
A BILL FOR AN ACT

RELATING TO CRITICAL INFRASTRUCTURE.

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 responsibilities of the State to provide homeland
3 security under chapter 128A, Hawaii Revised Statutes, it is
4 necessary to establish protections for critical infrastructure
5 information.

6 The purpose of this Act is to establish and specify
7 protections for information that is received or maintained by
8 the office of homeland security regarding the security of
9 critical infrastructure and protected systems, analysis,
10 warning, interdependency study, recovery, reconstitution or
11 other informational purposes.

12 SECTION 2. Chapter 128A, Hawaii Revised Statutes, is
13 amended by adding to part I a new section to be appropriately
14 designated and to read as follows:

15 "§128A- Confidentiality of critical infrastructure
16 information. (a) Notwithstanding section 92F-11 and any other
17 law to the contrary, critical infrastructure information
18 received or maintained by the office of homeland security in

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1 connection with the Hawaii state critical infrastructure
2 security and resilience program shall be confidential and shall
3 not be disclosed, except as provided in subsection (b).

4 (b) The office of homeland security may share confidential
5 critical infrastructure information received or maintained under
6 subsection (a) with federal agencies and state and county
7 agencies within the State for the purposes of the security of
8 critical infrastructure of protected systems; provided that the
9 information shall remain confidential and shall not be disclosed
10 by the receiving agency to the public.

11 (c) Nothing contained in this section shall be construed
12 to alter existing rights to access government records subject to
13 chapter 92F from an agency other than the office of homeland
14 security and state and county agencies receiving confidential
15 critical infrastructure information under subsection (b)."

16 SECTION 3. Section 128A-2, Hawaii Revised Statutes, is
17 amended by adding a new definition to be appropriately inserted
18 and to read as follows:

19 "Critical infrastructure information" means information
20 that is not customarily in the public domain and is related to
21 the security of critical infrastructure or protected systems,
22 including documents, records or other information concerning:

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- 1 (1) Actual, potential, or threatened interference with,
2 attack on, compromise of, or incapacitation of
3 critical infrastructure or protected systems by either
4 physical or computer-based attack or other similar
5 conduct, including the misuse of or unauthorized
6 access to all types of communications and data
7 transmission systems, that violates federal, state,
8 local, or tribal law, harms interstate commerce of the
9 United States, or threatens public health or safety;
- 10 (2) The ability of any critical infrastructure or
11 protected system to resist such interference,
12 compromise, or incapacitation, including any planned
13 or past assessment, projection, or estimate of the
14 vulnerability of critical infrastructure or a
15 protected system, including security testing, risk
16 evaluation thereto, risk-management planning, or risk
17 audit; or
- 18 (3) Any planned or past operational problem or solution
19 regarding critical infrastructure or protected
20 systems, including repair, recovery, reconstruction,
21 insurance, or continuity, to the extent that it is

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Report Title:

Homeland Security; Uniform Information Practices; Critical Infrastructure Information

Description:

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. Provides homeland security partners with reassurance that their proprietary information provided to the state government will be protected from disclosure.

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

JUSTIFICATION SHEET

DEPARTMENT: Law Enforcement

TITLE: A BILL FOR AN ACT RELATING TO CRITICAL INFRASTRUCTURE.

PURPOSE: To establish protections for critical infrastructure information that is received or maintained by the Office of Homeland Security (OHS) for use regarding the security of critical infrastructure and protected systems, analysis, warning, interdependency study, recovery, reconstitution, or other informational purposes.

MEANS: Add a new section to chapter 128A, Hawaii Revised Statutes (HRS), and amend section 128A-2, HRS.

JUSTIFICATION: The protections offered by this bill will enhance sharing of critical infrastructure information between critical infrastructure owners and operators and the state government. "Critical infrastructure information" as defined and protected by this bill is crucial for OHS for direct support of the security and resilience of the State. The protections will provide homeland security partners with reassurance that their proprietary information provided to the state government will be protected from disclosure.

Impact on the public: The protection afforded critical infrastructure owners and operators in sharing critical infrastructure information would benefit the public with the increased protections afforded to these critical infrastructure facilities through the OHS.

Impact on the department and other agencies: None.

GENERAL FUND: None.

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OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LAW 900.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.