

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO OPEN DATA.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 27, Hawaii Revised Statutes, is amended  
2 by adding four new sections to part VII to be appropriately  
3 designated and to read as follows:

4           "§27-           Agency data set availability; review; updates.

5           (a) Notwithstanding any other law to the contrary, each agency  
6 shall make reasonable efforts to make all data sets under the  
7 agency's control open and available to the public without  
8 charge.

9           (b) Data sets of all agencies shall be accessible on a  
10 website determined by the director of the office of information  
11 management and technology.

12           (c) Each agency shall conduct quarterly reviews of their  
13 progress on providing access to state data sets to the public.

14           (d) Each agency shall update the data sets automatically  
15 and as often as is necessary to preserve the integrity and  
16 usefulness of the data sets to the extent that the agency  
17 regularly maintains or updates the data sets.

18           (e) For purpose of this part:



1       "Agency" means any department, board, commission, or agency  
2 of the executive branch of the State.

3       "Data set" means a collection of data records deemed public  
4 records under chapter 92F.

5       §27- State liability for data sets. Data sets shall be  
6 available for informational purposes only. The State shall not  
7 be liable for any deficiencies in the completeness or accuracy  
8 of any data set.

9       §27- Data set licensing. The chief information officer  
10 may make data sets available pursuant to a license including  
11 granting any user the right to copy, distribute, display, or  
12 create derivative works at no cost and with a minimum level of  
13 conditions placed on the use.

14       §27- Data set rules. (a) The director of the office  
15 of information management and technology, in consultation with  
16 the office of information practices, shall adopt rules in  
17 accordance with chapter 91 to make data sets available to the  
18 public, including determining which data sets are appropriate  
19 for public disclosure pursuant to chapter 92F. In making this  
20 determination, the chief information officer, in consultation  
21 with the office of information practices shall balance the  
22 benefits of publicly available data sets with the need to



1 protect information that is proprietary, confidential, or is not  
2 appropriate for public disclosure.

3 The rules shall include the following:

4 (1) Technical requirements of data sets for the purpose of  
5 making data sets available to the greatest number of  
6 users and for the greatest number of applications,  
7 including whenever practicable, the use of machine  
8 readable, non-proprietary technical standards for web  
9 publishing and e-government; and

10 (2) Guidelines for agencies to follow in developing plans  
11 for making data sets available, including an  
12 accounting of data sets under the control of the  
13 agency and rules for including data set requirements  
14 in applicable state contracts."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

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# S.B. NO. 448

**Report Title:**

Open Data; Data Set; Office of Information Management and Technology

**Description:**

Requires executive departments, boards, commissions, and agencies to make data available to the public. Absolves State for liability for deficiencies or incomplete data. Requires the CIO to enact rules to address making data sets available to the public.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

