



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19248

Proposed No. 2020-0201.2

Sponsors Dunn, Dembowski and Lambert

1 AN ORDINANCE creating the offense of obtaining
 2 information or disrupting video teleconferences of
 3 recovery, mental health, and behavioral health support
 4 groups without authorization; adding a new chapter to
 5 K.C.C. Title 12 and prescribing civil liability.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 **SECTION 1. Findings:**

8 A. Videotelephony comprises the technologies for the reception and transmission
 9 of audio-video signals by users at different locations for communication in real time.
 10 It includes computers, cellular telephones or any other devices with a video display,
 11 capable of simultaneous video and audio for communication between people in real time.
 12 Video teleconferencing is the use of the technology for two or more persons in a group or
 13 meeting with or without the use of video in addition to audio.

14 B. Video teleconferencing is a highly useful technology for a variety of purposes
 15 used by commercial, government and community groups to facilitate meetings and
 16 conferences. It is also a primary source of communication for those needing sign-
 17 language transmission for deaf and speech-impaired people and for those with mobility
 18 issues.

19 C. Video teleconferencing, via telemedicine and telenursing, allows patients to

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20 contact healthcare providers in emergency or routine situations for remote consulting and
21 diagnosis. Behavioral health providers and organizations also use video teleconferencing
22 for diagnosis, treatment and therapy for patients with mental health and substance use
23 disorder diagnoses. In addition, individuals participating in recovery, mental health and
24 behavioral health support groups, such as Alcoholics Anonymous or Narcotics
25 Anonymous, have also used this video teleconferencing technology for meetings.

26 D. Federal and state law have established privacy requirements for both physical
27 and behavioral health patients, including participants in certain types of behavioral health
28 therapy sessions. In addition, individuals participating in any private video
29 teleconferences also have a reasonable expectation of privacy.

30 E. On February 29, 2020, the Washington state governor proclaimed that a State
31 of Emergency exists in all counties in the state of Washington as a result of the COVID-
32 19 pandemic.

33 F. In March 2020, the state and the county instituted "stay-at-home" orders to
34 prevent the spread of COVID-19 that: require that all persons stay home unless they
35 need to pursue an essential activity; ban all gatherings for social, spiritual and
36 recreational purposes; and close all businesses except defined essential businesses. The
37 orders have resulted in a significant increase in the use of video teleconferencing by
38 behavioral health practitioners as well as individuals participating in group therapy
39 sessions conducted by behavior health professionals and recovery, mental health and
40 behavioral health support groups, including but not limited to Alcoholics Anonymous or
41 Narcotics Anonymous.

42 G. Computer security experts have determined that poorly configured or

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43 inadequately supervised video teleconferencing system can permit an easy "virtual" entry
44 by criminals into video teleconferencing systems making it possible to illicitly collect
45 data about users or disrupt meetings.

46 H. Therefore, it is in the public interest to provide an enforcement mechanism to
47 protect the privacy of video teleconference meetings of recovery, mental health and
48 behavioral health support groups from unauthorized access to participant information or
49 to disrupt meetings.

50 SECTION 2. Sections 3 through 7 of this ordinance should constitute a new
51 chapter in K.C.C. Title 12.

52 NEW SECTION. SECTION 3. The definitions in this section apply throughout
53 this chapter unless the context clearly requires otherwise.

54 A. "Individual" means a single human being;

55 B. "Person" includes an individual, partnership, corporation or association;

56 C. "Video teleconference system" means any of the videotelephony technologies
57 for the reception and transmission of signals for audio, video or both by users at different
58 locations. "Video teleconference system" includes computers, cellular telephones or any
59 other devices with a video display, capable of simultaneous video and audio, or audio
60 only, for communication between people in real time; and

61 D. "Video teleconferencing" means the use of a video teleconference system for a
62 group consisting of two or more individuals.

63 NEW SECTION. SECTION 4.

64 A. It is unlawful for any person, to intercept, record or knowingly circumvent
65 technological access measures or barriers to access to a video teleconference system in

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66 order to obtain information from or of the individuals participating in the video
67 teleconference or interfere with the video teleconference system to disrupt a recovery,
68 mental health and behavioral health support group meeting without first obtaining the
69 consent of all the individuals engaged in the video teleconference meeting, where the
70 technological access measures are specifically designed to exclude or prevent
71 unauthorized individuals from obtaining the information or unauthorized participation in
72 the video teleconference meeting.

73 B. When consent by all individuals is needed under to this section, consent shall
74 be considered obtained whenever a person has announced to all the individuals engaged
75 in the video teleconference meeting, in any reasonably effective manner, that such
76 meeting is about to be recorded or transmitted.

77 NEW SECTION. SECTION 5. A person who violates this chapter shall be
78 subject to civil cause of action for damages, to be brought by any individual claiming that
79 a violation of this chapter has resulted in injury to that individual. An individual so
80 injured shall be entitled to actual damages, including mental pain and suffering endured
81 by the individual on

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82 account of violation of this chapter, and reasonable attorneys' fees and other costs of
83 litigation.
84

Ordinance 19248 was introduced on 6/9/2020 and passed by the Metropolitan King County Council on 3/9/2021, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr. Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:
Claudia Balducci
7E1C273CE9994B6...

Claudia Balducci, Chair

ATTEST:

DocuSigned by:
Melani Pedroza
8DE1BB375AD3422...

Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 3/25/2021, _____.

DocuSigned by:
Dow Constantine
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Dow Constantine, County Executive

Attachments: None

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Envelope Summary Events	Status	Timestamps
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Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

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