

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: House Committee on Water & Land

From: Cheryl Kakazu Park, Director

Date: February 9, 2024, 9:00 a.m.
State Capitol, Conference Room 430

Re: Testimony on H.B. No. 2460
Relating to Homeland Security

Thank you for the opportunity to submit testimony on this bill, which would provide confidentiality for critical infrastructure information maintained by the Office of Homeland Security's Hawaii State Critical Infrastructure Security and Resilience Program (Program). The Office of Information Practices (OIP) **supports** this bill.

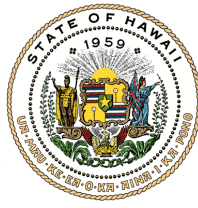
OIP had concerns about a similar bill introduced last year. OIP worked with the Office of Homeland Security (OHS) over the interim to reach agreement on language to address both OHS's and OIP's concerns. OIP understands that the Program collects information about critical infrastructure and its vulnerabilities from other government agencies and from private parties such as utilities, and OHS was concerned that the Program should not become a one-stop-shop for people seeking information about such vulnerabilities. At the same time, OIP's concern has been to ensure that information about infrastructure, including potential problems with that infrastructure, should remain public to the extent that it previously has been. Although the UIPA's frustration exception would allow an agency to withhold specific information, especially detailed technical information,

that could be used to exploit vulnerabilities in either government or private infrastructure, more general information should remain available to the extent it traditionally has been for the public to request from the government agency maintaining it, so as not to deny the public access to important public safety information such as government reports on dam safety, information about the Red Hill water contamination, or information about the potential for the power grid to contribute to a future wildfire.

OIP believes this bill strikes an appropriate balance between protection of the sensitive critical infrastructure information collected by the Program and ensuring continued public access to more general information maintained by the various agencies about infrastructure, including information that discusses potential problems. **OIP therefore supports this bill** and recommends the Legislature use it as the vehicle to address protection of critical infrastructure information within the Program.

Thank you for considering OIP's testimony.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



JORDAN LOWE
DIRECTOR

MICHAEL VINCENT
Deputy Director
Administration

JARED K. REDULLA
Deputy Director
Law Enforcement

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT

Ka 'Oihana Ho'okō Kānāwai

715 South King Street
Honolulu, Hawaii 96813

TESTIMONY ON HOUSE BILL 2460
RELATING TO HOMELAND SECURITY
Before the House Committee on Water & Land

Friday, February 9, 2024; 9:00 a.m.

State Capitol Conference Room 430, Via Videoconference

Testifiers: Frank Pace or Jimmie Collins

Chair Ichiyama, Vice Chair Poepoe, and members of the Committee:

The Department of Law Enforcement (DLE) **strongly supports**, House Bill 2460.

This administration bill establishes protections for critical infrastructure information that is received or maintained by the Office of Homeland Security for use regarding the security of critical infrastructure in Hawai'i.

The proposed protections are aligned with those under the Critical Infrastructure Information Act of 2002 and would enhance the sharing of critical infrastructure information between owners and operators and the State of Hawai'i. For the Office of Homeland Security (OHS) and the Hawaii State Fusion Center to maintain trusted partnerships with owners and operators, it must be able to assure them that sensitive and proprietary information relating to the security of critical infrastructure is protected from public disclosure.

The retention and assured protection of this information is crucial for OHS in supporting the security and resilience of the State of Hawai'i.

Thank you for the opportunity to testify in support of this bill.

HB-2460

Submitted on: 2/7/2024 12:34:54 PM

Testimony for WAL on 2/9/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha, I support HB 2460 - Enhances sharing of critical infrastructure information between infrastructure owners and operators and the state government. Defines and protects "critical infrastructure information" that is crucial for direct support of the security and resilience of the State of Hawaii.

Provides homeland security partners reassurance that their proprietary information provided to the State of Hawaii government will be protected from disclosure.