

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB991 HD2
RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS.**

SENATOR JARRETT KEOHOKALOOLE, CHAIR
SENATE COMMITTEE ON HEALTH

Hearing Date: March 24, 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, health conditions at birth, and
6 other qualitative data. The department considers appropriate sharing of vital records to be in the
7 public interest, particularly to expedite law enforcement or judicial proceedings but also research
8 to help define unique health issues in Hawaii.

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

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

1 That said, the department requests two amendments.

2 1. Restore subsection (d) and amend to permit discretionary publication of vital records
3 index data.

4 a. Upon consultation with the Hawaii State Library System, indices are frequently
5 loaned out to persons researching genealogy.

6 b. Amend “shall” to “may” to accommodate future conditions.

7 2. Amend subsection (e) to increase the time from 75 years to 115 years for access to
8 microfilm and other copies of vital records.

9 a. A person that turns 75 years old should not have a lower standard of
10 confidentiality than a 74-year-old person with regard to their vital records.

11 b. According to death certificate data, the longest-lived person in Hawaii was 114
12 years old.

13 Thank you for the opportunity to testify.

14 **Offered Amendments:**

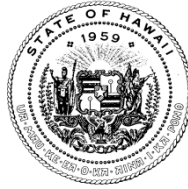
15 Restore subsection (d):

16 (d) Index data consisting of name and sex of the
17 registrant, type of vital event, and such other data as the
18 director may authorize [~~shall~~] may be made available to the
19 public.

20 Amend subsection (e):

21 (c) The department of health may permit persons working on
22 genealogy projects access to microfilm or other copies of vital
23 records of events that occurred more than [~~seventy-five~~] one-
24 hundred fifteen years [~~prior to~~] before the current year.

25



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

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

LATE

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

March 24, 2021
1:00 P.M.
State Capitol, Teleconference

H.B. 991, H.D. 2
RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS

Senate Committee on Health

The Department of Transportation (DOT) **supports** H.B. 991, H.D. 2, 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.

THE CIVIL BEAT
LAW CENTER FOR THE PUBLIC INTEREST

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Senate Committee on Health
Honorable Jarrett Keohokalole, Chair
Honorable Rosalyn H. Baker, Vice Chair

LATE

**RE: Testimony Opposing H.B. 991 H.D. 2,
Relating to the Disclosure of Vital Statistics Records**
Hearing: March 24, 2021 at 1:00 p.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit testimony **opposing the repeal of HRS § 338-18(d) in H.B. 991 H.D. 2.**

HRS § 338-18(d) provides limited information for the public to verify basic facts. A high-profile example, does the Department of Health have a record of President Obama's birth? The vital record indices maintained by DOH do not require public disclosure of the underlying birth certificate or details such as date of birth. But the indices do provide ready means for the public to confirm that an official record of President Obama's birth in Hawai'i does in fact exist.

Existing law carefully balances privacy concerns by concealing details while providing clear verification of what records DOH maintains. DOH overstates the "identity theft" threat of an index that merely states "Robert Brian Black, Male, Marriage" as required by section 338-18(d). DOH does not point to any actual harm that could occur from public access to this type of information. Without evidence of such harm occurring, there is no justification for repealing an important public tool that has existed for decades.

Thank you again for the opportunity to testify in **opposition** to H.B. 991.



March 23, 2021

Sen. Jarrett Keohokalole
Senate Health Committee
State Capitol
Honolulu, HI 96813

Re: House Bill 991 HD2

Chairman Keohokalole and Committee Members:

We oppose this bill until the Department of Health gives a better showing how index listings cause identity theft.

The vital statistics indices show that a record exists and do not go into the details of the record.

There may be times that people may want to know information on the ledger for qualifications for high office, such as the birth certificate of Barack Obama.

Thank you for your attention,

Stirling Morita
President
Hawaii Chapter SPJ



HB991 HD2
RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS
Ke Kōmike ‘Aha Kenekoa o ke Olakino
Senate Committee on Health

Malaki 24, 2021

1:00 p.m.

Hālāwai Keleka‘a‘ike

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB991 HD2, 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 HD2 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 HD2. Mahalo for the opportunity to testify.

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: Senate Committee on Health

From: Cheryl Kakazu Park, Director

Date: March 24, 2021, 1:00 p.m.
Via Videoconference

Re: Testimony on H.B. No. 991, H.D. 2
Relating to the Disclosure of Vital Statistics Records

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.**

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. OIP further notes that the Department of Health (DOH) now proposes amending this bill to restore an amended version of that subsection that would allow, but not require, DOH to provide public access to index information.

OIP's preference would be for public access to index information to remain a mandate, rather than an option; however, a restored subsection (d) allowing DOH to provide such access is still preferable to barring public disclosure

Senate Committee on Health
March 24, 2021
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of the information, as this bill currently would do, so OIP supports DOH's proposed amendment.

Thank you for considering OIP's comments.

HB-991-HD-2

Submitted on: 3/19/2021 3:13:14 PM

Testimony for HTH on 3/24/2021 1:00:00 PM

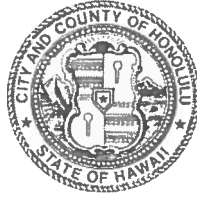
Submitted By	Organization	Testifier Position	Present at Hearing
Yulia Muzychenko	Individual	Oppose	No

Comments:

Seems like violation of privacy and HIPPA

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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MAYOR

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JOHN D. McCARTHY
AARON TAKASAKI-YOUNG
DEPUTY CHIEFS

OUR REFERENCE MK-KK

March 24, 2021

LATE

The Honorable Jarrett Keohokalole, Chair
and Members
Committee on Health
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Keohokalole and Members:

SUBJECT: House Bill No. 991, H.D. 2, 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. 2, 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. 2, Relating to the Disclosure of Vital Statistics Records, and thanks you for the opportunity to testify.

APPROVED:

Sincerely,

Handwritten signature of Susan Ballard in black ink.

Susan Ballard
Chief of Police

Handwritten signature of Mikel Kunishima in black ink.

Mikel Kunishima, Captain
Criminal Investigation Division