



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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**Testimony in SUPPORT of HB991 HD1  
RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS.**

REP. MARK M. NAKASHIMA, CHAIR  
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Hearing Date: February 16, 2021      Room Number: N/A

1    **Department Testimony:** The Department of Health (DOH) strongly supports this measure, the  
2    purpose of which is to give the Director of Health greater discretion to share confidential data for  
3    legitimate government and research functions.

4    Examples of vital records include data about births, deaths, and marriage/civil unions and  
5    contain information such as race and ethnicity, cause of death, relative health at birth, and other  
6    qualitative data that is found in very few other places. The department considers appropriate  
7    sharing of vital records to be in the public interest, particularly to expedite law enforcement or  
8    judicial proceedings but also research to help define unique health issues in Hawaii.

9    The proposed process of review by the DOH Institutional Review Committee is similar to with  
10   that in academic and scientific human subject research, and assures that requests serve a public  
11   good, that individual privacy is maintained, and that records are transmitted, stored, and disposed  
12   of appropriately. Examples of research requiring vital records include government investigations  
13   on workplace deaths, cancer prevalence, and national consumer product safety monitoring.

14   The current statute sets a high standard for access to vital records which should be retained but  
15   flexibility to disclose for situations not explicitly articulated in chapter 338, HRS, is required to  
16   provide a transparent baseline of common situations were there exists an affirmative “direct and  
17   tangible interest.”

18   Thank you for the opportunity to testify.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
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EMAIL: oip@hawaii.gov

To: House Committee on Judiciary & Hawaiian Affairs

From: Cheryl Kakazu Park, Director

Date: March 3, 2021, 2:00 p.m.  
Via Videoconference

Re: Testimony on H.B. No. 991  
Relating to the Disclosure of Vital Statistics Records

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Thank you for the opportunity to submit testimony on this bill, which would amend statutes relating to disclosure of vital statistics records. The Office of Information Practices (OIP) **offers comments and a suggestion.**

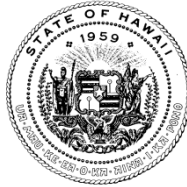
Disclosure of vital statistics records is an area that in the past has been determined by the specific statutory authority being amended in this measure, with details being to some degree left to the Director of Health to determine. Thus, disclosure of vital statistics records has not been determined by the Uniform Information Practices Act standards applicable to government records in general. However, OIP notes that this proposal would delete current subsection 338-18(d), which provides for public access to index information taken from vital records. The justification for this bill states that deleted sections are being removed because they are no longer relevant, but **the bill by itself does not show where public access to index information is provided for elsewhere** such that it is no longer relevant to include in section 338-18. **To avoid the appearance of diminishing public access to information, OIP recommends the Committee Report specifically explain why current subsection 338-18(d) is no longer relevant,** and defers to the Department of Health for the explanation of how public

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March 3, 2021  
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access to index information is currently provided and the relevant legal authority authorizing such access.

Thank you for considering OIP's comments.

DAVID Y. IGE  
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

March 3, 2021  
2:00 P.M.  
State Capitol, Teleconference

**H.B. 991, H.D. 1**  
**RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS**

House Committee on Judiciary & Hawaiian Affairs

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The Department of Transportation (DOT) **supports** H.B. 991, H.D. 1 which authorizes the Department of Health (DOH) to disclose vital statistics records for public health and law enforcement purposes and updates eligibility requirements for access to confidential vital statistics records.

The DOT has a Fatality Analysis Reporting System (FARS) cooperative agreement with the National Highway Traffic Safety Administration to provide Hawaii traffic crash data.

FARS contains data from fatal traffic crashes from the 50 States, the District of Columbia and Puerto Rico. FARS was conceived, designed and developed to provide an overall measure of highway safety, help identify traffic safety problems, suggest solutions and help provide an objective basis to evaluate the effectiveness of motor vehicle safety standards and highway safety programs.

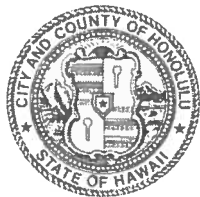
This bill will allow the DOT to work with the DOH to obtain data essential to the goals of highway traffic safety while addressing confidentiality concerns.

The DOT urges the passage of this measure.

Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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DEPUTY CHIEFS

OUR REFERENCE MK-KK

March 3, 2021

The Honorable Mark M. Nakashima, Chair  
and Members  
Committee on Judiciary  
and Hawaiian Affairs  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Nakashima and Members:

SUBJECT: House Bill No. 991, H.D. 1, Relating to the Disclosure of Vital Statistics Records

I am Mikel Kunishima, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 991, H.D. 1, Relating to the Disclosure of Vital Statistics Records.

The HPD supports the amendments for the Department of Health to disclose vital statistical records for public health and law enforcement purposes. The HPD would be able to access vital statistic records and expedite criminal investigations without the need of a subpoena. Law enforcement would be able to move investigations forward with access to these records.

The HPD urges you to support House Bill No. 991, H.D. 1, Relating to the Disclosure of Vital Statistics Records, and thanks you for the opportunity to testify.

APPROVED:

Handwritten signature of Susan Ballard in black ink.

Susan Ballard  
Chief of Police

Sincerely,

Handwritten signature of Mikel Kunishima in black ink.

Mikel Kunishima, Captain  
Criminal Investigation Division



**HB991 HD1**

RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i

House Committee on Judiciary & Hawaiian Affairs

Malaki 3, 2021

2:00 p.m.

Lumi 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB991 HD1, which would broaden the disclosure of nonidentifying public health and vital records data for public health and law enforcement purposes. **The data governance and sharing practices that this bill allow for are necessary to further effectuate broader goals as articulated in the Hawai‘i State Planning Act, and would also align with OHA’s Data Governance Resolution, HRC3/SCR5.**

OHA has long advocated for meaningful policies, including targeted and systemic actions, necessary to help reduce the health inequities of Native Hawaiians and to better protect and uplift the health and vitality of the Lāhui. OHA’s most recent strategic priorities included Maui Ola (Health), which represents our continuing commitment to improve the quality of life of Native Hawaiians. In furtherance of this commitment, and in line with the Hawai‘i State Planning Act under Hawai‘i Revised Statutes § 226-20, OHA supports a “social determinants of health” approach to health policy, which takes a holistic and systemic view in addressing the health of Hawai‘i’s communities. **HB991 HD1 would provide needed data governance and disclosure practices to increase agency and service provider access to public health data, which may be critical to identifying and addressing social determinants of health affecting Native Hawaiians and other health-vulnerable communities.**

As the COVID-19 pandemic has highlighted, timely, consistent, and appropriately disaggregated data for Native Hawaiians and Pacific Islanders is essential to best inform our programmatic interventions, whether it be for COVID-19 or general public health planning. OHA’s Data Governance Resolution, HCR3/SCR5, streamlines the acknowledged need for a coordinated approach for not only public health data, but also data related to various social determinants of health. Similarly, the expanded disclosure of vital records information proposed in this measure would provide access and reporting of data that is needed but currently unavailable for relevant agencies, like OHA, seeking to improve public health outcomes through a social determinants of health approach.

Accordingly, OHA urges the Committee to **PASS** HB991 HD1. Mahalo for the opportunity to testify.

