
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



1 received or maintained by the office of homeland security shall
2 be confidential and shall not be disclosed, except as provided
3 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 available
10 to the public."

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

14 "Critical infrastructure information" means information
15 not subject to public disclosure under chapter 92F and related
16 to the security of critical infrastructure or protected systems,
17 including documents, records, or other information concerning:

18 (1) Actual, potential, or threatened interference with,
19 attack on, compromise of, or incapacitation of
20 critical infrastructure or protected systems by either
21 physical or computer-based attack or other similar



1 conduct, including the misuse of or unauthorized
2 access to all types of communications and data
3 transmission systems, that violates federal, state,
4 local, or tribal law; harms interstate commerce of the
5 United States; or threatens public health or safety;

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

14 (3) Any planned or past operational problem or solution
15 regarding critical infrastructure or protected
16 systems, including repair, recovery, reconstruction,
17 insurance, or continuity, to the extent it is related
18 to interference, attack, compromise, or incapacitation
19 described in paragraph (1)."

20 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on June 30, 3000.

2



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. Effective 6/30/3000. (HD1)

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