



Legislation Text

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AN ORDINANCE related to the county's use of digital communication technology; amending Ordinance 12550, Section 1, as amended, and K.C.C. 2.14.010, and Ordinance 12550, Section 2, as amended, and K.C.C. 2.14.020.

PREAMBLE:

1. During the past several years the county council has adopted a series of legislative measures designed to promote transparency and accountability in county government. Most recently, in December of 2010, the council adopted Ordinance 17008, which focused on the county's use of social media, such as Facebook and Twitter, for communication with county residents.
2. Ordinance 17008 encouraged the use of social media by county agencies and called for the creation of a Social Media Advisory Group for the following purposes, among others: to suggest policy options for the use of social media, to identify legal and policy requirements applicable to social media and potential issues that social media might give rise to, and to identify cost-effective ways of addressing the public records retention requirements for social media.
3. In its report to the council, the Social Media Advisory Group suggested, among other recommendations, that "the Council may wish to direct certain agencies or departments to consider clarifying existing policies to ensure compliance" with existing policies and requirements, such as records retention. Another such requirement is responding to public record disclosure requests.
4. In his letter transmitting the Social Media Advisory Group report to the council, the county executive suggested to the council that the advisory group be reconvened to continue its

examination of the county's current and potential use of social media and to broaden the scope of its work to include other forms of digital communication, such as smart phone messaging, text messaging, and automated voicemail transcription.

5. The existing Public Records Committee, created in 2006 by ordinance 15608, has agreed to serve in the role suggested by the county executive for a reconvened advisory group.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

A. "County agency" means:

1. The executive branch;
2. The legislative branch;
3. The superior court;
4. The district court;
5. The department of public safety;
6. The department of assessments;
7. The office of the prosecuting attorney;
8. The department of elections;
9. The forecast council and office of economic and financial analysis;
10. The board of appeals; and
11. The personnel board.

B. "Digital communication technology" means technology that is used to transmit information in digital form, including email, text messaging, blogging, social media and digital voicemail.

C. "Personal data" means any information concerning an individual that, because of name, identifying

number, image, mark or description, can be readily associated with a particular individual, including information contained in printouts, forms, written analyses or evaluations.

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

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

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

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

1. Is efficient and economical;
2. Promotes open government and an informed citizenry;
3. Protects individual privacy; and
4. Meets county record retention and disposition standards.

B. A public records committee is hereby established. The public records committee shall:

1. ~~((a))~~ Advise the council and the executive on county public records policies, including both paper and electronic records~~((-));~~ ~~((F))~~ these policies must include policies for posting records on county web sites~~((-));~~

2. ~~((The public records committee shall also p))~~ Provide guidance on the planning and implementation of a countywide records storage management plan and a countywide electronic records management system;

3. Advise county agencies on their use of digital communication technology and serve as a forum for sharing and discussing information about the county's use of such technology; and

4. Submit a report containing the following information by March 1 of each year in the form of a

paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy of the report to all councilmembers, the council chief of staff, and the lead staff for the council's government accountability, oversight, and financial planning committee or its successor. The report shall include:

a. a description of the forms of digital communication that are in use by each county agency;

b. for each form of digital communication that is in use by an agency, a description of the methods used by the agency to retain records of digital communication to meet applicable record retention requirements;

and

c. for each form of digital communication that is in use by an agency, a description of the methods used by the agency to search records of digital communication to meet applicable public record disclosure requirements.

C. The ~~((manager))~~ director of the records and licensing services division or the director's designee shall be the chair of the public records committee. The public records committee shall ~~((involve a broad membership))~~ include representatives of a broad range of county departments and elected agencies, including at a minimum the following:

1. The council;
2. The prosecuting attorney's office;
3. The sheriff's office;
4. The assessor's office;
5. The department of elections;
6. Office of performance, strategy and budget;
7. The ~~((department of))~~ executive ~~((services's))~~ branch's senior public ~~((disclosure))~~ records officer;
8. The department of information technology's ~~((chief information security and privacy officer))~~

director of web-based services technology; and

9. Each executive department.

SECTION 3. Each county agency shall develop and submit a policy governing the agency's use of digital communication technology no later than March 1, 2013, in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy of the policy to all councilmembers, the council chief of staff, and the lead staff for the council's government accountability, oversight, and financial planning committee or its successor. Agencies may use as a model the executive's social media policy, including any attached guidelines, except that each agency's policy should cover all forms of digital communication that the agency is

using and each agency's policy should be adapted to the structure and operations of the agency. Each agency shall thereafter maintain its policy and shall notify the council by letter if the policy is materially amended.