



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 10, 2008

Motion 12792

Proposed No. 2008-0275.1

Sponsors Dunn and Lambert

1 A MOTION accepting the King County Public Records
2 Committee Report 2008.

3
4 WHEREAS, King County is responsible for the management of tens of millions
5 of public records, and

6 WHEREAS, access to public records is required under Washington State law, and
7 is a fundamental and necessary precondition to the sound governance of a free society,
8 and

9 WHEREAS; identity theft is a public concern prompting agencies to seek
10 methods for protecting personal identifying information on public records, and

11 WHEREAS, the king county council in Ordinance 15608 required the formation
12 of a public records committee to provide both the council and the king county executive
13 with policy recommendations regarding the management of public records, and

14 WHEREAS, the Public Records Committee Charter approved by the council in
15 Motion 12511 requires the public records committee to provide an annual report to the
16 executive and the council summarizing the activities of the committee and making

17 programmatic and policy recommendations as to how King County can best manage,
18 preserve, protect and still provide appropriate access to its public records;

19 NOW, THEREFORE, BE IT MOVED by the Council of King County:

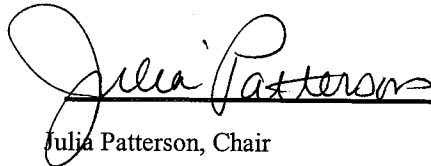
20 The King County Public Records Committee Report 2008, Attachment A to this
21 motion, is hereby accepted.

22


Motion 12792 was introduced on 5/19/2008 and passed by the Metropolitan King County Council on 6/9/2008, by the following vote:

Yes: 9 - Ms. Patterson, Mr. Dunn, Mr. Constantine, Ms. Lambert, Mr. von Reichbauer, Mr. Ferguson, Mr. Gossett, Mr. Phillips and Ms. Hague
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Julia Patterson, Chair

ATTEST:


Anne Noris, Clerk of the Council

Attachments A. King County Public Records Committee Report--2008

12792

2008-275
ATTACHMENT A.

King County
Public Records Committee Report 2008

Prepared by

**Anne Brusland
Interim Deputy Director
Records and Licensing Services
And
Public Records Chair**

Approved by

Public Records Committee

Executive Summary

The purpose of the King County Public Records Committee (PRC) is to advise the King County Council and the King County Executive on policy recommendations regarding public records, both electronic and paper-based. These policies include those for posting records on county maintained web sites. The PRC also provides guidance on the planning and implementation of a countywide records storage management plan, and a countywide electronic records management initiative.

The PRC charter approved and amended by the KC Council under Motion 12511 calls for an annual report submitted to both the King County Executive and the King County Council by March 1st of each year. The report will summarize the activities of the committee including programmatic and policy recommendations as to how King County can best manage, preserve and provide access to its public records. Additionally, the amended charter established the priority tasks of the PRC as establishing policies and guidelines to protect personal identifying data when records are posted on county web sites. The report due March 1, 2008 shall include a plan to post deed of trust documents on the county recorder's web site while protecting personal identifying data. The plan shall evaluate several options, with a recommendation of which option to implement. The options reviewed would include one of only posting deed of trust documents recorded after a specified date. For each option considered, the plan shall discuss the likelihood that personally identifiable data will be displayed. Each option shall include an estimated cost to implement.

This report summarizes the activities of the committee to date and responds to requirement for a plan to post deed of trust documents on the county recorder's web site. This website is managed by the Recorder's office, Records and Licensing Services Division (RALS), Department of Executive Services. The options identified by the Recorder's office, the recommendation of the committee and the recommendation of RALS are discussed below.

Governance Background

Prior to establishing the PRC, the Business Management Council (BMC) established the Electronic Records & Electronic Document Management Sub-Team. This team was charged with working with the county's Records Management Program to provide countywide direction related to electronic records, review and recommend policies, standards, guidelines, and directives, related to electronic records, and to coordinate activities with other governing bodies such as the BMC Privacy Sub-Team and the Technology Management Board (TMB) Security Sub-Team.

When the PRC was established, many of the duties noted for the BMC sub-team were included in the PRC's Charter. Because the charters and membership of the two groups were closely aligned, the BMC Sub-Team recommended that the team be disbanded and that the PRC include in its reporting an obligation to include reporting to the full BMC. This recommendation was presented and accepted by the full BMC at the November 2007 meeting.

The Public Records Committee held its first meeting on January 16, 2008.

The first item of business was a review of the charter. The need for five minor housekeeping amendments were identified and will be acted upon at the next meeting, tentatively scheduled for June 2008.

The PRC chair, Anne Bruskland, Interim Deputy Director, Records and Licensing Services Division, acting as the Division Director nominated the following officers:

Vice Chair: David Ryan, Deputy Prosecuting Attorney
Secretary: Deborah Kennedy, King County Archivist

Legislation

In October, 2006, the King County Council adopted Ordinance 15608. This ordinance required the director of the Records, Elections and Licensing Services Division to remove all deed of trust documents from the county recorder's web site until a plan ensuring deed of trust documents with personal identifying information would not be displayed on the county recorder's web site was submitted by the executive and approved by the council by motion.

The various options presented are as follows:

1. Leave the current online restrictions in place: There is no legal requirement to provide deeds of trust on-line. The image index is available online and images can be accessed in person or requested through the mail. There's no additional cost needed to implement this option.
2. Change the current restrictions and allow deed of trust images from 2005 forward to be available online. The 2005 legislation (RCW 65.04.150) defines Social Security number, date of birth and mother's maiden name as restricted information from documents presented for recording. This option allows King County to provide reasonable assurance that documents do not contain restricted information. This option would require minimal cost to implement, about 3 to 4 hours of labor by technical staff in the Recorder's office.
3. Purchase redaction software to verify that personally identifiable information is not included on any documents and if so remove or mask the information on these documents from 2005 forward. Change the current restrictions and allow deed of trust images from 2005 forward. Initial estimate to complete this work is about \$504,000. These costs include: 1) purchase of vendor redaction services

(\$183,800) to review and redact information from 4.4 million deed of trust images, 2) purchase of redaction software licenses for ongoing redaction process (\$270,000), 3) purchase of additional data storage server (\$50,000). In addition, there will be an ongoing annual cost estimated to be the equivalent of three (3) FTEs, about \$147,000 annually to complete redaction processing daily. This option would require approval of a supplemental budget of about \$650,000.

4. Purchase redaction software to redact all personal identifying information back to 1991 and change current restrictions to allow deed of trust documents from 1991 to present to be available online. This is the most expensive option. Initial estimate to complete this work is about \$1,286,800. These costs include: 1) purchase of vendor redaction services (\$966,800) to review and redact information from 26 million deed of trust images, 2) purchase of redaction software licenses for ongoing redaction process (\$270,000), 3) purchase of additional data storage server (\$50,000). In addition, an estimate of three (3) FTEs support staff, at an annual cost of about \$147,000 will be required to complete the redaction processing daily. This option would require approval of a supplemental budget of about \$1,433,800.

Additional options that were discussed by the PRC are:

5. Change the current restrictions and allow deed of trust images from a specific date in 2008 forward. This option allows King County to provide reasonable assurance that documents do not contain restricted information. This option would require minimal cost to implement – about 3 to 4 hours of labor by technical staff in the Recorder's office.
6. Purchase vendor redaction software to verify that personally identifiable information is not included on new documents and if so remove or mask this information. Change current restrictions and allow deed of trust documents from a specific date in 2008 forward to be posted online. This option allows King County to provide a reasonable assurance that any new recorded documents will not contain restricted information. Initial estimate to complete this work is about \$320,000. These costs include: 1) purchase of redaction software licenses for ongoing redaction process (\$270,000), 2) purchase of additional data storage server (\$50,000). In addition, an estimate of three (3) FTEs support staff, at an annual cost of about \$147,000 will be required to complete the redaction processing daily. This option would require approval of a supplemental budget of about \$467,000.

PRC Recommendation

The recommendation of the PRC members is to leave the current online deed of trust restrictions in place (option 1). The image index is available online and images can be accessed in person or requested through the mail. The Recorder's Office has received less than a handful of complaints from the public since the removal of these documents from the web site. Title, mortgage and

escrow companies have other sources to access images and to obtain information needed to satisfy their business requirements. This option will continue to provide the most protection to individual citizens and will incur no cost. While this option may seem contrary to the council's direction, the members of the committee supported this direction based on cost and the absence of an internal or external business need to provide on-line access to this data.

The PRC also suggests that if the recommendation is not adopted that all options should be presented to the King County Executive and the King County Council for consideration.

Records and Licensing Services Division Recommendation

The Records and Licensing Services (RALS) Division concurs with the recommendation of the PRC. The PRC recommendation places great emphasis on the security of citizen's personally identifiable information and also considers the possible impact to businesses such as title, mortgage and escrow companies that utilize public records to facilitate property transactions. The Records and Licensing Services Division has received less than a handful of complaints from the real estate industry since the restriction of online access to deeds of trust in 2006. The approach to this issue varies in other Washington State counties from allowing online access to all document images to no online access at all. A summary of these practices is discussed in the full report.

If the King County Council determines that online access to deeds of trust should be restored, it is the recommendation of the Records and Licensing Services Division that the option selected reflect a low risk to online access of citizen's personally identifiable information. The option which provides a reasonable assurance that recorded documents will not contain personally identifiable information and considers the impact to county resources is the option to post deeds of trust online from the year 2005 forward.

I Background

On May 21, 2007, the King County Council passed Motion 12511, approving the vision, guiding principles, goals, governance and management structure of the King County Public Records Committee as outlined in the Public Records Committee Charter. The formation of the PRC came in response to King County Council Ordinance 15608, which called for the creation of a public records committee to advise both the King County Council and the King County Executive on policy recommendations regarding public records, specifically including both paper and electronic records. Issues coming under the purview of the PRC include privacy, access, charges and display of records on county Web

sites; planning and implementation of a countywide records storage management plan; and a countywide electronic records management initiative.

The charter as approved calls for members of the committee to include representatives from the King County Council, Prosecuting Attorney's Office, Sheriff's Office, Assessor's Office, Department of Judicial Administration, the offices of Management and Budget and Information Resource Management, and from the departments of Executive Services, Natural Resources and Parks, Transportation, Development and Environmental Services, Adult and Juvenile Detention, Community and Human Services, and Public Health. The list of PRC members is provided in attachment #1.

The Charter assigns the responsibilities of presiding at meetings and conducting the business of the committee to the Director of Records, Elections and Licensing Services Division (REALS), as the chair of the PRC. Effective January 1, 2008 the REALS Division is changed to Records and Licensing Services (RALS) Division. The charter makes the establishment of policies and guidelines to protect personal identifying data when records are posted on county Web sites the priority task of the Public Records Committee.

II Committee Activities

The first Public Records Committee meeting was held on Jan 16, 2008. The committee reviewed the Charter, appointed a Vice-Chair and a Secretary, heard presentation on the proposed options for posting deeds on the internet and discussed the options presented and voted on a recommended course of action.

PRC Charter Review

The members reviewed the Charter and made recommendations for five minor housekeeping amendments as follows:

- a. Through out the Charter change the term, "personally identifiable data" to the standard term used by information security "personally identifiable information (PII)".
- b. Under Section VI Governance and Management Structure, 1. Membership, "The following Executive Agency Offices will provide staff support to the PRC and will serve as subject matter experts in their respective subject areas:" change "b. The Information and Privacy Officer" to "Chief Information Security and Privacy Officer."
- c. Under Section VI Governance and Management Structure, Paragraph 2 Officers, (a) Chair: Change "The Director of the Records, Elections and Licensing Services Division shall be the chair of the PRC." To "The Director of the Records and Licensing Services Division shall be the chair of the PRC."

- d. Under Section VI Governance and Management Structure, 2 Officers Paragraph 2 (a), the last sentence is amended to read "The Chair will appoint a vice chair and the position of secretary from one of the committee members and from the list of the executive agency committee staff support personnel."
- e. Under Section VI Governance and Management Structure, Paragraph 4 (b), the first sentence is amended to read "The Public Records Committee shall prepare a report on the status of its work to be presented to the King County Executive, the Business Management Council of the Office of Information and Resource Management and the King County Council"

PRC Vice Chair and Secretary Appointments

The PRC chair, Anne Bruskland, Interim Director, Records and Licensing Services Division, nominated the following officers:

Vice Chair: David Ryan, Deputy Prosecuting Attorney
Secretary: Deborah Kennedy, King County Archivist

Background:

The Recorder's office is the custodian of certain public records such as deeds, mortgages, liens, property maps and surveys, registered land, marriage applications and certificates and other miscellaneous records. The vast majority of records in our custody pertain to real property or interests in real property. The Recorder's office is legally required to:

- 1) Record documents that meet Washington State formatting requirements upon demand and with the payment of applicable fees.
- 2) Provide for these documents to be searchable by creating and maintaining an index of the names of the parties associated with each document.
- 3) Provide public access to these documents during reasonable business hours.

The primary purpose of a real property recording system is to give notice of existing interests to prospective purchasers of property. The Recorder's office does not interpret documents or check documents for accuracy, and is prohibited from altering these public records.

The King County Recorder's office also collects excise tax payments on conveyance or sale of real property as applicable. In most other Washington State counties excise tax is collected by the Treasurer.

The Director of Records and Licensing Services and the Director of Elections are the persons in King County that fulfill the functions that a County Auditor would in other counties of the State of Washington.

As internet usage has grown, so has the demand for access to public information by citizens to include online access to real property public records. Current Washington State laws only require that access to these records be made available during reasonable business hours. There is no requirement that these public records be made available online.

In 2001, in response to the increasing demand for online access, King County made the decision to provide online access to many recorded documents. A few documents that almost always contain personal identifying information (SSN, mother's maiden name, etc.) such as liens, federal tax liens, and marriage certificates were not made available online. These documents remained available in the Recorder's Office or by request through the mail. At that point, in 2001 deed of trust documents were included in the document types that were made available online. Upon the implementation of online access in 2001 a process was also provided for the public to request removal of online documents containing personal identifying information.

Banking and mortgage industry practices have also evolved over time. Use of the Social Security number (SSN) as an identifier became more common over time until identity theft concerns made the requirement of using SSNs on mortgage documents problematic. Around the mid 1990s the practice of requiring SSNs on banking and mortgage forms began to reverse. It was not, however, until 2005 that legislation was passed in Washington State which defined SSN, mother's maiden name and date of birth (DOB) as content restricted from documents presented for recording (RCW 65.04.045). The spirit of this legislation appears to place the burden for ensuring restricted content is not contained in a document on the person presenting the document for recording.

The King County Recorder's Office records over 3,000 documents and around 13,000 pages daily. With a total staff of 28 employees and about half of this staff available for actual recording activities daily, a review of every document page for restricted information is currently impractical without impacting service levels dramatically. Each document page is scanned visually by staff to ensure it meets the margin requirements.

The issue of identity theft and privacy of personal information has become a widely discussed issue. County Auditors around the country have grappled with how to balance the need for privacy related to personal information against the need to provide access to public records. As it stands now Washington State law applies liability to County Auditors for refusing to record a document and only defines SSN, mother's maiden name, and DOB as restricted content. Citizen's present documents for recording that include all manner of personal identifying information such as names of family members, bank account numbers, credit card numbers, and other financial information. Current state law also prohibits

County Auditors from altering, changing, obliterating, or inserting new matter into documents submitted for recording. Other states such as Florida have enacted laws that require redaction of certain personally identifiable information. This has resulted in vast costs and labor to review millions of pages of documents for this information. The list of content defined as restricted may also expand in the future and require this process to be repeated. As we have experienced with SSNs it is conceivable that other information may become an issue in the future as well. It is possible that signatures, driver's license numbers, bank account numbers and credit card numbers may be classified as restricted content in the future. Other Washington State counties have varied policies regarding online access to document images. Pierce County and Snohomish County restrict some of the same types of document images that King County restricts, but provide online access to deed of trust images. Thurston County provides only the index information online and no images are accessible online.

Redaction Process

All options including redaction are assumed to be implemented on an ongoing basis and it is assumed that only deed of trust documents will be reviewed for personally identifiable information. This will require Recorder's Office staff to review these documents for personally identifiable information using software which will highlight information to be reviewed and for staff to make the final redaction determination. There will also need to be two databases of document images 1) the original scanned image which cannot be redacted by Washington State law and 2) the redacted version which can be posted online.

Options that include redaction of documents already in the database will require a vendor project to complete the software processing and staff review of these images.

Estimates of redaction process costs are based on previous vendor information from spring 2007. The Recorder's office has requested updated pricing estimates from the vendor.

Previous King County Council Actions

In response to increasing concerns about identity theft and security of personal information the King County Council passed an ordinance in October 2006 protecting the personal information of King County taxpayers. This ordinance directed the Recorder's office to remove all deed of trust images from the web site and established the Public Records Committee to provide guidance on policies for handling public records.

Subsequent legislation in May 2007 established the Public Records Committee (PRC) and the priorities of this committee. The priority task of the PRC is to establish policies and guidelines to protect personal identifying information when

records are posted on county web sites. The King County Council has requested that the PRC provide a report on the status of its work by March 1, 2008. The report shall include a plan to post deed of trust documents on the county recorder's web site while protecting personally identifiable information. For each option considered, the plan shall discuss the likelihood that personally identifiable information will be displayed. Each option shall include an estimated cost to implement. The plan shall include a recommended option for posting deed of trust documents on the county web site while protecting personally identifiable information.

There are a number of possible options to consider for posting deeds of trust on the County Recorder's web site:

OPTION 1 (Status Quo):

Leave current online deed of trust restrictions in place. Image index is available online and images can be accessed in person or requested through the mail.

<u>Pros:</u>	<u>Cons</u>
<ul style="list-style-type: none">• Provides most protection for citizens' personally identifiable information.• Mortgage and title companies have adjusted to restricted access.• Complies with Washington State law.• Consistent with trends in other counties such as Snohomish to adopt more restrictive online policies.• Requires no cost.	<ul style="list-style-type: none">• Does not satisfy the request by King County Council motion 12511 to repost deeds of trust online.• Restricts online access to deeds of trust by mortgage and title companies and citizens.

Likelihood that personally identifiable information will be displayed:

Option 1 ensures that no personally identifiable information included in recorded deed of trust images will be displayed online.

Cost

There is no cost associated with this option.

OPTION 2 (2005 Forward):

Change current restrictions and allow deed of trust images from 2005 forward to be available. 2005 legislation (RCW 65.04.150) defines social security number (SSN), date of birth (DOB) and mother's maiden name as restricted information from documents presented for recording.

<u>Pros:</u>	<u>Cons</u>
<ul style="list-style-type: none">• 2005 legislation defines SSN, DOB and mother's maiden name as restricted content.• Reasonable assurance that most recorded documents will not contain personally identifiable information.• Minimal cost to implement.	<ul style="list-style-type: none">• Documents may still contain some personally identifiable information. Estimate 1.6% of documents.

Likelihood that personally identifiable information will be displayed:

There is some likelihood that personally identifiable information will be displayed. The best information available to benchmark against is in Orange County Florida where legislation was passed in 2006 to require redaction of Social Security numbers, bank account numbers, and credit card and debit card numbers. Florida had previously passed legislation in 2002 that document preparers were not to include personally identifiable information on documents to be recorded. As the redaction project ensued in 2006 Orange County found that some 4% of documents recorded after the 2002 still contained personally identifiable information. The majority of these documents were court related, however property documents were also not free of personally identifiable information. Property related documents comprised approximately 64% of the 30 million pages recorded and 39% of the 775,635 pages which required redaction. Based on this information we can extrapolate the rate of redaction on property related documents to be approximately 1.6%.

Cost:

This option would require minimal cost to implement – about three (3) to four (4) hours of labor by technical staff in the Recorder's office.

OPTION 3 (Redact and post 2005 Forward):

Purchase redaction software to verify that personally identifiable information is not included on any documents and if so remove or mask the information on these documents from 2005 forward. Change the current restrictions and allow deed of trust images from 2005 forward.

<u>Pros:</u>	<u>Cons:</u>
<ul style="list-style-type: none">• High assurance that personally identifiable information will be redacted and not posted online.• Would provide King County's best effort to ensure online documents do not contain personally identifiable information.	<ul style="list-style-type: none">• Redaction process would not capture handwritten information.• Accuracy of software unknown• 4.4 million deed of trust images would need to be reviewed for redaction.• Unsure of current vendor capacity, estimate 90 days to complete.• \$504,000 estimated cost.• Impact to Recorder's office workflow and capacity unknown. May require additional staff. Estimate 3 FTEs.• Other content may be defined as restricted content in future and project would have to be completed again.• Certain methods of redaction like masking may make it easier for thieves to identify fields containing personally identifiable information and remove the masking• Supplemental budget is required.

Likelihood that personally identifiable information will be displayed:

There is little information available regarding the accuracy of redaction software. Again, the best information available to benchmark against is in Orange County Florida which estimates a 99% accuracy rate. At this rate, with 4.4 million deed of trust images and assuming approximately 1.6% require redaction there could

be 704 document images which would still contain some personally identifiable information.

Cost:

Supplemental budget approval would be required to implement this option. Estimated cost to purchase redaction software and services of vendor staff to review images is about \$504,000. Annual on-going cost of about \$147,000 for three (3) FTE support staff will also be required to complete the redaction processing daily. If this option is adopted the total supplemental budget approval request is estimated to be \$650,800.

- \$10,000 set up costs.
- .0395 per image cost X 4.4M images - \$173,800.
- Additional data server for storage - \$50,000.
- Licensing cost for automated redaction software is \$9,000 per user. Estimate 30 licenses would be required - \$270,000.
- Additional Recorder's office staff to complete redaction process on deed of trust documents daily. A conservative estimate is that the process would require twice the time of our current indexing process and 175 documents per hour could be reviewed for redaction. Assuming an average daily volume of 1,600 recorded deeds of trust images and this process would require 9.14 staff hours daily. The Recorder's office staff works 35 hours weekly and there are approximately 5 hours a day per staff person available for production work. With time allocated for vacation and sick leave the estimate is that 3 FTEs would be needed. The estimated yearly cost of three additional full time employees (FTE) is approximately \$114,000 for wages and an additional \$33,000 for benefits - \$147,000 yearly for additional staff.

OPTION 4 (Redact and post 1991 forward):

Purchase redaction software to redact all personal identifying information back to 1991 and change current restrictions to allow deed of trust documents from 1991 to present to be available online.

<u>Pros:</u>	<u>Cons</u>
<ul style="list-style-type: none">• High assurance that personally identifiable information on recorded documents will be redacted and not posted online.• Would provide King County's best effort to ensure online	<ul style="list-style-type: none">• Redaction process would not capture handwritten information.• Accuracy of software unknown.• 26 million deed of trust images would need to be reviewed for redaction.

<p>documents do not contain personally identifiable information.</p> <ul style="list-style-type: none">• Provides online access to all deeds of trust available in electronic form.	<ul style="list-style-type: none">• Unsure of current vendor capacity, estimate 12 to 18 months to complete.• Estimated cost \$1,286,800.• Impact to Recorder's office workflow and capacity unknown. May require additional staff. Estimate 3 FTEs.• Other content may be defined as restricted content in future and project would have to be completed again.• Certain methods of redaction like masking may make it easier for thieves to identify fields containing personally identifiable information and remove the masking.• Supplemental budget is required.
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Likelihood that personally identifiable information will be displayed:

There is little information available regarding the accuracy of redaction software. Again, the best information available to benchmark against is in Orange County Florida which estimates a 99% accuracy rate. At this rate, with 26 million documents images and assuming at 1.6% rate of document images that require redaction there may be 4,160 document images which would still contain some personally identifiable information.

Cost:

Supplemental budget approval would be required to implement this option. Estimated cost to purchase redaction software and services of vendor staff to review images is \$1,286,800. Annual on-going cost of about \$147,000 for three (3) FTE support staff will also be required to complete the redaction processing daily. If this option is adopted the total supplemental budget request is estimated to be \$1,433,800.

- \$10,000 set up costs.
- .0368 per image cost X 26M images - \$956,800.
- Additional data server for storage - \$50,000.

- Licensing cost for automated redaction software is \$9,000 per user. Estimate 30 licenses would be required - \$270,000.
- Additional Recorder's office staff to complete redaction process on deed of trust documents daily. A conservative estimate is that the process would require twice the time of our current indexing process and 175 documents per hour could be reviewed for redaction. Assuming an average daily volume of 1,600 recorded deeds of trust images and this process would require 9.14 staff hours daily. The Recorder's office staff works 35 hours weekly and there are approximately 5 hours a day per staff person available for production work. With time allocated for vacation and sick leave the estimate is that 3 FTEs would be needed. The estimated yearly cost of three additional full time employees (FTE) is approximately \$114,000 for wages and an additional \$33,000 for benefits - \$147,000 yearly for additional staff.

ADDITIONAL OPTIONS CONSIDERED BY THE PUBLIC RECORDS COMMITTEE:

OPTION 5 (2008 forward):

Change the current restrictions and allow deed of trust images from a specific date in 2008 forward. This option allows King County to provide reasonable assurance that documents do not contain restricted information. This option would require minimal cost to implement.

<u>Pros:</u>	<u>Cons</u>
<ul style="list-style-type: none">• 2005 legislation defines SSN, DOB and mother's maiden name as restricted content.• Reasonable assurance that most recorded documents will not contain personally identifiable information.• Minimal cost to implement.	<ul style="list-style-type: none">• Documents may still contain personally identifiable information. Estimate 1.6% of documents.

Likelihood that personally identifiable information will be displayed:

There is some likelihood that personally identifiable information will be displayed. The best information available to benchmark against is in Orange County Florida where legislation was passed in 2006 to require redaction of Social Security numbers, bank account numbers, and credit card and debit card numbers. Florida had previously passed legislation in 2002 that document preparers were not to include personally identifiable information on documents to be recorded.

As the redaction project ensued in 2006 Orange County found that some 4% of documents recorded after the 2002 still contained personally identifiable information. The majority of these documents were court related, however property documents were also not free of personally identifiable information. Property related documents comprised approximately 64% of the 30 million pages recorded and 39% of the 775,635 pages which required redaction. Based on this information we can extrapolate the rate of redaction on property related documents to be approximately 1.6%.

Cost:

This option would require minimal cost to implement – about three (3) to four (4) hours of labor by technical staff in the Recorder's office.

OPTION 6 (Redact and post 2008 forward):

Purchase redaction software to verify that personally identifiable information is not included on any new deed of trust documents and if so remove or mask this information. Change the current restrictions and allow deed of trust images from a specified date in 2008 forward to be posted online.

Pros:

- High assurance that personally identifiable information on new recorded documents will be redacted and not posted online.
- Would provide King County's best effort to ensure online documents do not contain personally identifiable information.

Cons

- Redaction process would not capture handwritten information
- Accuracy of software unknown.
- \$320,000 estimated cost.
- Impact to Recorder's office workflow and capacity unknown. May require additional staff.
- Other content may be defined as restricted content in future and project would have to be completed again.
- Certain methods of redaction like masking may make it easier for thieves to identify fields containing personally identifiable information and remove the masking.
- Supplemental budget is required.

Likelihood that personally identifiable information will be displayed:

There is little information available regarding the accuracy of redaction software. Again, the best information available to benchmark against is in Orange County Florida which estimates a 99% accuracy rate. At this rate with an average of 2,500 documents recorded daily and assuming at 1.6% rate of document images that require redaction there may one document image daily which would still contain some personally identifiable information.

Cost:

Supplemental budget approval would be required to implement this option. Estimated cost to purchase redaction software and services of vendor staff to review images is \$320,000. Annual on-going cost of about \$147,000 for three (3) FTE support staff will also be required to complete the redaction processing daily. If this option is adopted the total supplemental budget request is estimated to be \$467,000.

- Additional data server for storage - \$50,000.
- Licensing cost for automated redaction software is \$9,000 per user. Estimate 30 licenses would be required - \$270,000.
- Additional Recorder's office staff to complete redaction process on deed of trust documents daily. A conservative estimate is that the process would require twice the time of our current indexing process and 175 documents per hour could be reviewed for redaction. Assuming an average daily volume of 1,600 recorded deeds of trust images and this process would require 9.14 staff hours daily. The Recorder's office staff works 35 hours weekly and there are approximately 5 hours a day per staff person available for production work. With time allocated for vacation and sick leave the estimate is that 3 FTEs would be needed. The estimated yearly cost of three additional full time employees (FTE) is approximately \$114,000 for wages and an additional \$33,000 for benefits - \$147,000 yearly for additional staff.

PRC Recommendation

The approach applied to this issue should involve King County's best effort to ensure that personally identifiable information is not available. Given that SSN, mother's maiden name and, DOB are defined in state law and by the King County Council as restricted content the efforts should focus on this information.

The PRC unanimously recommends leaving the current online deed of trust restrictions in place and for King County to continue to provide access in person and through the mail. This approach provides citizens the most protection of their personal identifying information and complies with state laws. Title,

mortgage and escrow companies have adjusted to the removal of online access to deeds of trust since October 2006 and have other sources to obtain information needed to satisfy their business requirements. Persons interested in a specific property can still obtain information with relative ease, but this approach protects citizens from those who would attempt to gather large quantities of personally identifiable information from public land records. The PRC also suggests that if the recommendation is not adopted that all options should be presented to the King County Executive and King County Council for consideration.



King County

Ron Sims

King County Executive

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CLERK
KING COUNTY COUNCIL

February 29, 2008

The Honorable Julia Patterson
Chair, King County Council
Room 1200
COURTHOUSE

Dear Councilmember Patterson:

It is my pleasure and privilege to forward the 2008 annual report of the Public Records Committee (PRC).

The report summarizes the activities of the committee and makes programmatic and policy recommendations as to how King County can best manage, preserve and provide access to its public records. One of the first tasks of the committee was to recommend a plan to post deed of trust documents on the county recorder's web site while protecting personal identifying information. To accomplish this task the committee considered various options, including implementation costs for each option and the likelihood that personally identifiable information will be displayed. After extensive discussions and evaluations, the committee provided their recommendations which are contained in the report.

With the exception of one member, the PRC unanimously recommends leaving the current online deed of trust restrictions in place and for King County to continue to provide access in person and through the mail. This approach provides citizens the most protection of their personal identifying information and complies with state laws. Title, mortgage and escrow companies have adjusted to the removal of online access to deeds of trust since October 2006 and have other sources to obtain information needed to satisfy their business requirements. Persons interested in a specific property can still obtain information with relative ease, but this approach protects citizens from those who would attempt to gather large quantities of personally identifiable information from public land records. The PRC also suggests that if the recommendation is not adopted that all options should be presented to the King County Executive and King County Council for consideration.



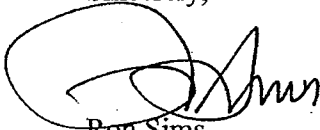
The Honorable Julia Patterson
February 29, 2008
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Originally I opposed the removal of the records. After reviewing the report and hearing from PRC members I believe they have made a sound recommendation and I believe the council should adopt it. However, while I support the recommendation of the PRC, I would also be amenable to supporting other options, which provide reasonable assurances that recorded documents will not contain personally identifiable information and consider the impact to county resources. In the event that the King County Council chooses not to accept the PRC recommendation, I believe King County should adopt Option 2 or Option 6 of the report.

I share your vision of an accessible and compliant Records Management Program and look forward to future reports and recommendations of the committee for policies regarding public records management.

Should you have any question please call James J. Buck, County Administrative Officer, Department of Executive Services, at 206-296-3824 or Anne Bruskland, Interim Deputy Director, Records and Licensing Services Division and Chair of the Public Records Committee at 206-205-8054.

Sincerely,



Ron Sims
King County Executive

Enclosure

cc: King County Councilmembers
ATTN: Ross Baker, Chief of Staff
Saroja Reddy, Policy Staff Director
Anne Noris, Clerk of the Council
Frank Abe, Communications Director
Bob Cowan, Director, Office of Management and Budget
James J. Buck, County Administrative Officer, Department of Executive Services (DES)
Anne Bruskland, Interim Director, Records and Licensing Services Division, DES