

ACT 167

H.B. NO. 1885

A Bill for an Act Relating to Government Data.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that it is in the State's interest to increase access to data maintained by and available from state agencies, as such data can inform public policy, stimulate innovation within and outside government, encourage public engagement, and enhance transparency. This data can also spur economic development and produce new and innovative resources and services that benefit state employees, individual citizens, and businesses. The efficient integration, management, governance, and sharing of data can greatly improve state programs and the delivery of services to the State's citizens. Therefore, unless expressly prohibited by law or regulation, it is vitally important that data held by state agencies be made readily available to other state agencies with a minimum of administrative obstacles so that data shared across agencies contributes to the effective, efficient, and transparent delivery of information resources and services. It is equally vital that state agencies make reasonable efforts to provide public access to this data, unless expressly prohibited by law or regulation.

The purpose of this Act is to establish within the office of enterprise technology services a chief data officer and a data task force to develop, implement, and manage statewide data policies, procedures, and standards.

SECTION 2. Section 27-44, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§27-44]]—Electronic] Chief data officer; electronic data set availability; updates.~~ (a) There is established within the office of enterprise technology services a full-time chief data officer to develop, implement, and manage statewide data policies, procedures, and standards pursuant to section 27-44.3 and to facilitate data sharing across state agencies. The chief data officer shall use the state information assets and analytics to research and recommend processes and tools to improve inter-departmental and intra-departmental decision making and reporting. The chief data officer shall be appointed by and report directly to the chief information officer. Each executive branch department, including the department of education and University of Hawaii, shall use reasonable efforts to make appropriate and existing [electronic] data sets maintained by the department electronically available to the public through the State's open data portal at data.hawaii.gov or successor website designated by the chief [information] data officer; provided that:

- (1) Nothing in this chapter shall require departments to create new electronic data sets or to make data sets available upon demand;
- (2) Data licensed to the State by another person or entity shall not be made public under this chapter unless the person or entity licensing the data agrees to the public disclosure; and
- (3) Proprietary and other information protected from disclosure by law or contract shall not be disclosed.

[Such] This disclosure shall be consistent with the policies, procedures, and standards developed by the chief [information] data officer and consistent with applicable law, including chapter 92F and other state and federal laws related to security and privacy, and no personally identifiable information shall be posted online unless the identified individual has consented to the posting or the posting is necessary to fulfill the lawful purposes or duties of the department.

(b) Nothing in this chapter shall require the chief information officer or the chief data officer to adopt rules pursuant to chapter 91 and nothing in this chapter shall supersede chapter 27G.

(c) Each department shall update its electronic data sets in the manner prescribed by the chief ~~[information]~~ data officer and as often as is necessary to preserve the integrity and usefulness of the data sets to the extent that the department regularly maintains or updates the data sets.

(d) There is established a data task force to assist the chief data officer in developing the State's data policies, procedures, and standards. The task force shall comprise the following members:

- (1) One representative of the judiciary, to be appointed by the chief justice of the supreme court;
- (2) The superintendent of education, or the superintendent's designee;
- (3) The director of human services, or the director's designee;
- (4) The director of health, or the director's designee;
- (5) The director of business, economic development, and tourism, or the director's designee;
- (6) The president of the University of Hawaii, or the president's designee;
- (7) Two members of the public to represent nonprofit organization stakeholders having experience in data, of which one member shall be chosen and invited to participate by the speaker of the house of representatives and one member shall be chosen and invited to participate by the president of the senate; and
- (8) Two members of the public to represent for-profit business stakeholders having experience in data, of which one member shall be chosen and invited to participate by the speaker of the house of representatives and one member shall be chosen and invited to participate by the president of the senate.

The chief data officer shall serve as the chair of the task force and shall ensure that the task force is evaluated periodically.”

SECTION 3. Section 27-44.2, Hawaii Revised Statutes, is amended to read as follows:

“[§27-44.2] **Data set licensing.** The chief ~~[information]~~ data officer may make the departments' electronic data sets on data.hawaii.gov or a successor website designated by the chief data officer available to third parties pursuant to a license~~[- which]~~ that may require the licensee to allow any user to copy, distribute, display, or create derivative works at no cost and with an appropriate level of conditions placed on the use.”

SECTION 4. Section 27-44.3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The chief ~~[information]~~ data officer, in consultation with the data task force and the office of information practices, shall develop policies and procedures to implement section 27-44, including standards to determine ~~[which]~~ the data sets that are appropriate for online disclosure as provided in section 27-44~~[:]~~ and the data set format standards to be used by all agencies in making their data sets available; provided that the standards shall not require the departments to post information that is otherwise required to be disclosed under chapter 92F, but is personally identifiable information, information that may pose a personal or public security risk, is of minimal public interest, or is otherwise inappropriate for online disclosure as part of a data set.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 27, 2022.)