



## King County

# Government Accountability, Oversight and Financial Performance Committee

### STAFF REPORT

<b>Agenda Item:</b>	4	<b>Name:</b>	Nick Wagner
<b>Proposed No.:</b>	2012-0256	<b>Date:</b>	July 10, 2012
<b>Invited:</b>	Norm Alberg, Acting Director, Records and Licensing Services Division, Department of Executive Services, and Chair, King County Public Records Committee Deborah Kennedy, Manager, Archives, Records Management, and Mail Services, Department of Executive Services Nick Smith, eGovernment Manager, eGovernment and Communications, King County Information Technology Kelli Williams, Administration, Ethics/Public Records, and Senior Public Records Officer, Executive Branch		

### **SUBJECT**

County agency use of digital communication technology, including, for example, email, text messaging, blogging, social media, and digital voicemail.

### **SUMMARY**

Proposed Ordinance 2012-0256 (pp. 11-17 of these materials) would follow up on the Executive's Social Media Policy by (1) calling upon all county agencies to develop policies governing their use of digital communication technology and (2) assigning to the County's Public Records Committee the tasks of (a) advising county agencies on their use of digital communication technology and (b) reporting annually on the forms of digital communication technology that are in use and the measures being taken to comply with applicable legal requirements.

### **BACKGROUND**

Many county agencies are using social media, such as Facebook and Twitter, to engage the public and to create a more effective and transparent government. For that reason, the County's Public Records Committee, which the Council established in 2006 in KCC 2.14.020(B), developed policies and procedures for the use and administration of social media. Those policies and procedures became part of the Executive's Social Media Policy (Policy No. INF 10-3 (AEP)), which became effective on 6 December 2010 and is applicable to all parts of the executive branch.

In support of the developing use of social media, the Council on 13 December 2010 adopted Ordinance 17008, which provided, in part:

King County is committed to using social media technologies in a manner that:

1. Is efficient and economical;
2. Promotes open government and an informed citizenry;
3. Protects individual privacy; and
4. Meets county record retention and disposition standards developed for social media.

The Council has also recognized that, as the use of social media evolves and increases, there is a need for general policies to ensure that social media use is effective and appropriate. Toward that end, Ordinance 17008 required that the Executive appoint a social media advisory group and that the group prepare and submit a report providing options for the effective use of social media by King County.

The requested report was submitted to the Council and was considered by this committee on 13 March 2012. One of the recommendations made in the report by the Social Media Advisory Group was that “the Council may wish to direct certain agencies or departments to consider clarifying existing policies to ensure compliance” with existing policies and requirements, such as records retention.

In his letter transmitting the report to the Council, the Executive suggested that the advisory group be reconvened to continue its examination of the county’s current and potential use of social media and to broaden its scope of work to include other forms of digital communication, such as smartphone messaging, text messaging, and automated voicemail transcription. The committee chair directed council staff to work with executive staff and others who had been involved in preparing the report, to determine whether there was a need for further legislative action.

Council staff subsequently met with several of the key staff who had participated in the Social Media Advisory Group, some of whom were also members of the County’s Public Records Committee (PRC). Council staff also met with the PRC itself. In the course of those discussions, because of the substantial overlap in membership between the PRC and the original Social Media Advisory Group, the PRC agreed to serve in the role suggested by the Executive for a reconvened advisory group.

## **ANALYSIS**

In general terms, Proposed Ordinance 2012-0256 would: (a) require each county agency (including those headed by separately elected county officials) to develop and submit to the Council a policy governing the agency’s use of digital communication technology and (b) require the PRC to submit an annual report to the Council about which forms of digital communication technology each county agency is using and the measures being taken by the agency to comply with applicable record retention and public record disclosure requirements. This would assist the Council in its oversight role.

Specifically, the proposed ordinance would:

1. Broadly define “digital communication technology” to mean “technology that is used to transmit information in digital form, including email, text messaging, blogging, social media, and digital voicemail.” (p. 13, lines 52-54)
2. Require each county agency to develop and submit to the Council, no later than 1 March 2013, a policy governing the agency’s use of digital communication technology. Agencies may use as a model the executive’s social media policy. Each agency is required thereafter to maintain its policy and to notify the council if the policy is materially amended. (p. 16, lines 113-23)
3. Add the following to the responsibilities of the PRC:
  - a. “Advise county agencies on their use of digital communication technology and serve as a forum for sharing and discussing information about the county’s use of such technology” (p. 14, lines 81-83); and
  - b. Submit each year a report<sup>1</sup> containing:
    - i. a description of the forms of digital communication that are in use by each county agency;
    - ii. for each form of digital communication that is in use by an agency, a description of the methods used by the agency to retain records of digital communication to meet applicable record retention requirements; and
    - iii. for each form of digital communication that is in use by an agency, a description of the methods used by the agency to search records of digital communication to meet applicable public record disclosure requirements. (pp. 14-15, lines 84-97)
4. Change the representative of King County Information Technology on the PRC from the Chief Information Security and Privacy Officer to the Director of Web-based Services Technology. (p. 16, lines 110-11)
5. Make non-substantive technical changes. (p. 15, lines 98, 100, 108-09)

**ATTACHMENTS**

**Page**

1. Proposed Ordinance 2012-0256 .....11

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<sup>1</sup> It is understood, though not stated in the proposed ordinance, that this report may be included as a part of the PRC’s regular annual report that is provided for under the PRC charter, which the Council approved in Motion 12511 (adopted on 21 May 2007).

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# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

July 5, 2012

### Ordinance

**Proposed No.** 2012-0256.1

**Sponsors** Ferguson

1 AN ORDINANCE related to the county's use of digital  
2 communication technology; amending Ordinance 12550,  
3 Section 1, as amended, and K.C.C. 2.14.010, and  
4 Ordinance 12550, Section 2, as amended, and K.C.C.  
5 2.14.020.

6 PREAMBLE:

- 7 1. During the past several years the county council has adopted a series of  
8 legislative measures designed to promote transparency and accountability  
9 in county government. Most recently, in December of 2010, the council  
10 adopted Ordinance 17008, which focused on the county's use of social  
11 media, such as Facebook and Twitter, for communication with county  
12 residents.
- 13 2. Ordinance 17008 encouraged the use of social media by county  
14 agencies and called for the creation of a Social Media Advisory Group for  
15 the following purposes, among others: to suggest policy options for the  
16 use of social media, to identify legal and policy requirements applicable to  
17 social media and potential issues that social media might give rise to, and  
18 to identify cost-effective ways of addressing the public records retention  
19 requirements for social media.

20 3. In its report to the council, the Social Media Advisory Group  
21 suggested, among other recommendations, that “the Council may wish to  
22 direct certain agencies or departments to consider clarifying existing  
23 policies to ensure compliance” with existing policies and requirements,  
24 such as records retention. Another such requirement is responding to  
25 public record disclosure requests.

26 4. In his letter transmitting the Social Media Advisory Group report to the  
27 council, the county executive suggested to the council that the advisory  
28 group be reconvened to continue its examination of the county’s current  
29 and potential use of social media and to broaden the scope of its work to  
30 include other forms of digital communication, such as smart phone  
31 messaging, text messaging, and automated voicemail transcription.

32 5. The existing Public Records Committee, created in 2006 by ordinance  
33 15608, has agreed to serve in the role suggested by the county executive  
34 for a reconvened advisory group.

35 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

36 SECTION 1. Ordinance 12550, Section 1, as amended, and K.C.C. 2.14.010 are  
37 each hereby amended to read as follows:

38 For the purpose of this chapter, the terms in this section have the following  
39 meanings:

40 A. “County agency” means:

- 41 1. The executive branch;
- 42 2. The legislative branch;

- 43 3. The superior court;
- 44 4. The district court;
- 45 5. The department of public safety;
- 46 6. The department of assessments;
- 47 7. The office of the prosecuting attorney;
- 48 8. The department of elections;
- 49 9. The forecast council and office of economic and financial analysis;
- 50 10. The board of appeals; and
- 51 11. The personnel board.

52 B. “Digital communication technology” means technology that is used to  
53 transmit information in digital form, including email, text messaging, blogging, social  
54 media and digital voicemail.

55 C. “Personal data” means any information concerning an individual that, because  
56 of name, identifying number, image, mark or description, can be readily associated with a  
57 particular individual, including information contained in printouts, forms, written  
58 analyses or evaluations.

59 ~~((C:))~~ D. “Personal identifying data” means social security number, date of birth  
60 or mother's maiden name.

61 ~~((D:))~~ E. “Social media” means the Internet-based technologies, tools and  
62 practices that people use to share opinions, insights, experiences and perspectives. Social  
63 media can share information in many different forms, including text, images, audio and  
64 video.

65            SECTION 2. Ordinance 12550, Section 2, as amended, and K.C.C. 2.14.020 are  
66 each hereby amended to read as follows:

67            A. King County is committed to managing its public records as a countywide  
68 resource and in a manner that:

- 69            1. Is efficient and economical;
- 70            2. Promotes open government and an informed citizenry;
- 71            3. Protects individual privacy; and
- 72            4. Meets county record retention and disposition standards.

73            B. A public records committee is hereby established. The public records  
74 committee shall:

- 75            1. ~~((a))~~ Advise the council and the executive on county public records policies,  
76 including both paper and electronic records((-)); ((F)) these policies must include policies  
77 for posting records on county web sites((-));
- 78            2. ~~((The public records committee shall also p))~~ Provide guidance on the  
79 planning and implementation of a countywide records storage management plan and a  
80 countywide electronic records management system;
- 81            3. Advise county agencies on their use of digital communication technology and  
82 serve as a forum for sharing and discussing information about the county's use of such  
83 technology; and
- 84            4. Submit a report containing the following information by March 1 of each  
85 year in the form of a paper original and an electronic copy to the clerk of the council,  
86 who shall retain the original and provide an electronic copy of the report to all  
87 councilmembers, the council chief of staff, and the lead staff for the council's



88 government accountability, oversight, and financial planning committee or its successor.

89 The report shall include:

90 a. a description of the forms of digital communication that are in use by each  
91 county agency;

92 b. for each form of digital communication that is in use by an agency, a  
93 description of the methods used by the agency to retain records of digital communication  
94 to meet applicable record retention requirements; and

95 c. for each form of digital communication that is in use by an agency, a  
96 description of the methods used by the agency to search records of digital communication  
97 to meet applicable public record disclosure requirements.

98 C. The ~~((manager))~~ director of the records and licensing services division or the  
99 director's designee shall be the chair of the public records committee. The public records  
100 committee shall ~~((involve a broad membership))~~ include representatives of a broad range  
101 of county departments and elected agencies, including at a minimum the following:

102 1. The council;

103 2. The prosecuting attorney's office;

104 3. The sheriff's office;

105 4. The assessor's office;

106 5. The department of elections;

107 6. Office of performance, strategy and budget;

108 7. The ~~((department of))~~ executive ~~((services's))~~ branch's senior public

109 ~~((disclosure))~~ records officer;

110           8. The department of information technology's (~~chief information security and~~  
111 ~~privacy officer~~) director of web-based services technology; and

112           9. Each executive department.

113           SECTION 3. Each county agency shall develop and submit a policy governing  
114 the agency's use of digital communication technology no later than March 1, 2013, in the  
115 form of a paper original and an electronic copy to the clerk of the council, who shall  
116 retain the original and provide an electronic copy of the policy to all councilmembers, the  
117 council chief of staff, and the lead staff for the council's government accountability,  
118 oversight, and financial planning committee or its successor. Agencies may use as a  
119 model the executive's social media policy, including any attached guidelines, except that  
120 each agency's policy should cover all forms of digital communication that the agency is  
121 using and each agency's policy should be adapted to the structure and operations of the  
122 agency. Each agency shall thereafter maintain its policy and shall notify the council by  
123 letter if the policy is materially amended.

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KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Gossett, Chair

ATTEST:

Ordinance

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None