



King County

Office of Information
Resource Management

Information Technology Governance Policies, Standards and Guidelines

Title Information Privacy Policy	Document Code No. ITG-P-05-04-01
Chief Information Officer Approval 	Date <i>9 June 2016</i> Effective Date.

1.0 PURPOSE:

King County, as a government entity, conducts public business. As such, the records related to the business of King County are available for public review unless an exemption applies. Nevertheless, King County is committed, to the extent allowable by law, to protect and secure Personally Identifiable Information contained in Organization records. The privacy commitment must be balanced with the rights of public access under Chapter 42.56 RCW (Public Records Act) and consistent with KCC 2.14.030 and any other applicable federal, state, and local statute or regulation.

2.0 APPLICABILITY:

This policy applies to all King County Organizations and Workforce Members.

3.0 REFERENCES:

- 3.1 Children's Online Privacy Protection Act of 1998 (COPPA) 15 USC §§ 6501-08
- 3.2 King County's "Commitment to protecting privacy" KCC 2.14.030
- 3.3 Destruction, disposition, donation of local government records – Preservation for historical interest – Local records committee duties – Record retention schedules – Sealed records RCW 40.14.070
- 3.4 Public Records Act Chapter 42.56 RCW
- 3.5 Residences -- Rules and regulations -- Audits -- Confidentiality -- Criminal penalty. RCW 84.36.389
- 3.6 Director of Records and Licensing Services as Custodian of Records KCC 2.16.035 (see Auditor as custodian of records RCW 65.04.140)
- 3.7 Disposition of Public Records in King County INF 15-3-1 (AEP)
- 3.8 OECD (Organization for Economic Co-operation and Development) Guidelines on the Protection of Privacy and Transborder Flows of Personal Data
- 3.9 Information Technology Policy and Standards Exception Request Process

King County Information Privacy Policy

4.0 DEFINITIONS:

- 4.1 **Information Privacy:** Ensuring that individuals maintain the ability to control what information is collected about them, how it is used, who has used it, who maintains it and what purpose it is used for as provided within the law.
- 4.2 **Organization:** Every county office, officer, institution, department, division, board, and commission.
- 4.3 **Personally Identifiable Information (PII):** Any information concerning an individual which is contained in an Organization record and, 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.
- 4.4 **Workforce Member:** Employees, volunteers, and other persons whose conduct, in the performance of work for King County, is under the direct control of King County, whether or not they are paid by King County. This includes full and part time elected or appointed officials, members of boards and commissions, employees, affiliates, associates, students, volunteers, and staff from third party entities who provide service to King County.

5.0 POLICIES:

- 5.1 **Notification** – In general Organizations that collect Personally Identifiable Information shall at the time of collection provide notice that the law may require disclosure of the information as a public record.
- 5.2 **Collection and Use** – Organizations that collect Personally Identifiable Information shall obtain this information through legal means.
 - 5.2.1 **Purpose** – When Personally Identifiable Information is collected directly from the individual, Organizations shall at the time of collection identify the purpose for collecting the information.
 - 5.2.2 **Limits** - Organizations shall limit the collection of Personally Identifiable Information to that which is relevant and necessary for the stated purpose in order to conduct Organization business.
 - 5.2.3 **Accuracy** – Organizations shall take steps to ensure collection of Personally Identifiable Information is accurate, complete and current.
 - 5.2.4 **Use** - Personally Identifiable Information shall be used by Organization Workforce Members on a need-to-know basis and only for the stated purpose for which it was collected.
 - 5.2.5 **Internet Collection** – In order to ensure the protection of Personally Identifiable Information via the internet, any Organization collecting Personally Identifiable Information via the internet must use collection and transmission encryption technologies approved by the Chief Information Security and Privacy Officer (CISPO).

King County Information Privacy Policy

- 5.2.6 **Children** - Organizations that collect Personally Identifiable Information from children under the age of 13 using the Internet shall comply with the Federal Children's Online Privacy Protection Act.
- 5.2.7 **Method** - Organizations using the Internet to receive Personally Identifiable Information from an individual shall offer a non-Internet based alternate method for receiving this information.
- 5.3 **Disclosure** – Organizations and its Workforce Members shall not disclose, sell or make available Personally Identifiable Information to a Third Party without receiving written consent from the individual who is the subject of the Personally Identifiable Information unless (1) it is required or permitted by law, or (2) it is needed to complete the individual's transaction with the Organization.
 - 5.3.1 **Notice** – As required by law Organizations shall provide notice to the individual when a Third Party has gained unauthorized access to an individual's Personally Identifiable Information.
 - 5.3.2 **Business Partner/Associate** - Organizations that disclose Personally Identifiable Information to a business partners or associates shall include contract language requiring that Personally Identifiable Information must be managed in a manner consistent with this Policy and any applicable Organization-specific policies.
- 5.4 **Retention and Disposal**
 - 5.4.1 **Retention** - Organizations shall retain Personally Identifiable Information only as long as it is necessary to conduct county business and in accordance with the records retention schedules approved by the local records committee authorized under RCW 40.14.070.
 - 5.4.2 **Disposal** - Organizations shall dispose of Personally Identifiable Information in a secure manner that does not disclose Personally Identifiable Information in accordance with INF 15-3-1 (AEP), Disposition of Public Records in King County.
- 5.5 **Security** - Organizations shall take administrative, technological, and physical measures to safeguard Personally Identifiable Information. Organizations shall comply with countywide and Organization-specific information security policies and standards.
- 5.6 **Inspection and Correction** - Organizations shall allow an individual to review his/her Personally Identifiable Information and, upon request, Organizations shall make timely corrections, after:
 - 5.6.1 Authenticating the identity of the individual requesting the change;
 - 5.6.2 Verifying the information to be changed using authoritative sources provided by the individual requesting the change; and
 - 5.6.3 Notifying the individual of the change.

King County Information Privacy Policy

- 5.7 **Contact** – King County’s Privacy Notice shall identify a point of contact for privacy inquiries. An Organization may also identify an additional point of contact for privacy inquiries.
- 5.7.1 **Chief Information Security and Privacy Officer** - The county CISPO shall track all privacy inquiries until resolution.
- 5.7.2 **Organization Contact** - Each Organization that collects, uses, or shares Personally Identifiable Information shall designate a privacy coordinator as the focal point for the Organization privacy inquiries who will investigate or coordinate with the county Chief Information Security and Privacy officer to investigate.
- 5.7.3 **Initial Point of Contact** – Each Organization must either designate its own point of contact for an inquiry or identify the county initial point of contact. Organizations designating an initial point of contact must provide the county initial point of contact with the information necessary to track all privacy inquiries until resolution.
- 5.8 **Privacy Notice** - Organizations shall post the King County Privacy Notice that is attached hereto as Exhibit A, wherever Personally Identifiable Information is collected.
- 5.8.1 **Internet** - All web pages that receive Personally Identifiable Information shall display King County’s Privacy Notice from a link on the web page.
- 5.8.2 **Customer Service Office** - All customer service offices of Organizations that receive Personally Identifiable Information shall conspicuously display King County’s Privacy Notice and provide a printed copy upon request.
- 5.8.3 **Organization Specific Privacy Notice** - Organizations with an additional privacy notice based on more stringent rules shall also post and provide copies of the Organization-specific notice.
- 5.9 **Expectations Of Workforce Members** – Workforce Members aware of Personally Identifiable Information that is inadequately secured or has been inappropriately disclosed are to promptly notify the county Chief Information Security and Privacy Officer.
- 5.10 **Organization policies** - Organizations may develop more stringent Information Privacy policies and standards as needed to address Organization-specific cases.
- 5.11 **Compliance**
- 5.11.1 At least annually, Organizations shall review Information Privacy processes, procedures and practices and any Organization specific policies and standards, for compliance with this policy.
- 5.11.2 Annually the executive, judiciary, council and all other elected officials shall verify in writing to the Chief Information Officer (CIO) that its Organization is in compliance with this policy and identify any areas where compliance has not been achieved.

King County Information Privacy Policy

- 5.11.3 Annually the CIO shall review the status of Organization adoption and compliance with countywide information privacy policies and standards and work with Organizations on any required compliance follow-up.

6.0 **EXCEPTIONS:**

Any Organization seeking an exception to this policy must follow the **Information Technology Policy and Standards Exception Request Process** using the Policy and Standards Request form. This form can be found on the Office of Information Resource Management policies and procedures Web page at <http://kcweb.metrokc.gov/oirm/policies.aspx>.

7.0 **RESPONSIBILITIES:**

- 7.1 **Policy oversight** – The Public Records Committee (PRC) has policy oversight for information privacy over King County Organizations. Specifically, the PRC is responsible for reviewing draft countywide information privacy policies, standards and guidelines, and assessing Organization impact and resources for Organization implementation.
- 7.2 **Chief Information Officer – is responsible for:**
 - 7.2.1 Providing approval authority for this policy.
 - 7.2.2 Verification of Organization compliance with this policy.
- 7.3 **Chief Information Security and Privacy Officer** - directs, oversees and strategically guides the county's privacy program and is the focal point for privacy at King County. The Chief Information Security and Privacy Officer is responsible for:
 - 7.3.1 Drafting countywide information privacy policies, standards and guidelines, and directing privacy policy decisions.
 - 7.3.2 Overseeing the countywide privacy training program.
 - 7.3.3 Researching existing and emerging privacy laws, regulations and issues, and communicating this to Organizations.
 - 7.3.4 Overseeing privacy audits and corrective actions to remediate deficiencies.
 - 7.3.5 Identifying, tracking and resolving King County privacy issues, including oversight of Organization response to customer complaints.
- 7.4 **Organization privacy coordinator** – coordinates resolution of privacy issues within the Organization and is the Organization's focal point for privacy issues. The Organization privacy coordinator is responsible for:
 - 7.4.1 Identifying and resolving Organization privacy issues including customer complaints.
 - 7.4.2 Reporting privacy issues and resolutions to the county Chief Information Security and Privacy Officer.

King County Information Privacy Policy

- 7.5 **Organization management** – oversees Organization privacy policies, practices and procedures to ensure confidentiality Personally Identifiable Information. Organization management is responsible for:
- 7.5.1 Committing resources and implementing countywide privacy policies and standards.
 - 7.5.2 Developing and implementing Organization-specific privacy policies and procedures.
 - 7.5.3 Directing Organization audits of privacy practices, procedures, policies and standards.
 - 7.5.4 Ensuring compliance with privacy policies and standards.
 - 7.5.5 Correcting deficiencies in practices and in policies to achieve Organization compliance.
- 7.6 **Workforce Members** – protect Personally Identifiable Information that they come in contact with in accordance with this policy and with Organization-specific privacy policies, standards and procedures, and report any violations to the county Chief Information Security and Privacy Officer.