Public Records Committee Annual Report

August 15, 2020

King County

I.   Contents

II.   Executive Summary

The King County Public Records Committee (PRC) is composed of representatives of all King County Executive departments, independently elected officials, and the Superior and District courts. The PRC serves as a collective body of expertise and perspective to consider public records and records management impacts associated with county business. In this role, the PRC promotes employee awareness of public records and records management responsibilities, and advises the King County Council, the King County Executive, King County Information Technology (KCIT), and others, as appropriate, on policy matters associated with the management of public records—both electronic and paper-based—including the development and maintenance of a complete countywide records and information management (RIM) solution.

This report includes a summary of the activities of the committee for the 2019 calendar year, the digital communications technologies report, and the agency reports describing each agency's performance in responding to public records requests.

The PRC met nine times in 2019. The committee's 2019 work plan addressed each of the six goals set out in its charter. The six goals are:

1. Review, comment, and provide advice on county documents regarding public records management, including policies, public rules, ordinances, guidelines, best practices, etc.

2. Collaborate with county agencies and KCIT on technology-based communication tools as they are deployed to ensure matters associated with records creation and management are known and addressed.

3. Provide guidance on the planning and implementation of a countywide records storage management plan and a countywide electronic records management system.

4. Provide guidance on the development of policies and guidelines for the permanent preservation of the County's historical records.

5. Provide guidance for the development of policies and guidelines regarding posting records on county websites.

6. Provide ongoing, two-way communication across the County to ensure employees are aware of issues and responsibilities regarding records creation and management.

III.   Background

On May 21, 2007, the County Council passed Motion 12511, approving the vision, guiding principles, goals, governance, and management structure of the King County PRC as outlined in the PRC Charter. The formation of the PRC came in response to King County Council Ordinance 15608, which called for the creation of a public records committee to advise both the County Council and the County Executive on policy recommendations regarding the management of the County's public records, in all formats. Issues coming under the purview of the PRC include privacy, access to and charges for copies of public records, display of records on county websites, planning and implementation of a countywide records storage management plan, a countywide electronic records management initiative, and the preservation of the County's historical records.

The PRC serves as a collective body of expertise and perspective to consider public records and records management impacts associated with county business. In this role, the PRC promotes employee awareness of public records and records management responsibilities, and advises the County Council, the County Executive, KCIT, and others as appropriate on policy matters associated with management of public records (both electronic and paper-based) including the development and maintenance of a complete countywide RIM solution. Members are designated as Agency Records Officers by their agency leadership. The current membership list is included as Appendix A.

The officers of the committee for 2019 were Chair Norm Alberg, Director, Department of Executive Services (DES) Records and Licensing Services Division (RALS); Vice-Chair Cynthia Hernandez, Public Records Program Manager, Department of Natural Resources and Parks (DNRP), and Secretary Deborah Kennedy, Archives, Records Management, and Mail Services, Manager.

This report includes a summary of the work plan activities of the committee for the 2019 calendar year, the digital communications technologies report, and the agency reports describing each agency's performance in responding to public records requests. Information about the work plan activities of the committee was pulled from committee minutes and work plan by Deborah Kennedy, PRC Secretary, Archives, Records Management, and Mail Services Manager. The Records Management Program team developed and administered a Survey Monkey survey to gather the information about for the Digital Communications Technologies section. The Public Records Officers from the Prosecuting Attorney's Office, County Council, Executive Branch, and Sheriff's Office supplied their reports for the public records request section. The voting members of the Public Records Committee approved this report.

IV. 2019 Work Plan, Activities, and Accomplishments

A. King County Auditor's, *ICE Access to County Data Shows Privacy Program Gaps* report

King County Auditor's staff attended the January PRC meeting asking the PRC for assistance in identifying and locating information regarding the management and safekeeping of records containing personally identifiable information (PII) or sensitive personal information (SPI). Ben Thompson, Deputy County Auditor explained that the goal was to protect PII and SPI. The report was released in July 2019. Of the 14 recommendations made by the County Auditor regarding PII and Privacy two recommendations require PRC action in collaboration with KCIT:

- *Recommendation 9:* The Department of Information Technology should collaborate with the Public Records Committee to develop and communicate tools for agencies to conduct privacy impact assessments.
- *Recommendation 10:* To comply with county policy, the Department of Information Technology should collaborate with the Public Records Committee and Executive Senior Leadership Team to establish and monitor performance measures to ensure that county agencies purge sensitive personal information in line with relevant records retention schedules.

The PRC formed a subcommittee to address this work with Alex Harris as the lead.
In July, the PRC invited Selena Tonti, Chief Security Information Office with KCIT Communications to speak about the King County Auditor's PII Audit and on the seven recommendations the Auditor had for KCIT, including: updating the privacy policy; developing a privacy program; completing a privacy impact assessment; and reporting where privacy data is located throughout the county at its July meeting. Tonti told the PRC that KCIT planned to develop a Privacy Program in January 2020. Once established, the Privacy Program will develop a charter, rules, and responsibilities, followed by development of a security policy.

The first meeting of the Privacy Subcommittee, was held in September and had six attendees, including Mike Kaser, then acting KCIT Chief Security Information Office, following Selena Tonti's departure from King County. The subcommittee identified three major issues to address: privacy impact, data retention, and privacy definition consistencies. At the December PRC meeting Harris reported that KCIT had hired a vendor to draft governance and help with assigning tasks for the new, to-be-established, privacy program. The Privacy Subcommittee will work with KCIT to identify where records containing PII are stored.

B. Work Plan

The PRC continued to prioritize equity and social justice (ESJ) when building the 2019 work plan. The committee continues working toward shifting the County's culture toward comprehensive information management, including managing records from the point of creation, as well as enabling more efficient responses to public records requests. In 2019 the PRC addressed the following workplan items; many of which will continue in 2020:

1. **Policies**
   In February Norm Alberg reminded the committee that all Executive Policies and Public Rules enacted prior to January 2016 were set to expire on January 11, 2021 per Executive Order INF-7-3-EO Rescinding Executive Policy System. PRC members were encouraged to review existing policies to determine the appropriate subject matter expert review and address these expiring policies. The PRC worked on the following policies in 2019:

   a. Annexation Policy: Recognition of the need for a standard policy and procedure for the management of records documenting the county's stewardship of the areas being annexed and established a working group to develop a policy. This working group, in collaboration with the Office of Performance, Strategy, and Budget's Regional Planning section made changes to the annexation Interlocal Agreement Template reflective of the policy. Executive Policy INF-15-7-EP Annexation Records Management Policy was enacted on July 16, 2019. The annexation policy directs departments and agencies to retain original records for their entire life cycle, and to provide copies of original records to annexing cities or receiving entities.

   b. Updated and reenacted Executive Policy INF-15-4-1-EP Management of King County Public Records. This policy provides the framework to ensure that King County's records are effectively and efficiently managed throughout their lifecycle in accordance with records management law, regulations, and best practices. This policy also establishes responsibilities for fulfillment of these requirements, as well as outlining accountability measures to ensure compliance.

2. **Legal Holds**
   The Legal Hold working group continued working toward its goal of developing a standardized process for placing and removing legal holds. In 2019 the working group created a master list of all known legal holds and worked with the PAO to validate that list. The working group also worked with the PAO and the Records Management Program (RMP) to integrate workflow and standardize elements of the implementation and management of legal holds. An updated administrative policy will be implemented, incorporating the process improvements made.

3. **Email Management Improvement Plan**
   The goal of identifying and implementing a countywide email management program that allows the County to reach an email records retention compliance rate of at least 80% was deferred in 2019 awaiting the completion of the Records Management System Upgrade project. This deferment was due to the dependencies on understanding the features of new Content Manager system that would impact email management.

   The PRC also addressed another issue related to email management. Specifically, the need for guidance on resource links within email messages. Information included in documents as a link are at risk of being lost if the link referred to is moved, removed, or the title is change. This is a particular concern for public disclosure response and the ability to provide full original records.

4. **Information Governance Evolution**
   The goal of this workplan item is to develop a plan for county information governance. Conversations between the PRC and KCIT resulted in KCIT's stated intent to hold a series of

workshops to initiate and plan for countywide Information Governance. Information Governance would provide guidance, policy, and procedure around the creation, use, maintenance, and management of all information assets. This body of work expands beyond basic records management and information technology to include legal compliance, risk management, and business needs. Information Governance is a comprehensive and enterprise-wide management of information.

5. **Database Guidance**
   This workplan item is related to managing records in place through their entire lifecycle, from creation until disposition, and is an outgrowth of the Information Governance conversations held between the PRC and KCIT. The first task will be to develop an inventory of county databases where records are being created and maintained.

6. **Standardization of Human Resources Records Management**
   Members of the PRC met with Department of Human Resources leadership to propose a collaborative effort to standardize the records retained in personnel files; to digitize personnel files in this standardized manner from department to department/workgroup to workgroup; to standardize an enterprise-wide personnel files related retention schedule.

7. **Centralized Search and Records Production for Public Records Request Responses**
   The goal of this workplan item is to develop best practices for central searches of records for public records responses, including alerting the appropriate parties when something is discovered in the review of records that warrants attention, and to define what that might be; and to provide guidance about when it is appropriate to issue 3rd party notices, who should be involved in that, when it should be considered, and what this notice and process looks like when it happens. Office 365 includes a search tool which the PRC is considering a possible tool for centralized searching.

   The Public Records Program staff invited PRC members to participate in a training session on the O365 Search Tool

8. **Microsoft Teams**
   The PRC recognized a need to better understand the implications of Microsoft Teams and other instant messaging style tools in order to determine what types of records are created using these tools, risk implications, use-case scenarios, and best practices for managing those records.

9. **PRC/KCIT Working Group**
   KCIT's Data Modernization Efforts
   The Public Records Committee and KCIT formed a working group in December 2018 to focus on KCIT's data modernization initiatives which includes elimination of PST files, Outlook Public Folders, Outlook, and Shared Network Drives. The purpose of the group was to keep the lines of communication open between KCIT and the Public Records Committee regarding these initiatives, facilitate information sharing and coordination of work efforts, and for the PRC to advise KCIT about the development of guidance documents intended to assist employees with

managing their records before migration of records to alternate platforms. One of the benefits of the collaboration between the PRC and KCIT was the recognition that many Public Records Officers (PROs) rely on .pst files to manage public records requests; KCIT's proposed process conflicted with the PROs business needs. As a result of that collaboration KCIT gave the PROs an exception to the .pst file migration process.

RMP staff provided guidance to the working group on managing records stored on these platforms which have reached the end of their retention requirements and should not be migrated. The members of the working group included: Deb Kennedy, Cynthia Hernandez, Gail Snow, Ashley Boyd, Harry Clark, Norm Alberg, Aaren Purcell, Alexandra Harris, Stephanie Santos, Andrea Williams, Katie Suvlu, Denise Fuseini, Patrice Frank, and Kimberly Peters.

The working group served as a communications conduit between the PRC and the county's Deployment Review Team (DRT) with the goal being determining how best to support agencies in meeting the DRT's request that departments, divisions, and sections have representatives meet individually with KCIT to hold readiness assessment discussions. The purpose of the discussions, as requested by the DRT, was to identify agencies were aware of the planning and best practices necessary for the shared network drive migration. The PRC recommended that Agency Records Officers participate in those discussions. The PRC emphasized that neither SharePoint nor Content Manager should be dumping grounds for unmanaged records. The PRC also reiterated that SharePoint is not a technical records management solution, as it does not provide full records management functionality. KCIT, in collaboration with the RMP, created several guidance documents to facilitate this process. As the timeline for migrating information stored on shared drives to SharePoint sites was extended the working group was suspended.

C. Records Management Program (RMP)

Updates from the RMP are a PRC standing agenda item. Throughout the year RMP staff updated the Committee on the progress of the Records Management System Upgrade project using the PRC as one of the primary avenues of communication between the RMP, the Records Management System Upgrade Project team, and agency records management staff. In March, Gail Snow, Records and Information Manager, alerted the PRC that the migration would necessitate a freeze of KC ERMS from May 10, 2019 through October 7, 2019 and that closure would impact searching for electronic records and inactive records storage at the Records Center. Snow also shared the workarounds the RMP developed to mitigate these impacts. The RMP notified the PRC of new online training available to county employees on Basic Records Management and four new Content Manager training modules.

In October, Ryan Wadleigh, RMP Business Analyst, notified the PRC that the Content Manager Go-Live was successfully completed on October 7, 2019. In the first two weeks following go-live 20,000 records filed, 26 new users added, 232 boxes were created in the system with 193 boxes sent to the Records Center for inactive storage, and 674 employees completed the *entire* four module Content Manager training. To ease the transition the RMP helpline was available to provide advice, guidance, and answer questions for users. The Records Center resumed normal operations. Searching, including public record request searching successfully resumed.

The PRC approved 12 agency specific records retention schedules created by the RMP in 2019.

D. Public Records Program

Shelby Miklethun informed the PRC that the Council passed Ordinance 18949 which allows county agencies to charge for public records requested under the Public Records Act. The county will be relying on the state's default schedule which allows for very minimal fees. The Public Records Program is currently leading an Equity Impact Review process to evaluate strategies to implement this charging schedule in an equitable and racially just manner. To meet the state's reporting requirements the county has been providing public records request data to the Joint Legislative & Review Committee since 2018, and the reported 2019 data is incorporated into this report. The Public Records Program also began its review and revision of the public records policy in 2019 and invited PRC members to participate in that effort.

E. Committee Resources

Chair: Norm Alberg, Director, DES, RALS
Vice-Chair: Cynthia Hernandez, Public Records Program Manager, DNRP
Secretary: Deborah Kennedy, Archives, Records Management and Mail Services Manager, DES, RALS,

Minutes and agendas along with the meeting schedule are available on the PRC website, Public Records Committee

V.   Digital Communications Technologies

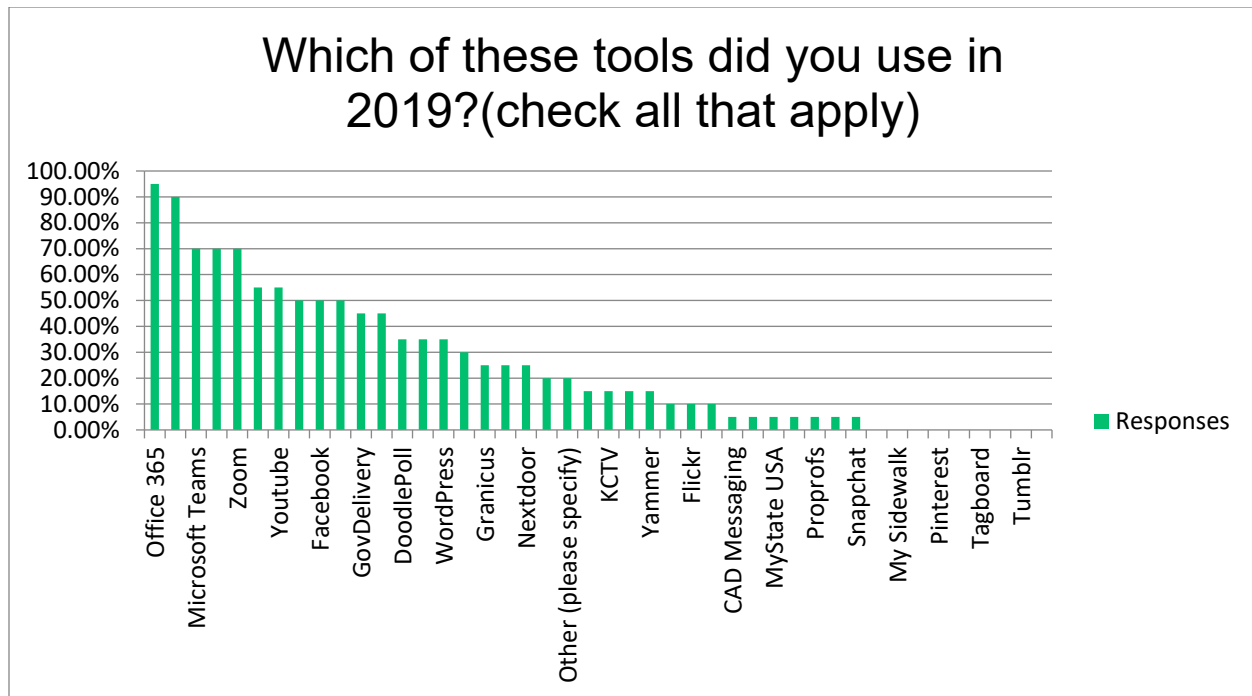The Digital Communications Technologies section of the PRC Annual Report includes:
1. description of the forms of digital communication that are in use by each county agency;
2. description of the methods used by the agency to retain records of digital communication to meet applicable records retention requirements; and
3. description of the methods used by the agency to search records of digital communication to meet applicable public record disclosure requirements.

The PRC used SurveyMonkey to gather information for this report. This year we received twenty-one responses from:

Adult and Juvenile Detention
Assessments
Clerk of the Council
Elections
Executive Office
Executive Services, Office of Risk Management
Executive Services, Office of Risk Management, Public Records Program
Executive Services, Records and Licensing Services, Archives, Records Management, and Mail Services
Human Resources
Information Technology
Judicial Administration
Local Services, Permitting
Local Services, Road Services Division
Metro Transit
Natural Resources and Parks
Prosecuting Attorney
Public Defense
Sheriff's Office
Superior Court

The technologies reported as being used include:

Office 365	DoodlePoll	Yammer
Microsoft Teams	WordPress	Flickr
Zoom	Granicus	CAD Messaging
YouTube	Nextdoor	MyState USA now AlertSense
Facebook	Other	Proprofs
GovDelivery	KCTV	Snapchat

Which of these tools did you use in 2019?(check all that apply)

Technologies listed under other include:
Signagelive
Libris by Photoshelter
Adobe Creative Cloud
Crazy Egg
Cognito forms
Gmail
Google Docs
Issuu.com
Lynda.com
Sitecore
Spiceworks

A description of the forms of digital communication that are in use by each county agency
County agencies use digital communication in a variety of ways. Specialized applications enhance customer services by facilitating business processes, gather statistics on the effectiveness of social media tools, and provide access to legislative materials. Common tool, such as digital voicemail, email, and various social-media technologies, are used to:

1. communicate with, educate and inform residents, internal and external customers, partners and stakeholders;
2. notify residents and employees of emergency situations
3. conduct county business;
4. engage the public and promote public involvement;
5. distribute general information, news, advisory messages, alerts, and emergency communications;
6. market county services;

7. facilitate media relations;
8. conduct investigations;
9. recruit for open positions; and
10. share photographs, historical documents, posters and graphics.

Retention of records of digital communication
A variety of records retention methods are used to retain records generated by digital communications technologies, including social media. These methods range from contracting retention through a social media vendor, relying on tools native to the social media site or digital communication technology, storing copies of social media entries as electronic or paper records, or using an off-the-shelf product/service like PageFreezer to capture daily snapshots of web and social media sites. Agencies use the records management system, Content Manager, retain copies of social media and digital communications.

Searching digital communication to meet applicable public record disclosure requirements
Most agencies that create records using digital communications technologies or social media sites report either using the search functionality available on those sites, the tools native to the repositories used to store those records (whether shared drives, Content Manager, Outlook, paper copies, etc.), or manually searching through the posts. Other agencies rely on KCIT to perform searches. Microsoft's eDiscovery is also used to search the products in the Office 365 suite. Agencies using a third-party tool or system to generate or store digital communications or social media posts use the search functionality built into those tools or systems to search for records. Others use web-based search tools to search for posts. Copies of web pages stored in PageFreezer are searched either manually or using the search function of that system.

Lessons learned
Records retention
RMP staff continue with awareness-raising efforts, including trainings, guidance tools, and individual coaching on employing records management best practices when using digital communications technologies. The records retention issues identified in this report are being addressed in an ongoing basis by training and other educational materials used by the RMP and Executive Policy,INF-15-4-1-EP Management of King County Public Records.

Public record disclosure requirements
While reporting agencies showed an awareness of the search functionality of the digital communication tools they used and reported strategies for searching for records to respond to public records requests, the inconsistent understanding of records retention requirements presents a continuing opportunity for improvement. Here again, records retention issues will be addressed by ongoing training and educational materials used as part of the countywide records management initiative process as the RMP works to progress the County on the records management maturity model. These trainings will be done in the context of public disclosure compliance, in addition to records retention compliance.

Conclusions

County agencies continue using digital communication in a variety of ways. Specialized applications facilitate business processes, gather statistics on effectiveness of social media tools, and provide access to legislative materials. Tools in general use are used for communication with both internal and external customers, partners and stakeholders; to conduct county business; engage the public; distribute general information, news, advisory messages and alerts; educate and inform constituents, internal and external customers, partners and stakeholders; market county services; and conduct media relations.

Storing county records with third-party service providers, which may include social media tools as well as software as a service (SaaS solutions), and hosted applications, continues to pose risks to the county--including accessibility, security, storage location, retention, and ownership of records. The RMP develops retention schedules and advises agencies in proper management of records in these new and continually evolving applications, and the PRC reviews major IT initiatives for records management and public disclosure implications. The PRC and the RMP continue to address the ongoing countywide need for education on records management best practices and records retention requirements. These education efforts facilitate and enhance searches for records to respond to public records disclosure requests.

VI.   Public Records Officer Reports

Ordinance 18949 revised Public Records Officer's reporting requirements to mirror those in RCW 40.14.026(5) and changed the date the reports are due to the Chair of the PRC to July 1st each year. As of this writing the PRC has received reports from the Public Records Officers of four agencies including:

- Prosecuting Attorney's Office
- County Council
- Executive Branch
- Sheriff's Office

Links to those reports are included below.

Council
Executive Branch
Prosecuting Attorney
Sheriff's Office
Sheriff's Office data sheet

VII. Next Steps

Using the collective body of expertise and perspective brought by its members the Public Records Committee will continue working to accomplish the tasks set out in its 2020 work plan, appendix B. These tasks include:

- Advise KCIT on the establishment of a Privacy Program.
- Advise agencies on the records implications of executive policies being revised and renewed.
- Develop a standardized process for placing and removing legal holds.
- Collaborate with KCIT to identify and implement a countywide email management program.
- Provide guidance on email management best practices, managing database records in place, managing records in Office 365 products focusing on Microsoft Teams.
- Continue conversations regarding the establishment of a countywide information governance body.
- Develop best practices for centralized searches of records in response to public records requests.
- Support and advise the Records Management and Public Records Programs.

The work of the Public Records Committee supports the Executive's Best-run Government initiative by supporting and advising county agencies in their work to manage the County's information assets in compliance with mandates and in the interest of serving all the County's residents following the True North values of solving problems, leading the way and responsible stewardship.

VIII. Appendices

Appendix A
Public Records Committee
Membership List
Current as of December 31, 2019

Organization	Name[s]	
	Voting Member	Alternate
Adult & Juvenile Detention	Andrea Williams	
Assessor's Office	Rich Watson	Alicia Warren
Community & Human Services	Amber Hebert	Eva Haney
Council	Janet Masuo	
District Court	Troy Brown	Heather Dean
Elections		
Executive Services	Cindy Cawaling	
Executive Services/RALS/ARMMS	Deb Kennedy (Secretary)	Danielle Boucher; Ellie Letterman
Executive Services/Records and Licensing Services Division	Norm Alberg (Chair)	`
Executive's Office	Bailey Bryant	
Information Technology (KCIT)	Syrena Ogden	
Judicial Administration	Danielle Anderson	Denise Fuseini
Local Services	Cheryl Binetti	Margo Christianson, Jonathan Bibler
Natural Resources & Parks	Cynthia Hernandez (Vice-Chair)	
Prosecuting Attorney	Kristie Johnson	Meghan Moore; Stephanie Santos
Public Defense	Alex Harris	
Public Health	Tyler Entrekin	
Public Records Officer	Shelby Miklethun	
Sheriff's Office	Lori Moore	Kimberly Petty
Superior Court	Linda Ridge	Malinda You

Appendix B
Public Records Committee
2020 Work Plan

Work Areas and Sub Areas
A. General Policy/Governance

1. Legal Holds Policy Completion
2. Legal Holds Inventory Update
3. Document the roles and responsibilities for searching Content Manager for records responsive to PRRs.
4. Document the roles and responsibilities for searching Office 365 for records responsive to PRRs.
5. Develop and promote onboarding and support to PRC members/Agency Records Officers
6. Develop and communicate guidance for records management across a variety of O365 workspaces and tools (including the chat string in TEAMS).
7. COVID-19 After Action Review - with specific focus on work related to records management during an emergency.

B. Privacy/Personally Identifying Information Policy and Governance

1. Identify the role in perpetuity that PRC will have relative to the Privacy Program and PII.
2. Inventory records sets and types with PII
3. Establish guidance for proper retention of records that are part of a database.
4. Consider technical solutions to "tagging" or otherwise identifying PII that exists in databases, especially such as those that are used for records management and public records requests.
5. Guidance for collecting, masking, producing PII.

C. KCIT Migrations-Related Policy/Governance

1. Establish guidance for proper retention of records that are part of a database.
2. Develop and publish guidance about management of records in SharePoint- with or without CM integration.

D. Policy and Governance – Employee Specific

1. Document official Personnel file contents.
2. Document standards for producing records in personnel file.
3. Document standards that exist for producing records that are not in the personnel file, but which pertain to an employee.

E. Miscellaneous

Communications about work of PRC, RM, PR Program
Email Management - system change or requirement
Records and Information Management Maturity