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

H.B. NO.

1885
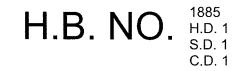H.D. 1
S.D. 1
C.D. 1

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

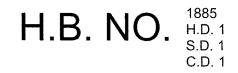17   is equally vital that state agencies make reasonable efforts to

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   "[ɬ]§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

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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

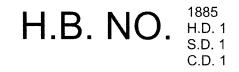12   public disclosure; and

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
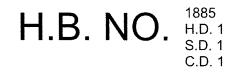
21 periodically."

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

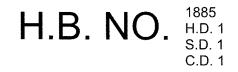21   information that is otherwise required to be disclosed under

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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.

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Report Title:
Government Data; Chief Data Officer; Data Task Force, Office of
Enterprise Technology Services

Description:
Establishes a chief data officer and data task force within the
office of enterprise technology services to develop, implement,
and manage statewide data policies, procedures, and standards
and to facilitate data sharing across state agencies. (CD1)

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