



## Legislation Text

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AN ORDINANCE relating to the management of public records; amending Ordinance 12550, Section 1, and K.C.C. 2.14.010 and Ordinance 12550, Section 2, and K.C.C. 2.14.020 and adding a new section to K.C.C chapter 2.14.

### STATEMENT OF FACTS:

1. Identity theft is a public concern prompting records agencies to seek methods for protecting personal identifying data on public records.
2. According to the Federal Trade Commission, five thousand eight hundred ten victims of identity theft were reported in Washington in 2005.
3. Public records may contain personal identifying data such as social security numbers, driver's license, dates of birth, bank account information and credit cards.
4. The King County recorder's office is established to perform the function of county recorder in accordance with chapter 36.22 RCW, and is charged with the responsibility of recording instruments in county records.
5. Since 2001, the King County recorder's office has posted selected types of documents, including deeds of trust, on its web site.
6. In 2005, the state of Washington passed Chapter 134, Laws of 2005 establishing that documents presented to the King County recorder's office may not include social security numbers, date of birth or maiden name.
7. As noted in a Seattle Post-Intelligencer article on June 27, 2006, Social Security numbers can be found on some records posted on the King County recorder's office web site.

8. There is a need to remove deed of trust documents from the King County recorder's office web site until a plan is submitted to and approved by the county council by motion that ensures that deed of trust documents with personal identifying data will not be displayed on the county recorder's web site.

9. King County is responsible for the management of a multitude of different types of records as defined in K.C.C. 2.12.005.A. and 2.12.050.B. in accordance with state and county law.

10. As noted in the 2006 Strategic Technology Plan, King County has varying management systems and practices related to records management across county government. The lack of a centralized system is resulting in inefficiencies related to the management and long term accessibility of these records.

11. In 2004, the King County auditor found in its "City-County Records Storage Operations Partnering Opportunities" report that the King County records storage capacity for paper records is ninety-nine percent full and recommended developing a long-range plan to assess the county's future records storage requirements and available resources.

12. In 1996, the metropolitan King County council adopted Ordinance 12550 establishing a task force in code to assist the county in managing its electronic information as a countywide resource and in a manner that: is efficient and economical; promotes open government and an informed citizenry; protects individual privacy; and meets county record retention and disposition standards. This task force has not been in operation for some time.

13. The 2006 Technology Business Plan identified the need to develop an electronic records management system in the records, elections and licensing services division to manage the increasing quantity of electronically generated documents created on personal computers across all agencies of King County. These documents are generated by all agencies in administering their departments and include e-mail, Microsoft Word documents, Microsoft Excel documents and similar documents. The electronic records management system will also include the county

records center inventory database for the management of paper records in inactive storage and a digital imaging program for King County archives.

14. The 2006 budget appropriated funds to develop a countywide electronic records document management system.

15. As the countywide electronic records management system is implemented, more records may be available in electronic format on King County web sites. To the extent that those records are available on county web sites, the ease of access to the records and thus the risk of misuse can increase.

16. In January 2006, the chief information officer created an electronic records and electronic document subcommittee of the business management council. The subcommittee, which is not created by ordinance, serves in an advisory capacity to the electronic records management system project. In addition, the subcommittee will review a consultant's document management systems assessment report requested by the chief information officer. The consultant's report will assess the demand for document management systems and software.

17. King County has not established consistent, countywide guidelines or policies related to all records (paper and electronic) that address issues such as privacy, access, charges and the display of records on county web sites.

18. There is a need to create a public records committee to ensure the development of consistent paper and electronic records policies for county agencies.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

For the purpose of this chapter, the ~~((following))~~ terms ~~((shall))~~ in this section have the following

meanings ((set forth below)):

A. "County agency" means any office, division or department of the county assessor, the office of the prosecuting attorney((;)) or the executive, legislative or judicial branches.

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

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

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

A. King County is committed to managing its ((electronic information)) public records as a county-wide resource and in a manner that is efficient and economical; promotes open government and an informed citizenry; protects individual privacy; and meets county record retention and disposition standards.

~~(A. The executive shall establish a standing task force to develop information system planning, operating and acquisition guidelines and criteria to assist county agencies in meeting this commitment. The task force shall also develop strategies to preserve records of historical or legal value and establish content-related indexing standards for electronic access to pre- and post-charter legislation. The task force shall develop these guidelines, criteria and strategies in accordance with the county's commitment to protecting privacy as outlined in K.C.C. 2.14.030 and with consideration of the following:~~

~~1. Establishing appropriate and fiscally responsible levels of public access that are reflective of agency missions;~~

~~2. Balancing broad and equitable public access with the protection of personal privacy and information security;~~

~~3. Maximizing efficiency by utilizing existing systems and promoting information exchange and system compatibility;~~

4. ~~Avoiding duplication of information;~~

5. ~~Creating a means to recover records vital to the continuance of government in the event of a disaster.~~

~~The task force shall present for county council review its guidelines, criteria and strategies by June 30, 1997. The task force shall also provide assistance to Information Resource Council's Technology Sub-Committee as needed.))~~ B. A public records committee is hereby established. The public records committee shall advise the council and the executive on county public records policies, including both paper and electronic records. These policies must include policies for posting records on county web sites. The public records committee shall also provide guidance on the planning and implementation of a countywide records storage management plan and a countywide electronic records management system.

~~((B.))~~ C. ~~The ((executive shall advise the county council of the individual designated as the lead for the task force within thirty days of the designation))~~ manager of the records, elections and licensing services division shall be the chair of the public records committee. The ((task force)) public records committee shall involve a broad membership of county ((agencies)) departments and elected agencies, including at a minimum the following:

1. ~~((County))~~ The council;
2. ~~((Office of t))~~ The prosecuting attorney's office;
3. ~~((Department of public safety))~~ The sheriff's office;
4. ~~Department of judicial administration~~ The assessor's office;
5. ~~((Office of financial management))~~ The office of management and budget;
6. ~~((Office of emergency management))~~ The office of information resource management;
7. ~~((Division of information and telecommunications services))~~ The department of executive service's public disclosure officer; ((and))

8. ~~((Division of records and elections))~~ The department of executive service's chief of information security and privacy officer and;

9. The department of executive services and other departments.

~~((The department of information and administrative services shall provide staff support to the task force and will coordinate and assist agencies in information resource management.))~~

C. The executive shall submit to the council for approval by motion by March 1, 2007, a document detailing the vision, guiding principles, goals, and governance and management structure of the public records committee.

SECTION 3. The manager of the records, elections and licensing services division shall remove all deed of trust documents from the county recorder's web site until a plan is submitted by the executive and approved by the council by motion that

ensures that deed of trust documents with personal identifying data will not be displayed on the county recorder's web site.