
A BILL FOR AN ACT

RELATING TO HOMELAND SECURITY.

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 legislated responsibilities of the State regarding
3 protection of critical infrastructure under chapter 128A, Hawaii
4 Revised Statutes, it is necessary to establish protections for
5 critical infrastructure 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 for use regarding the security
9 of 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 a new section to be appropriately designated
14 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 shall

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1 be confidential and shall not be disclosed except as provided in
2 subsection (b).

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

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

13 "Critical Infrastructure information" means information
14 not customarily in the public domain and related to the security
15 of critical infrastructure or protected systems, including
16 documents, records or other information concerning:

17 (1) Actual, potential, or threatened interference with,
18 attack on, compromise of, or incapacitation of
19 critical infrastructure or protected systems by either
20 physical or computer-based attack or other similar
21 conduct, including the misuse of or unauthorized
22 access to all types of communications and data

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1 transmission systems, that violates federal, state,
2 local, or tribal law, harms interstate commerce of the
3 United States, or threatens public health or safety;

4 (2) The ability of any critical infrastructure or
5 protected system to resist such interference,
6 compromise, or incapacitation, including any planned
7 or past assessment, projection, or estimate of the
8 vulnerability of critical infrastructure or a
9 protected system, including security testing, risk
10 evaluation thereto, risk-management planning, or risk
11 audit; or

12 (3) Any planned or past operational problem or solution
13 regarding critical infrastructure or protected
14 systems, including repair, recovery, reconstruction,
15 insurance, or continuity, to the extent it is related
16 to such interference, compromise, or incapacitation."

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: 

21

BY REQUEST

JAN 23 2023

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Report Title:

Homeland Security; Confidentiality of Critical Infrastructure Information

Description:

Establishes protections for critical infrastructure information that is received or maintained by the Office of Homeland Security for use regarding the security of critical infrastructure.

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

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JUSTIFICATION SHEET

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO HOMELAND SECURITY.

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 new section to chapter 128A, Hawaii Revised Statutes, and amend section 128A-2 by adding a definition of "critical infrastructure information."

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

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

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PPBS PROGRAM
DESIGNATION: DEF 110.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.