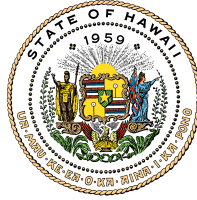


NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
OFFICE OF INFORMATION MANAGEMENT & TECHNOLOGY

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**SANJEEV "SONNY"
BHAGOWALIA**
CHIEF INFORMATION
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RANDY BALDEMOR
DEPUTY CHIEF INFORMATION
OFFICER – BUSINESS
TRANSFORMATION

KEONE KALI
DEPUTY CHIEF INFORMATION
OFFICER – OPERATIONS

TESTIMONY OF
SANJEEV "SONNY" BHAGOWALIA, CHIEF INFORMATION OFFICER
TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE
Wednesday, January 30, 2013
2:00 p.m.
Room 325

WRITTEN TESTIMONY

H.B. 632

LATE

RELATING TO OPEN DATA

Chair McKelvey Vice Chair Kawakami, and members of the committee, thank you for the opportunity to testify on H.B. 632, Relating to Open Data. My name is Sanjeev "Sonny" Bhagowalia, Chief Information Officer (CIO) for the State of Hawaii.

Since becoming the State's first full-time CIO, my staff and I have developed and openly published a comprehensive Business and Information Technology/Information Resource Management (IT/IRM) Transformation Plan that provides the roadmap for modernizing the State's technology infrastructure and streamlining its business processes. One of the top 10 initiatives outlined in the Transformation Plan is Open Government. H.B. 632 aligns to this initiative, and thus we strongly support the intent of the bill.

The Office of Information Management and Technology (OIMT) clearly supports making government more open and transparent. The State provides a wealth of information and data that we are making more accessible and interactive through our open data portal at www.data.hawaii.gov, which has been federated with groundbreaking federal open data site www.data.gov. The open data portal is one example of how the State is proactively aggregating disparate data and information to make it more accessible and user-friendly, eliminating the need for visitors to have to "hunt and peck" to find what they are looking for. Open 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, whether its constituents tracking the spending of candidates or parents looking for the nearest playground or park for their keiki or anything in between. Most importantly, open data encourages citizen participation and engagement with their government. With support from the Governor, OIMT launched its Open Data Initiative on June 26, 2012 asking all departments and attached agencies to contribute datasets to the open data portal and to name Open Data Coordinators to work with OIMT to further build out the information offered to the public.

The State has the opportunity to leapfrog to the front of the pack in terms of open government and open data by developing innovative applications and continuing to make the raw data behind these applications open and available. This is the public's information and we want to make it available in as many ways as we can. OIMT is working to create a new paradigm regarding data, believing that it should be open by default unless there is a compelling reason – usually privacy or security-related – to keep it closed.

That said, in its present form H.B. 632 presents a number of operational and technical considerations that may be problematic for the State. Chief among these are concerns about establishing reasonable limits on the use of data to preserve the quality, integrity and capacity of a centralized and federated data warehouse system.

OIMT agrees that ideally, datasets that do not pose a security threat, compromise public safety, or contain personally identifiable information should be publically available, however this may not be technically or operationally feasible in the short term. To really get open data right, we propose an approach that would seek to classify data in terms of established criteria such as technical availability, timing and frequency of updates, cost to implement, and ultimately value to the public. We would support a clear set of standards around what types of data agencies need to publish and when with certain minimum statewide guidelines, but through policies and procedures and reporting through dashboards rather than administrative rules. To that end, OIMT has already been working collaboratively with the departments and attached agencies to better survey and qualify the criteria by which they are required to categorize and disseminate their data.

While as currently drafted H.B. 632 speaks to these ideas in part, OIMT believes much of it remains somewhat loosely defined and requires some revisions to clarify the of roles and responsibilities of the chief information officer and agencies, define ownership of data, ensure there are no conflicts with any existing laws, and allow for policies and procedures to guide open data versus administrative rules.

In closing, strongly supports the intent of H.B. 632, but recommends revisions to address technical and operational concerns in implementation.

Thank you for the opportunity to testify on this matter.

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

LATE

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

I am Tara Coomans a founding member of Hawaii Innovation Alliance
and immediate Past President of Social Media Club Hawaii.

I strongly support 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.

Open Data supports many initiatives within the State of Hawaii, not the
least of which is transparency and access to information to citizens.
This measure will also support the emerging technology community in
Hawaii by providing opportunities for creative digital thinkers to
provide existing public information to citizens in easy to understand,
usable ways.

By passing this bill, Hawaii can be a leader and an example for
supporting technology development, transparent government and
citizen engagement.

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

January 29, 2013

Ryan Kawaiiani Ozawa
95-595 Kanamee St., #326
Mililani, HI 96789-1431
(808) 372-3372

LATE

Dear Chair Angus L.K. McKelvey, and the members of the House Committee on Consumer Protection & Commerce:

I am writing to express my support for House Bill 632 relating to Open Data.

I have been an advocate for open data policies and practices since learning my way around musty basement archives as a journalism student at UH. I've worked for access to university and government records as the editor of both UH Hilo and UH Manoa student papers, then as an independent publisher and blogger. After setting up the Hawaii Open Data Project in 2011, I co-founded the non-profit Hawaii Open Data with Burt Lum and Jared Kuroiwa last year to formally and enthusiastically advance the open data movement in the islands.

State CIO Sonny Bhagowalia has said that our state's technological infrastructure is three decades behind the times. And yet, with both internal and community support for early open data initiatives, Hawaii has already distinguished itself on many fronts. A lot of data has been made available, and the state should be commended for that progress. But HB632 adds more focus, more internal impetus, to take things to the next level.

There is clear momentum toward open data throughout the U.S. and internationally. Free access to information leads to a more informed and engaged populace, and a more transparent and accountable government. It also allows citizens to better understand their communities, make better decisions, and even build new tools and find new business opportunities.

As a geek, I am perhaps most excited by the potential of open data to fuel real innovation at every level, from big data firms to afterschool app developers. As a would-be journalist, I am resolute in ensuring meaningful access to government information. Which is, really, our information.

Government does what it can to modernize and put information and services online, but in the hands of the whole community, I know incredible things can happen. HB632 is only an early step in realizing this potential, but it is an important one.

Thank you for your consideration.

Malama pono,

Ryan



NEIL ABERCROMBIE
GOVERNOR

SHAN S. TSUTSUI
LT. GOVERNOR

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DIRECTOR

JO ANN UCHIDA TAKEUCHI
DEPUTY DIRECTOR

PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

TWENTY-SEVENTH STATE LEGISLATURE
REGULAR SESSION, 2013

WEDNESDAY, JANUARY 30, 2013
2:00 P.M.



TESTIMONY ON HOUSE BILL NO. 632
RELATING TO OPEN DATA

WRITTEN TESTIMONY ONLY

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND TO THE HONORABLE DEREK S.K. KAWAKAMI, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on House Bill No. 632, Relating to Open Data. My name is Jo Ann Uchida Takeuchi, Deputy Director of the Department of Commerce and Consumer Affairs. The Department offers the following comments regarding this bill.

The Department is charged with regulatory oversight of entities such as financial institutions, insurers, licensed professionals, and business registrants, and

maintains many official records for the state. In that capacity, the Department has many data sets and is charged as the holder of these records with ensuring that the records are maintained in a manner that protects privacy and comports with applicable law, including but not limited to the privacy laws enforced by the Department (Chapter 487J, 487N), as well as Haw. Rev. Stat. §27G-2, the Uniform Electronic Transactions Act (Chapter 489E), as well as the Uniform Information Practices Act (Chapter 92F).

DCCA was an early adopter of technology as a means of making it easier for consumers and businesses to interact with the department, and a number of DCCA divisions offer "list builders" to facilitate the use of its data sets for a nominal fee. The Department is fully committed to open government and to providing the public with as much information as possible, both so that the public knows "what government is up to" and so that the public can benefit from the information obtained through the Department's regulatory role. To that end, the Department has placed five (5) external datasets on the www.data.hawaii.gov website maintained by OIMT and continues to explore opportunities to provide useful information to the public in collaboration with OIMT.

With regard to House Bill No. 632, the Department is concerned that the bill's requirement that departments make reasonable efforts to make ALL data sets under its control open and available to the public without charge, is unnecessary, and would place a significant financial burden on the department both in terms of requiring the acquisition of additional equipment and as well as diverting staff from

other projects. This bill is unnecessary because state departments, including DCCA, are already working with OIMT in sharing data sets that may be appropriate for inclusion in OIMT's open data project pursuant to a directive from Governor Abercrombie. Moreover, if the department were precluded from charging open data users for the data sets, the entire cost of the creation and maintenance of the data sets would have to be paid by the department's licensees and registrants. At the present time, state agencies can charge nominal fees to provide records in response to records requests and photocopy requests and can charge fees for value added electronic services (Haw. Rev. Stat. §27G-2). This bill could create confusion about the Department's ability to recoup fees for the creation of data sets.

Many of the department's databases are relational databases that are linked by personal information, so they need to be converted, filtered, and reformatted before they can be utilized by the public, if this is even possible. In addition to this, automating the process of updating these databases on a regular basis will require staff resources, hardware, and software. This all requires funding, which is not addressed in this bill.

The department would recommend that before something of this magnitude be enacted, funding for a survey be appropriated so a determination can be made as to what data sets can be made public, identify the work that needs to be performed, how much it would cost initially, and on an ongoing basis. This process would identify the scope of work, cost information that should be

addressed as part of the proposed legislation, and an analysis of the impact this bill would have on Haw. Rev. Stat. §489E-17, and Haw. Rev. Stat. §27G-2. In the alternative, if the committee is inclined to approve this measure, the department recommends that the bill provide for delayed implementation of all sections of the bill except the rulemaking section, which could go into effect at an earlier date to give OIMT the ability to adopt rules prior to implementation.

The department is also concerned that the definition of "data sets" in the bill is not clear and may be overly broad and would lead to a lot of unnecessary speculation about what is or is not a data set. For example, the definition appears to include data in both electronic and written form and captures all public records as defined in Chapter 92F.

To recap, the Department strongly supports the open data initiative being spearheaded by OIMT and supports this bill's intent, but has concerns that the bill as drafted may create unnecessary confusion and require a significant commitment of resources.

Thank you for the opportunity to submit testimony on House Bill No. 632.