

Item # _____

Prepared by: Rebecca Good

Moved by: _____

Reviewed by: Marcy Ingram

Seconded by: _____

RESOLUTION REQUESTING THE COUNTY MAYOR'S ADMINISTRATION TO (1) PROHIBIT SHELBY COUNTY EMPLOYEES FROM DOWNLOADING OR USING THE TIKTOK APPLICATION ON ANY COUNTY-ISSUED DEVICE; (2) PROHIBIT PERSONS OR ENTITIES CONTRACTING WITH THE COUNTY FROM DOWNLOADING OR USING THE TIKTOK APPLICATION ON ANY COUNTY-OWNED OR COUNTY-LEASED DEVICES;(3) DEVELOP A PROCEDURE FOR THE TIMELY REMOVAL OF TIKTOK FROM ALL COUNTY-OWNED AND COUNTY-LEASED DEVICES; AND (4) DEVELOP A POLICY AND PROCEDURE PROVIDING FOR PUBLIC SAFETY AND CYBERSECURITY EXEMPTIONS RELATED TO TIKTOK USAGE. SPONSORED BY COMMISSIONER MICK WRIGHT.

WHEREAS, TikTok, a video-sharing social media application with over a billion users worldwide, is owned by ByteDance Ltd., an internet technology company headquartered in China; and

WHEREAS, TikTok has been downloaded in the United States on over 100 million devices; and

WHEREAS, TikTok automatically captures personal information of its users, such as location data and search histories; and

WHEREAS, Chinese-based employees of TikTok, according to the company's CEO have access to United States users' data; and

WHEREAS, legislation enacted by the Chinese Communist Party, titled the 2017 National Intelligence Law, requires Chinese citizens and businesses to share data with the Chinese government in furtherance of its efforts to gather intelligence; and

WHEREAS, access by the Chinese Communist Party to Americans' personal information and data can pose security risks at the national, state, and local levels; and

WHEREAS, on June 9, 2021, the United States President Joseph R. Biden, Jr. issued Executive Order 14034 initiating an investigation of the national security risks posed by foreign-owned apps such as TikTok, citing concerns over foreign adversaries accessing the personal information of persons who live in the United States; and

WHEREAS, on December 14, 2022, the United States Senate passed S. 1134, a bill filed by Senator Josh Hawley (R-Missouri) entitled the "No TikTok on Government Devices Act," which requires certain federal agencies to create guidelines for the removal of TikTok from all devices issued by the federal government and used by executive agencies; and

WHEREAS, on December 29, 2022, President Joseph R. Biden, Jr. signed into law H.R. 2617, the "Consolidated Appropriations Act, 2023," an omnibus spending bill that includes the provisions of S. 1134 requiring removal of TikTok from all devices issued by the federal government and used by executive agencies; and

WHEREAS, a growing list of governors, including those from Alabama, Georgia, Oklahoma, North Dakota, Texas, Nebraska, South Carolina, Iowa, Maryland, Montana, Virginia, New Hampshire, Idaho, and South Dakota, have issued executive orders banning TikTok on state-owned devices due to potential security concerns; and

WHEREAS, the Shelby County Board of Commissioners seeks to maintain the cybersecurity of Shelby County’s government, as is necessary to serve the residents of the County.

WHEREAS, the Shelby County Employee Handbook addresses “**USE OF ELECTRONIC MEDIA/COMMUNICATIONS EQUIPMENT AND SYSTEMS**” which includes the following verbiage:

“Improper, illegal, inappropriate, or offensive conduct in the usage of displayed, transmitted, received, and exchanged electronic communications is subject to discipline up to and including termination of employment”; and

WHEREAS, the Shelby County Board of Commissioners fervently believes that the vast majority of Shelby County employees do not engage in improper use of county-issued devices and that this resolution should in no way be construed as punitive, rather it should be viewed as a security measure for the safety and protection of county employees, Shelby County Government, and the citizens of Shelby County.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that we do hereby request that the County Mayor or the County Mayor’s designee to: (1) prohibit Shelby County employees from downloading or using the TikTok application on any county-issued device; (2) prohibit persons or entities contracting with the county from downloading or using the TikTok application on any county-owned or county-leased devices; (4) develop a procedure for the timely removal of TikTok from all county-owned and county-leased devices; and

(4) develop a policy and procedure providing for public safety and cybersecurity exemptions related to TikTok usage.

BE IT FURTHER RESOLVED, that this Resolution becomes effective in accordance with the Shelby County Charter, Article II, Section 2.06 (B).

Lee Harris
Shelby County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____

