
A BILL FOR AN ACT

RELATING TO CRITICAL INFRASTRUCTURE.

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 to provide homeland
3 security under chapter 128A, Hawaii Revised Statutes, it is
4 necessary to establish protections for critical infrastructure
5 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 regarding the security of
9 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 to part I a new section 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 disclosed
11 by the receiving agency 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 and state and county agencies receiving confidential
16 critical infrastructure information under subsection (b)."

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

20 "Critical infrastructure information" means information
21 provided by private entities that is not customarily in the



1 public domain and that, if disclosed, would reveal
2 vulnerabilities in critical infrastructure that, if exploited,
3 would likely result in the significant disruption, destruction,
4 or damage of or to operations, property, or facilities.
5 "Critical infrastructure information" is related to the security
6 of critical infrastructure or protected systems, including
7 documents, records or other information concerning:
8 (1) Actual, potential, or threatened interference with,
9 attack on, compromise of, or incapacitation of
10 critical infrastructure or protected systems by either
11 physical or computer-based attack or other similar
12 conduct, including the misuse of or unauthorized
13 access to all types of communications and data
14 transmission systems, that violates federal, state,
15 local, or tribal law, harms interstate commerce of the
16 United States, or threatens public health or safety;
17 (2) The ability of any critical infrastructure or
18 protected system to resist the interference,
19 compromise, or incapacitation, including any planned
20 or past assessment, projection, or estimate of the
21 vulnerability of critical infrastructure or a



1 protected system, including security testing, risk
2 evaluation thereto, risk-management planning, or risk
3 audit; or

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

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2077.

Report Title:

Homeland Security; Uniform Information Practices; Critical
Infrastructure Information

Description:

Enhances sharing of critical infrastructure information between infrastructure owners and operators and the state government. Defines and protects "critical infrastructure information" that is crucial for direct support of the security and resilience of the State. Provides homeland security partners with reassurance that their proprietary information provided to the state government will be protected from disclosure. Effective 7/1/2077. (SD1)

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