

---

---

# 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, including any  
10 analysis, warning, interdependency study, recovery,  
11 reconstitution, or 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, state, and county agencies within  
8 the State for the purposes of the security of critical  
9 infrastructure and 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 any state and county agencies receiving  
16 confidential critical infrastructure information under  
17 subsection (b)."

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



1       "Critical infrastructure information" means information  
2 provided by private entities that is not customarily in the  
3 public domain and that, if disclosed, could reveal  
4 vulnerabilities in critical infrastructure that, if exploited,  
5 would likely result in the significant disruption, destruction,  
6 or damage of or to operations, property, or facilities.  
7 "Critical infrastructure information" is related to the security  
8 of critical infrastructure or protected systems, including  
9 documents, records or other information concerning:

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

19       (2) The ability of any critical infrastructure or  
20 protected system to resist interference, compromise,  
21 or incapacitation, including any planned or past



1           assessment, projection, or estimate of the  
2           vulnerability of critical infrastructure or a  
3           protected system, including security testing, risk  
4           evaluation thereto, risk-management planning, or risk  
5           audit; or

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

13           SECTION 4. New statutory material is underscored.

14           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. (SD2)

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

