

Honolulu, Hawaii

February 8, 2013

RE: H.B. No. 632  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 632 entitled:

"A BILL FOR AN ACT RELATING TO OPEN DATA,"

begs leave to report as follows:

The purpose of this measure is to make state government more open and transparent by:

- (1) Requiring all agencies to make all data sets under each agency's control open and available to the public;
- (2) Absolving the State for liability for deficiencies or incomplete data; and
- (3) Requiring the Chief Information Officer, in consultation with the Office of Information Practices, to adopt rules to make data sets available to the public.

The Office of Information Management and Technology, Hawaii Open Data, Hawaii Innovation Alliance, Big Island Press Club, and numerous individuals testified in support of this measure. The Department of Commerce and Consumer Affairs, Office of Information Practices, Public Utilities Commission, and an individual provided comments on this measure.



Your Committee has amended this measure by:

- (1) Inserting a preamble to specify that the purpose of this measure is to promote open government as identified in the State of Hawaii Business and Information Technology/Information Resource Management Plan;
- (2) Clarifying that the data set availability policies pursuant to this measure apply only to executive branch departments and do not require the creation of new data sets;
- (3) Specifying that the data sets shall be made public through the State's open data portal at data.hawaii.gov or successor website pursuant to rules promulgated by the Chief Information Officer;
- (4) Adding definitions for "data", "data set", and "open data";
- (5) Specifying that the State is not absolved from liability for deficiencies in data sets in cases where the State's conduct would constitute gross negligence, wilful and wanton misconduct, or intentional misconduct;
- (6) Allowing the Chief Information Officer to make electronic data sets on the State's open data portal available to third parties pursuant to a license;
- (7) Specifying that the Chief Information Officer, in consultation with the Office of Information Practices, shall adopt rules by July 1, 2015;
- (8) Appropriating an unspecified sum to the Office of Information Practices to establish an unspecified number of full time employee positions, to promote open data, and to the Department of Accounting and General Services for departments and agencies to provide open data coordinators; and
- (9) Making technical, nonsubstantive amendments for the purpose of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 632, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 632, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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ANGUS L.K. MCKELVEY, Chair



