

Honolulu, Hawaii

FEB 15 2013

RE: S.B. No. 448

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Technology and the Arts, to which was referred S.B. No. 448 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require agencies to make reasonable efforts to make data sets available to the public;
- (2) Absolve the State for liability for deficiencies or incomplete data; and
- (3) Require the Chief Information Officer to enact rules to address making data sets available to the public.

Your Committee received testimony in support of this measure from the Office of Information Management and Technology, Office of Information Practices, Hawaii Open Data, Hawaii Health Information Corporation, and three individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Public Utilities Commission.

Your Committee finds that open and free electronic access to public data builds trust among citizens by making government more transparent with the sharing of information. Open data also encourages innovation with developers as they create applications from the information available to address specific needs of the



community. This measure will drive civic engagement and create the infrastructure needed to support Hawaii's software development industry.

Your Committee has amended this measure by:

- (1) Adding a purpose and intent section;
- (2) Changing the phrase "agency data set" to "electronic data set";
- (3) Clarifying that electronic data sets shall be made available through data.hawaii.gov;
- (4) Clarifying that departments are not required to create new electronic data sets or make data sets available upon demand;
- (5) Clarifying that no personally identifiable information shall be posted online unless the posting has been consented to by the individual or is necessary to fulfill the lawful purposes or duties of the department;
- (6) Specifying that the measure is referring specifically to executive branch departments, not all government departments;
- (7) Adding definitions for "data" and "open data" and amending the definition of "data set";
- (8) Clarifying that the State does not warrant the data sets' fitness for any particular use and shall not be liable for any deficiencies in any data set except where the State's conduct would constitute gross negligence, willful or wanton misconduct, or intentional misconduct;
- (9) Requiring the Chief Information Officer, in consultation with the Director of the Office of Information Practices, to develop policies and procedures to implement the open data initiative, rather than requiring the Director of the Office of Information Practices to adopt rules to make data sets available to the public;



- (10) Adding an appropriation for additional staff to promote open data pursuant to this measure and chapter 92F, Hawaii Revised Statutes, the Uniform Information Practices Act (Modified);
- (11) Changing the effective date to July 1, 2013; and
- (12) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Technology and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 448, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 448, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Technology and the
Arts,



GLENN WAKAI, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Technology and the Arts
TEC

Bill / Resolution No.:* <i>SB 448</i>	Committee Referral: <i>TEC, JDL</i>	Date: <i>2/12/13</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	/			
NISHIHARA, Clarence K. (VC)	/			
GABBARD, Mike	/			
TOKUDA, Jill N.	/			
SLOM, Sam				/
TOTAL	<i>4</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Clarence K Nishihara</i></div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes