



Legislation Text

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Clerk 05/28/2024

AN ORDINANCE relating to personal and demographic information obtained, maintained, and shared by county agents and employees; and amending Ordinance 16692, Section 2, as amended, and K.C.C. 2.15.010.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 16692, Section 2, as amended, and K.C.C. 2.15.010 are each amended to read as follows:

A. Except as otherwise provided in this section or when otherwise required by law, a Reverend Doctor Martin Luther King, Jr., County office, department, employee, agency, or agent shall not condition the provision of county services on the citizenship or immigration status of any person.

B. All applications, questionnaires, and interview forms used in relation to the provision of county benefits, opportunities, or services shall be reviewed by each agency, and any question requiring disclosure of information related to citizenship ~~((or)),~~ immigration status, or national origin unless required by state or federal law, or international treaty, shall be ~~((, in the agency's best judgment, either))~~ deleted ~~((in its entirety or revised such that the disclosure of the information is no longer required. Agencies that have a need for the collection of demographic data related to immigration status for performance measurement shall identify mechanisms that will allow for the separation of the demographic information from personally identifying information))~~. Agencies that are required by state or federal law, or international treaty, to collect immigration status or national origin information must separate that information from personal information in the agencies' records as soon as is practicable.

C. The ~~((Seattle-King-County))~~ department of public health shall not condition the provision of health benefits, opportunities, or services on matters related to citizenship, national origin, or immigration status. The ~~((Seattle-King-County))~~ department of public health may inquire about or disclose information relating to a person's citizenship, national origin, or immigration status for the purpose of determining eligibility for benefits or seeking reimbursement from federal, state, or other third-party payers.

D. Except when otherwise required by law, where the county accepts presentation of a state-issued driver's license or identification card as adequate evidence of identity, presentation of a state-issued document marked as not valid for federal purposes or presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or other consul-issued document, such as a Matricula Consular de Alta Seguridad, shall also be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Washington state driver's license or identification card. ~~((However, a))~~ A request for translation of such a document to English shall not be deemed a violation of any provision of this chapter; however, translation services may not be provided by any federal immigration authority. This subsection does not apply to documentation required to complete a federal I-9 employment eligibility verification form. Once the county agency's legitimate purpose in viewing the required documentation is completed, the documentation shall be promptly returned to its owner. Copies of the required documentation shall not be made or maintained by a county agency unless otherwise required by law.

E. A county employee or an agent or agency of King County shall not inquire about or request, from a member of the public information about the citizenship, national origin, or immigration status or place of birth of any person unless the inquiry, request, or investigation is required by state or federal law, regulation, or directive or court order or rule, or to ensure compliance with any state or federal law, regulation, or directive or court order. When an inquiry, request, or investigation into nationality, immigration status, or citizenship, including place of birth, is required to be or for any reason is made, the King County agent or county employee shall not attempt to coerce a response. All persons to whom the inquiries are made shall be explicitly informed

of their right to decline to respond, free from fear or threat of retaliation.

F. Agents of King County and county employees are hereby prohibited from conditioning King County services on immigration status, except where required under applicable federal or state law or regulation or directive or court order or rule. Agents of King County and county employees are prohibited from verbally abusing or coercing persons or threatening to report them or their family members to ICE or threatening to take other immigration-related action against them or their family members.

G. Except where necessary to provide King County services, for performance measurement purposes including data analysis conducted to ensure services are being provided in an equitable and nondiscriminatory manner, or where otherwise required by state or federal law or regulation or directive or court order, King County agents and employees are not permitted to ~~((either))~~ obtain, maintain, or share ~~((, or both, personal information or))~~ information about ~~((national origin,))~~ a person's race, ethnicity, language proficiency, religion, sexual orientation, gender identity or expression, disability, housing status, financial status, marital status, status as a victim of domestic violence, criminal history, release date from incarceration or confinement in a secure detention or other custody, or status as a veteran.

H. Nothing in this chapter shall be construed as to prohibit any county employee, upon request of the noncitizen, from aiding a noncitizen to obtain immigration benefits pursuant federal immigration law.

I. An agent of King County or a county employee shall not expend any time, moneys, or other resources on facilitating the civil enforcement of federal immigration law or participating in civil immigration enforcement operations, except where state or federal law, regulation, or court order shall so require. However, a county agency, employee, or agent is not prohibited from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status of a person. Also, nothing in this section prohibits any county agency from sending to, receiving from, requesting from, or exchanging with any federal, state, or local agency information regarding the immigration status of a person or from maintaining such information.

J. Nothing in this section shall be construed to prohibit any county employee from participating in cross-designation or task force activities with federal law enforcement authorities for criminal law enforcement.

K. The executive shall ensure that all King County employees and agents receive appropriate training on the implementation of the provisions of this section.