Legislation Details (With Text)

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Title:	A MOTION requesting the executive to review and report on county policies and materials related to the Public Records Act and update as necessary to account for permanent and temporary telecommuting in response to the COVID-19 pandemic.		
Sponsors:	Reagan Dunn		
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7/21/2020	1	Metropolitan King County Council	Introduced and Referred	

Clerk 07/16/2020

A MOTION requesting the executive to review and report on county policies and materials related to the Public Records Act and update as necessary to account for permanent and temporary telecommuting in response to the COVID-19 pandemic.

WHEREAS, the Washington state Public Records Act, chapter 42.56 RCW, was enacted by initiative in 1972 to provide the people with broad rights of access to public records and open government, and

WHEREAS, the Public Records Act has been amended several times by the Washington state Legislature and Governor since its enactment, and

WHEREAS, King County committed to managing its public records as a countywide resource and in a manner that is efficient and economical, promotes open government and an informed citizenry, protects individual privacy and meets county record retention and disposition standards in K.C.C. 2.14.020, and

WHEREAS, K.C.C. 2.12.250 establishes that county agencies 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 request, and

WHEREAS, K.C.C. 2.12.060 requires retention of public records to be in accordance with approved records retention schedules established pursuant to RCW 40.14.070, and

WHEREAS, K.C.C. 2.12.040 tasks the department of executive services with the responsibility for maintaining records retention and public disclosure manuals that, among other information, include each agency's record retention schedules, and

WHEREAS, K.C.C. 2.14.020 establishes a public records committee to advise the council and the executive on county public records policies, including both paper and electronic records, and

WHEREAS, the novel coronavirus ("COVID-19") first appeared in Wuhan, China, in December 2019 and has since spread to and throughout the United States, including throughout King County, and

WHEREAS, the World Health Organization recognized COVID-19 as a pandemic on March 11, 2020, and

WHEREAS, in March 2020, the executive issued guidance to the executive branch mandating telecommuting for employees whose work responsibilities allow for it in order to slow the spread of COVID-19, and the guidance has since been extended to September 7, 2020, and

WHEREAS, Department of Natural Resources and Parks Director Christie True issued an email to department staff in June 2020 indicating that about eight hundred employees that had been effectively working from home would transition to permanent teleworking, and

WHEREAS, county policies, guidelines, records retention and public disclosure manuals, employee guides, protocols and other materials related to compliance with the Public Records Act should be updated from time to time as technology or other circumstances change, such as more widespread and permanent telecommuting, to ensure that the county's commitment to transparency and openness is upheld;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. The council requests that the executive conduct a review of county policies, guidelines, records retention and public disclosure manuals, employee guides, protocols and other materials related to compliance with the Public Records Act, and update those materials as necessary to include guidance for employees permanently telecommuting and employees temporarily telecommuting due to the COVID-19 pandemic. The executive may conduct the review through the department of executive services, public records committee or other entity as appropriate. The review and update shall consider how public records, as defined under RCW 42.56.010, generated while telecommuting will be retained and disclosed and shall include specific consideration of:

1. Physical public records including, but not limited to, county mail sent to an employee's residence, post-its and other handwritten notes;

2. Public records saved on an employee's personal computer;

3. Public records saved locally to an employee's county-issued laptop that are not automatically synced to the county's network; and

4. Any other issues identified by the executive as a result of the large number of people shifting to work from home as a result of the COVID-19 crisis and recent decisions to permanently work from home.

B. The executive shall prepare a report summarizing the completed review described in this motion and any changes to policies, protocols and guiding materials resulting from the review. The report shall include a summary of any recommended policy or budget changes that require council action and a timeline of the estimated transmittal dates for the associated legislation. The executive should file the report within six months of the effective date of this motion, in the form of a paper original and

an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and the council chief of staff.

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