



GOV. MSG. NO. 1268

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 27, 2022

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty-First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty-First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2022, the following bill was signed into law:

HB1885 HD1 SD1 CD1

RELATING TO GOVERNMENT DATA.  
**ACT 167**

Sincerely,

A handwritten signature in black ink, reading "David Y. Ige".

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor

on JUN 27 2022

HOUSE OF REPRESENTATIVES  
THIRTY-FIRST LEGISLATURE, 2022  
STATE OF HAWAII

**ACT 167**  
**H.B. NO.** 1885  
H.D. 1  
S.D. 1  
C.D. 1

---

## A BILL FOR AN ACT

RELATING TO GOVERNMENT DATA.

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

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



1 provide public access to this data, unless expressly prohibited  
2 by law or regulation.

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

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

9 "[~~{~~]~~\$27-44[~~}]—Electronic~~] Chief data officer; electronic  
10 data set availability; updates. (a) There is established  
11 within the office of enterprise technology services a full-time  
12 chief data officer to develop, implement, and manage statewide  
13 data policies, procedures, and standards pursuant to section  
14 27-44.3 and to facilitate data sharing across state agencies.  
15 The chief data officer shall use the state information assets  
16 and analytics to research and recommend processes and tools to  
17 improve inter-departmental and intra-departmental decision  
18 making and reporting. The chief data officer shall be appointed  
19 by and report directly to the chief information officer. Each  
20 executive branch department, including the department of  
21 education and University of Hawaii, shall use reasonable efforts~~



1 to make appropriate and existing [~~electronic~~] data sets  
2 maintained by the department electronically available to the  
3 public through the State's open data portal at data.hawaii.gov  
4 or successor website designated by the chief [~~information~~] data  
5 officer; provided that:

6 (1) Nothing in this chapter shall require departments to  
7 create new electronic data sets or to make data sets  
8 available upon demand;

9 (2) Data licensed to the State by another person or entity  
10 shall not be made public under this chapter unless the  
11 person or entity licensing the data agrees to the  
12 public disclosure; and

13 (3) Proprietary and other information protected from  
14 disclosure by law or contract shall not be disclosed.

15 [~~Such~~] This disclosure shall be consistent with the policies,  
16 procedures, and standards developed by the chief [~~information~~]  
17 data officer and consistent with applicable law, including  
18 chapter 92F and other state and federal laws related to security  
19 and privacy, and no personally identifiable information shall be  
20 posted online unless the identified individual has consented to



1 the posting or the posting is necessary to fulfill the lawful  
2 purposes or duties of the department.

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

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

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

- 16 (1) One representative of the judiciary, to be appointed  
17 by the chief justice of the supreme court;  
18 (2) The superintendent of education, or the  
19 superintendent's designee;  
20 (3) The director of human services, or the director's  
21 designee;



- 1       (4) The director of health, or the director's designee;
- 2       (5) The director of business, economic development, and
- 3       tourism, or the director's designee;
- 4       (6) The president of the University of Hawaii, or the
- 5       president's designee;
- 6       (7) Two members of the public to represent nonprofit
- 7       organization stakeholders having experience in data,
- 8       of which one member shall be chosen and invited to
- 9       participate by the speaker of the house of
- 10       representatives and one member shall be chosen and
- 11       invited to participate by the president of the senate;
- 12       and
- 13       (8) Two members of the public to represent for-profit
- 14       business stakeholders having experience in data, of
- 15       which one member shall be chosen and invited to
- 16       participate by the speaker of the house of
- 17       representatives and one member shall be chosen and
- 18       invited to participate by the president of the senate.
- 19       The chief data officer shall serve as the chair of the task
- 20       force and shall ensure that the task force is evaluated
- 21       periodically."



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

3 "[~~§~~27-44.2~~§~~] **Data set licensing.** The chief  
4 [~~information~~] data officer may make the departments' electronic  
5 data sets on data.hawaii.gov or a successor website designated  
6 by the chief data officer available to third parties pursuant to  
7 a license~~[, which]~~ that may require the licensee to allow any  
8 user to copy, distribute, display, or create derivative works at  
9 no cost and with an appropriate level of conditions placed on  
10 the use."

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

13 "(a) The chief [~~information~~] data officer, in consultation  
14 with the data task force and the office of information  
15 practices, shall develop policies and procedures to implement  
16 section 27-44, including standards to determine ~~[which]~~ the data  
17 sets that are appropriate for online disclosure as provided in  
18 section 27-44~~[+]~~ and the data set format standards to be used by  
19 all agencies in making their data sets available; provided that  
20 the standards shall not require the departments to post  
21 information that is otherwise required to be disclosed under



1 chapter 92F, but is personally identifiable information,  
2 information that may pose a personal or public security risk, is  
3 of minimal public interest, or is otherwise inappropriate for  
4 online disclosure as part of a data set."

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

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

APPROVED this 27th day of June , 2022



GOVERNOR OF THE STATE OF HAWAII





HB No. 1885, HD 1, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki  
Speaker  
House of Representatives




Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: May 3, 2022  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate  
of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2022.

  
President of the Senate

  
Clerk of the Senate