



King County

Metropolitan King County Council Government Accountability, Oversight, and Financial Planning Committee

STAFF REPORT

Agenda Item:	8	Name:	Nick Wagner
Briefing No.:	2012-B0034	Date:	March 13, 2012

SUBJECT

A Social Media Policy Options Report (Report No. 2012-RPT0021).

This is intended to be an initial briefing on the report, which contains numerous options for the Council to consider. Councilmembers may wish to provide direction to council staff to focus on particular options to bring back to the committee for further consideration at its next meeting.

SUMMARY

The Social Media Policy Options Report (“the Report”) (pp. 11-40 of these materials¹) responds to requests contained in Ordinance 17008² (pp. 45-53) and provides a variety of policy options for the Council to consider, as described in detail below. In general, the Report suggests a conservative approach to formal policymaking in this area, since social media are a rapidly developing area of technology and county staff are continuing to explore the most effective ways of using them.

Another reason for a conservative approach is that, as the Executive observes in his transmittal letter (pp. 41-43), there are other forms of digital communication besides social media that raise similar issues and should be included in the policy analysis. They include:

- instant messaging
- smart phone texting
- video conferencing
- digital voicemail translation
- unified communications

¹ All page references are to the page numbers of this staff report and its attachments.

² Ordinance 17008 (adopted on 13 December 2010) dealt with the County’s use of social media such as Facebook and Twitter. Among other things, the ordinance called for the Executive to appoint a Social Media Advisory Group, which was directed to prepare a report addressing several issues arising from the use of social media, as described more fully below.

The Executive suggests that the mission of the Social Media Advisory Group, which was formed pursuant to the Council's direction in Ordinance 17008, be broadened to include consideration of these other forms of digital communication and that the group be reconvened for that purpose.

There are two aspects of digital communication, however, on which the Council may wish to consider proceeding more proactively: risk management and compliance with legal requirements such as records retention and public disclosure, both of which are addressed in the Report.

BACKGROUND

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. For that reason, the County's Public Records Committee, which the Council established in 2006 in KCC 2.14.020(B), developed policies and procedures for the use and administration of social media. Those policies and procedures became part of the Executive's Social Media Policy (Policy No. INF 10-3 (AEP) (pp. 55-66), which became effective on 6 December 2010 and is applicable to all parts of the executive branch. The policy includes as an appendix a document entitled "Social Media Guidelines" (pp. 59-66), which is referred to in the policy as the "Social Media Communications Handbook" (see p. 56) and which provides more detailed guidance on the County's use of social media.

In support of the developing use of social media, the Council on 13 December 2010 adopted Ordinance 17008 (pp. 45-53), which provided, in section 6.A (p. 52):

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.

The Council has also recognized that, as the use of social media evolves and increases, there is a need for general policies to ensure that social media use is effective and appropriate. Toward that end, Ordinance 17008 required (pp. 50-51) that:

1. The Executive appoint a social media advisory group consisting of:
 - a. Four members of the public records committee established in KCC 2.14.020;
 - b. Representatives from:
 - (1) the Office of Information Resource Management (now King County Information Technology (KCIT));
 - (2) the Executive's Communications Office;
 - (3) the Office of Risk Management;
 - (4) the Prosecuting Attorney's Office; and
 - (5) "not-for-profit organizations such as Knowledge As Power"; and

- c. Experts in social media.
2. The social media advisory group prepare and submit by 31 March 2011 a Social Media Policy Options Report that “provides options for the effective use of social media by King County” and contains:
 - a. “Policy options for how to effectively use social media to communicate to the public”;
 - b. “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”;
 - c. “A summary of risk management, personnel records, ethical conduct, legal and other issues”;
 - d. “A description of existing policies and laws that the county's use of social media must comply with”;
 - e. “Options for the most cost effective ways to address the public records retention requirements for social media”; and
 - f. “Additional recommendations the committee deems important.”

Subsequent to the adoption of Ordinance 17008, as described in the Executive’s transmittal letter, the Council asked the Social Media Advisory Group to expand the scope of its work, and it was mutually agreed to extend the due date for the Social Media Policy Options Report to 31 January 2012 (p. 41).

The report, which is dated 28 March 2011, has now been submitted and is included at pages 11-40.

ANALYSIS

1. Social Media Advisory Group

The Social Media Advisory Group (“the Advisory Group”), appointed by the Executive, consists of:

- **Shauna Causey**, Vice President, Social Media Club³ of Seattle; Director of Social and Digital Media, Nordstrom;
- **Trever Esko**, Project Director, eGovernment Group and Communications, King County Department of Information Technology (KCIT);
- **Cynthia Hernandez**, Administration Manager, Finance and Administration Unit, King County Department of Natural Resources and Parks (DNRP);
- **Jennifer Hills**, Risk Manager, King County Department of Executive Services (DES);

³ Social Media Club describes itself as “a national organization with the purpose of sharing best practices, establishing ethics and standards, and promoting media literacy around the emerging area of Social Media” (<http://smcseattle.com/>).

- **Deborah Kennedy**, Interim Manager, Archives, Records Management and Mail Services (ARMS), King County Department of Executive Services;
- **Christine Lange**, Deputy Director of Communications, King County Executive Office;
- **Anh Nguyen**, Office of the Prosecuting Attorney (PAO);
- **Karen Pool-Nordby**, Office of the Prosecuting Attorney (PAO);
- **Sarah Schacht**, President, Knowledge As Power⁴;
- **Sabra Schneider**, Webmaster, KCIT;
- **Terra Strouhal**, Communications Program Manager, eGovernment Group and Communications, KCIT;
- **Kelli Williams**, Administration, Ethics/Public Records Program, DES.

2. Social Media Policy Options Report

The Report addresses each of the subjects required by Ordinance 17008:

a. “Policy options for how to effectively use social media to communicate to the public”

The Report offers the following “four general approaches for adopting county-wide policies associated with the use of social media” for the Council to consider (p. 16):

- (1) Extend the Executive’s current Social Media Policy to all county agencies, modified as needed to suit the particular requirements of each agency;
- (2) Identify a work committee to write a new set of high-level policies and procedures (starting with the existing, executive branch social media policy);
- (3) “Identify a major new work program to develop a comprehensive set of ordinances and changes to County code, which would analyze and develop definitive policy for all matters associated with the use of social media by King County employees, partners, and elected officials”⁵;
- (4) “Do NOT develop or adopt formal policy, but rather (i) “encourage awareness . . . relating to emerging case law” and (ii) “promote and

⁴ Knowledge As Power describes itself as “is an open government, 501 (c)(3) organization, dedicated to helping people become better citizens, legislators become better lawmakers, and governments become better servants of the public” (<http://knowledgeaspower.org/>).

⁵ The Report describes the pursuit of this option as “unprecedented in King County” and “a body of work that would require staffing by an organization outside the Executive Branch” (p. 24).

leverage” the executive branch Social Media Policy (including the Social Media Communications Handbook) and training.⁶

All four options are discussed and compared in the Report (pp. 23-25). The Report acknowledges that option (1) (extension of the Executive’s current Social Media Policy to apply throughout county government) has two advantages over the other options—namely, (1) the policy was created by an existing county committee, has been vetted by stakeholders, and has already been adopted by the executive branch; and (2) the policy leverages the attached Social Media Communications Handbook (pp. 59-66), which “can be rapidly modified to adapt to and address emerging issues.” However, the Report advises the Council to “strongly consider” option (4) instead, characterizing it as “consistent with the approach of the federal government, Washington state government, and other local governments” (p. 23).⁷

If option (4) is chosen, (1) the Report suggests that “the Council may still want to assess specific issues associated with the use of social media”—e.g., records retention—and (2) the Report “strongly encourage[s] [the Council] to either promote and leverage the Executive Branch’s ‘Social Media Handbook’ and training, and/or encourage other agencies to develop their own formal guidelines”—e.g., the Washington State guidelines that are included at pages 67-86. See p. 25.

A fifth option the Council might wish to consider is a requirement that each county agency outside the Executive branch adopt and publish its own social media policy. The Council could specify the matters that would need to be addressed in such a policy.

b. “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”

The Report recommends that the County “create and maintain two primary resources for social media training” (p. 17):

- (1) A Social Media Handbook (see pp. 59-66); and
- (2) Training upon request by the eGovernment team, which includes “subject matter experts in social media.”

From the discussion in section 5 of the Report (pp. 26-27), it appears that the Executive has already decided to do so. The Handbook is available online⁸ (and included in these materials at pp. 59-66), and the eGovernment team exists and “provides services required to deliver, maintain, support, and manage the technology and tools associated with the County’s web-based services” (as described on the county website).

⁶ This option contemplates the possible adoption of specific policies on a “case-by-case” basis if a need arises.

⁷ The Governor’s Office has, however, published a fairly comprehensive document entitled “Guidelines and Best Practices for Social Media Use in Washington State” (November 2010) (copy included at pp. 67-86), which is referred to in the Report (at p. 31).

⁸ <http://www.kingcounty.gov/exec/socialmedia.aspx>

c. “A summary of risk management, personnel records, ethical conduct, legal and other issues”

The Report suggests that the Council may need to address the following issues⁹ and consider the following options as it considers policies regarding the use of social media (pp. 28-29):

(1) Risk management

Notice Issue 1: Citizens may use social media to put the County on notice of conditions that require immediate attention.

Options: (1) Consider adopting a system and process for timely forwarding such notifications to agencies that can address the conditions. (2) Consider tools that integrate social media with traditional communication tools to facilitate appropriate routing of such notifications. (3) Consider requiring a strong legal disclaimer that social media are appropriate for such communications (for example, advising the user of social media to call 911 or some other phone number in the event of an emergency, rather than relying on the social media).

Notice Issue 2: Persons participating in county-sponsored social media may not be aware of legal requirements regarding retention and public disclosure of public records (which may include communications of such persons).

Option: Include notices in county-sponsored social media regarding those matters.

(2) Personnel records and considerations

Human Resource Issue 1: Use of social media to engage in threats, discrimination, retaliation, or harassment.

Options: (1) “Any social media guidelines should be consistent with current employment practices and the ethics code.” (2) Update the personnel guidelines to include examples involving the use of social media. (3) Consider how employees are unions are currently using social media, to anticipate potential labor issues.

Human Resource Issue 2: Use of social media in hiring or other employment decisions.

Options: (1) Consider whether to use social media resources for pre-employment human resource purposes. (2) Consider the risks in relying on information obtained from social media resources in screening, conducting background checks, or making hiring decisions or other employment-related decisions.

⁹ The Report does not specify the manner in which the Council might need to address these issues.

(3) Ethical conduct and acceptable use

Interpersonal Issues: (1) Use of official county social media accounts to “friend,” “follow,” or otherwise establish a relationship with county employees (or others). (2) Social media relationships of the same kind between county employees and their supervisors.

Options: None suggested.

(4) Potential legal issues

Free Speech Issue 1: Citizens’ right of free speech.¹⁰

Options: (1) “Define the scope of the forum and how it could be regulated.” (2) Display any limitations prominently to potential participants.

Free Speech Issue 2: Balance between employees’ right of free speech on their personal time and their representation of the County when acting in an official capacity or appearing to do so.

Options: None suggested.

(5) Other issues

Staffing and Resource Issue 1: Determination of which individuals should be tasked with administrative functions such as creating content, monitoring forums, and communicating with citizens.

Staffing and Resource Issue 2: Balance the value of using a particular social media tool against the resource commitment required to appropriately staff it.

Staffing and Resource Issue 3: “Citizens and external entities need a standard means to determine who is an authorized representative of the County within a social media site.”

Options: None suggested.

d. “A description of existing policies and laws that the county's use of social media must comply with”

The Report identifies the following county policies as “apply[ing] to general issues relating to the use of social media, though they are not specific to social media,” and suggests that the Council “may want to instruct staff or certain agencies to develop work plans to assess these policies” (pp. 30-31):

¹⁰ The Report does not specify the freedom of speech issues that might arise, but examples might include: (1) the use of social media to voice intemperate or inaccurate criticism of the County, a county official or employee, or another person participating in the use of social media and (2) the possibility of the County being asked to remove such content or to block access to the social media by individuals who habitually post such content.

- (1) Acceptable Use of Information Technology (IT) Assets (Policy ITG-P-08-02-01) (25 May 2011);
- (2) General IT security (Policy ITG-P-05-03-02) (9 September 2009);
- (3) IT password management policy (Policy ITG-P-05-02-02) (9 September 2009);
- (4) Disposition of Public Records in King County (Policy INF 15-3-2 (AEP)) (23 May 2011);
- (5) Nondiscrimination and Anti-Harassment Policy and Procedures (Policy PER 22-3-3 (AEP)) (29 September 2002); and
- (6) Ethics codes (KCC Chapter 3.04).

The Report also lists, at page 31, a number of external sources that “may provide further guidance regarding potential social media policy and risk,” including, among others, the Washington State Guidelines and Best Practices for Social Media Use (pp. 67-86).

e. “Options for the most cost effective ways to address the public records retention requirements for social media”

On the issue of record retention, the Report observes (p. 17):

- (1) “Regardless of the medium, tools, or online websites used for social media, King County must ensure that public records are retained in compliance with Revised Code of Washington (RCW) 40.14 Preservation and Destruction of Public Records and King County Code (KCC) 2.12 Maintenance of Permanent Records.”
- (2) “As is true for all public records, the applicable retention schedule is determined by the **content** of the message, post or tweet, and not by the **medium** by which it is sent or received.” (Emphasis added.)

The Report includes a table that cross references common social media activities against existing retention schedules (Appendix 1, pp. 35-38); however, the Report cautions: “Because records retention laws are subject to change, especially in the realm of technology, it is not recommended that the Council create detailed policies associated with retention schedules, but rather draft general policies related to the County’s objective and willingness to comply with such schedules.”

Part 9 of the Report (pp. 33-34) consists of recommendations concerning (1) technical methods and tools that county agencies can use to retain the content of its social media, (2) training of employees regarding record retention, and (3) informing those who are not county employees, but who are acting as county partners or agents (e.g.,

Unincorporated Area Councils, boards, commissions), about how the County's social media policies may apply to them.

f. "Additional recommendations the committee deems important"

(1) Provide direction only as needed.

The Report makes the following general recommendation (p. 19):

In general, based on current industry practices throughout the United States, *the advisory group's general position is to recommend an approach that creates the least action related to policy definition and compliance.* In most areas, social media is simply a form of communication, and the communication, documentation, or practice being supported by social media use already has guiding policies and laws associated with use, behavior, controls, and record retention. In some cases, the Council may wish to direct certain agencies or departments to consider clarifying existing policies to ensure compliance. [Emphasis in original.]

(2) Allow agencies and departments to make their own decisions about whether and how to use social media.

The Report provides (p. 15): "It is the responsibility of each agency to weigh its mission, communication plans, objectives, capabilities, risks and potential benefits when considering the use of specific social media tools."

(3) Other issues

In addition, the Report includes a table (pp. 20-22) listing a number of other issues, which in some instances overlap with the issues identified in Ordinance 17008. For each issue, the table provides a series of options and comments for the Council to consider.

POSSIBLE NEXT STEPS

In addition to considering the issues and options identified in the Social Media Policy Options Report and the Executive's transmittal letter, the Council may wish to consider requesting specific information from the Executive about:

1. the extent to which the Executive's Social Media Policy (SMP) has been implemented since it became effective in December 2010;
2. the social media projects and plans that have been approved (SMP §§ 7.2, 7.8);
3. the social media tools and web sites that have been approved (SMP § 7.6);

4. the tools and procedures that have been approved and are being used to satisfy record retention requirements regarding social media; and
5. the tools and procedures that have been approved for use in searching social media in response to public record requests.

Once council staff has this information, staff can provide members with options as to the implementation of the Report recommendations. Staff likely could have a final product for the committee by the March 27 or April 10 meeting.

INVITED

Trever Esko, Project Director, eGovernment Group and Communications, King County Department of Information Technology

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King County

Social Media Policy Options Report

Prepared By: The Social Media Advisory Group

Date: March 28, 2011

Version: 1.5

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1. INTRODUCTION

On December 13, 2010, the King County Council passed Ordinance 17008:

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.

The relevant section of the ordinance is Section 5, which reads as follows:

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.

Additionally, the following definition from "Section 1" of the ordinance informs Section 5:

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.

Finally, “Section 6” of the ordinance provides further insight into the Council’s goals, objectives, and vision for King County related to the use of social media:

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.*

King County strives to be an accountable and transparent government. This objective is evident in the King County Strategic Plan, adopted by Council Ordinance 16897 in July 2010, which includes priorities to make government more accountable and accessible, with a culture of service excellence and public engagement.

Social media is a communications tool available to King County officials and staff to engage with citizens, employees, and coworkers. The use of social media can be effectively used for policy development, program awareness, and general organizational communications. It can engage individuals in bidirectional dialogue, or broadcast messaging. Therefore, its use can and should be part of any comprehensive communications plan, just as e-mail, brochures and websites are.

Public engagement and collaboration enhances the County’s effectiveness and improves the quality of its decisions. Knowledge, skills, and expertise are widely dispersed in society, and public officials benefit from having access to that dispersed knowledge.

Departments and agencies can use innovative tools, methods, and systems to collaborate among themselves, across all levels of government, with nonprofit organizations and businesses, and with individuals in the private sector.

However, as King County pursues these opportunities, it is necessary to understand that such activities exist within the context of government accountability and regulation. In some cases, policies and legal requirements have not kept pace with the rapidly evolving world of technology and the Internet. Additionally, there are questions associated with the assumption of privacy for citizens interacting with the government through such mediums.

Many County agencies are already using social media, such as Facebook, Flickr, and Twitter, to engage the public and create a more effective and transparent government. As the use of social media evolves and increases, it is critical that the County balance its objective to create a transparent, accessible, and collaborative culture, with two significant mandates:

1. Ensure compliance with County, state, and federal policies and legal requirements, while not further increasing the considerable costs the County already incurs in meeting policies and legal requirements for public records retention and public disclosure.
2. Avoid new policies – and to the extent possible influence state and federal policies – that create operational or financial burdens that could limit, restrict, or reduce the County’s ability to openly collaborate and communicate with citizens through the use of technology such as social media.

While agencies and departments are encouraged to use social media to advance the goals of the County, the decision to use social media technologies is a business decision, not a technology-based decision. It is the responsibility of each agency to weigh its mission, communication plans, objectives, capabilities, risks and potential benefits when considering the use of specific social media tools.

This Social Media Policy Options Report reflects a balance between actionable policy options related to public interaction and collaboration, and compliance with legal requirements, including records retention, public disclosure, and communications. This report provides options for King County to effectively use social media to foster transparency and collaboration with citizens, while meeting legal requirements and managing risk associated with the use of social media tools.

2. REPORT SUMMARY

Social media offers King County the opportunity to interact with the public and employees in exciting ways that facilitate transparency, interactivity and collaboration. These tools engage people differently than traditional media, and can enhance existing communication strategies.

This Social Media Policy Options Report provides options to create a balance between actionable policy, and mandated compliance. King County Council Ordinance 17008 defined six explicit subjects to be addressed, which are each covered in major sections of this report.

Policy Options for Using Social Media; Approaches for Adopting Social Media Policies

In 2010, the Public Records Committee (established in K.C.C. 2.14.020) developed policies and procedures for the use and administration of social media. Those policies and procedures were enacted by Executive Policy on December 6, 2010, and currently apply to all departments within the Executive Branch.

The goal of the Social Media Advisory Group was to develop “policy options for how to effectively use social media to communicate to the public” within the context of records retention and other applicable laws and policies. This advisory group recommends that the King County Council consider one of the following four general approaches for adopting county-wide policies associated with the use of social media:

1. Extend the Executive policies and procedures to all King County agencies, with appropriate modifications to ensure their applicability and extensibility to the agencies of independently elected officials outside of the Executive Branch.
2. Identify a work committee to write a new set of high level policies and associated procedures regarding the use of social media, while still leveraging the Executive Branch’s complementary “social media handbook”, training, and eGovernment team.
3. Identify a major new work program to develop a comprehensive set of ordinances and changes to County code, which would analyze and develop definitive policy for all matters associated with the use of social media by King County employees, partners, and elected officials.
4. Do NOT develop or adopt formal policy, but rather a) encourage awareness for employees, partners, and elected officials related to emerging case law, b) promote and leverage the Executive Branch’s complementary “social media handbook” and training, and assess other existing policies to ensure their intended applicability to issues related to social media.

Social Media Training Resources

King County should create and maintain two primary resources for social media training. A Social Media Handbook, which is a guide for agencies and departments on how to plan for their use of social media, and best practices for using social media tools and websites. The eGovernment team, subject matter experts in social media, will provide training to individuals and teams as requested.

In accordance with the requirements of Ordinance 17008, the Social Media Handbook has been distributed on the County internet.

Summary of Issues

In assessing potential issues, the work group identified several related issues that the Council may wish to address with explicit policy. The main issues break down into the following categories:

- Risk Management
- Personnel Records and Considerations
- Ethical Conduct and Acceptable Use
- Potential Legal Issues
- Other Issues

Specific policy options are documented within the detail of this report.

Existing Applicable Policies

There are several existing King County policies that apply to general issues relating to the use of social media, though they are not specific to social media. The Council may want to instruct staff or certain agencies to develop work plans to assess these policies:

- Acceptable Use of Information Technology (IT) Assets Policy
- General IT security
- Password Management Policy
- Human resources and employee related matters
- Ethics codes

Options for Applicable Records Retention Laws

Regardless of the medium, tools, or online websites used for social media, King County must ensure that public records are retained in compliance with Revised Code of Washington (RCW) 40.14 Preservation and Destruction of Public Records and King County Code (KCC) 2.12 Maintenance of Permanent Records. As is true for all public records, the applicable retention schedule is determined by the content of the message, post or tweet, and not by the medium by which it is sent or received.

In general, the following definitions may be helpful when considering retention requirements:

- Primary Record – the original instance of a record
- Secondary Record – A copy of or reference to a primary record.

Many records created using social media have distinct characteristics (such as character-limited tweets for Twitter or video files for You Tube). However, the content of these records will determine which records retention schedules apply.

Appendix 1 includes specific guidance cross referencing relevant retention schedules with examples of typical social media activities. The cross reference will also be an appendix to the Social Media Handbook.

Because records retention laws are subject to change, especially in the realm of technology, it is not recommended that the Council create detailed policies associated with retention schedules, but rather draft general policies related to the County's objective and willingness to comply with such schedules.

3. ISSUES RELATED TO SOCIAL MEDIA AND POLICY OPTIONS

Social media is a communications tool available to King County officials and staff to engage with citizens, employees, and coworkers. Social media can be effectively used for policy development, program awareness, and general organizational communications. It can engage individuals in bidirectional dialogue, or broadcast messaging. Therefore, its use can and should be part of any comprehensive communications plan, just as e-mail or public forums would be.

The goal of the Social Media Advisory Group was to develop “policy options for how to effectively use social media to communicate to the public” within the context of records retention and other applicable laws and policies.

The Social Media Advisory Group has identified general “issues” or areas around which the County Council may wish to create policy. In each case, the advisory group has identified options to consider in assessing policies, and provided a recommendation. Some of these “issues” are addressed in more detail in Section 6 of this document, depending on how those issues manifest in the larger context of social media.

In general, based on current industry practices throughout the United States, ***the advisory group’s general position is to recommend an approach that creates the least action related to policy definition and compliance.*** In most areas, social media is simply a form of communication, and the communication, documentation, or practice being supported by social media use already has guiding policies and laws associated with use, behavior, controls, and record retention. In some cases, the Council may wish to direct certain agencies or departments to consider clarifying existing policies to ensure compliance.

Issue	Options	Comments to Consider
Social Media Tools	<p>A. Do nothing and let social media tool use evolve as is needed to meet communication goals.</p> <p>B. No formal policy but reference the Executive's social media handbook for process on approved social media tools.</p> <p>C. Create a policy to identify and define the social media tools to be used by the County.</p>	<p>Note that maintaining policies – either formally codified or not – related to social media/ internet tools and technology would be an expensive task, as the tools options evolve rapidly. A handbook maintained by an existing group should be effective.</p>
Personal Use of Social Media	<p>A. Do nothing – employees can use social media for personal activities however they wish.</p> <p>B. Do not establish a policy, but ensure that existing policies and training related to appropriate use of County assets, ethics, and human resources (HR) related subjects are updated to include examples addressing the personal use of social media.</p> <p>C. Create policies or other guidance to inform employees about how they should and should not reference their work at King County while using social media for personal activities.</p> <p>D. Create a policy to forbid employees from using social media in any form.</p>	<p>There are clear legal issues associated with creating any law or policy that extends to the personal, off-hour, non-work activities of employees. Instead, employees should only receive training about policies that apply to the appropriate behaviors of government employees.</p>
"Official Use" of Social Media	<p>A. Encourage all employees to use social media to engage the public in whatever way the wish.</p> <p>B. Create a policy that requires departments to identify official accounts within social media tools, and those accounts become designated/branded as "official" County accounts.</p> <p>C. Create a policy the establishes a more structured definition of "official" accounts and also create an audit function to monitor social media sites to identify unapproved accounts.</p>	<p>Citizens have a need to know when they are interacting with an "official voice" of the government, however the County should be aware that creating formal controls would be a new function, and would also represent an unprecedented action related to the use of specific communication mediums.</p>

Issue	Options	Comments to Consider
Employee Ethics	<p>A. Take no action associated with the relationship between employee ethics and social media.</p> <p>B. Instruct the Ethics Office to ensure that relevant issues associated with social media use are included in future ethics information and training.</p> <p>C. Create comprehensive policies that define ethical communications behavior.</p>	<p>This issue can relate to both the “<i>personal</i>” and “<i>official</i>” use of social media. Employees should be educated about the issues related to social media use.</p>
Public Communications	<p>A. Provide no formal guidance regarding public communications.</p> <p>B. Create guidance to help agencies incorporate social media in their existing communications efforts.</p> <p>C. Create a policy that required departments/agencies to use social media for public communications.</p>	<p>The County has a strong commitment to communication, which is documented in the County Strategic Plan. However, creating formal policy would be an unprecedented action related to the use of a specific communication product or technology.</p>
Internal Communications	<p>A. Provide no formal guidance regarding the use of social media for general employee communications.</p> <p>B. Create guidance to help agencies incorporate social media in their existing communications efforts.</p> <p>C. Create a policy that required departments/agencies to use social media for internal communications.</p> <p>D. Create a policy that forbids the use of social media for internal communications.</p>	<p>The social media tools used for internal communications are different in form and operation than public-facing tools. There should be a balance between advising employees on the types of tools available, and allowing flexibility in selecting the tools necessary to effectively fulfill the communication need.</p>
Communication Performance	<p>A. Provide no formal guidance regarding public service standards.</p> <p>B. Create guidance (which may be a policy) regarding the social media-based service standards, and expect compliance with the standards to be confirmed in department/agency communication plans.</p> <p>C. Create policies for social media-based service standards and also create a management oversight function to monitor and audit County performance/compliance.</p>	<p>Performance subjects include: Communication response times; Information accuracy; Liability disclaimers; Anti-retaliation; Anti-discrimination; Equity and social justice; Appropriate content. Such issues are specifically addressed by other policies, and therefore related social media subjects are an extension of those policies, not new subjects.</p>

Issue	Options	Comments to Consider
Record Retention	<p>A. Take no action associated with record retention policies for social media communications.</p> <p>B. Ensure that existing policies and training associated with record retention also encompass social media as cross-referenced in appendix 1.</p> <p>C. Create specific policies for record retention of social media communication, materials, and media.</p> <p>D. Take no action, but monitor state laws for future guidance.</p>	<p>This issue was the key driving issue for the work of the Social Media Advisory Group, and thus is addressed in more detail elsewhere in the report. However, both the definition of what comprises various types of County records, and the retention schedules for such records, are fully addressed by existing policy and law.</p>
Security and Administration	<p>A. Do not create any standards regarding social media account administration, management, and security.</p> <p>B. Ensure that existing policies related to account administration, password management, and security relate to social media accounts and use.</p> <p>C. Create defined policies explicit to the administration and security of social media accounts.</p> <p>D. In addition to explicit policies, create a function to safeguard social media account credentials.</p>	<p>The County already has existing policies and guidance related to managing and administering security, accounts, and passwords for both computer use and online/software. Social media accounts – whether “official” or personal – should be governed by the same standards.</p>
HR and Labor	<p>A. Take no action associated with the implications between social media and various HR and labor related issues.</p> <p>B. Instruct the Office of Human Resource Management to ensure that that relevant issues associated with social media use are included in their current HR hiring, and employment practices and training.</p> <p>C. Instruct the Office of Human Resource Management to provide a report for policy recommendations related to social media and HR issues.</p> <p>D. Create comprehensive policies that define guidelines for using social media in the areas of employee hiring, candidate assessments, and staff management.</p>	<p>Labor issues that may be precipitated by social media are not actually unique to social media, but already exist in the workplace. Thus, they are specifically addressed by other policies, and therefore should not require policies specific to social media.</p>

4. OPTIONS FOR ADOPTING SOCIAL MEDIA POLICIES

As previously stated, the goal of the Social Media Advisory Group was to develop “policy options for how to effectively use social media to communicate to the public” within the context of records retention and other applicable laws and policies.

The Social Media Advisory Group has identified four viable approaches for possibly adopting broad policy direction related to social media, outlined in the sub-sections below.

Based on current industry practices throughout the United States, and consistent with the general recommendations of the advisory group outlined in Section 3, the advisory group recommends that the King County Council strongly consider Option 4 – Do Not Develop Special Policies Pertaining to Social Media, but rather consider policies only on a case-by-case basis.

The following is additional information about the four options considered by the advisory group.

Option 1 – Extend the Executive Policy

In 2010, the Public Records Committee developed policies and procedures for the use and administration of social media. These policies and procedures relate to:

- The use of social media sites and tools for conducting King County business,
- The development and approval of agency and department social media plans,
- The designation and approval of social media websites and tools,
- The designation of individuals who are officially authorized to represent the County through social media channels, and
- The administration of credentials, user names, and accounts for social media websites and tools.

Those policies and procedures were enacted by Executive Policy on December 6, 2010 (appendix 2), and currently apply to all departments within the Executive Branch.

The most expeditious option for creating and adopting a social media policy is for the Council to extend through King County Code a version of the Executive Policy for social media use and related procedures that would be applicable to all King County agencies. This option would require that minor modifications be made to the language of the Executive Policy to ensure its applicability and extensibility to separately elected agencies outside of the Executive Branch.

This approach has two advantages compared to other options:

1. The policy was created by an existing County committee, has been significantly vetted by stakeholders, and is already adopted by the Executive Branch.
2. This policy provides high-level policy related to social media adoption and administration, while leveraging a “Social Media Handbook” (appendix 3) which can be rapidly modified to adapt to and address emerging issue within the rapidly changing environment of Internet and social media communications.

Option 2 – Develop a New High-Level County Policy

If staff analysis concludes that the Executive Policy in its current form cannot be easily extended to other branches of King County government, or if there are other compelling reasons not to extend the Executive Policy, an option may be for the Council to identify a work committee to write a new high level policy and associated procedures regarding the use of social media, while still leveraging the Executive Branch’s complementary Social Media Handbook and training. This option would represent a body of work that would require staffing by an organization outside the Executive Branch, though that group could still use the Executive Policy as a model or point of reference for their work.

Option 3 – Develop a New Comprehensive Social Media Ordinance

Both of the prior options assume that the County requires a high-level policy that primarily addresses issues associated with records retention, account administration, citizen communications standards, and authorized representatives. Those two options further assume that other County policies address other tangential issues (for example, online behavior of employees), and the County would leverage a “guidelines handbook” to advise in the use of social media. However, the Council may decide that it would prefer to develop a comprehensive policy that addresses all issues associated with social media as a unique entity.

In this case, the Council may identify a major new work program to develop a comprehensive set of ordinances and changes to King County Code, which would analyze and develop definitive policy for all matters associated with the use of social media by King County employees, partners, and elected officials.

It should be noted that pursuing such an option would be unprecedented in King County. The County has never undertaken any sort of holistic policy initiative when addressing other “communications” or “emerging technology” subjects in the past, such as the use of telephones or e-mail. Additionally, there does not appear to be any government trend toward reacting to social media communications by developing a comprehensive or all-inclusive policy.

Option 4 – Do Not Develop Special Policies Pertaining to Social Media

A final option for the King County Council is to decide not to develop any special, formal policy/ordinance pertaining to social media. This approach would actually be consistent with the approach of the federal government, Washington state government, and other local governments.

As previously stated, the County has never undertaken any sort of holistic policy initiative when addressing other “communications” or “emerging technology” subjects in the past, such as the use of telephones or e-mail. Social media is simply a tool that facilitates communication.

There are ancillary issues related to the use of social media, including records retention. Therefore, if this option is selected, the Council may still want to assess specific issues associated with the use of social media. Such an approach is discussed in Section 3 of this document, potential applicable policies are referenced in Section 7 of this document, and relevant records retention law is identified in Section 8 of this document.

Finally, if this option is selected, the Council is strongly encouraged to either promote and leverage the Executive Branch’s “Social Media Handbook” and training, and/or encourage other agencies to develop their own formal guidelines. This is consistent with the practices of other governments, and several examples of such handbooks/guidelines are references in Section 6 of this document.

5. SOCIAL MEDIA TRAINING RESOURCES

Consistent with the recommended policies, King County will create and maintain two primary resources for training related to social media:

- A Social Media Handbook
- The King County Information Technology (KCIT) eGovernment Team

Social Media Handbook

The Social Media Handbook is a reference tool for agencies and departments related to planning for use of social media, and best practices for using social media tools and websites. It provides specific instruction related to compliance with prevailing social media policies, and it provides guidance on specific issues uniquely associated with social media, promoting best practices. The major sections of the handbook are as follows:

- purpose
- definitions
- applicability
- social media planning
- implementation
- acceptable use
- content management
- records retention
- security
- tools and software
- updates
- references

The handbook includes training information that addresses the following specifics:

- Focusing on the mission. Focus on your agency's goals. Each social media tool should serve a well-defined, mission-oriented purpose, and have the potential to improve your communications efforts.
 1. Choosing the right tools. Choose the right mix of tools for the job, keeping both social media and other channels, like e-mail, in mind and taking into consideration the cost to benefit ratio of a given choice. To solicit the public's thoughts on an issue, you could send out an e-mail, post a notice on your home page, record a podcast, and write a blog post inviting customers to share their ideas as comments.
 2. Allocating resources. Allocate or realign resources to implement the tools you have chosen. Like any business tool, social media requires an investment in resources to make it work. After an initial investment, you may find that these new tools allow you to work more efficiently and improve performance.

3. Identifying metrics. Before implementing your social media plan, define what success looks like and how you're going to measure it. Often social media can save money, but its strength really lies in increasing audience engagement — which helps you accomplish your agency's mission. Examples of measurements include subscriptions, page and blog views, and click-throughs.
 4. Implementing your plan. Like any project, using social media requires strategic thinking. Start small and see which initiatives work and which don't – it is OK to fail as you try new things. Investing in social media has the potential for delivering great rewards.
- Creating a social media best practices framework. Using a framework puts the focus back on the communication challenge, not the tool, and makes sure the social media objective contributes to the organizational objective.
 - Implementing performance measures for social media.
 1. Attention. The amount of traffic to your content for a given period of time. Similar to the standard web metrics of site visits and page/video views.
 2. Participation. The extent to which users engage with your content in a channel. Think blog comments, Facebook wall posts, YouTube ratings, or widget interactions.
 3. Influence. The size of the user base subscribed to your content. For blogs, feed or e-mail subscribers; followers on Twitter or Friendfeed; or fans of your Facebook page.

eGovernment Team Training

The eGovernment Team members are subject matter experts in social media and other web-based communications techniques, and can provide ad hoc training to individuals and teams as requested.

Since 2008, the eGovernment Team has provided training on social media tools and online communications strategies. This responsibility has been formalized with the adoption of the social media policies.

Secondary Training Resources

Consistent with the requirements of Ordinance 17008, the Social Media Handbook is available for access on the County internet website. This site also includes links to various non-County online training resources, such as video presentations about how to use specific social media tools.

6. SUMMARY OF ISSUES

This section constitutes a brief discussion of various related issues and potential policy options related to the County's use of social media. These subjects may not directly apply to records retention and public disclosure, but may be subsidiary issues the Council needs to address as they consider policies that encourage the adoption and expanded use of social media throughout the County.

Risk Management

Notice Issues

- **Policy Consideration:** In the use of social media, the County needs to consider that citizens may use social media communications to put the County on notice of conditions that need immediate attention.
- **Policy Options:** The County should consider a system and process for timely forwarding notifications to the agencies that can address the concern. Additionally, the County may consider tools that integrate social media with traditional communications tools in order to facilitate receipt of such communications. Alternately, the County could consider a strong legal disclaimer of notice as a social media requirement link for all County authorized social media. This would effectively negate the legal notice issues.

Personnel Records and Considerations

Human Resource Issues

- **Policy Consideration:** In the use of social media, the County needs to consider threats, discrimination, retaliation, or harassment that may result from social media communications among employees, or between supervisors and subordinates.
- **Policy Option:** Any social media guidelines should be consistent with current employment policies, and the ethics code. The County should update the appropriate personnel guidelines to include examples that involve the use of social media. The County should also consider how unions and County employees are currently using social media to anticipate any potential labor issues that might emerge.
- **Policy Consideration:** In the use of social media, the County should consider having a formal policy pertaining to the use of social media in hiring or other employment decisions.
- **Policy Option:** The County should consider whether to use social media resources for pre-employment human resource purposes, and the risks in depending on information gathered from social media sources in screening, conducting background checks or making hiring or other employment actions such as promotions, transfers or layoffs.

Ethical Conduct and Acceptable Use

Interpersonal Considerations

- Issues associated with official social media accounts “friending”, “following” or otherwise establishing an online relationship with County employees.
- Issues associated with “friending”, “following” or otherwise establishing an online relationship between County employees in a manager-subordinate status through non-official social media accounts.

Potential Legal Issues

Free Speech Issues

- Policy Consideration: In the use of social media, the County needs to consider citizens’ right of free speech.
- Policy Option: The County should define the scope of the forum and how it could be regulated (e.g., public forum, limited forum, etc.). Whatever the forum, structure or participation rules might be, these should be openly and prominently communicated to potential participants.
- Policy Consideration: In the use of social media, the County needs to consider the balance between employees’ rights to free speech on their personal time against their representation of the County when acting in or perceived as acting in an official capacity.
- Policy Consideration: The County should consider how to balance the right of free speech with obligations to the employer.

Other Issues

Staffing and Resource Considerations

- Policy Consideration: In the use of social media, the County needs to consider which individuals should be tasked with administrative functions such as creating content, monitoring forums, communicating with citizens, etc.
- Policy Options: As with the use of any tool or process, the County should decide whether the value of using a tool or process is worth the commitment of resources required to appropriately staff the tool or process. For instance, if responsiveness or posting frequency standards are developed, the process will need to be staffed appropriately.

7. EXISTING APPLICABLE POLICIES AND REFERENCES

The spirit of the work of the Social Media Advisory Group was not just to define social media issues, but also to assess other areas and sources that may enable, limit, or guide the use of the social media to engage citizens. Two specific sources of information assessed by the group were existing County policies, and external sources that represent emerging industry best practices.

County Policies

The examination of countywide social media policy serves as a good reminder that several key County policies should be examined and updated as necessary to reflect emerging online communication and activities by County employees. The existing policies below may apply to employees' online behavior and should either be referenced in social media policy development, or should be assessed to ensure they sufficiently address online activities.

Acceptable Use of IT Assets

(<http://www.kingcounty.gov/business/oirm/governance/itpolicies.aspx>)

- Potentially should add information or notes specific to social media.
- Consider scenarios when staff access social media for personal use, and when staff are county designated users of social media.

General IT security

(http://www.kingcounty.gov/business/oirm/governance/~media/business/oirm/governance/policies/Enterprise_Information_Security_Policy_signed.ashx)

- Potential need to emphasize not using County email for personal social media.
- Need to ensure social media terms of use don't violate security policy.

IT Password Management Policy

(http://www.kingcounty.gov/business/oirm/governance/~media/business/oirm/governance/policies/Password_Management_Policy_signed.ashx)

- Password best practices should be emphasized for social media.
- May need explicit policy about using the same passwords for social media and County resource access.

Disposition of Public Records in King County

(<http://www.kingcounty.gov/operations/policies/aep/informationaep/inf1531aep.aspx>)

- Need to ensure any direction about disposition of records is in line with this policy.

Nondiscrimination and Anti-Harassment Policy and Procedures

(<http://www.kingcounty.gov/operations/policies/aep/personnelaep/per2233aep.aspx>)

- Suggestion to add to the references concerning online harassment and stalking from state laws, which are fairly clear.
- There may be several issues about general use of social media involving employees - one employee badmouthing another in social media; passive aggressive social media behavior; online hostility between coworkers. This may be best covered in the County personnel guidelines.

Ethics codes

(<http://www.kingcounty.gov/employees/ethics/esummary.aspx>)

- Potentially need to assess ethics issues related to online behavior.

External References

The following external sources may provide further guidance regarding potential social media policy and risk.

Washington State

Guidelines and Best Practices for Social Media Use

<http://www.governor.wa.gov/media/guidelines.pdf>

Washington Secretary of State/Archives and Records Management

Guidance on social media records retention

http://www.secstate.wa.gov/_assets/archives/RecordsManagement/RMAdviceSheetBlog sTwitter.pdf

Howto.Gov website

Collection of government policies, best practices, and guidance

<http://www.howto.gov/social-media/using-social-media>

Municipal Research Services

Extensive collection of social media materials

<http://www.mrsc.org/subjects/infoserv/socialmedia.aspx>

Social Capital Review

Summary of City of Seattle's board of ethics advice

<http://socialcapitalreview.org/seattle-ethics-boards-to-electeds-blog-and-tweet-away-but-carefully/>

City of Everett

Ramsey Ramerman, Asst City Atty - Benefits and Risks of Social Media presentation (included on the MRSC site)

<http://www.mrsc.org/Artdocmisc/RamermanWSAMA.pdf>

The Association of Washington Cities

AWC magazine January/February 2011 issue – See in particular the box of Facebook “Dos and Don’ts” on p. 23.

http://www.awcnet.org/Portals/0/Documents/Publications/Cityvision/CityVision_0111.pdf

University of Florida

Discussion of First Amendment and Social Media

<http://strategiccommunications.law.ufl.edu/seminar/>

8. LAWS PERTAINING TO RECORDS RETENTION

Regardless of the medium, tools, or online websites used for “social media”, King County must comply with RCW 40.14 Preservation and Destruction of Public Records and KCC 2.12 Maintenance of Permanent Records. The determination of the retention schedule applicable for any given record created using social media is based on the function and content of the record, not the tool by which the record is conveyed. In general, the following definitions may be helpful when considering retention requirements:

- Primary Record – the original instance of a record
- Secondary Record – A copy of or reference to a primary record.

Appendix 1 includes specific guidance cross referencing relevant retention schedules with examples of typical social media activities. The cross reference will also be an appendix to the Social Media Handbook.

9. ADDITIONAL RECOMMENDATIONS

Technical Tools

The following technical methods can help an agency retain its specific social media, though what has to be retained is dependent on the content.

Twitter: Often this content is a secondary record, but it is fairly easy to retain regardless.

- Within Outlook (or other feed subscriber), subscribe to the feed for your content.
- Within Outlook (or other feed subscriber), subscribe to the feed for @yourusername (i.e., public who is talking to your account).
- These feeds will then be retained within your email system and the data can periodically be transferred into the archives as appropriate.

Blogs: Most blog tools offer the ability to download an XML version of the blog, including all the comments.

- Blog owners should download and archive the entire blog using XML.
- Blog owners can also subscribe to the blogs feed to get content in their feed reader for archival purposes similar to twitter.

Photos and Video: Any video or photograph uploaded to a social media website (Flickr, YouTube, Vimeo) is a secondary record. The original image or video should be retained according to the retention schedule of the record. Users of these websites can also subscribe to a Real Simple Syndication (RSS) feed for the account, preserving the content in Outlook or a feed reader for retention.

- When the comment feature is turned on within a social media site, comments should be retained.

Facebook: Facebook now allows every account to be archived through a tool that is built in. These records should be preserved in a separate County file.

- Users should retain their Facebook profiles regularly using provided tools.

The social media handbook includes specific directions and recommendations for how to capture and retain social media records. This information should also be offered in training for authorized users. Because the technology changes rapidly, we believe tools are best explained in the handbook which is more easily maintained as standards, methods, and tools change.

Employee Communications

- Clear, usable recommendations for records retention compliance should be provided to employees as part of the handbook.
- Brief training should be included in new employee orientation.

- Non-County employees who are acting as government partners or as agents of King County (e.g., Unincorporated Area Councils (UACs), Volunteers, other governments, Task Force etc.) need information about how social media policies may apply to them.
- Citizens and external entities need a standard means to determine who is an authorized representative of the County within a social media site.
- Important to link to language making folks aware of public disclosure requirements. This should be developed and maintained on kingcounty.gov and linked to from all official County social media sites.

APPENDIX 1 – FUNCTIONAL CROSS REFERENCE OF COMMON SOCIAL MEDIA ACTIVITIES TO EXISTING RETENTION SCHEDULES

Tool/Content Type	Relevant Retention Schedule *Title and DAN	Retention cutoff and period	Notes
Twitter			
Tweets and retweets with links to King County (KC) content posted elsewhere.	6.1.4 Secondary (Duplicate) Copies: GS50-02-04 Rev. ; or 6.1.5.	Retain until no longer needed for agency business, then destroy.	
Tweets and retweets with links to content posted outside of KC.	1.1.5: Communications-Executive; GS50-01-12 Rev. 1; 1.1.6 (Communications-Non-Executive) GS2010-001 Rev. 1.	Retain for 2 years after communication received or provided, whichever is later, then arrange for appraisal by Archives (for Executive) or destroy (non-Executive).	1. Executive Communications (those to or from the agency's elected officials(s) and/or Executive Management are archival (can be transferred to the Archives for preservation at the end of the mandated retention period). Records selected for transfer to the Archives become part of the County's historical records collection and are retained permanently. 2. Question-is it necessary to retain the content of a link external to KC that is being tweeted or retweeted?
Tweets that communicate content not posted elsewhere.	1.1.5: Communications-Executive; GS50-01-12 Rev. 1; 1.1.6 (Communications-Non-Executive) GS2010-001 Rev. 1.	Retain for 2 years after communication received or provided, whichever is later, then arrange for appraisal by Archives (for Executive) or destroy (non-Executive).	Executive Communications (those to or from the agency's elected officials(s) and/or Executive Management are archival (can be transferred to the Archives for preservation at the end of the mandated retention period). Records selected for transfer to the Archives become part of the County's historical records collection and are retained permanently.
Facebook			
Posts that link to KC content posted elsewhere.	6.1.4 Secondary (Duplicate) Copies: GS50-02-04 Rev. ; or 6.1.5.	Retain until no longer needed for agency business, then destroy.	
Posts that link to content posted outside of King County.	1.1.5: Communications-Executive; GS50-01-12 Rev. 1; 1.1.6 (Communications-Non-Executive) GS2010-001 Rev. 1.	Retain for 2 years after communication received or provided, whichever is later, then arrange for appraisal by Archives (for Executive) or destroy (non-Executive).	1. Executive Communications (those to or from the agency's elected officials(s) and/or Executive Management are archival (can be transferred to the Archives for preservation at the end of the mandated retention period). Records selected for transfer to the Archives become part of the County's historical records collection and are retained permanently. 2. Question-is it necessary to retain the content of a link external to KC that is being tweeted or retweeted?

Tool/Content Type	Relevant Retention Schedule *Title and DAN	Retention cutoff and period	Notes
Posts that communicate content not posted elsewhere.	1.1.5: Communications-Executive; GS50-01-12 Rev. 1; 1.1.6 (Communications-Non-Executive) GS2010-001 Rev. 1.	Retain for 2 years after communication received or provided, whichever is later, then arrange for appraisal by Archives (for Executive) or destroy (non-Executive).	Executive Communications (those to or from the agency's elected officials(s) and/or Executive Management are archival (can be transferred to the Archives for preservation at the end of the mandated retention period). Records selected for transfer to the Archives become part of the County's historical records collection and are retained permanently.
Incoming communications (responses to posts).	1.1.5: Communications-Executive; GS50-01-12 Rev. 1; 1.1.6 (Communications-Non-Executive) GS2010-001 Rev. 1 1.3.2 Citizens' Complaints/Requests; GS50-01-09, Rev. 0.	Retain for 2 years after communication received or provided, whichever is later, then arrange for appraisal by Archives (for Executive) or destroy (non-Executive). Matter closed plus 3 years.	1. Executive Communications (those to or from the agency's elected officials(s) and/or Executive Management are archival (can be transferred to the Archives for preservation at the end of the mandated retention period). Records selected for transfer to the Archives become part of the County's historical records collection and are retained permanently. 2. Question-is it necessary to retain the content of a link external to KC that is being tweeted or retweeted? If a citizen used this forum to report a problem the records would fall under Citizens' Complaints/Requests.
YouTube, Flickr, etc.			
Posted video/visual content representing official conduct of county government.	6.1.4 Secondary (Duplicate) Copies: GS50-02-04 Rev. ; or 6.1.5.	Retain until no longer needed for agency business, then destroy.	Primary copies of most video/visual records fall under 5.1.4 Publications - Master Set; GS50-06F-04, Rev. 1; Retain until no longer needed for agency business then arrange for appraisal by King County Archivist. Video recordings of Official Proceedings fall under 1.2.7 Audio/Video Recordings of Official Proceedings; GS50-05A-06; retain 6 years or 1 year if transcribed, and transcription is approved. The exception would be the video recordings of Council meetings which are a permanent record per King County Code 1.24.235 rule 24; retained by the Clerk of the Council for 5 years and then transferred to the King County Archives for permanent preservation.

Tool/Content Type	Relevant Retention Schedule *Title and DAN	Retention cutoff and period	Notes
Posted video/visual content representing communications to and from citizens.	1.1.5: Communications-Executive; GS50-01-12 Rev. 1; 1.1.6 (Communications-Non-Executive) GS2010-001 Rev. 1.	Retain for 2 years after communication received or provided, whichever is later, then arrange for appraisal by Archives (for Executive) or destroy (non-Executive).	1. Executive Communications (those to or from the agency's elected officials(s) and/or Executive Management are archival (can be transferred to the Archives for preservation at the end of the mandated retention period). Records selected for transfer to the Archives become part of the County's historical records collection and are retained permanently. 2. Question-is it necessary to retain the content of a link external to KC that is being tweeted or retweeted?
Communications to and from citizens regarding posted video/visual content.	1.1.5: Communications-Executive; GS50-01-12 Rev. 1; 1.1.6 (Communications-Non-Executive) GS2010-001 Rev. 1 1.3.2 Citizens' Complaints/Requests; GS50-01-09, Rev. 0.	Retain for 2 years after communication received or provided, whichever is later, then arrange for appraisal by Archives (for Executive) or destroy (non-Executive). Matter closed plus 3 years.	1. Executive Communications (those to or from the agency's elected officials(s) and/or Executive Management are archival (can be transferred to the Archives for preservation at the end of the mandated retention period). Records selected for transfer to the Archives become part of the County's historical records collection and are retained permanently. 2. Question-is it necessary to retain the content of a link external to KC that is being tweeted or retweeted? If a citizen used this forum to report a problem the records would fall under Citizens' Complaints/Requests.
Blog (WordPress, Blogspot, etc)			
Blogs that consist of content that is not posted elsewhere.	1.1.5: Communications-Executive; GS50-01-12 Rev. 1; 1.1.6 (Communications-Non-Executive) GS2010-001 Rev. 1.	Retain for 2 years after communication received or provided, whichever is later, then arrange for appraisal by Archives (for Executive) or destroy (non-Executive).	Executive Communications (those to or from the agency's elected officials(s) and/or Executive Management are archival (can be transferred to the Archives for preservation at the end of the mandated retention period). Records selected for transfer to the Archives become part of the County's historical records collection and are retained permanently.
General			
Records documenting the publishing of the agency's online (internet and intranet) content.	2.4.9 Online Content Management; GS2010-007 Rev. 0.	Retain for 1 year after online content removed then destroy.	
	5.1.4 Publications - Master Set; GS50-06F-04, Rev. 1.	Retain until no longer needed for agency business then arrange for appraisal by King County Archivist.	

Tool/Content Type	Relevant Retention Schedule *Title and DAN	Retention cutoff and period	Notes
	1.3.6 Press Releases; GS50-06F-07, Rev. 0.	Destroy when obsolete or superseded - Potential archival value please contact the King County Archivist before disposing of this record. Records from this series may be selected to be transferred to and preserved at the King County Archives.	

APPENDIX 2 – EXECUTIVE BRANCH SOCIAL MEDIA POLICY

Policy located online at:

<http://www.kingcounty.gov/operations/policies/aep/informationaep/inf103aep.aspx>

APPENDIX 3 – EXECUTIVE BRANCH SOCIAL MEDIA HANDBOOK

Document located online at:

<http://www.kingcounty.gov/exec/socialmedia.aspx>

January 31, 2012

The Honorable Larry Gossett
Chair, Metropolitan King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Gossett:

In December 2010, the Metropolitan King County Council passed Motion 17008 requesting the County Executive create a “social media advisory group” to assess policies related to the records retention issues of social media. The initial report from this advisory group was targeted for March 31, 2011. Later, the County Council verbally asked that the work of the advisory group be expanded to include additional scope, and by mutual agreement the date for delivering a “Social Media Policy Options Report” was rescheduled to January 31, 2012.

At this time, the nature of evolving social media technology, dynamic citizen collaboration service options, and complex records retention laws continue to drive the work of several teams throughout King County. All areas of the County are committed to leveraging collaborative communication tools to “promote robust public engagement that informs, involves, and empowers people and communities,” as explicitly called out in the King County Strategic Plan. Participants from the King County Department of Information Technology (KCIT), the Metropolitan King County Council, the Prosecuting Attorney’s Office (PAO), the Department of Executive Services (DES), external third party experts, and others continue to assess several complex and interrelated challenges that relate to both County operations and underlying support technologies, such as:

- Legal and policy drivers associated with collaborative social-media-based citizen communication, especially as it relates to record retention.
- Other evolving case studies regarding the impact of social media on government operations.
- Policy alternatives related to both the use and records retention practices associated with social media content.

- Guidelines and best practices related to the use of very specific social media mediums, including Facebook, Twitter, Flickr, and blogs.
- Further evaluation of impacts of other new and emerging digital communication products, including:
 - instant messaging
 - smart phone texting
 - video conferencing
 - digital voicemail translation
 - unified communications.
- Procedures and guidelines for department/agency communications and operational plans that maximize the effectiveness in using all of these related technologies to support the services of King County.

As technology continues to rapidly change the way governments create, disseminate, and receive communications, the scope of this analysis has moved well beyond “social media.” Over the past few months, King County Chief Information Officer Bill Kehoe and KCIT Project Management Director Trever Esko have met with County Councilmembers. The conversation has continued to expand the areas for policy analysis. The subject area now effectively covers almost all technology-based communication models, and all retention options and alternatives. The Prosecuting Attorney’s Office and external subject matter experts have been engaged in these meetings as well.

In order to best serve the citizens of King County and to cooperatively support the goals of both the County Council and the County Executive, the nature of this work should also evolve. Therefore, I have asked my staff to work with you collaboratively in this area in order to develop the appropriate guidance and expectations for the advisory group, which will reconvene to address the issues related to this rapid change in social media technology and come up with recommendations on how to proceed from a technology perspective.

The Social Media Policy Options Report, which substantially addresses the original mandate of Motion 17008, is attached as a response to the motion. The estimated cost to create the report as drafted as of March 2011 was \$20,000, which represents approximately 268 hours of staff work to-date.

The Honorable Larry Gossett

January 31, 2012

Page 3

We look forward to working with the County Council as we continue this effort. If you have any questions, please contact Bill Kehoe, Chief Information Officer, at 206-263-7887.

Sincerely,

Dow Constantine
King County Executive

Enclosure

cc: King County Councilmembers

ATTN: Cindy Domingo, Chief of Staff

Mark Melroy, Senior Principal Legislative Analyst, BFM Committee

Anne Noris, Clerk of the Council

Carrie Cihak, Chief Advisor, Policy and Strategic Initiatives, King County Executive Office

Dwight Dively, Director, Office of Performance, Strategy and Budget

Bill Kehoe, Chief Information Officer, King County Information Technology

Caroline Whalen, County Administrative Officer, Department of Executive Services

The Honorable Dan Satterberg, King County Prosecuting Attorney



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 14, 2010

Ordinance 17008

Proposed No. 2010-0507.3

Sponsors Ferguson

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

8 PREAMBLE:

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

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

18 In May 2010, the council adopted Ordinance 16838, providing a policy
19 framework to make county data available on a single website to allow for

20 the development of web or mobile applications. The legislation
21 encourages innovation, entrepreneurship and job development, and
22 increases public access to government information.

23 In July 2010, the council adopted Ordinance 16897, which approved and
24 adopted the King County strategic plan, which includes priorities to make
25 government more accountable and accessible, with a culture of service
26 excellence and public engagement.

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

36 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

40 A. "County agency" means (~~(any office, division or department of the county~~
41 ~~assessor, the office of the prosecuting attorney, the office of economic and financial~~
42 ~~analysis or the executive, legislative or judicial branches))):~~

- 43 1. The executive branch;
- 44 2. The legislative branch;
- 45 3. The superior court;
- 46 4. The district court;
- 47 5. The department of public safety;
- 48 6. The department of assessments;
- 49 7. The office of the prosecuting attorney;
- 50 8. The department of elections;
- 51 9. The forecast council and office of economic and financial analysis;
- 52 10. The board of appeals; and
- 53 11. The personnel board.

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

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

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

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

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

- 67 1. ~~((i))~~ Is efficient and economical;
- 68 2. ~~((p))~~ Promotes open government and an informed citizenry;
- 69 3. ~~((p))~~ Protects individual privacy; and
- 70 4. ~~((m))~~ Meets county record retention and disposition standards.

71 B. A public records committee is hereby established. The public records
72 committee shall advise the council and the executive on county public records policies,
73 including both paper and electronic records. These policies must include policies for
74 posting records on county web sites. The public records committee shall also provide
75 guidance on the planning and implementation of a countywide records storage
76 management plan and a countywide electronic records management system.

77 C. The manager of the records and licensing services division shall be the chair
78 of the public records committee. The public records committee shall involve a broad
79 membership of county departments and elected agencies, including at a minimum the
80 following:

- 81 1. The council;
- 82 2. The prosecuting attorney's office;
- 83 3. The sheriff's office;
- 84 4. The assessor's office;
- 85 5. The department of elections;
- 86 6. Office of management and budget;
- 87 ~~((6-))~~ 7. The office of information resource management;

- 88 ~~((7.))~~ 8. The department of executive services's public disclosure officer;
- 89 ~~((8.))~~ 9. The department of executive services's chief of information security
- 90 and privacy officer; and
- 91 ~~((9.))~~ 10. The department of executive services and other departments.

92 ~~((D. The executive shall submit to the council for approval by motion by March~~

93 ~~1, 2007, a document detailing the vision, guiding principles, goals, and governance and~~

94 ~~management structure of the public records committee.))~~

95 SECTION 3. Ordinance 12550, Section 3, and K.C.C. 2.14.030 are each hereby

96 amended to read as follows:

97 King County is committed to balancing the promotion of public access to

98 information with the privacy rights of its citizens by adhering to the following guidelines:

99 A. Collection of personal data shall be lawful, fair, and to the extent possible with

100 the knowledge and consent of the individual~~((:))~~;

101 B. Agencies shall establish procedures to ensure that data is accurate, complete,

102 current and relevant to the agency's mandated functions~~((:))~~;

103 C. When data can only be collected with the consent of the individual, the

104 purpose for the data shall be stated upon collection. Personal data should not be used by

105 the county for any purpose not stated upon collection without the consent of the data

106 subject or by the positive authorization of law. This is not intended to limit collection of

107 personal data for purposes of investigative agencies or other functions which collect non-

108 disclosable information according to chapter 42.56 RCW ~~((42.17.310))~~ or any other

109 federal, state, local statute, rule or regulation~~((:))~~;

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

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

113 F. The executive shall submit a report by October 1~~((st))~~ of every year ~~((to the~~
114 ~~council that lists))~~filed in the form of a paper original and an electronic copy to the clerk
115 of the council, who shall retain the original and provide an electronic copy to all
116 councilmembers and committee coordinator for the government and accountability
117 committee or its successor. The report shall list by category new and existing personal
118 data collected by county agencies, a description of the uses of this personal data and its
119 public disclosure status.

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

122 Charges assessed of either commercial or public users for paper copies of
123 information maintained in electronic shall be set in accordance with chapter 42.56 RCW
124 42.17 and ((county ordinance)) K.C.C. 2.12.280. Fees for development, maintenance,
125 staff time or any other costs necessary to respond to customized or special service
126 requests may be included in the charges for such requests. Funding to meet the costs of
127 providing electronic access, including the building of the necessary information systems,
128 developing the ability to mask non~~((-))~~disclosable information and maintenance and
129 upgrade of systems should come primarily from local appropriations, grants, private
130 funds, cooperative ventures among governments, non~~((-))~~exclusive licensing and
131 ~~((public/private))~~ partnerships between government agencies and private entities.

132 SECTION 5. A. The executive shall appoint a social media advisory group
133 consisting of four members of the public records committee, established in K.C.C.

134 2.14.020, and representatives from the office of information resource management, the
135 executive's communications office, the office of risk management and the prosecuting
136 attorney's office, and not-for-profit organizations such as Knowledge As Power and
137 experts in social media. The social media advisory group shall create a document, titled
138 Social Media Policy Options Report, that provides options for the effective use of social
139 media by King County. The Social Media Policy Options Report shall contain:

140 1. Policy options for how to effectively use social media to communicate to the
141 public;

142 2. A brief training module available on-line that offers guidance and training to
143 those employees authorized to use social media on behalf of King County;

144 3. A summary of risk management, personnel records, ethical conduct, legal and
145 other issues;

146 4. A description of existing policies and laws that the county's use of social
147 media must comply with;

148 5. Options for the most cost effective ways to address the public records
149 retention requirements for social media; and

150 6. Additional recommendations the committee deems important.

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

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

158 A. King County is committed to using social media technologies in a manner
159 that:

- 160 1. Is efficient and economical;
- 161 2. Promotes open government and an informed citizenry;
- 162 3. Protects individual privacy; and
- 163 4. Meets county record retention and disposition standards developed for social
164 media.

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

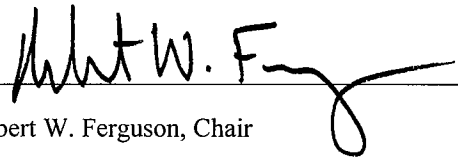
- 168 1. Identify those personnel that are authorized to use social media to conduct
169 county business; and
- 170 2. Ensure that all such authorized users receive the training described in Section
171 5.A. of this ordinance.

172 SECTION 7. This ordinance should not be interpreted as a requirement that
173 agencies use social media.
174

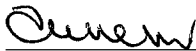
Ordinance 17008 was introduced on 9/13/2010 and passed as amended by the
Metropolitan King County Council on 12/13/2010, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.
McDermott
No: 0
Excused: 0

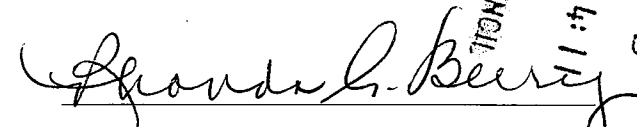
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Robert W. Ferguson, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 21st day of December, 2010.


for Dow Constantine, County Executive


RECEIVED
2010 DEC 22 PM 4:11
KING COUNTY COUNCIL
CLERK

Attachments: None



King County
Administrative Policies and Procedures

Executive Policies

Title Policy: Social Media Policy	Document Code No. INF 10-3 (AEP)
Department/Issuing Agency Department of Executive Services	Effective Date: December 6, 2010
Approved 	

1.0 SUBJECT TITLE: Social Media Policy

- 1.1 Effective Date: December 6, 2010
- 1.2 Type of Action: New
- 1.3 Key Words: Interactive Web Communications, Social Media

2.0 PURPOSE: To establish standards, responsibilities and authorized use of King County Executive Branch social media. These standards ensure that county communications using social media tools are compliant with existing effective policies and legal requirements.

3.0 ORGANIZATIONS AFFECTED: The authority of this policy extends to all offices and employees of the Executive Branch of King County government. It is intended to serve as a model policy for use by other independently elected officials and their organizations.

4.0 REFERENCES:

- 4.1 RCW 40.14 -Preservation and Destruction of Public Records
- 4.2 RCW 42.56 -Public Records Act
- 4.3 King County Code, Chapter 2.12
- 4.4 King County Code of Ethics, Chapter 3.04
- 4.5 INF-17-2-3 (AEP) Public Records Act Procedures
- 4.6 Acceptable Use of Information Assets Policy
- 4.7 Enterprise Information Security Policy

5.0 DEFINITIONS:

- 5.1 “Authorized Agent” means any King County employee who been authorized by their elected official or the King County Director of Communications to post content on behalf of their agency or department to social media websites.
- 5.2 “Chief Information Officer (CIO)” means Executive Branch Senior Technology Manager.
- 5.3 “Director of Communications” means Director of Communications for the King County Executive.
- 5.4 “Social Media” means online technologies, tools and practices that people use to share opinions, insights, experiences, and perspectives. Social media can take many different forms, including text, images, audio, and video. These sites typically use technologies such as blogs, message boards, podcasts, wikis, and blogs to allow users to interact.
- 5.5 “Web Master” and “Web Team” means Central Information Technology and Communications staff responsible for the overall direction of kingcounty.gov and enterprise web pages.

6.0 POLICIES:

- 6.1 Any and all use of social media sites and tools for official King County business must conform to applicable federal, state and local law and King County policies and procedures.
- 6.2 The Director of Communications or designee will approve all social media projects and plans (see 7.2). Only authorized agents are authorized to conduct official King County business using social media sites and tools.
- 6.3 Authorized agents will provide the King County Web Team user names and passwords associated with approved social media activity.
- 6.4 The use of social media sites and tools in the conduct of official King County business will be limited to the list of approved sites and tools developed by the Chief Information Officer or designee and maintained by the Web Team.
- 6.5 Authorized agents will comply with the Social Media Handbook established by the IT governance structure and King County Public Information Officers.

7.0 PROCEDURES

Action By: Director of Communications

Action:

- 7.1 Evaluate requests for social media usage.
- 7.2 Review and approve all Social Media projects and plans.
- 7.3 Approve list of approved authorized agents, which is to be provided by the King County Web Team and updated quarterly.

Action By: The Chief Information Officer (CIOP) **Page 56**

Action:

- 7.4 Identify and approve all social media tools/web sites available for authorized use.
- 7.5 Work with King County Web Team to ensure that a list of approved social media tools/sites is maintained.

Action By: King County Web Team

Action:

- 7.6 Maintain a list of all approved social media tools and web sites.
- 7.7 Develop and maintain a handbook of social media best practices.
- 7.8 Develop and maintain a website that lists all authorized county social media activity.
- 7.9 Maintain a list of social media domains, active account logins and passwords.
- 7.10 Ensure that password security is maintained if the authorized agent is removed as an administrator.

Action By: Organization Management

Action:

- 7.11 Ensure that all employees are made aware of this policy.
- 7.12 Submit plans for approval if and when a department or agency wants to engage with social media on behalf of the county.
- 7.13 Take immediate steps to address any unauthorized use of social media tools and web sites.
- 7.14 Inform the Chief Information Officer and the Director of Communications when unauthorized individuals use social media on behalf of King County.

8.0 RESPONSIBILITIES:

8.1 The Director of Communications will:

Coordinate a process for reviewing all social media projects/plans and for reviewing, approving, and maintaining a list of authorized agents, which will include their user names and passwords in use for the conduct of official King County business.

8.2 The Chief Information Officer (CIO) will:

Provide expert review and authorization of social media tools/web sites prior to their use in the conduct of official King County business.

8.3 The King County Web Team will:

Ensure that there is clear direction to authorized agents about their responsibilities, social media best practices, and authorized social media tools and websites.

8.4 Organization Management will:

Ensure that employees are aware of this policy and related policies and take appropriate steps to enforce compliance.

8.5 Authorized Agents will:

Comply with the Social Media Communications Handbook and ensure that records created for social media in the conduct of official King County business are retained in accordance with established record retention schedules.

9.0 APPENDICES:

9.1 Social Media Communications Handbook

Social Media Guidelines: King County#

1

1. PURPOSE

The role of technology in the 21st century workplace is constantly expanding and now includes social media communication tools that facilitate interactive information sharing and collaboration. Many of these websites and tools have large, loyal user bases and are, thus, increasingly important outreach and communication tools for government entities from the federal to the local level.

Social networking can improve interactivity between government agencies and the public, and often reaches new and different populations from traditional media.

King County agencies should have communication plans that include social media strategies. In doing so, however, county agencies should take care to choose a combination of traditional methods and social media that provide tools that distribute information across multiple outlets to the broadest audience.

All agency communication tools should be used in ways that provide clear communication, maximize transparency, maintain the security of the county network, and are appropriately professional. Social media is no exception. Therefore, the application of social media within King County agencies must be done thoughtfully and in a manner that will minimize risk. Social media users should be aware that these types of communications are considered public records and must be kept for a certain period of time in compliance with the public records law.

These guidelines are intended to ensure that agency-sponsored social networking sites are secure, appropriately used, and managed through best practices for the use of social media in King County government. This policy is designed to protect employees and ensure consistency across agencies when incorporating social media into their mission.

2. DEFINITIONS

- 2.1 Social Media: describes the online technologies, tools and practices that people use to share opinions, insights, experiences, and perspectives. Social media can take many different forms, including text, images, audio, and video. These sites typically use technologies such as webistes, blogs, message boards, podcasts, wikis, and video logs to allow users to interact.
- 2.2 Web Master and Web Team: Central Information Technology and Communications staff responsible for the overall direction of kingcounty.gov and enterprise web pages.
- 2.3 Chief Information Officer (CIO): Executive Branch Senior Technology Manager.
- 2.4 Communications Director: Director of Communications Director for the King County Executive.
- 2.5 Authorized Agent: King County employee who been authorized by their elected official, or department head or the County Communications Director to post content on behalf of their County agency social media websites.

- 2.6 County agency means:
- a) The executive branch;
 - b) The legislative branch;
 - c) The superior court;
 - d) The district court;
 - e) The department of public safety;
 - f) The department of assessments;
 - g) The office of the prosecuting attorney;
 - h) The department of elections;
 - i) The forecast council and office of economic and financial analysis;
 - j) The board of appeals; and
 - k) The personnel board.

3. APPLICABILITY

These guidelines are applicable to county employees or contractors who create or contribute to social networks, blogs, wikis, or any other kind of social media both on and off the www.kingcounty.gov domain for work purposes.

4. IMPLEMENTATION

Every agency needs an adopted communications plan with a clear strategy for how social media fits into this strategy. The Director of Communications for each agency should spearhead this activity and, in doing so, should consider the following questions when determining whether use of social media is appropriate:

- Who is the target audience for social media communications?
- What information is the agency/department attempting to communicate? Which social media tools are the best to distribute this information?
- Who is responsible for managing the different social media tools/accounts? Will this person represent the agency appropriately? Has staff been properly trained in the use of social media? What team of people will back the primary user in the event of vacation, emergency or job transitions? If a consultant's work includes social media outreach, which accounts will be used and who will approve content?
- What are the agency's responsibilities regarding collection and records retention including preservation of social media content? What does the records retention schedule require for these records?

When an agency/department decides to use a form of social media that is deemed beneficial to its mission, it should first establish protocols for using the service. It is important for agency/managers to communicate expectations of appropriate usage for social media within the workplace.

There should be an authorization process for employees wishing to create an account for the benefit of the agency, with the agency/department Director of Communications (or designee) as the authority to oversee and confirm decisions. In this role, the Director of Communications will evaluate all requests for usage, verify staff

Social Media Guidelines: King County#

3

being authorized to use social media tools, and confirm completion of online training for social media. The agency/department Director of Communications will work with communications staff in the King County Executive's Office and shall supply staff in KC IT with applicable passwords per the social media Executive Branch policy.

The agency Director of Communications (or his/her designee) will also be responsible for supplying a list of all social networking application names in use, the names of all employee administrators of these accounts, as well as, the associated user identifications and passwords currently active within their respective agencies to the KCIT Web Team. Should the employee who administers the account be removed as administrator or no longer be employed by the agency, the Department Director of Communications should immediately change all passwords and account information to maintain agency control.

Any agency-related social networking usage implemented prior to the release of this document should be reviewed by the Director of Communications to make sure it is brought into compliance with these guidelines.

In summary, the Director of Communications will:

- Oversee and confirm decisions regarding social media sites including authorization of sites
- Evaluate requests for usage
- Have final authority to edit or remove content within legal constraints per the PRC policy
- Verify staff being authorized to use social media tools
- Maintain a list of social media domains, active account logins and passwords
- Change passwords if employee is removed as administrator in order to maintain agency control
- Ensure social media material is archived including providing a list of all social media urls and contact information

4. ACCEPTABLE USE

All use of social networking sites by county agencies/departments should be consistent with applicable state, federal, and local laws, regulations, and policies including all information technology security policies. This includes: First Amendment rights; acceptable use policies; applicable records retention schedules or policies; procedures, standards, or guidelines used by the Executive Office, Prosecuting Attorney's Office, and OIRM. All usage should be governed by these policies as well as this policy and the one adopted by the PRC.

Personal responsibility:

Be thoughtful about how you present yourself in online social networks, where the lines between public and private, personal and professional are blurred.

Wherever possible, consider the following issues:

- **Confidentiality**- Employees will not post or release proprietary, confidential, sensitive or personally identifiable information or county government intellectual property on social media websites.

Social Media Guidelines: King County#

4

- **De minimis use-** Employees must adhere to the county de minimis use policy governing de minimis use. If you are not certain about the criteria for de minimis use, consult your agency policies or ask an agency supervisor or human resource consultant.
- **Disclaimers-** If employees identify themselves as a county employee on a social networking site, wherever appropriate, use a disclaimer (e.g. “While I work for King County, anything I publish is my personal opinion and not necessarily the opinions or position of King County government.”)
- **Personal vs. professional use-** Employees’ personal social-networking sites should remain personal in nature and should not be used for work-related purposes. Employees should not use their county e-mail account or password in conjunction with a personal social networking account.
- **Ethical obligations-** Some county ethical obligations must be followed at all times, even when employees engage in social media use in their personal capacities. For example, employees must not disclose confidential information acquired by the employee by reason of the employee’s official position. This restriction applies regardless of whether the information is disclosed on a personal or a county social media site.

Personal Use

Employees are allowed to have personal social networking sites. Employees should never use their county email account or password in conjunction with a personal social networking site. During normal business hours, employees may use personal social networking for limited family or personal communications so long as those communications do not interfere with their work and as long as they adhere to existing computer use policies. Should employees discuss their county work on personal social networking accounts or web sites, they should be aware their account may be subject to public disclosure laws, even if produced on personal time and equipment.

Professional Use:

All agency-related communication through social media outlets should remain professional in nature and should always be conducted in accordance with the agency’s communications policy, practices, and expectations. Employees must not use social networking sites for political purposes, to conduct private commercial transactions, or to engage in private business activities. Employees should be mindful that inappropriate usage of social media can be grounds for disciplinary action. If an account is used for business, the entire account, regardless of any personal views, is subject to this policy, including the collection and preservation provisions.

Identity yourself clearly:

When creating social media accounts that require individual identification, county employees should use their actual name, not pseudonyms. However, using actual names can come with some risks. Any employee using his or her name as part of a county agency’s application of social media should be mindful of the following:

- Do not assume privacy. Only post information that you are comfortable disclosing.
- Use different passwords for different accounts (both social media and existing work accounts). Using the same password for all accounts increases the vulnerability of the accounts being compromised.

Ethics:

Employees should be mindful of the King County [Employee Code of Ethics](#). The Code of Ethics applies to social media content and use.

Terms of Service:

Employees should be aware of the Terms of Service (TOS) of the particular form of media. Each form of social media has its own unique TOS that regulate how users interact using that particular form of media. Any employee using a form of social media on behalf of a county agency should consult the most current TOS in order to avoid violations. If the TOS contradict agency policy then the PIO should be made aware and a decision should be made about whether use of such media is appropriate.

5. CONTENT MANAGEMENT

Clear comment policies for users:

Whenever possible, county social media web sites should clearly outline Terms of Use and Comment policies.

Content of Posts and Comments:

Employees using social media to communicate on behalf of a county agency should be mindful that any statements made are on behalf of county government; therefore, employees should use discretion before posting or commenting. Once these comments or posts are made, they can be seen by anyone and usually cannot be deleted. Consequently, communication should include no form of profanity, obscenity, or copyright violations. Likewise, confidential or non-public information should not be shared. Employees should always consider whether it is appropriate to post an opinion, commit oneself or one's agency to a course of action, or discuss areas outside of one's expertise. If there is any question or hesitation regarding the content of a potential comment or post, it is better not to post. There should be great care given to screening any communication made on behalf of the agency using this social media as improper posting and use of social media tools can result in disciplinary action. It is also not appropriate to engage in arguments with members of the public who may be critical of your agency.

6. RECORDS RETENTION

Communication through agency-related social media is considered a public record and will be managed as such. All comments or posts made to County agency account walls or pages are public, not private. This means that both the posts of the employee administrator and any feedback by other employees or non-employees, including citizens, will become part of the public record. Because others might not be aware of the public records law, agencies should include the following statement (or some version of it) somewhere on the social networking Web site:

Representatives of King County government communicate via this Web site. Consequently any communication via this site (whether by a county employee or the general public) may be subject to monitoring and disclosure to third parties.

In the spirit of transparency, account administrators who receive messages through the private message service offered by the social media site should encourage users to contact them at a public e-mail address maintained by their agency. For private messages that account administrators do receive, they should be treated as constituent e-mails and therefore, as public records. Account administrators or another authorized staff member should reply using their county e-mail account.

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Agencies should set all privacy settings to public.

Agencies must assume responsibility for public records and adhere to the schedule set by the Washington State Archives.

7. SECURITY

Agencies should consider how to prevent fraud or unauthorized access to social media sites. In almost every case where an attacker accesses a system without authorization, he/she does so with the intent to cause harm, including:

- Making unofficial posts, tweets or messages that will be seen by the public as official messages.
- Encouraging users to either click links or download unwanted applications that the attacker has added to the site.
- Accessing, compromising or disabling a county system.
- Redirecting users to sites that look like a state site but are used to gather data that could be used for unauthorized purposes (i.e. phishing).
- Using a compromised site to spread malware.
- Acquiring confidential information about state employees or citizens (i.e. social engineering).

Use best practices to mitigate security risks

Security related to social media is fundamentally a behavioral issue, not typically a technology issue. In general, employees unwittingly providing information to third parties pose a risk to the state network. Employees need to be aware of current and emerging threats that they may face using social media website and how to avoid falling prey. If agencies participate in social networking, agencies should:

- Use a separate user IDs and password to access social networking sites.
- Never duplicate user IDs and passwords across multiple social networking sites.
- Never use your King County network login and password for a social media web site
- Train users about what information to share, with whom they can share it, and what not to share.
- Educate users about security awareness and risks when using social media.
- Help employees set appropriate privacy settings for social networking websites.
- Update current Acceptable Use Policies to cover user behavior for new media technologies. User behavior includes personal use of government equipment, de minimis use, and professional use of internal facing, public facing, and external resources.
- Consider disaster recovery requirements in the event that your agency hosts your own social media services. Work with your agency's IT department to establish clear recovery time objectives.
- Regularly apply Microsoft patches.
- Review (and apply as appropriate) patches for Firefox, Adobe and Java as these softwares are common paths for security vulnerabilities.

8. TOOLS AND SOFTWARE

Social media tools and trends change rapidly and King County Information technology will work to keep up with recent trends. All new social media tools will be approved by the King County CIO and the Executive's Director of Communications.

- The OIRM Web Team will maintain a list of currently supported social media web sites and tools
- The OIRM Web Team will provide training materials and workshops on currently supported tools
- The OIRM Web Team will offer advice on measuring effectiveness of social media tools
- Agencies are responsible for maintaining their own public records surrounding social media
- Branding standards will be established by the Executive's Director of Communications

9. REFERENCES

Special thanks to Washington State Governors office for their Social Media Guidelines from which much of this document was modeled.

Federal & Private Entities

- [CIO Council's Guidelines for Secure Use of Social Media by Federal Departments and Agencies](#)
- [General Services Administration Social Media Handbook](#)
- [General Services Administration Social Media Policy](#)
- [IBM Social Computing Guidelines](#)

City, State and Local

- [Best Practices for Social Media Usage in North Carolina](#)
- [City of Seattle Social Media Use Policy](#)
- [City of Seattle City Council](#)
- [Massachusetts Governor's Office Social Media Usage and Policies](#)
- [New York State Social Media Policy](#)
- [State of Oregon Social Networking Guide](#)
- [State of Utah Social Media Guidelines](#)
- [Washington State Attorney General's Office Blog Comment and Use Policy](#)
- [Washington State Department of Ecology Blog Commenting Policy](#)
- [Washington State Department of Licensing Blog Use Policy](#)
- [Washington State Department of Information Services Posting to Social Networking Sites](#)
- [Washington State Department of Transportation Comment Policy](#)
- [Washington State Labor and Industries Social Media Policy](#)
- [Washington State Secretary of State Blog Use Policy](#)
- [Washington State Secretary of State Blogs, Wikis, Facebook, Twitter & Managing Public Records](#)



STATE OF WASHINGTON

GUIDELINES AND BEST PRACTICES FOR SOCIAL MEDIA USE IN WASHINGTON STATE

**OFFICE OF THE GOVERNOR IN COORDINATION WITH
MULTIPLE STATE AGENCIES AND CONTRIBUTORS**

**OFFICE OF THE GOVERNOR
NOVEMBER 2010**

To accommodate persons with disabilities, this document is available in alternative formats and can be obtained by contacting the Office of the Governor at 360-902-4111.

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1. Introduction

The Office of the Governor and numerous state agency representatives contributed to these guidelines to assist agencies currently using social media and to encourage social media use to engage Washington state citizens. Given the evolving nature of social media, agency guidelines and policies related to social media should be reviewed and updated periodically as technologies or law develop. Staff should be trained accordingly.

Attribution

These guidelines are based on the shared experiences of other states and other state agencies, industry best practices and social media research. See [References](#).

2. Purpose

Social media offers Washington state government the opportunity to interact with the public and employees in new, exciting ways that facilitate transparency, interactivity and collaboration. These tools engage populations differently than traditional media and enhance existing communication strategies.

The Office of the Governor encourages the use of social media to advance the goals of the state and the missions of its agencies. The decision to use social media technologies is a business decision, not a technology-based decision. It is incumbent upon each agency to weight its mission, objectives, capabilities, risks and potential benefits when considering use of specific social media tools.

The purpose of this document is to provide guidelines for social media use in Washington state. State agencies may use these guidelines as a component of agency policy and procedure development. *These guidelines will evolve as new technologies and social networking tools emerge.*

3. Definitions

For purposes of these guidelines, the following definitions apply:

Comment: A response to an article or social media content submitted by a commenter.

Social networking or social media: Interaction with external websites or services based on participant contributions to the content. Types of social media include blogs, micro blogs, social and professional networks, video or photo sharing, and social bookmarking. Examples of social media sites are *YouTube, Facebook, Flickr, Twitter, WordPress, MySpace, RSS, Second Life, LinkedIn, Delicious*, etc.

Terms of Service or Terms of Use are often used interchangeably to refer to the terms that govern the use of a given website. For purposes of consistency, we use Terms of Service when referencing third-party social media application providers' terms.

4. Applicability

These guidelines are applicable to state employees or contractors who create or contribute to social networks, blogs, wikis, or any other kind of social media both on and off the wa.gov domain for work purposes.

5. Implementation

Agencies should consider how to establish and maintain approved social media presences.

How and when to use social media sites

Washington state agencies should use social media to enhance communications with the public and stakeholder organizations in support of agency goals and objectives. Social media facilitates further discussion of state issues, operations and services by providing the public and state employees with an opportunity to participate using the Internet. Consider the following when implementing a new social media tool (this is not a comprehensive list):

- Develop good principles of communication planning
 - What communications goals or objectives are you seeking to achieve?
 - Who are your audiences? Do they use these tools?
 - Which tool best achieves your goals?
 - How will you manage public records retention and public disclosure requirements?
 - How does your agency feel about social media?
 - Will you be distributing any sensitive, confidential or personal information?
 - Is the information accessible to agency customers? Consider [Section 508](#) of the federal Rehabilitation Act when you select a social media tool.
- Consider agency participation on social media websites. Will participation:
 - Create a reputational risk to personnel, the agency or the state?
 - Affect employee productivity?
 - Affect network bandwidth requirements?
 - Create security risks?
 - Create an access issue if your agency employees cannot access social media websites?
- Determine your level of participation in social media networks
 - Will you engage only in defensive tactics (responding to comments posted online, etc.)?
 - Will you consistently monitor your social media reputation?
 - How will you respond?
 - Where will you draw the line on responding?
 - Who will be authorized to respond?
 - Will you respond to comments?
 - Will you respond only to original content?
- Establish a social media presence (e.g., blog, *FaceBook* page, video, *Twitter*)
 - Who will update these pages?
 - Are you prepared to provide regular content?
 - Are you prepared for the interactivity social media requires (e.g. criticism, increased constituent contact, public records requests via social media?)

- Who will monitor comments?
- What's the approval process for using a social media tool in your organization?

Learn more about creating a good foundation for social media in your agency. [See Appendix A.](#)

Create an agency social media policy

Create a broad social media or tool-specific social media policy by using your agency's existing process for policy development and engage staff who include:

- Public affairs or communications team, including the communications director
- Information technology
- Risk management
- Public disclosure and records retention
- Contracts administration
- Assistant attorney general

Don't recreate the wheel! Use existing policies (see [References](#)) to build your policy.

Create a process in your agency to handle internal requests to set-up social media

Here are elements that should be included in a request to use social media:

- The proposed social networking platform and tools it seeks to use.
- A business case for using the new social media tool—audience, purpose, interactivity policy, etc.
- Authorized users and procedures for use. Social media tools should be administered by the state agency public affairs team or designee. Designees can be any department employee designated by the requesting department head that has a complete understanding of these guidelines, relevant agency policies and has appropriate content and technical experience. Consider writing guidelines for authorized users of social media tools.
- A risk assessment. The risk assessment should include, at a minimum, the analysis of the risks (including risk mitigation strategies) involved in providing users access to social media websites including:
 - Employee productivity
 - Network bandwidth requirements and impacts
 - Reputational risk to personnel, the agency and the state
 - Potential avenue for exposure or leakage of sensitive or protected information such as copyrighted material, intellectual property, personally identifying information, etc.
 - Potential avenue for malware introduction into the organization's IT environment

Authorize requests

Requests should be approved by a collaborative social media advisory composed of these representatives of the agency:

- Deputy director
- Public affairs or communications team, including the communications director
- Information technology director

- Risk management officer
- Public disclosure and records retention officer
- Contracts administration officer
- Assistant attorney general

This committee should meet as needed to review agency requests for social media use. [See an example of a social media advisory committee.](#)

Essential elements

Once implemented (and where possible), state agency social media sites should consider including the following elements:

- An introductory statement that specifies the purpose and scope of the social network site.
- Links to the official state agency Internet site for forms, documents and other information.
- Policies for the use of the tool including:
 - **Comment and moderation-** To allow moderation of comments without running afoul of the First Amendment, consider creating a comment and moderation policy. See examples in the [References](#) section.
 - **Distribution-** Use language such as “Anything you read here may be distributed or reproduced. We ask that you attribute the information to <state agency blog>, as appropriate. Information from external news sources or websites that you access from this site may be subject to copyright and licensing restrictions (or laws), and you should check directly with sources before distributing such content.”
 - **Linking-** Use language such as “When you select a link to an outside website, you are leaving the <state agency social media tool> and are subject to the privacy and security policies of the owners/sponsors of that site. The state agency is not responsible for transmissions users receive from external websites.”
 - **Disclaimer of endorsement-** Whether ads appear on social media websites may be beyond an agency’s control. Accordingly, a statement along the following lines should be included: “Reference to any specific commercial products, processes or services, or the use of any trade, firm or corporation name does not constitute endorsement or recommendation by the Washington state, the state agency or its employees.”

6. Privacy

State agencies should review the privacy policy of social media sites to determine if it is consistent with federal and state privacy obligations. In addition, review should be made of policy on data stewardship. Attention should be paid to the privacy policy to determine implications on end users, including but not limited to whether the policy:

- Permits companies to track users of government websites for advertising purposes.
- Allows access/disclosure of user information, including usage history.
- Allows for selling user-provided information.
- Allows for recording information about site usage.

- Allows for opting out of any data collection processes.
- States where the data will be physically maintained.

If the agency is uses persistent cookies¹ on its own site, the agency should review that decision with its assistant attorney general to assure that agency behavior is consistent with its privacy policy.

7. Acceptable Use

State agencies, departments and employees using social media are generally subject to all appropriate agency and state policies and standards, including but not limited to:

- Applicable state, federal, and local laws, regulations and policies, including all information technology security policies
- Agency and statewide acceptable use policies
- Agency and statewide ethics laws, rules and policies
- Agency linking policies (e.g. linking to external websites from an agency website and establishing a link from an external website to an agency website)
- [Public Records Act](#) and e-discovery laws and policies (requiring content to be managed, stored and retrieved)
- Applicable records-retention laws and schedules
- Applicable policies, procedures, standards or guidelines of the [Information Services Board Web Presentation and Accessibility Standards](#)

Any exceptions must be approved by the agency director and are subject to review by the agency chief technology/information officer.

Employment Considerations

Pre-Employment

As employers, agencies should take account of the following points/concerns.

- Establish a written policy before using social media resources in hiring or recruiting. At a minimum, the policy should address the considerations below, including employment considerations and employer use of social media for human resources purposes.
- Consider the risks in depending on information gathered from social media sources in screening, conducting background checks or making hiring or other employment decisions such as promotions, transfers, or layoffs.
- Consider whether to use social media resources for pre-employment human resource purposes.
- If an employer decides to use social media as a screening tool in hiring or other employment decisions, the employer should:

¹ At this time, federal government agencies are forbidden from using persistent cookies in most cases on federal websites. Washington state has not adopted a formal position with respect to persistent cookie deployment on state websites. Third-party commercial websites are likely to have persistent cookies or other mechanisms for tracking consumer behavior.

- Be able to identify and document the legitimate non-discriminatory reasons or bona fide occupational requirement related to the use of the screening information for hiring or other employment decisions.
- Be skeptical of information that is discovered and investigate further if necessary.
- Be aware of generational diversity and different communication styles in the employee population as information is assessed that is deemed job-related.
- Recognize that this is a new and developing area of the law. Accordingly, it is recommended employers proceed thoughtfully and work closely with their assigned assistant attorney general.

If an agency uses social media websites to investigate backgrounds of candidates for employment or other employment decisions, such screening should apply to [choose one]:

- All candidates for employment [or]
- Candidates for employment only under the following conditions: [Specify the circumstances, for example for certain positions.]

Any use of social media for pre-employment screening will be performed based on procedures established by or through established guidelines. In reviewing information derived from social media sites, agencies:

- Will consider only information that is job-related. Some information shared on social media sites will reveal information such as religious views, marital status or other protected categories or status under the law against discrimination. This information should have no bearing on employment decisions.
- Not permit staff to “friend” candidates to gain access to non-public social media sites.

Agencies should:

- Establish a written policy governing pre-employment screening or investigations.
- Establish a list of specific sites to be checked; and not review sites on an ad hoc basis.
- Obtain a candidate’s written permission to review social media sites prior to any review and establish a policy regarding the impact if the candidate declines to consent to a review of social media sites.
- Identify appropriate human resources staff to review social media sites, filter out any information that is not job-related, and provide a summary for decision makers (staff conducting reviews should not be involved in making hiring or other employment decisions).
- Establish a procedure for independent verification of any significant results on social media sites or public websites.
- Make a record of relevant information found on social networking sites, such as by capturing a screen shot of a social networking web page, only under the following circumstances: [Specify the circumstances, for example, staff has located information believed to bear on candidates’ fitness or qualifications for a specific position].

Agencies are encouraged to consult with their assigned assistant attorney general within the [Attorney General’s Labor and Personnel Division](#) before using social media to conduct pre-employment background checks.

Post-Employment

Agencies should establish a policy on social media use before acting upon social media issues in the employment context. An agency may choose to address the use of social media in several ways, including:

- Blocking access to social media sites at work for some or all employees.
- Permitting social media to be used in the workplace for defined business purposes only.
- Permitting social media to be used in the workplace for defined business purposes and, consistent with state ethics law, for de minimis personal use.

Agency policies allowing use of social media for professional networking as a business purpose, or allowing de minimis personal use of social media, do not automatically insulate an employee from an ethics violation finding by the Executive Ethics Board. Employers are strongly encouraged to request the Executive Ethics Board to review policies that address employee use of social media, as provided in [RCW 42.52.360\(5\)](#).

Employers should consider laws, policies or legal doctrines that may be implicated in employee use of social media in and beyond the workplace, including but not limited to:

- State and federal anti-discrimination and anti-retaliation laws;
- Privacy protections and circumstances where an individual does or does not have a legitimate expectation of privacy;
- [Stored Communications Act](#) (prohibits unauthorized access of stored communications including social media posts, email and voicemail);
- State [whistleblower laws](#); and,
- Laws or agency policies related to off-duty conduct.

Employers should also be aware that any new social media policies may affect the terms or working conditions of employees. As such, some of the topics within the policy may be a mandatory subject for bargaining. It is recommended that agencies contact their assigned assistant attorney general with the [Attorney General's Labor and Personnel Division](#) for guidance.

All supervisors and human resource professionals should be trained on the appropriate use of social media. The policy should be revisited frequently because the use of social media continues to evolve at a rapid pace.

Personal responsibility

Be thoughtful about how you present yourself in online social networks, where the lines between public and private, personal and professional are blurred.

Wherever possible, consider the following issues:

- **Confidentiality**- Employees will not post or release proprietary, confidential, sensitive or personally identifiable information or state government intellectual property on social media websites. [Learn more about Information Services Board Information Technology Security Standards.](#)

- **De minimis use-** Employees must adhere to their agency de minimis use policy and the state ethics laws governing de minimis use. If you are not certain about the criteria for de minimis use, consult your agency policies or ask an agency supervisor or human resource consultant.
- **Disclaimers-** If employees identify themselves as a state employee on a social networking site, wherever appropriate, use a disclaimer (e.g. “While I work for a state agency, anything I publish is my personal opinion and not necessarily the opinions or position of my agency or state.”)
- **Personal vs. professional use-** Employees’ personal social-networking sites should remain personal in nature and should not be used for work-related purposes. Employees should not use their state e-mail account or password in conjunction with a personal social networking account.
- **Use of state resources-** Employees may not use state-owned resources (computer, network, cell phone, etc.) to access social networking websites unless authorized to do so for official use. Employees must not use any state resources to access social networking sites for political purposes, to conduct private commercial transactions, or to engage in private business activities. Please refer to [WAC 292-110-010](#).
- **Ethical obligations-** Some state ethical obligations must be followed at all times, even when employees engage in social media use in their personal capacities. For example, employees must not disclose confidential information acquired by the employee by reason of the employee's official position. See [RCW 42.52.050](#). This restriction applies regardless of whether the information is disclosed on a personal or a state social media site.

Professional use

All agency-related communication through social media outlets should remain professional in nature and should be conducted in accordance with the agency’s stated communications policy, practices and expectations. Employees are expected to use good judgment and take personal and professional responsibility for any content they publish via social media. Refer to [Appendix B: User Best Practices](#) for more information.

Wherever possible, state agencies, departments and employees must consider at least the following:

- **Authorization-** Employees should not participate on social media websites or other online forums on behalf of an agency unless authorized by the agency head or the agency’s communication director or designee. Users may not speak on behalf of the state unless specifically authorized by the Office of the Governor.
- **Confidentiality-** Employees will not post or release proprietary, confidential, sensitive or personally identifiable information or state government intellectual property on social media websites. These guidelines should not be interpreted to prohibit protected communications, such as attorney-client communications. However, social networking or social media would not, in general, be an appropriate forum for confidential communications. Learn more about [Information Services Board Information Technology Security Standards](#).
- **Disciplinary action-** For purposes of considering disciplinary action, agencies can treat acts or omissions occurring in the context of social media in the same manner as any other employee act or omission. Failure to abide by policies established for use of social media may result in the loss

of any social networking privileges. As with any policy, violation may also result in disciplinary action, up to and including dismissal.

- **Ethics-** Before an agency posts a website hyperlink to a social networking site, the communications director or delegate should evaluate the likelihood that the proposed website link will post political materials.²
 - In the case of non-political organizations or sites that do not have a history of political advocacy, the communications director or delegate should verify the content and establish a reporting mechanism that encourages the agency's website users to notify the agency if political materials are being posted or linked therein.
 - In the case of organizations or sites known to support or oppose candidates for public office, or to advocate for or against ballot initiatives or referenda, the communications director or delegate should establish links to or from the agency's websites if there is no political advocacy on the linked web page or if the agency holds a written agreement that the organization or site will not place political advocacy on the linked web page without notifying the agency.
- **Identify yourself clearly-** When creating social media accounts that require individual identification, authorized users speaking on behalf of the agency should identify themselves, if possible, by: 1) full name; 2) title; 3) agency; and 4) contact information, when posting or exchanging information on social media forums.
- **Privacy-** Employees should have no expectation of privacy in information stored on state computers or devices. Furthermore, there should be no expectation of privacy when employee conduct concerns the agency or its clients.
- **Permitted use-** Staff may use social networking only for approved business purposes, including professional networking, to support their agency's mission provided they follow their agency's state resource use policy. Use of social networking for personal purposes is not permitted on agency equipment.

Refer to [Appendix C](#) for social media tool tips.

8. Terms of Service

Typically a Terms of Service (TOS) is associated with the use of third-party social media tools. Each tool usually has its own unique TOS that regulates how users employ the tool. In order to avoid violations, any employee implementing social media on behalf of a state agency should consult the most current TOS and review it with the agency's assistant attorney general. If the TOS contradicts agency policy, the communication director should be made aware of it and a decision should be made about whether use of such media is appropriate.

Wherever possible, state agencies, departments and employees must consider at least the following:

² Adapted from [Washington State Department of Information Services Posting to Social Networking Sites](#) policy.

- Who is authorized to open a “free” account with a third-party provider, which entails agreeing to TOS (executing a contract via “click through” agreement)
- Who will read a TOS, prior to entering such agreements, to determine whether the TOS contains:
 - Terms that are problems for the agency or that are “deal breakers”
 - Terms that are a good fit for the intended purpose
 - Provisions that require the agency to monitor use
 - Benefits of the platform that outweigh the risks
- Who will monitor provider’s site for unilateral amendments to TOS
- Who will determine how amendments will be addressed

9. Manage content legally

It is critical that agencies comply with laws governing copyright. Agencies must also respect individual privacy rights. When posting materials, agencies should:

- Obtain copyright releases for all material protected by copyright from the creators, or indemnification from the entity for which the material is to be posted.
- Obtain personality right releases or “model releases” for each image (including video) of a person who may have a potential claim to such a right, or indemnification from the entity for which the material is to be posted.

If the agency receives proper notification of possible copyright infringement, it will remove or disable access to the allegedly infringing material and terminate the accounts of repeat infringers.

Use of limited excerpts of a copyrighted work may fall within the “Fair Use” Doctrine which allows certain limited uses of such excerpts without constituting an infringement of copyright. In determining whether use in a particular case is a “fair use,” the factors considered include:

- The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- The nature of the copyrighted work;
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- The effect of the use upon the potential market for or value of the copyrighted work.

Similarly, there are limited exemptions from the requirement to obtain consent before the use of a photograph or video of a person, including where there is “insignificant, de minimis, or incidental use.” See [RCW 63.60.070](#).

10. Security

Agencies should consider how to prevent fraud or unauthorized access to social media sites. In almost every case where an attacker accesses a system without authorization, he/she does so with the intent to cause harm, including:

Mild forms of harm	More serious forms of harm
<ul style="list-style-type: none"> • Making unofficial posts, tweets or messages that will be seen by the public as official messages. • Encouraging users to either click links or download unwanted applications that the attacker has added to the site. 	<ul style="list-style-type: none"> • Accessing, compromising or disabling a state system. • Redirecting users to sites that look like a state site but are used to gather data that could be used for unauthorized purposes (i.e. phishing). • Using a compromised site to spread malware. • Acquiring confidential information about state employees or citizens (i.e. social engineering).

Use best practices to mitigate security risks³

Security related to social media is fundamentally a behavioral issue, not typically a technology issue. In general, employees unwittingly providing information to third parties pose a risk to the state network. Employees need to be aware of current and emerging threats that they may face using social media website and how to avoid falling prey. If agencies participate in social networking, agencies should:

- Use a separate user IDs and password to access social networking sites.
- Never duplicate user IDs and passwords across multiple social networking sites.
- Train users about what information to share, with whom they can share it, and what not to share.
- Educate users about security awareness and risks when using social media.
- Help employees set appropriate privacy settings for social networking websites.
- Develop a social media strategy and policy that addresses security risks and mitigates them to the extent that the agency is comfortable using specific social media tools.
- Update current Acceptable Use Policies to cover user behavior for new media technologies. User behavior includes personal use of government equipment, de minimis use, and professional use of internal facing, public facing, and external resources.
- Consider disaster recovery requirements in the event that your agency hosts your own social media services. Work with your agency's IT department to establish clear recovery time objectives.
- Regularly apply Microsoft patches.
- Review (and apply as appropriate) patches for Firefox, Adobe and Java as these softwares are common paths for security vulnerabilities.

11. Records Retention

Agencies should consider the following regarding the retention of public records of posts to social networking websites:

- The agency recognizes that all content published and received by the agency using social media in connection with the transaction of the agency's public business are public records for the purposes of [Chapter 40.14 RCW \(Preservation and destruction of public records\)](#).

³ Adapted from [Best Practices for Social Media Usage in North Carolina](#)

- The agency remains responsible for capturing electronic copies of its public records made or received using social media, including those records made or received using third-party websites.
- The agency must establish mechanisms/procedures to capture and retain public records made or received using social media.
- Agencies should consider methods for capturing social media public records. In addition to establishing a separate agency email account for social media tools, consider using or developing applications that capture social media records. Some third-party tools include (this is not an exhaustive list):
 - [TwInbox](#)
 - [Tweetake](#)
 - [SocialSafe](#)
 - [Cloudpreservation](#)
- The agency retains social media public records and disposes (destroys or transfers to Washington State Archives) social media public records only in accordance with records retention schedules approved by the State Records Committee under [RCW 40.14.050](#).
- This agency applies records retention schedules to social media public records consistent with the application to non-social-media public records, based on the function and content of the public record. For example, comments received via social media are retained for the same period as they would have been if they had been received by the agency via email or non-electronic means.

For additional information, please refer to the Secretary of State [Blogs, Wikis, Facebook, Twitter & Managing Public Records](#).

12. References

Federal & Private Entities

- [CIO Council's Guidelines for Secure Use of Social Media by Federal Departments and Agencies](#)
- [General Services Administration Social Media Handbook](#)
- [General Services Administration Social Media Policy](#)
- [IBM Social Computing Guidelines](#)

City, State and Local

- [Best Practices for Social Media Usage in North Carolina](#)
- [City of Seattle Social Media Use Policy](#)
- [City of Seattle City Council](#)
- [Massachusetts Governor's Office Social Media Usage and Policies](#)
- [New York State Social Media Policy](#)
- [State of Oregon Social Networking Guide](#)
- [State of Utah Social Media Guidelines](#)
- [Washington State Attorney General's Office Blog Comment and Use Policy](#)
- [Washington State Department of Ecology Blog Commenting Policy](#)
- [Washington State Department of Licensing Blog Use Policy](#)

- [Washington State Department of Information Services Posting to Social Networking Sites](#)
- [Washington State Department of Transportation Comment Policy](#)
- [Washington State Labor and Industries Social Media Policy](#)
- [Washington State Secretary of State Blog Use Policy](#)
- [Washington State Secretary of State Blogs, Wikis, Facebook, Twitter & Managing Public Records](#)

Appendix A: Build a strong social media foundation



Appendix B: User best practices

Social Media is an important way for agencies to interact with the public and state employees. The Office of the Governor encourages the use of social media as it offers opportunities for outreach, information sharing and interaction. These best practices are not rules that must be followed, but general information about the culture of social media and how to be a good citizen of the social media environment.⁴

Be responsible- You are personally responsible for the material you post. Remember, you are speaking on behalf of your agency. Carefully consider content; what you publish will be widely accessible for some time and, in some cases, indefinitely. All statements must be true and not misleading.

Be honest & transparent- Your honesty – or dishonesty – will be quickly noticed in the social media environment. Use your director’s name and photo only if he or she will be the one to post on the site. Otherwise, use your agency and/or division’s name and logo.

Correct errors quickly- If you make a mistake, admit it. Be upfront and quickly provide the correct information. If appropriate, modify an earlier post to make it clear that you have corrected an error.

Be respectful- When disagreeing with others' opinions, keep it appropriate and polite. Do not use defamatory, libelous or damaging innuendo, to include abusive, threatening, offensive, obscene, explicit or racist language. Do not post illegal material.

Be relevant and add value- There is a lot of written content in the social media environment. The best way to get yours read is to write things that people will value. Social communication from agencies should help citizens, partners and co-workers. It should be thought-provoking and should also build a sense of community. If social communication helps people improve knowledge or skills, build their businesses, do their jobs, solve problems, or understand the state better, then social media adds value.

Stick to your area of expertise- Provide unique, individual perspectives on what is going on at your agency, and in other larger contexts. Post meaningful, respectful comments that inform, educate and engage citizens. Do not just repost press releases. Example: An environmental agency might post information they generate regarding endangered species, share information from other sources about natural resources, or comment on another source’s information on carbon footprints, but they wouldn’t post information about licensing foster homes.

Respect proprietary information, content and confidentiality- Always give people proper credit for their work. Make sure you have the right to use material with attribution before publishing. It is a good practice to link to others’ work rather than reproducing it on your site. If posting photos or videos be sure to have all non-agency staff depicted sign a model release.

Respond quickly- When a response is appropriate, reply to comments in a timely manner. If you allow comments, be sure you have enough staff time to review the comments on a regular basis and select a person(s) who is allowed to respond on behalf of the agency. Example: “You are doing a great job

⁴ Adapted from [IBM Social Computing Guidelines](#), [State of Utah Social Media Guidelines](#) and the Washington State Bar Association Social Networking Policy.

Agency X” – does not need a response, but “You are doing a great job Agency X, how can I get involved?” – does need a response.

Be conversational- Talk to your readers like you would talk to a person on the phone. Bring in your own personality to find the voice/tone of your agency. Use plain language and avoid using government jargon or acronyms. Consider content that is open-ended and invites response. Encourage comments. Broaden the conversation by citing others who are commenting about the same topic and allowing your content to be shared or syndicated. When shortening words to save space, utilize commonly used shorthand.

Abide by social networks rules- By joining a particular social network, you agree to abide by that community’s terms of service, so review those terms carefully. Be a good citizen of the social media world and adhere to its unwritten rules of etiquette.

Follow applicable agency policies- Be sure to adhere to your agency’s applicable policies, including Social Media Policy, Internet Use Policy, IT Security Policy, etc.

Don’t forget your day job- You should make sure that your online activities do not interfere with your job or commitments to customers.

Appendix C: Tips for social media tools

Twitter

- Tweets should be less than the 140 allowed characters to allow others to re-tweet without having to remove some of your content
- Use a URL shortener/tracker to save space and count click-throughs
- Follow back those who follow you, except if they have an inappropriate photo or tweets
- Re-tweet others whose content is relevant and may be of interest to your followers
- Thank those who re-tweet your tweets with an at reply (@ reply)
- Use hash tags (#) when appropriate to make your tweets more searchable
- Respond quickly to direct messages (those that aren't spam)

YouTube

- Have a model release for any non-agency staff in the video
- Follow all applicable copyright laws
- Use terms in the title, description and key word sections to make video more searchable
- Allow video to be embedded on other sites to spread video to the widest possible audience

Facebook

- Consider whether a profile or “like” page best meets your agency’s needs
- Be sure to keep an agency or agency director’s official state page separate from an agency director’s personal page
- Allow comments to create two-way conversation
- Post a comment policy to create a limited public forum that allows you to moderate the comments and delete inappropriate content. Consult with your agency’s assigned assistant attorney general on how to accomplish this task.
- Determine if you have the resources to respond to direct messages and who should respond

Wikipedia

- Source all your content or it will be removed by the moderators

Blog

- Be clear about who is posting each post
- Use hyperlinks to link to more information if appropriate
- Allow comments to create a two-way conversation
- Post a comment policy to create a limited public forum that allows you to moderate the comments and delete inappropriate content. Consult with your agency’s assigned assistant attorney general on how to accomplish this task.
- Post regularly

Chapter 2.12
MAINTENANCE OF PERMANENT RECORDS*

Sections:

- 2.12.005 Definitions.
- 2.12.010 Preparation of permanent records of council proceedings.
- 2.12.020 Transfer of council and commissioners records to archives.
- 2.12.035 Archives and records management program - archives as official repository.
- 2.12.040 Records retention and public disclosure manuals.
- 2.12.060 Retention of public records.
- 2.12.070 Budget - fee for copies - electronic copy on website.
- 2.12.080 Code - sale of printed copies - electronic copy on web site.
- 2.12.120 Recording services - fees.
- 2.12.130 Non-statutorily required reports – Fees.
- 2.12.170 Enhanced program for preserving, copying, maintaining and indexing documents - fee.
- 2.12.180 Agency index of records, reports and manuals required.
- 2.12.210 Public records - rules adopted - clarification by agencies - King County as political subdivision
- 2.12.220 Records - authority and purpose.
- 2.12.200 Records - authority and purpose.
- 2.12.230 Public records - public records officer - contact information - requests to each agency - assistance - education and training - minimize interference and disruption.
- 2.12.240 Public Records - availability of public records - hours for inspection - index – organization - requests.
- 2.12.250 Public records - processing requests - general - providing full access - process upon request - notice to affected parties - exempt records - inspection - copies - installments - closing withdrawn or abandoned request - later-discovered documents.
- 2.12.260 Public records - processing electronic records - request - provision - customized access.
- 2.12.270 Public records - exemptions.
- 2.12.280 Public records - fees - payment.
- 2.12.290 Public records - review of denial - petition - process.
- 2.12.300 Public records - performance reports - lawsuit reports.

2.12.005 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A.1. "Agency" means:

- a. the executive branch;
- b. the legislative branch;
- c. the department of public safety;
- d. the department of assessments;
- e. the office of the prosecuting attorney;
- f. the department of elections;
- g. the forecast council and office of economic and financial analysis;
- h. the board of appeals; and
- i. the personnel board.

2. "Agency" does not include the superior court or the district court.

B. "Archival records" means those designated as having continuing historical value by the Washington State Archives or the King County archivist.

C. "County records" means any document, including any paper, correspondence, completed form, bound records book, photograph, film, sound or video recording, map, drawing, machine-readable material or other document, regardless of physical form or characteristics, and including copies thereof, that has been made by or received by any agency of King County in connection with the transaction of public business.

D. "Executive branch" means the executive branch as defined in the county charter, but excluding the department of public safety, the department of assessments and the department of elections.

E. "Legislative branch" means the legislative branch as defined in the county charter and as provided by ordinance, including, but not limited to, the county council and the offices of the county auditor, citizen complaints, the hearing examiner and law enforcement oversight.

F. "Official record" means a public record that an agency is required by law to accept or maintain, including, but not limited to, recorded documents, judgments, licenses, vital statistics and property records.

G. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

H. "Public records officer" means the person appointed by the agency in accordance with K.C.C. 2.12.230.A.. (Ord. 16679 § 1, 2009: Ord. 10698 § 3, 1993).

2.12.010 Preparation of permanent records of council proceedings. The clerk of the council is responsible for the preparation of permanent records of the council proceedings. (Ord. 16679 § 2, 2009: Ord. 695 § 1, 1971).

2.12.020 Transfer of council and commissioners records to archives. All records of the King County council and records of the King County commissioners, including office files and memoranda, shall be transferred to the King County archives for permanent retention in accordance with the applicable records retention schedules. (Ord. 16679 § 3, 2009: Ord. 15971 § 27, 2007: Ord. 10698 § 1, 1993: Ord. 4714 § 1, 1979: Ord. 695 § 2, 1971).

2.12.035 Archives and records management program - archives as official repository.

A. An archives and records management program is hereby established in the records and licensing services division of the department of executive services. The archives and records management program shall be responsible for:

1. Maintaining a facility for storage of inactive and archival records;
2. Establishing standards for records storage media to ensure continued public access to public records during their legal retention period and for preservation of archival records;
3. Maintaining records retention schedules of current records index as set forth in chapter 42.56 RCW. A directory of historical, noncurrent or obsolete records designated archival shall serve as an index to King County administrative history, as provided by chapter 40.14 RCW; and
4. Preserving and providing public access to the archival records of King County.

B. The King County archives is designated as the official repository of the county's archival records. The King County archives may transfer the county's archival records to the Washington state archives for ongoing preservation. (Ord. 16679 § 4, 2009: Ord. 15971 § 28, 2007: Ord. 10698 § 2, 1993).

2.12.040 Records retention and public disclosure manuals. The department of executive services is responsible for maintaining records retention and public disclosure manuals. The manuals shall include each agency's record retention schedules. The manuals shall be made available to the public by electronic means. (Ord. 16679 § 5, 2009: Ord. 12485 § 4, 1996).

2.12.060 Retention of public records. Retention of public records, including official records, shall be in accordance with approved records retention schedules established pursuant to RCW 40.14.070. In accordance with those records retention schedules, the archives and records

management program shall provide for the legal retention and disposition of public records, including identification of archival records. (Ord. 16679 § 7, 2009: Ord. 10698 § 5, 1993: Ord. 3606 § 4, 1978).

2.12.070 Budget - fee for copies - electronic copy on website. Copies of the annual King County budget shall be available from the office of performance, strategy and budget upon payment of five dollars for each copy, which fee shall be paid to the King County treasurer. The county executive shall make available to the public on the county's website, at no charge, an electronic copy of the budget ordinance. (Ord. 16960 § 7, 2010: Ord. 16679 § 8, 2009: Ord. 134 (part), 1969).

2.12.080 Code - sale of printed copies - electronic copy on web site. The records and licensing services division may sell printed copies of the King County Code to subscribers other than county agencies or departments for a fee of three hundred dollars plus an additional charge of fifteen cents per page for quarterly supplements. The clerk of the council shall make available to the public on the county's website at no charge an electronic version of the code, updated at least annually. (Ord. 16679 § 9, 2009: Ord. 15971 § 29, 2007: Ord. 14520 § 2, 2002: Ord. 14199 § 10, 2001: Ord. 5962 § 2, 1982).

2.12.120 Recording services - fees. The manager of the records and licensing services division shall charge such fees for the provision of recording services as are provided for county auditors in chapters 36.18 and 36.22 RCW and RCW 58.24.070. In addition, the following specific fees apply:

A. Record of survey. As authorized under RCW 58.09.100, for land surveys, which shall be eighteen by twenty-four inches or less in size, the fee schedule is:

1. Basic fee for first page \$25.00
2. Each additional page \$5.00

B. For short plats and boundary line adjustments, legal size or smaller, the manager of the records and licensing services division shall charge such fees as are provided for county auditors in chapter 36.18 RCW. For short plats and boundary line adjustments, eighteen by twenty-four inches or less in size, the fee schedule shall be the same as record of survey under subsection A. of this section.

C. The record of monument shall be filed without charge on the standard form prescribed by the state Department of Natural Resources, Bureau of Surveys and Maps.

D. As authorized under RCW 64.34.202, to reserve the right to use a specific name for a condominium, the fee is fifty dollars. (Ord. 16679 § 13, 2009: Ord. 15971 § 30, 2007: Ord. 14764 § 1, 2003: Ord. 14457 § 1, 2002: Ord. 14007 § 2, 2000: Ord. 13331 § 2, 1998: Ord. 9168 § 3, 1989: Ord. 1660 §§ 1-2, 1973).

2.12.130 Non-statutorily required reports – Fees.

A. The purpose of this section is to authorize departments of King County government to assess service fees for reimbursement of actual costs incurred by the county for the research, production and provision of computer print-out pages of requested reports which are not specifically required by statute to be provided.

B. This section shall apply to the provision of non-statutorily required reports to any party other than a King County agency. The cost to any party other than a King County agent shall be the actual unit cost per print-out page or part thereof. This cost shall be based on data maintenance and input, research, and production time.

C. Departments providing non-statutorily required reports shall establish a procedure for collection of these fees.

D. This section shall not apply to infrequent provision of non-statutorily required reports if the collection of service fees is determined by a department to be cost ineffective. (Ord. 8068, 1987).

2.12.170 Enhanced program for preserving, copying, maintaining and indexing documents - fee.

A. There is established within the records and licensing services division an enhanced program for preserving, copying, maintaining and indexing documents officially recorded and filed with the county that require preservation in the public interest against age and environmental degradation before they are irreparably damaged. The program shall take advantage of the latest technology for records preservation to include, but not limited to, photomicrographic and computerized electronic digital storage methods.

B. To support the program, the manager of the records and licensing services division shall collect the fee authorized under RCW 36.22.170 for each document recorded in the recorder's office, which shall be in addition to any other authorized fee or charge. The fee shall be used for only those purposes outlined by state law as amended, that is, to provide for the installation and maintenance of an improved system for copying, preserving and indexing documents recorded in King County and for the preservation of those records deemed archival. (Ord. 16679 § 15, 2009; Ord. 15971 § 32, 2007; Ord. 9168 § 2, 1989).

2.12.180 Agency index of records, reports and manuals required.

A. Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after June 30, 1972:

1. Final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases;

2. Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

3. Administrative staff manuals and instructions to staff that affect a member of the public;

4. Planning policies and goals and interim and final planning decisions;

5. Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies reports or surveys, whether conducted by public employees or others; and

6. Correspondence, and materials referred to in the correspondence either prepared or received by the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, in which the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government or any private party.

B. An agency need not maintain such an index if to do so would be unduly burdensome, but it shall in that event:

1. Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

2. Make available for public inspection and copying all indexes maintained for agency use.

C. An agency's record retention schedule approved in accordance with chapter 40.14 RCW may serve as an index for the purposes of this section. (Ord. 14266 § 6, 2001; Ord. 2165 § 4, 1974. Formerly K.C.C. 2.98.040).

2.12.210 Public records - rules adopted - clarification by agencies - King County as political subdivision.

A. The county adopts the rules on records in K.C.C. 2.12.220, 2.12.230, 2.12.240, 2.12.250, 2.12.260, 2.12.270 and 2.12.280, which are based on chapter 44-14 WAC. However, chapter 44-14 WAC and its comments are not adopted.

B. These rules may also be further clarified and implemented by each agency to the extent that the clarifications do not conflict with state law.

C. King County is a political subdivision of the state of Washington and is a home rule charter county composed of multiple agencies. (Ord. 16679 § 18, 2009).

2.12.220 Public records - authority and purpose.

A. RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. Chapter 42.56 RCW

defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency.

B. The purpose of this chapter is to establish the procedures the county will follow in order to provide full access to public records that are not exempt from disclosure under applicable law. This chapter provides information to persons wishing to request access to public records of the county and establish processes for both requestors and county staff that are designed to best assist members of the public in obtaining such access.

C. The purpose of chapter 42.56 RCW is to provide the public full access to records concerning the conduct of government that are not exempt from disclosure under applicable law, mindful of individuals' privacy rights and the desirability of the efficient administration of government. Chapter 42.56 RCW and this chapter will be interpreted in favor of disclosure. In carrying out its responsibilities under chapter 42.56 RCW, the county will be guided by the provisions of the act describing its purposes and interpretation. (Ord. 16679 § 19, 2009).

2.12.230 Public records - public records officer - contact information - requests to each agency - assistance - education and training - minimize interference and disruption.

A. Each agency shall appoint a public records officer and shall identify the officer in a way reasonably calculated to provide notice to the public, including posting, at the agency's public service counters, if any, and on its website, the officer's name, office address, telephone number, fax number and email address. Each agency shall include on its website home page a link to the web page on which the agency provides this contact information and instructions on how to make a public records request.

B. Any person wishing to request access to public records of an agency, or seeking assistance in making such a request, should contact the public records officer of the agency. A request to one agency does not constitute a request to any other agency. A separate request must be made to each agency from which access to public records is requested or assistance in making such a request is sought.

C. The public records officer, or the public records officer's designee, for each agency shall oversee compliance by the agency with chapter 42.56 RCW. The agency shall:

1. Provide the fullest assistance to requestors;
2. Provide education and training within an agency to ensure that public records are protected from damage or disorganization and are promptly produced for inspection and copying upon request to the extent required by law; and
3. Prevent fulfillment of public records requests from causing excessive interference with essential functions of the agency or unreasonably disrupting the operations of the agency. (Ord. 16679 § 20, 2009).

2.12.240 Public Records - availability of public records - hours for inspection - index - organization - requests.

A. Public records are available for inspection and copying during normal business hours of the agency, or department thereof. Original records must be inspected at the offices of the agency, unless the agency provides an alternative.

B. An index of public records of each agency is available through the archives and records management program established under K.C.C. 2.12.035. The index may be accessed online at the archive and records management program's website.

C.1. An agency shall maintain its records in a reasonably organized manner. An agency should take reasonable actions to protect records from damage and disorganization.

2. A requestor shall not take an agency's records from the agency's offices.

3. A variety of records is available on the county website at www.kingcounty.gov. Requestors are encouraged to view the documents available on the website before submitting a records request.

D.1. A person wishing to inspect or copy public records of an agency is encouraged to make the request in writing on the agency's request form, which shall be created and maintained by the agency's public records officer and made available on the agency's website. The agency request form shall:

- a. recite that inspection of records is free, provide the per-page charge for standard photocopies and indicate that the requestor may inspect the records, receive a copy of the records or inspect the records first and then select records to copy;
 - b. prompt the requestor to provide contact information including name, phone number, mailing address and email address if available;
 - c. prompt the requestor to identify the public records adequately for the public records officer or designee to locate the records; and
 - d. prompt the requestor to provide the date and time of day of the request.
2. If a request is made orally, unless it is promptly fulfilled, the public records officer shall provide written confirmation of the request to the requester.
 3. If the requestor wishes to have copies of the records made instead of simply inspecting them, the requestor should so indicate and make arrangements to pay for copies of the records or a deposit. Charges for copies shall be made in accordance with RCW 42.56.070. (Ord. 16679 § 21, 2009).

2.12.250 Public records - processing requests - general - providing full access - process upon request - notice to affected parties - exempt records - inspection - copies - installments - closing withdrawn or abandoned request - later-discovered documents.

A. Each agency shall provide full access to public records that are not exempt from disclosure under applicable law, protect records from damage or disorganization, prevent excessive interference with other essential functions of the agency, provide fullest assistance to requestors and provide the most-timely possible action on public records requests.

B. The public records officer or designee shall process requests in the order allowing the most requests to be processed in the most efficient manner; in order to process requests as efficiently as possible, smaller requests may be processed before substantially larger requests that were received earlier.

C.1. Within five business days of receipt of the request, the public records officer shall do one or more of the following:

- a. make the records available to the requestor for inspection or copying;
- b. if copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- c. provide to the requestor a reasonable estimate of when records will be available;
- d. if the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. The clarification may be requested and provided by telephone, in which case the public records officer shall make a written record of the clarification. The public records officer or designee may revise the estimate of when records will be available. If the requestor fails to clarify the request, the agency need not respond to it; or
- e. deny the request and notify the requestor of the denial. Denials of requests shall be accompanied by a written statement of the specific reasons therefor.

2. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

D. In the event that the requested records contain information that affects other agencies or third persons, the public records officer may, before providing the records, give notice to those persons in accordance with RCW 42.56.540. The notice shall include a copy of the request.

E. Some records are exempt from disclosure, in whole or in part. If the agency believes that a record or any part of a record is exempt from disclosure and should be withheld, the public records officer shall provide to the requestor a writing identifying the record or portion withheld, the specific exemption relied upon and the authority for the exemption, and briefly explaining how the exemption applies to the record or portion withheld, including enough information for a requestor to make a threshold determination of whether the claimed exemption is proper. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer shall redact the exempt portions and provide the nonexempt portions.

F.1. The agency shall promptly provide space to inspect public records except when and to the extent that it would cause excessive interference with other essential functions of the

agency or unreasonably disrupt agency operations. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents the requestor wishes the agency to copy.

2. The requestor must claim or review the assembled records within thirty days of the agency's notification to the requestor that the records are available for inspection or copying. The agency shall notify the requestor in writing of this requirement and inform the requestor that the requestor should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the time prescribed in this subsection F.2. or make other arrangements, the agency may close the request. Other public records requests may be processed ahead of a subsequent request by the same person for the same or almost identical records, which may be processed as a new request.

G. After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

H. When the request is for a large number of records, the public records officer or designee shall provide access for inspection and copying in installments, if the public records officer or designee reasonably determines that it would be practical to provide the records in that way. If, within thirty days after notification that the records are available for inspection or copying under subsection C., D. or E. of this section, the requestor fails to inspect the entire set of records or one or more of the installments, as applicable, the public records officer or designee may stop searching for the remaining records and close the request. The requestor shall be notified in writing of this action.

I. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer shall close the request and indicate to the requestor that the agency has closed the request.

J. If, after the agency has informed the requestor that the agency has provided all available records, the agency becomes aware of additional responsive documents existing at the time of the request, the agency shall promptly inform the requestor of the additional documents and provide the documents on an expedited basis.

K. If a public records officer or designee responding to a public records request believes that one or more other agencies are likely to have records that are responsive to the request, he or she should, in writing, so inform the requestor and provide the requestor with the name and contact information of the public records officer of each such agency, including the officer's title, office phone number, office address, and email address. The public records officer is not required to review records or otherwise investigate for the purpose of determining whether other agencies are likely to have additional records that are responsive to the request. This subsection is intended to enhance the public's access to public records, not to impose any legal obligation on agencies beyond those imposed by chapter 42.56 RCW. (Ord. 17128 § 1, 2011; Ord. 16679 § 22, 2009).

2.12.260 Public records - processing electronic records - request - provision - customized access.

A. The process for requesting electronic public records is the same as for requesting paper public records.

B. When a requestor requests records in an electronic format, the agency's public records officer shall provide the nonexempt records or portions of those records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by K.C.C. 2.12.280.B.

C. The agency may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. The agency may charge a fee consistent with RCW 43.105.280 for the customized access. (Ord. 16679 § 23, 2009).

2.12.270 Public records - exemptions.

A. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any other statute exempts or prohibits disclosure. Exemptions outside the Public Records Act that restrict the availability of some documents held by the county or its agencies for inspection and copying include, but are not limited to, those set forth for counties and municipalities in the most-recent list of other such statutes posted on the website of the Municipal Research and Services Center of Washington, which is, as of November 1, 2009, www.mrsc.org/Publications/pr06.pdf, Appendix C, and which is incorporated in this chapter by reference.

B. King County and its agencies are prohibited by statute from disclosing lists of individuals for commercial purposes. (Ord. 16679 § 24, 2009).

2.12.280 Public records - fees - payment.

A.1. There is no fee for inspecting public records. A requestor may obtain copies, for which charges shall be made in accordance with RCW 42.56.070 or other applicable law. For certified copies, eight and one-half inches by fourteen inches or smaller, for the first page the fee shall be two dollars, and for each additional page the fee shall be one dollar.

2. Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The agency shall not charge sales tax when it makes copies of public records.

B.1. The cost of electronic copies of records shall be the actual cost of the medium used.

2. If the agency incurs a cost of transferring a paper record to electronic form, that cost may be charged.

3. If the agency uses an outside vendor, the vendor's charge to the agency, including applicable sales tax, shall be passed on to the requestor.

C. An agency may also charge actual costs of mailing, including the cost of the shipping container.

D. Payment for the costs under this section may be made to the agency or the agency's designee by cash, check or money order to the agency or its designee.

E. Charges for paper copies of official records shall be in accordance with fees set forth in applicable chapters of the RCW.

F. Charges for copies of material in the archival collection shall follow the guidelines of the Washington state Archives and WAC 434-690-080. (Ord. 16679 § 25, 2009).

2.12.290 Public records - review of denial - petition - process.

A. Any person who objects to the initial denial or partial denial of a public records request may petition in writing to the public records officer for a review of the decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer denying the request.

B. The public records officer shall promptly provide the petition and any other relevant information to the public records officer's supervisor or any other agency official designated by the agency to conduct the review. The reviewing officer shall review the decision and provide the requestor with a response.

C. Any person may obtain court review of the denial of a public records request made in accordance with RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal. (Ord. 16679 § 26, 2009).

2.12.300 Public records - performance reports - lawsuit reports.

A.1.a. No later than April 1 of each year, the public records officer of each county agency shall submit to the county council a report on the agency's performance in responding to public records requests during the preceding calendar year. The report shall include, at a minimum, a listing of all requests that either were closed during the preceding calendar or remained open at the end of the preceding calendar year, including, for each such request:

- (1) the name of the requestor;
- (2) a summary of the request;
- (3) the date the request was received;
- (4) whether the five-day response requirement in K.C.C. 2.12.250.C.1 was met;
- (5) the date the request was closed, if it has been closed; and
- (6) for each closed request for which more than six months elapsed from the date the

request was received until the date the request was closed, and for each open request that had been open for more than six months at the end of the preceding calendar year, an explanation of why the request was not closed more promptly.

2. For the purpose of this section, a request is closed if the agency has provided all responsive records, has indicated that there are no responsive records or that all of the responsive records are exempt from disclosure or has provided records and indicated that no additional records will be produced because the remaining records are exempt from disclosure, or if the request is closed pursuant to K.C.C. 2.12.250.F., H. or I.

3. A paper original and an electronic copy of the report shall be filed with the clerk of the council, who shall email the electronic copy to all councilmembers. In the electronic copy of the report, the listing of public records requests shall be in the form of an electronic spreadsheet.

B. On January 15 and July 15 of each year, the county prosecuting attorney shall submit to the county council a report listing all pending lawsuits alleging that the county has violated chapter 42.56 RCW, including the name of the case, the court in which it was filed, the date on which it was filed, the case number, a brief summary of the claims made against the county and the current case status. A paper original and an electronic copy of the report shall be filed with the clerk of the council, who shall email the electronic copy to all councilmembers. (Ord. 17128 § 2, 2011; Ord. 16679 § 27, 2009).

Chapter 2.14
PUBLIC ACCESS TO ELECTRONIC RECORDS AND INFORMATION

Sections:

- 2.14.010 Definitions.
- 2.14.020 Management and dissemination of electronic information.
- 2.14.030 Commitment to protecting privacy.
- 2.14.040 Information access charges.

2.14.010 Definitions. 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. "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. "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. (Ord. 17008 § 1, 2010: Ord. 16391 § 14, 2009: Ord. 15608 § 1, 2006: Ord. 12550 § 1, 1996).

2.14.020 Management and dissemination of electronic information.

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 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 performance, strategy and budget;
7. The department of executive services's public disclosure officer;
8. The department of information technology's chief information security and privacy officer; and
9. Each executive department. (Ord. 17142 § 2, 2011: Ord. 17008 § 2, 2010: Ord. 16960 § 8, 2010: Ord. 15971 § 33, 2007: Ord. 15608 § 2, 2006: Ord. 12550 § 2, 1996).

2.14.030 Commitment to protecting privacy. 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 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 of every year 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. (Ord. 17008 § 3, 2010: Ord. 12550 § 3, 1996).

2.14.040 Information access charges. 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 K.C.C. 2.112.280. 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 nondisclosable information and maintenance and upgrade of systems should come primarily from local appropriations, grants, private funds, cooperative ventures among governments, nonexclusive licensing and partnerships between government agencies and private entities. (Ord. 17008 § 4, 2010: Ord. 12550 § 4, 1996).

2.14.050 Social media used by county.

- 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 Ordinance 17008, Section 5.A. (Ord. 17008 § 6, 2010).