
A BILL FOR AN ACT

RELATING TO CRITICAL INFRASTRUCTURE INFORMATION.

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

1 SECTION 1. The legislature finds that in order to succeed
2 in the legislated responsibilities of the State and requirements
3 of federal law regarding protection of critical infrastructure
4 under chapter 54, Hawaii Revised Statutes, it is necessary to
5 establish protections for critical infrastructure information
6 maintained by county boards of water supply. The legislature
7 further finds that protection of critical infrastructure
8 information does not require confidentiality for information
9 created and made confidential by the county boards of water
10 supply for other purposes and that have historically been of
11 public record, including but not limited to the water service
12 consumption data made public by section 92F-12, Hawaii Revised
13 Statutes.

14 The purpose of this Act is to establish and specify
15 protections for information that is required by federal law to
16 be received or maintained by a county board of water supply for
17 use regarding the security of critical infrastructure and



1 protected systems, analysis, warning, interdependency study,
2 recovery, reconstitution, or other informational purposes. This
3 Act is not intended to alter the public's existing right to
4 access information that is created for a purpose other than use
5 in a federal or state critical infrastructure security and
6 resilience program, even when the information is also used in
7 and maintained by the critical infrastructure security and
8 resilience program.

9 SECTION 2. Chapter 54, Hawaii Revised Statutes, is amended
10 by adding a new section to part I to be appropriately designated
11 and to read as follows:

12 **"§54- Confidentiality of critical infrastructure**
13 **information.** (a) Notwithstanding section 92F-11 and any other
14 law to the contrary, critical infrastructure information
15 required by federal or state law to be collected or maintained
16 by a board in connection with a federal or state critical
17 infrastructure security and resilience program shall be
18 confidential and shall not be available to the public.

19 (b) Nothing contained in this section shall be construed
20 to alter existing rights to access government records subject to
21 chapter 92F created or maintained by a board or other agency for



1 a purpose other than a federal or state critical infrastructure
2 security and resilience program.

3 (c) For the purposes of this section, "critical
4 infrastructure information" means information that is not
5 customarily in the public domain and is related to the security
6 of critical infrastructure or protected systems, including
7 documents, records, or other information concerning:

8 (1) Actual, potential, or threatened interference with,
9 attack on, compromise of, or incapacitation of
10 critical infrastructure or protected systems by either
11 physical or computer-based attack or other similar
12 conduct, including the misuse of or unauthorized
13 access to all types of communications and data
14 transmission systems, that violates federal, state,
15 local, or tribal law, harms interstate commerce of the
16 United States, or threatens public health or safety;

17 (2) The ability of any critical infrastructure or
18 protected system to resist the interference, attack,
19 compromise, or incapacitation described under
20 paragraph (1), including any planned or past
21 assessment, projection, or estimate of the



1 vulnerability of critical infrastructure or a
2 protected system, including security testing, risk
3 evaluation thereto, risk-management planning, or risk
4 audit; or

5 (3) Any planned or past operational problem or solution
6 regarding critical infrastructure or protected
7 systems, including repair, recovery, reconstruction,
8 insurance, or continuity, to the extent it is related
9 to the interference, attack, compromise, or
10 incapacitation described under paragraph (1)."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Critical Infrastructure Information; Water Systems

Description:

Requires critical infrastructure information required by federal or state law to be collected or maintained by a county board of water supply in connection with a federal or state critical infrastructure security and resilience program to be confidential and not available to the public. Effective 7/1/3000. (HD1)

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