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# A BILL FOR AN ACT

RELATING TO CRITICAL INFRASTRUCTURE INFORMATION.

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

1           SECTION 1. The legislature finds that critical  
2 infrastructure are those assets, systems, and networks that  
3 provide functions necessary for our way of life. There are  
4 sixteen federal designated critical infrastructure sectors,  
5 including energy, emergency services, water, health care, and  
6 others, that are part of a complex, interconnected ecosystem.  
7 Any threat to these sectors could have potentially debilitating  
8 consequences to national security, the economy, and public  
9 health and safety.

10           The legislature further finds it is imperative to establish  
11 protections for critical infrastructure information that is  
12 created, received, or maintained by government agencies to  
13 ensure public health and safety. The protections under this Act  
14 are aligned with the federal Critical Infrastructure Information  
15 Act of 2002 and enhance the sharing of critical infrastructure  
16 information between private entities and government agencies.  
17 Providing homeland security partners additional reassurance that



1 their shared proprietary information will be protected is  
2 important to encourage open sharing of critical infrastructure  
3 information. The legislature also finds that voluntary  
4 collaboration is crucial in providing for critical  
5 infrastructure security. Up-front protections in statute for  
6 non-disclosure of specific security-related information will  
7 support better understanding and identification of:

- 8 (1) Security risks and threats from physical and cyber-  
9 attacks, like the types and characteristics of  
10 physical security or technology systems;
- 11 (2) Vulnerabilities and mitigation strategies during  
12 special events, including actions taken to manage  
13 potential threats at an event venue; and
- 14 (3) Overall critical infrastructure security, such as  
15 understanding the nature of previous incidents to  
16 identify and ultimately close vulnerability gaps.

17 The purpose of this Act is to exclude critical  
18 infrastructure information from disclosure requirements under  
19 the Uniform Information Practices Act.

20 SECTION 2. Section 92F-13, Hawaii Revised Statutes, is  
21 amended to read as follows:



1        **"§92F-13 Government records; exceptions to general rule.**

2 This part shall not require disclosure of:

- 3        (1) Government records which, if disclosed, would  
4                constitute a clearly unwarranted invasion of personal  
5                privacy;
- 6        (2) Government records pertaining to the prosecution or  
7                defense of any judicial or quasi-judicial action to  
8                which the State or any county is or may be a party, to  
9                the extent that such records would not be  
10                discoverable;
- 11        (3) Government records that, by their nature, must be  
12                confidential in order for the government to avoid the  
13                frustration of a legitimate government function;
- 14        (4) Government records which, pursuant to state or federal  
15                law including an order of any state or federal court,  
16                are protected from disclosure; [~~and~~]
- 17        (5) Inchoate and draft working papers of legislative  
18                committees including budget worksheets and unfiled  
19                committee reports; work product; records or  
20                transcripts of an investigating committee of the  
21                legislature [~~which~~] that are closed by rules adopted



1           pursuant to section 21-4 and the personal files of  
2           members of the legislature[-]; and

3           (6) Critical infrastructure information related to the  
4           security of critical infrastructure or protected  
5           systems, including documents, records, or other  
6           information concerning:

7           (A) Actual, potential, or threatened interference  
8           with, attacks on, compromise of, or  
9           incapacitation of critical infrastructure of  
10           protected systems by either physical or computer-  
11           based attack or other similar conduct, including  
12           the misuse of or unauthorized access to all types  
13           of communications and data transmission systems  
14           that:

15           (i) Violates federal, state, local, or tribal  
16           law;

17           (ii) Harms interstate commerce of the United  
18           States; or

19           (iii) Threatens public health or safety;

20           (B) The ability of any critical infrastructure or  
21           protected system to resist interference, attack,



1                   compromise, or incapacitation described in  
2                   subparagraph (A), including any planned or past  
3                   assessment, projection, or estimate of the  
4                   vulnerability of critical infrastructure or a  
5                   protected system, including security testing,  
6                   risk evaluation thereto, risk management  
7                   planning, or risk audit; or  
8                   (C) Any planned or past operational problem or  
9                   solution regarding critical infrastructure or  
10                   protected systems, including repair, recovery,  
11                   reconstruction, insurance, or continuity, to the  
12                   extent it is related to the interference, attack,  
13                   compromise, or incapacitation described in  
14                   subparagraph (A)."

15                   SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17                   SECTION 4. This Act shall take effect on April 14, 2112.

**Report Title:**

UIPA; Critical Infrastructure Information

**Description:**

Excludes critical infrastructure information from disclosure requirements under the Uniform Information Practices Act. Takes effect 4/14/2112. (SD2)

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

