

Legislation Text

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Clerk 12/13/2010

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

PREAMBLE:

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

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

In May 2010, the council adopted Ordinance 16838, providing a policy framework to make county data available on a single website to allow for the development of web or mobile applications. The legislation encourages innovation, entrepreneurship and job development, and increases public access to government information.

In July 2010, the council adopted Ordinance 16897, which approved and adopted the King

County strategic plan, which includes priorities to make government more accountable and accessible, with a culture of service excellence and public engagement.

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

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 ~~((any office, division or department of the county assessor, the office of the prosecuting attorney, the office of economic and financial analysis or the executive, legislative or judicial branches))~~:

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. "Personal data" means any information concerning ~~((a-citizen))~~ 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. "Personal identifying data" means social security number, date of birth or mother's maiden name.

D. "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. ~~((i))~~Is efficient and economical;
2. ~~((p))~~Promotes open government and an informed citizenry;
3. ~~((p))~~Protects individual privacy; and
4. ~~((m))~~Meets county record retention and disposition standards.

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.

C. The manager of the records and licensing services division shall be the chair of the public records

committee. The public records committee shall involve a broad membership 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 management and budget;
- ~~((6-))~~ 7. The office of information resource management;
- ~~((7-))~~ 8. The department of executive services's public disclosure officer;
- ~~((8-))~~ 9. The department of executive services's chief of information security and privacy officer; and
- ~~((9-))~~ 10. The department of executive services and other departments.

~~((D. 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. Ordinance 12550, Section 3, and K.C.C. 2.14.030 are each hereby amended to read as follows:

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

- A. Collection of personal data shall be lawful, fair, and to the extent possible with the knowledge and consent of the individual~~((-))~~;
- B. Agencies shall establish procedures to ensure that data is accurate, complete, current and relevant to the agency's mandated functions~~((-))~~;
- C. When data can only be collected with the consent of the individual, the purpose for the data shall be

stated upon collection. Personal data should not be used by the county for any purpose not stated upon collection without the consent of the data subject or by the positive authorization of law. This is not intended to limit collection of personal data for purposes of investigative agencies or other functions which collect non-disclosable information according to chapter 42.56 RCW ((42.17.310)) or any other federal, state, local statute, rule or regulation((:));

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

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

F. The executive shall submit a report by October 1((st)) of every year ~~((to the council that lists))~~ filed 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 to all councilmembers and committee coordinator for the government and accountability committee or its successor. The report shall list by category new and existing personal data collected by county agencies, a description of the uses of this personal data and its public disclosure status.

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

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

SECTION 5. A. The executive shall appoint a social media advisory group consisting of four members

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

1. Policy options for how to effectively use social media to communicate to the public;
2. A brief training module available on-line that offers guidance and training to those employees authorized to use social media on behalf of King County;
3. A summary of risk management, personnel records, ethical conduct, legal and other issues;
4. A description of existing policies and laws that the county's use of social media must comply with;
5. Options for the most cost effective ways to address the public records retention requirements for social media; and
6. Additional recommendations the committee deems important.

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

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

- A. King County is committed to using social media technologies 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 developed for social media.

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

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

ordinance.

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