



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 14, 2010

Ordinance 17008

Proposed No. 2010-0507.3

Sponsors Ferguson

1 AN ORDINANCE related to public access to electronic
2 records and information; amending Ordinance 12550,
3 Section 1, as amended, and K.C.C. 2.14.010, Ordinance
4 12550, Section 2, as amended, and K.C.C. 2.14.020,
5 Ordinance 12550, Section 3, and K.C.C. 2.14.030 and
6 Ordinance 12550, Section 4, and K.C.C. 2.14.040 and
7 adding a new section to K.C.C. chapter 2.14.

8 PREAMBLE:

9 King County strives to be an accountable and transparent government, and
10 has recently adopted significant legislation to further this goal.

11 In October 2009, the council adopted Ordinance 16679, clarifying the
12 policies surrounding how public records requests are handled in King
13 County. Companion legislation, Motion 13087, was also adopted,
14 providing guidance for best practices for county agencies when
15 responding to public records requests. These pieces of legislation codified
16 the county's public disclosure process, expanded transparency and
17 openness in government and eased the disclosure process for the public.

18 In May 2010, the council adopted Ordinance 16838, providing a policy
19 framework to make county data available on a single website to allow for

20 the development of web or mobile applications. The legislation
21 encourages innovation, entrepreneurship and job development, and
22 increases public access to government information.

23 In July 2010, the council adopted Ordinance 16897, which approved and
24 adopted the King County strategic plan, which includes priorities to make
25 government more accountable and accessible, with a culture of service
26 excellence and public engagement.

27 Additionally, many county agencies are using social media, such as
28 Facebook and Twitter, to engage the public and to create a more effective
29 and transparent government. The use of social media is an important
30 communication tool. As the use of social media evolves and increases, the
31 council believes it would be helpful to provide guidance to ensure that
32 county communications using social media comply with county policies
33 and legal requirements while not further increasing the significant costs
34 the county already incurs in meeting county policies and legal
35 requirements for public records retention.

36 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

40 A. "County agency" means (~~any office, division or department of the county~~
41 ~~assessor, the office of the prosecuting attorney, the office of economic and financial~~
42 ~~analysis or the executive, legislative or judicial branches~~);

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

54 B. "Personal data" means any information concerning ~~((a citizen))~~ an individual
55 that, because of name, identifying number, image, mark or description, can be readily
56 associated with a particular individual, including information contained in printouts,
57 forms, written analyses or evaluations.

58 C. "Personal identifying data" means social security number, date of birth or
59 mother's maiden name.

60 D. "Social media" means the Internet-based technologies, tools and practices that
61 people use to share opinions, insights, experiences and perspectives. Social media can
62 share information in many different forms, including text, images, audio and video.

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

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

- 67 1. ~~((i))~~ Is efficient and economical;
- 68 2. ~~((p))~~ Promotes open government and an informed citizenry;
- 69 3. ~~((p))~~ Protects individual privacy; and
- 70 4. ~~((m))~~ Meets county record retention and disposition standards.

71 B. A public records committee is hereby established. The public records
72 committee shall advise the council and the executive on county public records policies,
73 including both paper and electronic records. These policies must include policies for
74 posting records on county web sites. The public records committee shall also provide
75 guidance on the planning and implementation of a countywide records storage
76 management plan and a countywide electronic records management system.

77 C. The manager of the records and licensing services division shall be the chair
78 of the public records committee. The public records committee shall involve a broad
79 membership of county departments and elected agencies, including at a minimum the
80 following:

- 81 1. The council;
- 82 2. The prosecuting attorney's office;
- 83 3. The sheriff's office;
- 84 4. The assessor's office;
- 85 5. The department of elections;
- 86 6. Office of management and budget;
- 87 ~~((6-))~~ 7. The office of information resource management;

88 ~~((7.))~~ 8. The department of executive services's public disclosure officer;

89 ~~((8.))~~ 9. The department of executive services's chief of information security
90 and privacy officer; and

91 ~~((9.))~~ 10. The department of executive services and other departments.

92 ~~((D. The executive shall submit to the council for approval by motion by March
93 1, 2007, a document detailing the vision, guiding principles, goals, and governance and
94 management structure of the public records committee.))~~

95 SECTION 3. Ordinance 12550, Section 3, and K.C.C. 2.14.030 are each hereby
96 amended to read as follows:

97 King County is committed to balancing the promotion of public access to
98 information with the privacy rights of its citizens by adhering to the following guidelines:

99 A. Collection of personal data shall be lawful, fair, and to the extent possible with
100 the knowledge and consent of the individual~~((:))~~;

101 B. Agencies shall establish procedures to ensure that data is accurate, complete,
102 current and relevant to the agency's mandated functions~~((:))~~;

103 C. When data can only be collected with the consent of the individual, the
104 purpose for the data shall be stated upon collection. Personal data should not be used by
105 the county for any purpose not stated upon collection without the consent of the data
106 subject or by the positive authorization of law. This is not intended to limit collection of
107 personal data for purposes of investigative agencies or other functions which collect non-
108 disclosable information according to chapter 42.56 RCW ~~((42.17.310))~~ or any other
109 federal, state, local statute, rule or regulation~~((:))~~;

110 D. Personal data shall be reasonably protected by the data collector~~((:))~~;

111 E. Agencies shall establish mechanisms for citizens to review information about
112 themselves and to submit corrections of possible inaccuracies in that information~~((-)); and~~

113 F. The executive shall submit a report by October 1~~((st))~~ of every year ~~((to the~~
114 ~~council that lists))~~filed in the form of a paper original and an electronic copy to the clerk
115 of the council, who shall retain the original and provide an electronic copy to all
116 councilmembers and committee coordinator for the government and accountability
117 committee or its successor. The report shall list by category new and existing personal
118 data collected by county agencies, a description of the uses of this personal data and its
119 public disclosure status.

120 SECTION 4. Ordinance 12550, Section 4, and K.C.C. 2.14.040 are each hereby
121 amended to read as follows:

122 Charges assessed of either commercial or public users for paper copies of
123 information maintained in electronic shall be set in accordance with chapter 42.56 RCW
124 42.17 and ((county ordinance)) K.C.C. 2.12.280. Fees for development, maintenance,
125 staff time or any other costs necessary to respond to customized or special service
126 requests may be included in the charges for such requests. Funding to meet the costs of
127 providing electronic access, including the building of the necessary information systems,
128 developing the ability to mask non~~((-))~~disclosable information and maintenance and
129 upgrade of systems should come primarily from local appropriations, grants, private
130 funds, cooperative ventures among governments, non~~((-))~~exclusive licensing and
131 ~~((public/private))~~ partnerships between government agencies and private entities.

132 SECTION 5. A. The executive shall appoint a social media advisory group
133 consisting of four members of the public records committee, established in K.C.C.

134 2.14.020, and representatives from the office of information resource management, the
135 executive's communications office, the office of risk management and the prosecuting
136 attorney's office, and not-for-profit organizations such as Knowledge As Power and
137 experts in social media. The social media advisory group shall create a document, titled
138 Social Media Policy Options Report, that provides options for the effective use of social
139 media by King County. The Social Media Policy Options Report shall contain:

140 1. Policy options for how to effectively use social media to communicate to the
141 public;

142 2. A brief training module available on-line that offers guidance and training to
143 those employees authorized to use social media on behalf of King County;

144 3. A summary of risk management, personnel records, ethical conduct, legal and
145 other issues;

146 4. A description of existing policies and laws that the county's use of social
147 media must comply with;

148 5. Options for the most cost effective ways to address the public records
149 retention requirements for social media; and

150 6. Additional recommendations the committee deems important.

151 B. The executive shall submit to the council for acknowledgement of receipt by
152 motion by March 31, 2011, the Social Media Policy Options Report described in
153 subsection A. of this section in the form of a paper copy and an electronic copy with the
154 clerk of the council, who shall retain the paper copy and provide an electronic copy to all
155 councilmembers.

156 NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 2.14 a
157 new section to read as follows:

158 A. King County is committed to using social media technologies in a manner
159 that:

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

165 B. Each agency should consider the use of social media in its outreach to the
166 public. If an agency determines that social media is appropriate for the agency, the
167 agency shall:

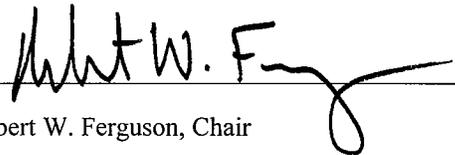
- 168 1. Identify those personnel that are authorized to use social media to conduct
169 county business; and
- 170 2. Ensure that all such authorized users receive the training described in Section
171 5.A. of this ordinance.

172 SECTION 7. This ordinance should not be interpreted as a requirement that
173 agencies use social media.
174

Ordinance 17008 was introduced on 9/13/2010 and passed as amended by the
Metropolitan King County Council on 12/13/2010, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Robert W. Ferguson, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 21st day of December, 2010.


for Dow Constantine, County Executive

RECEIVED
2010 DEC 22 PM 4:11
KING COUNTY COUNCIL CLERK

Attachments: None