



HB991 HD2 SD1
RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS
Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo
Senate Committee on Judiciary

Malaki 30, 2021

9:50 a.m.

Hālāwai Keleka‘a‘ike

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB991 HD2 SD1, 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 would 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 SD1 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 SD1. 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 Judiciary

From: Cheryl Kakazu Park, Director

Date: March 30, 2021, 9:50 a.m.
Via Videoconference

Re: Testimony on H.B. No. 991, H.D. 2, S.D 1
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. This proposal as originally introduced would have deleted current subsection 338-18(d), which provides for public access to index information taken from vital records, but the S.D. 1 restored that subsection. **OIP has no further concerns regarding this bill.**

THE CIVIL BEAT
LAW CENTER FOR THE PUBLIC INTEREST

700 Bishop Street, Suite 1701
Honolulu, HI 96813

Office: (808) 531-4000
Fax: (808) 380-3580
info@civilbeatlawcenter.org

Senate Committee on Judiciary
Honorable Karl Rhoads, Vice Chair
Honorable Jarrett Keohokalole, Vice Chair

**RE: Testimony Commenting on H.B. 991 H.D. 2 S.D. 1,
Relating to the Disclosure of Vital Statistics Records**
Hearing: March 30, 2021 at 9:50 a.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 regarding H.B. 991 H.D. 2 S.D. 1. **Please retain the *requirement that Department of Health publicly maintain vital record indices in HRS § 338-18(d)*.**

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's prior testimony in the House 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.

Nor is there any basis for making the indices discretionary. At the hearing before the Committee on Health, DOH indicated that it would feel better if it had discretion to stop creating these indices in case something major happened. If something "major" happens, the Legislature can address it. Such vague concerns are not a justification for repealing an important public tool that has existed for decades.

Thank you again for the opportunity to testify regarding H.B. 991.

HB-991-SD-1

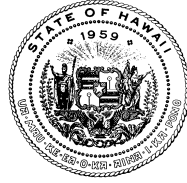
Submitted on: 3/26/2021 5:08:44 PM

Testimony for JDC on 3/30/2021 9:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Oppose	No

Comments:

No, this violates HIPAA!!!



LATE

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

**Testimony in SUPPORT of HB991 SD2
RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS.**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: March 30, 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 that should be preserved.
16 However, flexibility to disclose for situations not explicitly articulated in chapter 338, HRS, is
17 required to meet evolving and unanticipated needs.

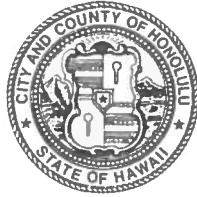
18 Thank you for the opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

LATE

RICK BLANGIARDI
MAYOR



SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
AARON TAKASAKI-YOUNG
DEPUTY CHIEFS

OUR REFERENCE

MK-KK

March 30, 2021

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 991, H.D. 2, S.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. 2, S.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. 2, S.D. 1, Relating to the Disclosure of Vital Statistics Records, and thanks you for the opportunity to testify.

APPROVED:

Sincerely,


Susan Ballard
Chief of Police


Mikel Kunishima, Captain
Criminal Investigation Division