



October 4, 2016

BY E-MAIL ONLY

Re: Case No. 16-1-0804-1

Dear ***:

On August 4, 2016, the two of you jointly filed a complaint with our office calling for an investigation into the alleged disclosure of confidential information to a reporter for *The Stranger* in late June. After a preliminary inquiry failed to reveal any hard evidence pointing to the source of the disclosure, I am closing this file.

LAW

SMC 4.16.070.D provides that a City officer or employee may not “[d]isclose or use any confidential information gained by reason of his or her official position for other than a City purpose.” Violations of this section subject an individual to penalties of up to \$5,000 per violation.

FACTS

On June 22, Ansel Herz with *The Stranger* wrote a story titled “Inside the City's Negotiations with the Police Union.” The on-line version of the story linked to 14 pages of documents labeled “Draft/Confidential Labor Policy/Do Not Distribute.”

The 14 pages were among those included as an attachment on a June 13 e-mail sent to more than 30 City officials and employees. Five of the addressees were members of the City Council, meaning that members of their staff also had access to the e-mail. A review of e-mails showed the document was forwarded to one outside attorney and three other City employees. In total, approximately 50 City officials, employees, and agents had electronic access to the documents disclosed to *The Stranger*.

A search of thousands of City e-mails failed to turn up evidence pointing to the source of the disclosure. Interviews of Councilmembers and the City Attorney and their staffs, as well as members of the Mayor’s staff and the Director of the Seattle Department of Human Resources and her staff, also failed to provide any hard evidence pointing to the source of the disclosure,

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only an expanding list of suspects. After two months, we are no closer to discovering the source of the disclosure than we were at the outset.

CONCLUSION

After two months of an investigation that has thus far failed to yield any evidence pointing to the source of the disclosure, in the interests of conserving City resources I am closing this investigation. The investigation can be reopened if evidence comes to light pointing to the source of the disclosure.

I encourage the Executive Branch and the City Council to work with the City Auditor to identify and implement best practices for safeguarding confidential information in the future. Providing approximately 50 people with electronic access to confidential information carried an extremely high risk of an unauthorized disclosure like the one that occurred.

Very truly yours,



Wayne Barnett
Executive Director

cc: Seattle Ethics and Elections Commission