

JAN 19 2024

A BILL FOR AN ACT

RELATING TO THE UNIFORM INFORMATION PRACTICES ACT.

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

1 SECTION 1. The legislature finds that critical
2 infrastructure are those assets, systems, and networks that
3 provide functions necessary for our way of life. There are
4 sixteen federal designated critical infrastructure sectors,
5 including energy, emergency services, water, health care, and
6 others, that are part of a complex, interconnected ecosystem.
7 Any threat to these sectors could have potentially debilitating
8 consequences to national security, the economy, and public
9 health and safety.

10 The legislature further finds it is imperative to establish
11 protections for critical infrastructure information that is
12 created, received, or maintained by government agencies to
13 ensure public health and safety. The proposed protections under
14 this Act are aligned with the federal Critical Infrastructure
15 Information Act of 2002 and would enhance the sharing of
16 critical infrastructure information between private entities and
17 government agencies. Providing homeland security partners



1 additional reassurance that their shared proprietary information
2 will be protected is important to encourage open sharing of
3 critical infrastructure information.

4 The legislature also finds that voluntary collaboration is
5 crucial in providing for critical infrastructure security. Up-
6 front protections in statute for non-disclosure of specific
7 security-related information will support better understanding
8 and identification of:

- 9 (1) Security risks and threats from physical and cyber-
10 attacks, like the types and characteristics of
11 physical security or technology systems;
- 12 (2) Vulnerabilities and mitigation strategies during
13 special events, including actions taken to manage
14 potential threats at an event venue; and
- 15 (3) Overall critical infrastructure security, such as
16 understanding the nature of previous incidents to
17 identify and ultimately close vulnerability gaps.

18 The purpose of this Act is to exclude critical
19 infrastructure information from disclosure requirements under
20 the Uniform Information Practices Act.



1 SECTION 2. Section 92F-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§92F-13 Government records; exceptions to general rule.**

4 This part shall not require disclosure of:

- 5 (1) Government records which, if disclosed, would
6 constitute a clearly unwarranted invasion of personal
7 privacy;
- 8 (2) Government records pertaining to the prosecution or
9 defense of any judicial or quasi-judicial action to
10 which the State or any county is or may be a party, to
11 the extent that such records would not be
12 discoverable;
- 13 (3) Government records that, by their nature, must be
14 confidential in order for the government to avoid the
15 frustration of a legitimate government function;
- 16 (4) Government records which, pursuant to state or federal
17 law including an order of any state or federal court,
18 are protected from disclosure; [and]
- 19 (5) Inchoate and draft working papers of legislative
20 committees including budget worksheets and unfiled
21 committee reports; work product; records or



1 transcripts of an investigating committee of the
2 legislature [~~which~~] that are closed by rules adopted
3 pursuant to section 21-4 and the personal files of
4 members of the legislature[~~-~~]; and

5 (6) Critical infrastructure information related to the
6 security of critical infrastructure or protected
7 systems, including documents, records, or other
8 information concerning:

9 (A) Actual, potential, or threatened interference
10 with, attacks on, compromise of, or
11 incapacitation of critical infrastructure of
12 protected systems by either physical or computer-
13 based attack or other similar conduct, including
14 the misuse of or unauthorized access to all types
15 of communications and data transmission systems
16 that:

17 (i) Violates federal, state, local, or tribal
18 law;

19 (ii) Harms interstate commerce of the United
20 States; or

21 (iii) Threatens public health or safety;



1 (B) The ability of any critical infrastructure or
2 protected system to resist interference, attack,
3 compromise, or incapacitation described in
4 subparagraph (A), including any planned or past
5 assessment, projection, or estimate of the
6 vulnerability of critical infrastructure or a
7 protected system, including security testing,
8 risk evaluation thereto, risk management
9 planning, or risk audit; or

10 (C) Any planned or past operational problem or
11 solution regarding critical infrastructure or
12 protected systems, including repair, recovery,
13 reconstruction, insurance, or continuity, to the
14 extent it is related to the interference, attack,
15 compromise, or incapacitation described in
16 subparagraph (A)."

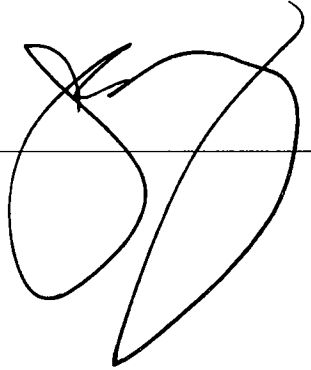
17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.



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INTRODUCED BY:

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S.B. NO. 2844

Report Title:

Uniform Information Practices Act; Critical Infrastructure Information

Description:

Excludes critical infrastructure information from disclosure requirements under the Uniform Information Practices Act.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

