



**KING COUNTY**  
**Signature Report**

ATTACHMENT 1  
1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Ordinance**

**Proposed No.** 2021-0091.1

**Sponsors** Kohl-Welles, Dembowski and  
Upthegrove

1           AN ORDINANCE relating to facial recognition,  
2           prohibiting the acquisition and use of facial recognition  
3           technology by County administrative offices and executive  
4           departments, including the department of public safety; and  
5           adding a new chapter in K.C.C. Title 2.

6           STATEMENT OF FACTS:

- 7           1. The development of a diverse array of sophisticated surveillance tools,  
8           including facial recognition technology, combined with the impacts of the  
9           COVID-19 pandemic, has spurred the unprecedented surveillance of  
10          individuals by governments around the world.
- 11          2. The council finds that the propensity for surveillance technology,  
12          specifically facial recognition technology, to endanger civil rights and  
13          liberties substantially outweighs the purported benefits, and that such  
14          technology will exacerbate racial injustice.
- 15          3. The council finds that the use of facial recognition technology to  
16          watch, categorize, monitor and record the activities and movements of  
17          county residents disproportionately impacts people of color, immigrants,  
18          LGBTQ people, and political activists of all backgrounds. Bias, accuracy  
19          issues, and stereotypes built into facial recognition technology pose a

20 threat to the residents of King County.

21 4. The council recognizes the emerging need to protect individuals' public  
22 safety, privacy and civil rights has led a growing number of local  
23 governments to adopt laws prohibiting the use of facial recognition and  
24 other surveillance technology. United States cities including Oakland, San  
25 Francisco and Boston have passed bans on the government use of facial  
26 recognition technology.

27 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

28 SECTION 1. Sections 2 through 4 of this ordinance should constitute a new  
29 chapter in K.C.C. Title 2.

30 NEW SECTION. SECTION 2. The definitions in this section apply throughout  
31 this chapter unless the context clearly requires otherwise.

32 (1) "County personnel" means any person or entity acting on behalf of a King  
33 County administrative office or executive department, including the  
34 department of public safety, including any officer, employee, agent,  
35 contractor, subcontractor, vendor or volunteer.

36 (2) "Facial recognition" means an automated or semi-automated process that  
37 assists in identifying, or verifying the identity of, an individual based on the  
38 physical characteristics of an individual's face.

39 (3) "Facial recognition information" means any data or information obtained or  
40 derived from facial recognition technology.

41 (4) (a) "Facial recognition technology" means any computer software or  
42 application that performs facial recognition.

43 (b) "Facial recognition technology" does not include: (i) The analysis of facial  
44 features to grant or deny access to an electronic device; or (ii) the use of an  
45 automated or semiautomated process for the purpose of redacting a recording  
46 for release or disclosure by county administrative offices or executive  
47 departments, including the department of public safety to protect the privacy  
48 of a subject depicted in the recording, if the process does not generate or result  
49 in the retention of any facial recognition information.

50 NEW SECTION. SECTION 3.

51 A. It shall be unlawful for any King County administrative office or executive  
52 department, including the department of public safety, to:

53 (1) Obtain, retain, possess, access, or use (i) any facial recognition technology, or  
54 (ii) any facial recognition information; and

55 (2) Issue any permit or enter into any contract or agreement that authorizes any  
56 third party, on behalf of a county administrative office or executive  
57 department, including the department of public safety to obtain, retain, possess,  
58 access, or use, (i) any facial recognition technology, or (ii) facial recognition  
59 information

60 B. County personnel's inadvertent or unintentional receipt, retention of, access of or  
61 use of any facial recognition information shall not be a violation of this ordinance  
62 provided that:

63 a. The county personnel did not intentionally request, retain, or solicit the  
64 receipt, access, or use of such information;

65 b. The county personnel logs such receipt, access or use with their direct

66 supervisor, not including any personally identifiable information or other  
67 information the release of which is prohibited by law, no longer than  
68 seven days after such receipt, access or use; and

69 c. The county personnel immediately deletes any facial recognition  
70 information unintentionally received, retained, accessed, or used, subject  
71 to applicable law.

72 C. Nothing in 3.A shall prohibit a county administrative office or executive  
73 department, including the department of public safety from:

74 (1) Using evidence relating to the investigation of a specific crime that may have  
75 been generated from a facial recognition technology, so long as such evidence  
76 was not generated by or at the request of the county administrative office or  
77 executive department, including the department of public safety; or

78 (2) Using social media or communications software or applications for  
79 communicating with the public, provided such use does not include the  
80 affirmative use of any facial recognition technology or facial recognition  
81 information;

82 (3) Using automated redaction software, provided such software does not have  
83 the facial recognition capabilities; or

84 (4) Complying with the National Child Search Assistance Act.

85 NEW SECTION. SECTION 4.

86 A. Any facial recognition information collected or derived in violation of this  
87 ordinance shall be considered unlawfully obtained and shall be deleted upon  
88 discovery, subject to applicable law.

89 B. Any violation of this ordinance constitutes an injury and any person may institute  
90 proceedings for injunctive relief, declaratory relief, or writ of mandate in any  
91 court of competent jurisdiction to enforce this ordinance. A court shall award  
92 costs and reasonable attorneys' fees to a plaintiff who is the prevailing party in  
93 such proceedings.

94 C. Violations of this ordinance by any county personnel may include retraining,  
95 suspension, or termination, subject to due process requirements and provisions of  
96 collective bargaining agreements.

97 D. Nothing in this section shall be construed to limit any individual's rights under  
98 state or federal law.

99 SECTION 5. Severability. If any provision of this ordinance or its application to  
100 any person or circumstance is held invalid, the remainder of the ordinance or the  
101 application of the provision to other persons or circumstances is not affected.

102

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

---

Claudia Balducci, Chair

ATTEST:

Ordinance

---

Melani Pedroza, Clerk of the Council

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

\_\_\_\_\_  
Dow Constantine, County Executive

**Attachments:** None