

16 SECTION 3. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so
18 much thereof as may be necessary for fiscal year 2013-2014 and
19 the same sum or so much thereof as may be necessary for fiscal
20 year 2014-2015 for full-time equivalent positions, to
21 promote open data pursuant to this Act and chapter 92F, the
22 Uniform Information Practices Act (Modified).



1 The sums appropriated shall be expended by the office of
2 information practices and the department of accounting and
3 general services for the purposes of this Act.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2013.

6



Report Title:

Information Sharing; Chief Information Officer; Improve Government Operations; Department; Agencies; Appropriation

Description:

Requires executive branch departments to share information to improve government operations unless otherwise prohibited by law. Requires the CIO to oversee the sharing of the information. Appropriate funds. (SD1)

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