

OFFICE OF INFORMATION PRACTICES

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To: House Committee on Consumer Protection and Commerce

From: Cheryl Kakazu Park, Director

Date: January 30, 2013
State Capitol, Conference Room 325

Re: Testimony on H.B. No. 632
Relating to Open Data

Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices strongly supports efforts to provide open and free electronic access to public data. OIP believes, however, that this bill is unnecessary and has unintended consequences that would actually reduce open and free access and would impede the state's on-going efforts to move public information and government services online.

OIP believes the bill is unnecessary because the Office of Information Management and Technology ("OIMT") already has the contractual and legal authority it needs, and has been proceeding with the resources it has, to encourage all state agencies to take reasonable efforts to make all data sets under their control open and available to the public without charge. OIP has been an important partner in this effort to encourage agencies to post information onto the new State website at data.hawaii.gov and has been educating agencies to post their public record request statistics onto OIP's Master Log on data.hawaii.gov. OIP sees progress being made as agencies post increasing amounts of data online, and OIP believes that passing a law along the lines proposed by this bill—without providing

additional staffing or resources—will not speed up progress as the bill does nothing to reduce existing workloads or change people's behaviors overnight. Rather than positively encouraging action, the bill could instead be negatively viewed by state employees as yet another unfunded mandate to add new duties to agencies' already overwhelmed staff.

The proposal may also result in unintended consequences by conflicting or meddling with existing laws and authority for OIMT to do what it is already doing to move data online, and it may create new issues regarding licensing and liability. Requiring Chapter 91 rules setting technical standards for data sets and guidelines about what is appropriate for public disclosure—a topic already covered by the Uniform Information Practices Act, chapter 92F, Hawaii Revised Statutes—would not only delay on-line posting progress, but could potentially result in rules that provide no real value if they (1) create inflexible standards that will not keep up with the rapid changes in technology; (2) essentially require disclosure questions to be looked at on a case by case basis using the existing UIPA standards; (3) create an information czar that will make the case by case determination, at a glacial pace, of whether each data set appropriate for public disclosure; and/or (4) increase litigation based on alleged rule violations to prevent government action. Most immediately, this proposal could halt current efforts to post data sets online as agencies wait for the administrative rules required by the bill to be developed and adopted, which is normally a lengthy and possibly contentious process.

OIP is also concerned that the bill's mandate that online information be provided to the public “without charge” may conflict with section 27G-2, HRS, which allows government agencies, notwithstanding any law to the contrary, to charge for value added electronic services provided through the portal manager, who is Hawaii Information Consortium (HIC). That existing law acknowledges the

reality that the state's technology infrastructure is ancient and its technology staffing and expertise are very limited. The current law's intent was not for government to make money by selling government data to the public, but rather to encourage agencies that could not otherwise afford to move data and services online to make those services readily available to the public by partnering with HIC.

Under the existing system, HIC takes the initial risk, provides the expertise, and undertakes the work and up-front investment to write the programs that will provide a convenient service (e.g., online licensing and permits) and make the data usable and easily accessed, **without cost to the State**. The end user pays for the data and service, rather than all taxpayers paying for its compilation and development so that a relatively few users can get it for free. In fact, HIC's activities with just four agencies have resulted in an estimated \$5.9 million in avoided costs, such as data entry time, document processing, mailing costs, etc. **Many services have also been provided by HIC, at no cost to the state**, which the public can access for free, such as the Attorney General's covered offenders database, the Judiciary's electronic bench warrants, Budget and Finance's unclaimed property search, and the Lieutenant Governor's statewide calendar. OIP believes that HIC is doing a good job in getting information out there that would otherwise not be available, and is a good example of a public-private partnership that works for the benefit of our State.

OIP is concerned that this bill would conflict with existing laws and processes that are already cost effectively and efficiently working to bring data to the public that would not otherwise be available, much of which has been made available to the public for free. Because OIP believes this bill is unnecessary and will actually impede the state agencies' progress in moving information online, OIP respectfully requests that the Committee hold this bill. Instead, OIP urges the

House Committee on Consumer Protection and Commerce
January 30, 2012
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Committee to support legislation and funding to modernize the State's antiquated technology system and to provide agencies with the staffing and resources they need to be able to make public information freely accessible online.

Thank you for the opportunity to testify.

TESTIMONY OF HERMINA MORITA
CHAIR, PUBLIC UTILITIES COMMISSION
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

JANUARY 30, 2013
2:00 p.m.

WRITTEN COMMENTS ONLY

MEASURE: H.B. No. 632
TITLE: Relating to Open Data

Chair McKelvey and Members of the Committee:

DESCRIPTION:

This measure would require all agencies, including the Public Utilities Commission (“Commission”), to “make reasonable efforts to make all [agency-controlled] data sets . . . open and available to the public without charge.”

POSITION:

The Commission would like to offer the following comments for the Committee’s consideration.

COMMENTS:

The Commission supports the intent of encouraging greater access to all non-confidential government records and data resources. The Commission already operates its own Document Management System for the purpose of making all of its proceedings available to the public. However, H.B. No. 632 is unclear on some critical points. First, the bill needs further clarification on the definition of or description of data sets that would be required to be made available. Secondly, the bill does not account for or provide the additional resources to allow agencies to make all data sets available “without charge.” Furthermore, the “without charge” provision appears to be in conflict with Section 92-21, Hawaii Revised Statutes, which allows for the recovery of costs associated with the reproduction of records that have been requested by the public.

Again, while the Commission supports improving public access to non-confidential government records and data, H.B. No. 632 is unclear on the nature of the data that would be made available, as well as the manner in which it would provide agencies with the necessary resources to carry out its provisions.

Thank you for the opportunity to testify on this measure.

January 28, 2013

The Honorable Angus L.K. McKelvey, Chair
The Honorable Derek S.K. Kawakami, Vice Chair

Testimony to the House Committee on Consumer Protection & Commerce
Wednesday, January 30, 2013
2:00 p.m.
State Capitol, Room 325

Re: HB632, Relating to Open Data

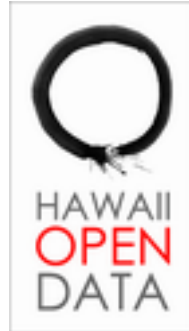
Chair Angus L.K. McKelvey, Vice Chair Derek S.K. Kawakami and Members of the
Committee on Consumer Protection & Commerce:

I am Forest Frizzell former Deputy Director of the Department of Information Technology at the City & County of Honolulu and current CIO of the Hawaii Community Foundation. During my time at the City I actively pursued many open data initiatives and saw firsthand the power of citizen engagement and the creation of smarter more connected city with the use of open and accessible government data.

I strongly supports HB632, Relating to Open Data. This measure requires executive departments, boards, commissions, and agencies to make data available to the public. Absolves the State for liability for deficiencies or incomplete data. And requires the CIO to enact rules to address making data sets available to the public.

I believe that this bill is the cornerstone to increasing transparency in government, will drive civic engagement, and will create the infrastructure needed to support the software development industry. The State CIO has started the process in choosing an open data platform and can require all systems being updated or developed to feed into it. This legislation will increase access to more data sets while still protecting the privacy of the public at little to no cost as the majority of State data is already being collected in a digital form.

Thank you for the opportunity to submit testimony on this bill.



January 29, 2013

The Honorable Angus L.K. McKelvey, Chair
The Honorable Derek S.K. Kawakami, Vice Chair

Committee: Testimony to the House Committee on Consumer Protection & Commerce
Bill No. & Title: HB632, Relating to Open Data

Date, Time: Wednesday, January 30, 2013, 2:00 p.m.
Place: State Capitol, Room 325

Chair Angus L.K. McKelvey, Vice Chair Derek S.K. Kawakami and Members of the Committee on Consumer Protection & Commerce:

I am Burt Lum, Executive Director of Hawaii Open Data, a non-profit dedicated to advancing open data principles in Hawaii. Formed in 2012, we focus on improving data accessibility and integrity in support of public/private collaboration, government transparency and civic engagement.

Hawaii Open Data **strongly supports HB632, Relating to Open Data**. This Bill is a cornerstone to Hawaii's IT Transformation Plan. In addition to open data being a key element in open government and transparency, it is a fundamental building block for open innovation in a collaborative, citizen-facing environment. Websites like Data.Hawaii.Gov and Data.Honolulu.Gov are in place for public access and interaction. It is an opportunity for government to co-create the delivery of services with the community it serves. This process will also fuel economic development in the technology sector.

In Section 27, we strongly recommend changing "Data set rules" to "Data set policies and procedures." Allowing the CIO to implement policies and procedures rather than adopt Administrative Rules provide for more flexibility and agility in moving the Open Data Initiative forward.

Thank you for the opportunity to submit testimony on this bill.



January 28, 2013

The Honorable Angus L.K. McKelvey, Chair
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Chair Angus L.K. McKelvey, Vice Chair Derek S.K. Kawakami and Members of the Committee on Consumer Protection & Commerce:

I am Jared I. Kuroiwa and one of the founding members of the Hawaii Innovation Alliance (HIA). The Hawaii Innovation Alliance is an organization formed in 2012 that aims to create a more unified voice representing the islands' innovation community to foster innovation, educate lawmakers, and advocate appropriate policy.

The Hawai'i Innovation Alliance **strongly supports HB632, Relating to Open Data**. This measure requires executive departments, boards, commissions, and agencies to make data available to the public. Absolves the State for liability for deficiencies or incomplete data. And requires the CIO to enact rules to address making data sets available to the public.

We believe that this bill is the cornerstone to increasing transparency in government, will drive civic engagement, and will create the infrastructure needed to support the software development industry. The State CIO has started the process in choosing an open data platform and can require all systems being updated or developed to feed into it. This legislation will increase access to more data sets while still protecting the privacy of the public at little to no cost as the majority of State data is already being collected in a digital form.

Thank you for the opportunity to submit testimony on this bill.



Big Island Press Club

The Big Island Press Club is in strong support of HB 632, relating to open data.

This legislation will increase transparency in government by making government data more available to the public, while protecting the public's privacy and absolving the state from liability for incomplete data.

News articles often present an overview regarding certain circumstances.

Such a summation would often be impossible without access to specific data which are the building blocks of the bigger picture.

kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 27, 2013 7:05 AM
To: CPCtestimony
Cc: launahale@yahoo.com
Subject: *Submitted testimony for HB632 on Jan 30, 2013 14:00PM*

HB632

Submitted on: 1/27/2013

Testimony for CPC on Jan 30, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Pang	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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H. Doug Matsuoka
1560 Thurston Ave / Apt 1101 / Honolulu HI 96822
@hdoug on Twitter

29 January 2013

Re: Testimony in support of HB632 Relating to Open Data

Aloha Chair McKelvey, Vice Chair Kawakami, and the Committee,

I am strongly in favor of HB 632 relating to Open Data. There are many advantages to making information already collected by the various State departments available to the public in an accessible and uniform way:

- (1) The overriding advantage as I see it is that it **promotes an informed electorate** which in turn drives the creation of better public policy;
- (2) In its path to the above goal, it **encourages the creation of a standardized infrastructure** that will allow State departments to interact more efficiently;
- (3) It will **spark innovative development** in Hawaii's tech sector to take advantage of the available data;
- (4) It **advances Hawaii as an innovator and leader.**

These are only a few of the advantages. Turn the above statements into their negative opposites and you can see the disadvantages of NOT passing HB632. Spooky to think about.

Mahalo for your time and public service,

H. Doug Matsuoka

kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 1:14 PM
To: CPCtestimony
Cc: theede@hawaii.rr.com
Subject: Submitted testimony for HB632 on Jan 30, 2013 14:00PM

HB632

Submitted on: 1/29/2013

Testimony for CPC on Jan 30, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments: Aloha, Chair & Committee Members. I echo my friend who stated it so well: "I am strongly in favor of HB 632 relating to Open Data. There are many advantages to making information already collected by the various State departments available to the public in an accessible and uniform way: "(1) The overriding advantage as I see it is that it promotes an informed electorate which in turn drives the creation of better public policy; "(2) In its path to the above goal, it encourages the creation of a standardized infrastructure that will allow State departments to interact more efficiently; "(3) It will spark innovative development in Hawaii's tech sector to take advantage of the available data; "(4) It advances Hawaii as an innovator and leader. "These are only a few of the advantages. Turn the above statements into their negative opposites and you can see the disadvantages of NOT passing HB632. Spooky to think about."

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 1:22 PM
To: CPCtestimony
Cc: slwsurfing@yahoo.com
Subject: Submitted testimony for HB632 on Jan 30, 2013 14:00PM

HB632

Submitted on: 1/29/2013

Testimony for CPC on Jan 30, 2013 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
sharon willeford	Individual		No

Comments: We The People need free access to records. Thank You. Big Island Teacher (30yrs.)

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