



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19296

**Proposed No.** 2021-0091.3

**Sponsors** Kohl-Welles, Dembowski,  
Upthegrove and Zahilay

1           AN ORDINANCE relating to facial recognition,  
 2           prohibiting the acquisition and use of facial recognition  
 3           technology by County administrative offices and executive  
 4           departments, including the department of public safety; and  
 5           adding a new chapter in K.C.C. Title 2.

6           **STATEMENT OF FACTS:**

7           1. The development of a diverse array of sophisticated surveillance tools,  
 8           including facial recognition technology, combined with the impacts of the  
 9           COVID-19 pandemic, has spurred the unprecedented surveillance of  
 10          individuals by governments around the world.

11          2. The council finds that the propensity for surveillance technology,  
 12          specifically facial recognition technology, to endanger civil rights and  
 13          liberties substantially outweighs the purported benefits, and that such  
 14          technology will exacerbate racial injustice.

15          3. The council finds that the use of facial recognition technology to  
 16          watch, categorize, monitor, and record the activities and movements of  
 17          county residents disproportionately impacts people of color, immigrants,  
 18          LGBTQ people and political activists of all backgrounds. Bias, accuracy  
 19          issues and stereotypes built into facial recognition technology pose a threat

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20 to the residents of King County.

21 4. The council recognizes the emerging need to protect individuals' public  
22 safety, privacy and civil rights has led a growing number of local  
23 governments to adopt laws prohibiting the use of facial recognition and  
24 other surveillance technology. United States cities including Oakland, San  
25 Francisco and Boston have passed bans on the government use of facial  
26 recognition technology.

27 5. The department of public safety, otherwise known as the King County  
28 sheriff's office, is a county executive department according to Section  
29 350.20.40 of the King County Charter.

30 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

31 SECTION 1. Sections 2 through 4 of this ordinance should constitute a new  
32 chapter in K.C.C. Title 2.

33 NEW SECTION. SECTION 2. The definitions in this section apply throughout  
34 this chapter unless the context clearly requires otherwise.

35 A. "County personnel" means any person or entity acting on behalf of a King  
36 County administrative office or executive department, including any officer, employee,  
37 agent, contractor, subcontractor, vendor or volunteer.

38 B. "Facial recognition" means an automated or semiautomated process that  
39 assists in identifying, or verifying the identity of, an individual based on the physical  
40 characteristics of an individual's face.

41 C. "Facial recognition information" means any data or information obtained or  
42 derived from facial recognition technology.

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43 D.1. "Facial recognition technology" means any computer software or application  
44 that performs facial recognition.

45 2. "Facial recognition technology" does not include:

46 a. the analysis of facial features to grant or deny access to an electronic device;

47 or

48 b. the use of an automated or semiautomated process for the purpose of  
49 redacting a recording for release or disclosure by county administrative offices or  
50 executive departments, to protect the privacy of a subject depicted in the recording, if the  
51 process does not generate or result in the retention of any facial recognition information.

52 NEW SECTION. SECTION 3.

53 A.1. It shall be unlawful for any King County administrative office or executive  
54 department to:

55 a. obtain, retain, possess, access or use:

56 (1) any facial recognition technology; or

57 (2) any facial recognition information; and

58 b. issue any permit or enter into any contract or agreement that authorizes any  
59 third party, on behalf of a county administrative office or executive department public  
60 safety, to obtain, retain, possess, access or use:

61 (1) any facial recognition technology; or

62 (2) facial recognition information.

63 2. Nothing in this subsection A. prohibits a county administrative office or  
64 executive department from:

65 a. using evidence relating to the investigation of a specific crime that might

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66 have been generated from a facial recognition technology, so long as the evidence was  
67 not generated by or at the request of the county administrative office or executive  
68 department;

69           b. using social media or communications software or applications for  
70 communicating with the public, but only if use does not include the affirmative use of  
71 any facial recognition technology or facial recognition information;

72           c. using automated redaction software, but only if software does not have the  
73 facial recognition capabilities; or

74           d. complying with the National Child Search Assistance Act.

75           B. County personnel's inadvertent or unintentional receipt, retention of, access of  
76 or use of any facial recognition information is not a violation of this chapter, but only if:

77           1. The county personnel did not intentionally request, retain or solicit the  
78 receipt, access or use of the information;

79           2. The county personnel logs the receipt, retention of, access or use with the  
80 county personnel's direct supervisor, not including any personally identifiable  
81 information or other information the release of which is prohibited by law, no longer than  
82 seven days after the receipt, retention of access or use; and

83           3. The county personnel immediately deletes any facial recognition information  
84 unintentionally received, retained, accessed or used, subject to applicable law.

85           NEW SECTION. SECTION 4.

86           A. Any facial recognition information collected or derived in violation of this  
87 chapter shall be considered unlawfully obtained and shall be deleted upon discovery,  
88 subject to applicable law.

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89           B. Any violation of this chapter constitutes an injury and any person may  
90 institute proceedings for injunctive relief, declaratory relief or writ of mandate in court to  
91 enforce this chapter. The court shall award costs and reasonable attorneys' fees to a  
92 plaintiff who is the prevailing party in the proceedings.

93           C. Violations of this chapter by any county personnel may result in retraining,  
94 suspension or termination of the county personnel, subject to due process requirements  
95 and collective bargaining agreements.

96           D. Nothing in this section shall be construed to limit any individual's rights under  
97 state or federal law.

98           SECTION 5. The council will review this ordinance upon receipt of an  
99 accountability report, as required by RCW 43.386.020, from a King County  
100 administrative office or executive department intending to use facial recognition  
101 technology in compliance with chapter 43.386 RCW.

102           SECTION 6. Severability. If any provision of this ordinance or its application to

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103 any person or circumstance is held invalid, the remainder of the ordinance or the  
104 application of the provision to other persons or circumstances is not affected.  
105

Ordinance 19296 was introduced on 2/16/2021 and passed as amended by the Metropolitan King County Council on 6/1/2021, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr. Zahilay

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:  
  
7E1C273CE9994B6...  
Claudia Balducci, Chair

ATTEST:

DocuSigned by:  
  
8DE1BB375AD3422...  
Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_\_ day of 6/17/2021, \_\_\_\_\_.

DocuSigned by:  
  
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Dow Constantine, County Executive

Attachments: None

**Certificate Of Completion**

Envelope Id: 37D6B0C4F1D94CADB0C552B53BEC4E7C	Status: Completed
Subject: Please DocuSign: Ordinance 19296.docx	
Source Envelope:	
Document Pages: 6	Signatures: 3
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Enveloped Stamping: Enabled	Cherie Camp
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	401 5th Ave
	Suite 100
	Seattle, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

**Record Tracking**

Status: Original	Holder: Cherie Camp	Location: DocuSign
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Security Appliance Status: Connected	Pool: FedRamp	
Storage Appliance Status: Connected	Pool: King County General (ITD)	Location: DocuSign

**Signer Events**

Claudia Balducci  
 claudia.balducci@kingcounty.gov  
 King County General (ITD)  
 Security Level: Email, Account Authentication (None)

**Signature**

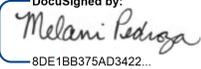
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 Signed using mobile

**Timestamp**

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 Viewed: 6/7/2021 10:03:27 AM  
 Signed: 6/7/2021 10:03:34 AM

**Electronic Record and Signature Disclosure:**  
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Melani Pedroza  
 melani.pedroza@kingcounty.gov  
 Clerk of the Council  
 King County Council  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
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 Signature Adoption: Uploaded Signature Image  
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 Signed: 6/7/2021 11:06:28 AM

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Dow Constantine  
 Dow.Constantine@kingcounty.gov  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
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**Electronic Record and Signature Disclosure:**  
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Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Bailey Bryant bailey.bryant@kingcounty.gov Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	<div style="border: 2px solid blue; padding: 5px; display: inline-block;"><b>COPIED</b></div>	Sent: 6/7/2021 11:06:30 AM Viewed: 6/16/2021 10:49:05 AM
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	6/17/2021 3:53:58 PM
Completed	Security Checked	6/17/2021 3:53:58 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

Enabled Security Settings:	Allow per session cookies
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