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# 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 responsibilities of the State regarding protection of  
3 critical infrastructure under chapter 128A, Hawaii Revised  
4 Statutes, it is necessary to establish protections for critical  
5 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 part I to be appropriately  
14 designated 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 in  
2 connection with the Hawaii state critical infrastructure  
3 security and resilience program shall be confidential and shall  
4 not be disclosed, except as provided in subsection (b).

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

12 (c) Nothing contained in this section shall be construed  
13 to alter existing rights to access government records subject to  
14 chapter 92F from an agency other than the office of homeland  
15 security."

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

19 "Critical infrastructure information" means information  
20 that is not customarily in the public domain and is related to



1 the security of critical infrastructure or protected systems,  
2 including documents, records, or other information concerning:

3 (1) Actual, potential, or threatened interference with,  
4 attack on, compromise of, or incapacitation of  
5 critical infrastructure or protected systems by either  
6 physical or computer-based attack or other similar  
7 conduct, including the misuse of or unauthorized  
8 access to all types of communications and data  
9 transmission systems, that violates federal, state,  
10 local, or tribal law; harms the interstate commerce of  
11 the United States; or threatens public health or  
12 safety;

13 (2) The ability of any critical infrastructure or  
14 protected system to resist such interference,  
15 compromise, or incapacitation, including any planned  
16 or past assessment, projection, or estimate of the  
17 vulnerability of critical infrastructure or a  
18 protected system, including security testing, risk  
19 evaluation thereto, risk-management planning, or risk  
20 audit; or



1       (3) Any planned or past operational problem or solution  
2       regarding critical infrastructure or protected  
3       systems, including repair, recovery, reconstruction,  
4       insurance, or continuity, to the extent that it is  
5       related to such interference, compromise, or  
6       incapacitation."

7       SECTION 4. New statutory material is underscored.

8       SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

Homeland Security; Uniform Information Practices; Critical Infrastructure Information

**Description:**

Establishes and specifies protections for critical infrastructure information that is received or maintained by the Office of Homeland Security for use regarding the security of critical infrastructure and protected systems. Defines and protects critical infrastructure information that is crucial for direct support of the security and resilience of the State. Effective 7/1/3000. (HD1)

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

