MEMORANDUM

TO: Honorable Members
Sunshine Ordinance Task Force

FROM: Bradley Russi
Deputy City Attorney

DATE: October 7, 2020

RE: Twentieth Annual Report of the Supervisor of Records
January 1 to December 31, 2019

The City Attorney’s Office submits this report to the Sunshine Ordinance Task Force under Section 67.21(h) of the San Francisco Sunshine Ordinance (S.F. Admin. Code §67.21(h)). That section requires the Supervisor of Records to prepare an annual tally and report for the Sunshine Ordinance Task Force on each petition brought before the Supervisor of Records for access to records. Section 67.21(h) includes the following requirements:

The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

Reporting period: This report covers petitions brought before the Supervisor of Records between January 1 – December 31, 2019 (the “reporting period”).

Custodian of Records: For the custodian of records, the report generally gives the name of the employee who responded to the request.

Court actions: No court decisions issued regarding determinations by the Supervisor of Records for the reporting period.

Orders issued: No order from the Supervisor of Records issued to any City department whose records were the subject of a petition.

Court Decisions Interpreting or Applying the San Francisco Sunshine Ordinance:

At the request of the Task Force, the City Attorney’s Office reports additional information about court decisions when it submits the annual report of the Supervisor of Records. We report on any court decision made during the reporting period in a matter in which the City is a party to the action if the decisions interprets or applies the San Francisco Sunshine Ordinance. There is one such case to report for the current reporting period:
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In SF Urban Forest Coalition v. San Francisco County Transportation Authority, et al., 43 Cal. App. 5th 796 (2019), a non-profit corporation brought a petition for writ of mandamus alleging that the San Francisco County Transportation Authority (“SFCTA”) improperly withheld records under the Sunshine Ordinance. The petitioner sought a ruling declaring that SFCTA is a City department subject to the Sunshine Ordinance. On May 8, 2018, the Superior Court denied the petitioner relief, finding that SFCTA is an agency of the State of California and that it is not subject to the Sunshine Ordinance. The petitioner appealed the decision to the First District Court of Appeal. On December 19, 2019, the Court of Appeal affirmed the Superior Court’s decision, finding that SFCTA is not subject to the Sunshine Ordinance. We attach a copy of the Court of Appeal’s opinion as Attachment A.

DESCRIPTION OF PETITIONS AND THEIR DISPOSITION

1. Petitioner: Paul Somers
   Department: District Attorney’s Office
   Records sought: Records related to an investigation of certain individuals employed by the law firm Seyfarth Shaw resulting from a report the petitioner made to the District Attorney
   Custodian of Records: Nikesh Patel
   Determination: Department properly declined to produce records based on Government Code Sec. 6254(f) and Rivero v. Superior Court, 54 Cal. App. 4th 1048 (1997)
   Date Petition Received: January 11, 2019
   Date of Determination: January 31, 2019
   A copy of the decision and petition are included on pages 1-6 of the Appendix.

2. Petitioner: Beth Jones
   Department: Police Department
   Records sought: Records relating to Incident Number 190-134-636, the investigation of the death of Public Defender Jeff Adachi, including the incident report
   Custodian of Records: Sgt. Michael Andraychak
   Determination: Department properly declined to produce records of ongoing investigation under Government Code Sec. 6254(f) and Administrative Code Sec. 67.24(d);
3. Petitioner: Geoffrey King  
Department: Police Department  
Records sought: Records related to the status of charges against Willie McCoy at the time of his death on February 9, 2019  
Custodian of Records: Sgt. Michael Andraychak  
Determination: Department properly withheld criminal offender record information under Government Code Sec. 6254(k) and Penal Code Secs. 11075 and 11076  
Date Petition Received: March 26, 2019  
Date of Determination: April 30, 2019  
A copy of the decision and petition are included on pages 14-19 of the Appendix.

4. Petitioner: Mark Sullivan  
Department: Office of Economic and Workforce Development  
Records sought: Records related to green benefits districts  
Custodian of Records: Marianne Thompson  
Determination: No determination needed; department did not withhold or redact records  
Date Petition Received: April 15, 2019  
Date of Determination: Petition closed on April 19, 2019  
A copy of the decision and petition are included on pages 20-37 of the Appendix.

5. Petitioner: Anonymous (Muckrock)  
Department: City Attorney’s Office
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DATE: October 7, 2020
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RE: Twentieth Annual Report of the Supervisor of Records
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Records sought: An electronic copy of certain emails, in the original electronic format, with all e-mail headers, metadata, attachments, exhibits, and inline images

Custodian of Records: Elizabeth Coolbrith
Determination: Department properly produced responsive records in PDF format. Department properly declined to produce records in original format and to produce metadata under Government Code Secs. 6253.9(f), 6254.19, 6254(k) and Evidence Code Sec. 1040 due to potential security risks.

Date Petition Received: May 8, 2019
Date of Determination: August 26, 2019
A copy of the decision and petition are included on pages 38-66 of the Appendix.

6. Petitioner: Anonymous (Muckrock)
Department: Mayor’s Office
Records sought: An electronic copy of the Mayor’s calendar, with all items, from April 28 to May 4, 2019, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images

Custodian of Records: Hank Heckel
Determination: Department properly produced responsive records in PDF format. Department properly declined to produce records in original format and to produce metadata under Government Code Secs. 6253.9(f), 6254.19, 6254(k) and Evidence Code Sec. 1040 due to potential security risks.

Date Petition Received: May 15, 2019
Date of Determination: August 26, 2019
A copy of the decision and petition are included on pages 67-90 of the Appendix.

7. Petitioner: Alex Lewis-Koskinen
Department: Department of Public Health
TO: Honorable Members  
Sunshine Ordinance Task Force  

DATE: October 7, 2020  
PAGE: 5  

RE: Twentieth Annual Report of the Supervisor of Records  
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Records sought: Records regarding the requester, regarding a specific job announcement, and regarding the requester’s public records requests  
Custodian of Records: Veronica Vien  
Determination: No determination needed; department produced responsive records in its possession  
Date Petition Received: June 21, 2019  
Date of Determination: Petition closed on August 27, 2019  

A copy of the decision and petition are included on pages 91-103 of the Appendix.

8. Petitioner: Mark Sullivan  
Department: Office of Economic and Workforce Development  
Records sought: Records related to a contract regarding green benefits districts  
Custodian of Records: Marianne Thompson  
Determination: No determination needed; department did not withhold responsive records  
Date Petition Received: July 8, 2019  
Date of Determination: Petition closed on September 3, 2019  

A copy of the decision and petition are included on pages 104-109 of the Appendix.

9. Petitioner: Anonymous (Muckrock)  
Department: Mayor’s Office  
Records sought: Various emails and other forms of electronic communication from mayoral staff  
Custodian of Records: Hank Heckel  
Determination: Issue concerning native format and metadata determined in prior responses to same petitioner; other issues beyond jurisdiction of the Supervisor of Records  
Date Petition Received: August 26, 2019  
Date of Determination: September 5, 2019  

A copy of the decision and petition are included on pages 110-122 of the Appendix.
10. **Petitioner:** Anonymous (Muckrock)  
**Department:** Mayor’s Office  
**Records sought:** An electronic copy of the Mayor’s calendar, with all items, from April 28 to May 4, 2019, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images  
**Custodian of Records:** Hank Heckel  
**Determination:** Department produced additional records; no determination needed  
**Date Petition Received:** August 27, 2019  
**Date of Determination:** Petition closed on September 6, 2019  
A copy of the decision and petition are included on pages 123-131 of the Appendix.

11. **Petitioner:** Anonymous (Muckrock)  
**Department:** Public Works  
**Records sought:** Most recent 10 emails sent and received by certain Public Works employees in original electronic format  
**Custodian of Records:** David Steinberg  
**Determination:** Department properly withheld original electronic files and metadata for reasons stated in prior responses to petitioner; Department did not improperly withhold email addresses by producing records in PDF format; Supervisor of Records declines to determine whether information in 116 different metadata headers is public, as it is not reasonably segregable under Government Code Sec. 6253(a)  
**Date Petition Received:** September 6, 2019  
**Date of Determination:** October 1, 2019  
A copy of the decision and petition are included on pages 132-151 of the Appendix.

12. **Petitioner:** Anonymous (Muckrock)  
**Department:** Mayor’s Office
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Records sought: Mayor’s past and prospective calendar for various time periods in original electronic format

Custodian of Records: Hank Heckel

Determination: Department properly withheld records in original electronic format and metadata for reasons stated in prior responses to same petitioner; Department properly withheld Mayor’s prospective calendar and meeting recurrence information to protect the Mayor’s security based on Government Code Secs. 6254(f), 6254(k), Evidence Code Sec. 1040, and Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991); Department properly redacted information regarding the Mayor’s security based on Government Code Sec. 6254(f)

Date Petition Received: September 6, 2019
Date of Determination: October 23, 2019

A copy of the decision and petition are included on pages 152-190 of the Appendix.

13. Petitioner: Shane Anderies
Department: Public Defender’s Office
Records sought: (1) Records and calendar entries related to a press article concerning the Public Defender not informing clients of plea deals; (2) records concerning alleged misconduct by certain attorneys in the Public Defender’s Office and the District Attorney’s Office; (3) records concerning complaints against employees of the Riverside and Orange County District Attorney’s Offices

Custodian of Records: Tyler Vu

Determination: Department produced or had no records responsive to Items 1 and 3; any records responsive to Item 2 are held by the Department for the purpose of defending current or future clients and are not public records under Coronado Police Officers Association v. Carroll, 106 Cal. App. 4th 1001 (2003), and are exempt from disclosure based on the attorney-client privilege and attorney work product doctrine. Gov’t Code §§ 6254(k), 6276.04; Evid. Code § 954; Code of Civ. Pro. § 2018.030
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RE: Twentieth Annual Report of the Supervisor of Records
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Date Petition Received: September 9, 2019
Date of Determination: October 7, 2019

A copy of the decision and petition are included on pages 191-206 of the Appendix.

14. Petitioner: Anonymous (Muckrock)
Department: Mayor’s Office
Records sought: Certain emails and other forms of electronic communications from mayoral staff members
Custodian of Records: Hank Heckel
Determination: Department produced responsive public records on staff personal devices and accounts and confirmed no other records exist; Department properly withheld records in original electronic format and metadata for reasons stated in prior responses to same petitioner; Department did not improperly withhold email addresses by producing records in PDF format; Department agreed to produce additional email attachments; portion of personal text message not public record; Supervisor of Records declines to determine whether information in 116 different metadata headers is public, as it is not reasonably segregable under Government Code Sec. 6253(a)

Date Petition Received: September 11, 2019
Date of Determination: October 10, 2019

A copy of the decision and petition are included on pages 207-298 of the Appendix.

15. Petitioner: Anonymous (Muckrock)
Department: Fine Arts Museums (“FAM”)
Records sought: (1) all legal/contractual relationships between FAM and Corporation of the Fine Arts Museums of San Francisco (“COFAM”); (2) all legal/contractual relationships between FAM and Fine Arts Museums Foundation (“FAMF”); (3) all records of how City employees use IT systems owned or operated by FAMF and/or COFAM; (4) all records of how City employees retain records owned, used, or prepared by
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the City agency, but stored on IT systems owned or operated by FAMF and/or COFAM

Custodian of Records: Various

Determination: Department properly withheld one document responsive to Item 1 under Government Code Secs. 6254(c), 6254(k), 6276, Evidence Code Sec. 954; Department did not withhold any other records; other issues raised outside jurisdiction of Supervisor of Records

Date Petition Received: September 12, 2019; September 23, 2019
Date of Determination: October 2, 2019

A copy of the decision and petition are included on pages 299-323 of the Appendix.

16. Petitioner: Anonymous (Muckrock)
Department: Police Department
Records sought: Emails and other forms of electronic communication such as text messages and chat files in original electronic format for a number of high-ranking SFPD employees

Custodian of Records: Sgt. Michael Andraychak

Determination: Department properly withheld records in original electronic format and metadata for reasons stated in prior responses to same petitioner; Department did not improperly withhold email addresses by producing records in PDF format; Department agreed to produce additional email attachments; Department agreed to provide any missing web addresses not exempt from disclosure; Supervisor of Records declines to determine whether information in metadata headers is public, as it is not reasonably segregable under Government Code Sec. 6253(a); Department properly redacted information based on Government Code Sec. 6254(c) and (f); other issues outside jurisdiction of Supervisor of Records

Date Petition Received: September 13, 2019
Date of Determination: November 12, 2019

A copy of the decision and petition are included on pages 324-370 of the Appendix.
TO: Honorable Members
Sunshine Ordinance Task Force

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17. Petitioner: Anonymous (Muckrock)
Department: Mayor’s Office
Records sought: Mayor’s prospective calendar
Custodian of Records: Hank Heckel
Determination: Department properly withheld records in original electronic format and metadata for reasons stated in prior responses to same petitioner; Department properly withheld Mayor’s prospective calendar and meeting recurrence information to protect the Mayor’s security based on Government Code Secs. 6254(f), 6254(k), Evidence Code Sec. 1040, and Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991); Department properly redacted information regarding the Mayor’s security based on Government Code Sec. 6254(f)

Date Petition Received: October 7, 2019
Date of Determination: October 23, 2019

A copy of the decision and petition are included on pages 371-383 of the Appendix.

18. Petitioner: Anonymous (Muckrock)
Department: City Attorney’s Office
Records sought: City Attorney’s calendar
Custodian of Records: Elizabeth Coolbrith
Determination: Department did not withhold or redact information; other issue outside jurisdiction of Supervisor of Records

Date Petition Received: October 15, 2019
Date of Determination: November 19, 2019

A copy of the decision and petition are included on pages 384-399 of the Appendix.

19. Petitioner: Anonymous (Muckrock)
Department: Police Department
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TO: Honorable Members
    Sunshine Ordinance Task Force
DATE: October 7, 2020
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RE: Twentieth Annual Report of the Supervisor of Records
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Records sought: Chief of Police’s past and prospective calendar and related records
Custodian of Records: Sgt. Michael Andraychak
Determination: Department properly withheld prospective calendar entries under Government Code Secs. 6254(f), 6254(k), Evidence Code Sec. 1040, and Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991)
Date Petition Received: October 23, 2019
Date of Determination: November 26, 2019

A copy of the decision and petition are included on pages 400-422 of the Appendix.

20. Petitioner: Anonymous (Muckrock)
    Department: City Attorney’s Office; Department of Technology
    Records sought: Records related to 2018 and 2019 updates to the enterprise systems catalog, or any other writings evidencing compliance with Government Code Sec. 6270.5(f)
    Custodian of Records: Elizabeth Coolbrith, Linda Gruell
    Determination: City Attorney’s Office properly withheld records based on the attorney-client privilege and/or attorney work product doctrine, Gov’t Code Secs. 6254(k), 6276.04; Evid. Code Sec. 954; Code of Civil Pro. Sec. 2018.030; Department of Technology did not withhold records, no issue for Supervisor of Records to review.
    Date Petition Received: October 29, 2019
    Date of Determination: December 6, 2019

A copy of the decision and petition are included on pages 423-431 of the Appendix.

21. Petitioner: Anonymous (Muckrock)
    Department: Police Commission
    Records sought: Communications concerning former Public Defender Jeff Adachi and related topics
    Custodian of Records: Sgt. Stacy Youngblood
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Determination: Department properly withheld and redacted records on the basis of the attorney-client privilege, attorney work product doctrine, as confidential peace officer personnel records, and personal privacy; Gov’t Code Secs. 6254(k), 6276.04; Evid. Code Sec. 954; Code of Civil Pro. Sec. 2018.030, Gov’t Code Sec. 6254(c), (k); Penal Code Secs. 832.7, 832.8; Gov’t Code Sec. 6254.3(b)(1)

Date Petition Received: November 12, 2019
Date of Determination: December 17, 2019

A copy of the decision and petition are included on pages 432-470 of the Appendix.

22. Petitioner: Anonymous (Muckrock)
Department: Fine Arts Museums
Records sought: Twenty-six categories of documents, including contracts, communications, employee directories, compliance documents, communications on personal accounts, transactional records, etc.
Custodian of Records: Paria Dea
Determination: Department produced responsive documents in its possession; no determination needed
Date Petition Received: November 13, 2019
Date of Determination: Petition closed on September 8, 2020

A copy of the decision and petition are included on pages 471-492 of the Appendix.

23. Petitioner: Anonymous (Muckrock)
Department: Police Department
Records sought: Various electronic communications involving members of the department
Custodian of Records: Michael Andraychak
Determination: Withdrawn by petitioner
Date Petition Received: November 14, 2019
Date of Determination: Petition closed on December 16, 2019

A copy of the decision and petition are included on pages 477-492 of the Appendix.
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24. Petitioner: Anonymous (Muckrock)
Department: City Attorney’s Office
Records sought: Communications concerning former Public Defender
Jeff Adachi and related topics
Custodian of Records: Elizabeth Coolbrith
Determination: Department properly withheld records in original
electronic format and metadata for reasons stated in
prior responses to same petitioner; Department
properly redacted records
Date Petition Received: November 14, 2019
Date of Determination: December 12, 2019
A copy of the decision and petition are included on pages 493-539 of the Appendix.

25. Petitioner: Anonymous (Muckrock)
Department: City Attorney’s Office
Records sought: City Attorney’s calendar entries
Custodian of Records: Elizabeth Coolbrith
Determination: Petitioner continued to contest production at issue in
Petition # 18; Supervisor of Records did not modify
determination
Date Petition Received: November 20, 2019
Date of Determination: January 6, 2020
A copy of the decision and petition are included on pages 540-542 of the Appendix.

26. Petitioner: Anonymous (Muckrock)
Department: Controller
Records sought: Records related to Fine Arts Museums of San
Francisco and the Corporation of the Fine Arts
Museums of San Francisco
Determination: Withdrawn by petitioner
Date Petition Received: November 22, 2019
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Date of Determination: Petition closed on December 16, 2020
A copy of the decision and petition are included on pages 543-581 of the Appendix.

27. Petitioner: Anonymous (Muckrock)
Department: Police Department
Records sought: Peace officer personnel records made public under Senate Bill 1421 concerning incidents involving great bodily injury
Custodian of Records: Sgt. Michael Andraychak
Determination: Department properly redacted records on a variety of bases
Date Petition Received: November 26, 2019
Date of Determination: August 6, 2020
A copy of the decision and petition are included on pages 582-599 of the Appendix.

28. Petitioner: Anonymous (Muckrock)
Department: Police Department
Records sought: Calendar entries for the Chief of Police
Custodian of Records: Sgt. Michael Andraychak
Determination: Department properly redacted records on a variety of bases
Date Petition Received: November 28, 2019
Date of Determination: September 8, 2020
A copy of the decision and petition are included on pages 600-616 of the Appendix.

29. Petitioner: Anonymous (Muckrock)
Department: Mayor’s Office
Records sought: Mayor’s future calendar entries
Custodian of Records: Hank Heckel
Determination: Petitioner continued to contest the withholding at issue in Petition #17; Supervisor of Records did not modify decision
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Date Petition Received: November 29, 2019
Date of Determination: January 6, 2020

A copy of the decision and petition are included on pages 617-660 of the Appendix.

30. Petitioner: Anonymous (Muckrock)
Department: Human Resources
Records sought: Human Resources Director’s calendar and related email messages
Custodian of Records: Henry Voong
Determination: Department properly withheld one record based on the labor relations exemption; Gov’t Code Sec. 6254(p)(2)
Date Petition Received: December 18, 2019
Date of Determination: December 19, 2019

A copy of the decision and petition are included on pages 661-726 of the Appendix.

31. Petitioner: Anonymous (Muckrock)
Department: Department of Police Accountability
Records sought: Peace officer personnel records made public under Senate Bill 1421 concerning incidents involving great bodily injury
Custodian of Records: Various
Determination: Department properly redacted records on a variety of bases
Date Petition Received: December 18, 2019
Date of Determination: January 24, 2020

A copy of the decision and petition are included on pages 727-736 of the Appendix.

32. Petitioner: Anonymous (Muckrock)
Department: Department of Police Accountability
Records sought: Peace officer personnel records made public under Senate Bill 1421 concerning incidents involving great bodily injury
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Custodian of Records: Various
Determination: Department properly redacted records on a variety of bases
Date Petition Received: December 23, 2019
Date of Determination: January 24, 2020

A copy of the decision and petition are included on pages 737-746 of the Appendix.
ATTACHMENT A
20th Annual Report of the Supervisor of Records
This appeal arises from a dispute between appellant SF Urban Forest Coalition (SF Urban) and respondents the City and County of San Francisco (City), San Francisco County Transportation Authority (SFCTA), Tilly Chang, and Cynthia Fong (jointly respondents) regarding whether the SFCTA is subject to the San Francisco Sunshine Ordinance of 1999 (S.F. Admin. Code, § 67.1, et seq.; Sunshine Ordinance). The trial court concluded the SFCTA is not an agency of the City and thus is not subject to the Sunshine Ordinance. On appeal, SF Urban disputes the trial court’s holding. It further contends the SFCTA, even if it were a state agency, is subject to the Sunshine Ordinance pursuant to City and County of San Francisco v. Regents of University of California (2019) 7 Cal.5th 536. We disagree and affirm the judgment.

1. BACKGROUND

A. Relevant Statutory History

1. Creation of the SFCTA

The Bay Area County Traffic and Transportation Funding Act (Pub. Util. Code, § 131000 et seq.; Bay Area Transportation Act) “was adopted in 1986 after the Legislature found that the Bay Area was experiencing ‘serious traffic congestion and
transit mobility problems that threaten the economic viability of the area and adversely impact the quality of life therein.’ ([Pub. Util. Code,] § 131001, subd. (a).) The Legislature addressed this problem by establishing a framework whereby ‘the counties and cities within the nine-county San Francisco Bay area’ could ‘collectively develop and implement, on a county-by-county basis, near-term local traffic and transportation projects that responsibly and adequately deal with current and anticipated traffic congestion and transit mobility problems.’ ([Id.] § 131001, subd. (c).) To this end, the [Bay Area Transportation] Act authorized the voters in each of the designated Bay Area counties to create a ‘county transportation authority’ in order to ‘implement a retail transactions and use tax for the purpose of funding a local transportation expenditure plan . . . .’ ([Id.] § 131001, subd. (e).)” (Hayward Area Planning Assn. v. Alameda County Transportation Authority (1999) 72 Cal.App.4th 95, 99, fn. omitted.) In the alternative, the voters could authorize the Metropolitan Transportation Commission1 to perform this function. (Pub. Util. Code, § 131001, subd. (e).) Section 131240 of the Public Utilities Code sets forth the process for creating a “county transportation authority”: “Upon approval of a retail transactions and use tax at an election conducted pursuant to Chapter 3 (commencing with Section 131100) in a county with an adopted county transportation expenditure plan that includes a provision for the creation of a county transportation authority, the authority shall be created at that election.”

In 1989, voters approved Proposition B, entitled “Sales Tax for Transportation.” (S.F. Voter Information Pamp. (Nov. 7, 1989) p. 23.) The text of Proposition B described its purpose as follows: “Pursuant to Division 12.5 of the Public Utilities Code, the San Francisco Transportation Committee has recommended that the Board of Supervisors submit to the voters of the City and County of San Francisco for their approval an

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1 The Metropolitan Transportation Commission was created by the Legislature “as a local area planning agency and not as a part of the executive branch of the state government,” for the purpose of “provide[ing] comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma.” (Gov. Code, § 66502.)
ordinance which would, if so approved, create the [SFCTA], authorize the [SFCTA] to impose a one-half of one percent transactions and use tax for a period of twenty years to finance the transportation improvements set forth in the Transportation Expenditure Plan approved by the Board of Supervisors and to issue limited tax bonds in a total outstanding aggregate amount not to exceed $742,000,000.00.” (S.F. Voter Pamp., supra, text of Prop. B, p. 30.) The proposition explained the imposition of the transactions and use tax was “in accordance with . . . Sections 131100 et seq. of the California Public Utilities Code, which directs the County Board of Supervisors to adopt the tax ordinance for voter approval, exercising the taxing power granted to the [SFCTA] in Public Utilities Code Section 131102 on behalf of said Authority.” (S.F. Voter Pamp., supra, text of Prop. B, at pp. 30–31.) The proposition further noted its “ ‘Operative date’ ” was set “pursuant to Public Utilities Code Section 131105(a),” its “ ‘Effective date’ ” was set “pursuant to Public Utilities Code Section 131102(c),” the term of the tax was “pursuant to the authority granted by Section 131102(c) of the Public Utilities Code,” and the SFCTA would have those powers “set forth in Division 12.5 (commencing with Section 131100) of the Public Utilities Code,” including issuing limited tax bonds “pursuant to the provisions of California Public Utilities Code Sections 13109 et seq.” (S.F. Voter Pamp., supra, text of Prop. B, pp. 30, 31, 32.)

2. The Sunshine Ordinance

The Sunshine Ordinance, enacted in 1993, is based on the principle that “[g]overnment’s duty is to serve the public, reaching its decisions in full view of the public.” (S.F. Admin. Code, § 67.1, subd. (a); see S.F. Voter Information Pamp. (Nov. 2, 1999) Text of Proposed Ordinance, p. 131.)

In 1999, voters amended the Sunshine Ordinance via passage of Proposition G. (S.F. Voter Information Pamp. (Nov. 2, 1999) Sunshine Ordinance Amendment, p. 119.) Proposition G noted the then-current Sunshine Ordinance “provides rules and procedures for public access to City meetings and records.” (S.F. Voter Information Pamp., supra, Digest, p. 119.) It explained Proposition G would “clarify or extend the existing ordinance” by expanding public access to various meetings and records. (Ibid.)
Proposition G clarified and expanded the Sunshine Ordinance’s purpose, explaining, “Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people’s business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.” (S.F. Voter Information Pamp., supra, Text of Proposed Ordinance, p. 131; S.F. Admin. Code, § 67.1, subd. (b).) It further emphasized the importance of “a strong Open Government and Sunshine Ordinance” and “[t]he right of the people to know what their government and those acting on behalf of their government are doing . . . .” (S.F. Voter Information Pamp., supra, Text of Proposed Ordinance, p. 131; S.F. Admin. Code, § 67.1, subds. (e), (d).)

B. Procedural History of the Pending Dispute

As relevant to the issues raised in this appeal, SF Urban submitted two public records requests to the SFCTA under the California Public Records Act (Gov. Code, § 6250 et seq.; CPRA) and the Sunshine Ordinance. In response to the records request under the Sunshine Ordinance, the SFCTA stated it “‘does not fall under the City’s Sunshine Ordinance . . . .’ ”

SF Urban subsequently filed a petition for writ of mandamus (petition) against respondents. The petition alleged the SFCTA is a “City agency and executive department” subject to the Sunshine Ordinance. The petition sought disclosure of certain records and a declaration that the SFCTA “is a part of the City and County of San Francisco and subject to the provisions of the San Francisco Sunshine Ordinance . . . .”

After the parties resolved the outstanding records request issue, respondents argued the remainder of the petition seeking declaratory relief was moot. The trial court concluded the request for declaratory relief was not moot “due to the SFCTA’s position that it is not subject to the Sunshine Ordinance, which is sufficient to establish an actual controversy per [Code of Civil Procedure section] 1060.”

The court conducted a hearing on whether the Sunshine Ordinance applied to the SFCTA. Following that hearing, it concluded the SFCTA is an agency of the State of California and exempt from the Sunshine Ordinance. The court further held “the
language of the Sunshine Ordinance makes clear that the SFCTA is not covered by the Ordinance.” Judgment was entered dismissing the petition with prejudice, and SF Urban timely appealed.

II. DISCUSSION

SF Urban raises two arguments in support of its position that the SFCTA is subject to the Sunshine Ordinance. First, it asserts the SFCTA was created by San Francisco voters and thus is not an agency of the state. Second, it contends the recent California Supreme Court opinion in City and County of San Francisco v. Regents of University of California, supra, 7 Cal.5th 536 (Regents), requires a finding that the SFCTA, even if it were a state agency, is subject to the Sunshine Ordinance. We address each argument in turn.

A. Whether the SFCTA Is an Agency of the City

SF Urban argues the SFCTA must be an agency of the City because it was created by local voters via Propositions B and K rather than directly by the California Legislature, its functions are constrained to those outlined in the county transportation expenditure plan, and its members are elected officials appointed by the City.

As a preliminary matter, we note SF Urban appears to conflate the concept of a “local agency” with being an agency of the City. While the SFCTA may be a “local agency,” we do not conclude it is an agency or division of the City. Numerous statutes have differentiated between local entities and the cities and counties they serve. For example, section 53090 et seq. of the Government Code governs the regulation of local agencies by counties and cities. In doing so, it defines “‘Local agency’” as “an agency of the state for the local performance of governmental or proprietary function within limited boundaries” and specifically excludes “the state,” “a city,” and “a county” from the definition. (Gov. Code, § 53090.) Other statutory provisions include both cities and counties and other local entities within the definition of “local agency.” For example, the CPRA defines “‘Local agency’” as “a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or entities that are
legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952.” (Gov. Code, § 6252, subd. (a).) Of note, “local agency” is not merely defined as a city, county, city and county, or any board, commission or agency thereof. Rather, it includes a host of other local entities, including “municipal corporation,” “district,” and “other local public agency.” Similarly, division 2 of title 5 of the Government Code, entitled “Cities, Counties, and Other Agencies,” defines “‘local agency’” as “a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.” (Gov. Code, § 54951.)

Such definitions illustrate local public agencies are distinct from the cities and counties they serve. In Torres v. Board of Commissioners (1979) 89 Cal.App.3d 545 (Torres), a case relied upon by SF Urban, the court addressed whether the Housing Authority of Tulare County, created pursuant to Health and Safety Code section 34200 et seq., qualified as a “local agency” subject to the Ralph M. Brown Act. (Torres, at p. 547.) When analyzing the statutory definition of a local agency under the Brown Act, the court explained, “Every word in a statute is to be given meaning if possible. The term ‘municipal corporation’ is broader than the term ‘city,’ particularly when the term ‘city’ already appears in the applicable statute. [Citations.] In order to give meaning to the term ‘municipal corporation’ in Government Code section 54951 we hold that such term is not restricted to its technical sense of a ‘city,’ general law or charter, but rather includes such entities as housing authorities.” (Torres, at pp. 549–550.)

Here, SF Urban’s presumption that a “local agency” is necessarily an agency of a city or county is mistaken.2 Both Torres and the Government Code demonstrate the phrase “local agency” includes other entities apart from cities and counties. To hold otherwise would render the remainder of the statutory definitions of “local agency” superfluous. (See In re R.C. (2019) 39 Cal.App.5th 302, 307 [“We ‘give meaning to

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2 We further note SF Urban does not assert the Metropolitan Transportation Commission is an agency of any city or county within the region it serves despite its designation as a “local area planning agency.” (See Gov. Code, § 66502.)
We next turn to the features of the SFCTA, which SF Urban alleges evidence the SFCTA is an agency of the City. First, the members of the SFCTA are the elected members of the City’s board of supervisors. However, “[w]ell-established and well-recognized case law holds that the mere fact that the same body of officers acts as the legislative body of two different governmental entities does not mean that the two different governmental entities are, in actuality, one and the same.” (Pacific States Enterprises, Inc. v. City of Coachella (1993) 13 Cal.App.4th 1414, 1424; see also Vanoni v. County of Sonoma (1974) 40 Cal.App.3d 743, 750–751 [“Although the Sonoma Water District may be performing functions traditionally performed by counties, appellants have offered no evidence, beyond the fact that the same individuals sit on the governing boards of both the county and the water district, that Sonoma County exercises actual control over the actions of the district. The fact that the same individuals are members of both boards is not sufficient to establish that control.”]; Rider v. City of San Diego (1998) 18 Cal.4th 1035, 1044 [“we have never held that control by itself establishes the identity of two separate governmental entities. . . . [¶] . . . Because the Financing Authority has a genuine separate existence from the City [citation], it does not matter whether or not the City ‘essentially controls’ the Financing Authority.”]; City of Bakersfield v. West Park Home Owners Assn. & Friends (2016) 4 Cal.App.5th 1199, 1212 [upholding trial court conclusion that Bakersfield Public Benefit Corporation was not a “shell entity” of the City of Bakersfield; “if the [Bakersfield Public Benefit] Corporation has a ‘genuine separate existence’ it does not matter what sort of control the City has over the Corporation”].)

Next, SF Urban argues the SFCTA must be an agency of the City because it was created by voters in the City and is limited to operating within the City’s geographic region. These features, however, are common to local agencies created by the state. In Golden Gate Bridge etc. Dist. v. Luehring (1970) 4 Cal.App.3d 204, 215, the Golden Gate Bridge and Highway District “was formed pursuant to the statute by vote of the
people residing within its boundaries.” It was initially funded through taxes on property owners within the district before bonds could be sold. (Id. at p. 206.) As the district’s revenues from bridge tolls increased and it had sufficient funds to meet its bonded indebtedness, the petitioners sought to have the district “‘reimburse’ ” the counties for the taxes collected from their taxpayers. (Id. at p. 207.) The court concluded such a transfer of funds from the district to the counties within its boundaries would amount to an unconstitutional “gift” of public funds. (Id. at pp. 209, 215.) Specifically, it explained “the Golden Gate Bridge and Highway District is not a joint powers enterprise. It was formed pursuant to the statute by vote of the people residing within its boundaries and has earned revenues in the performance of its own special purpose of ‘bridging the Golden Gate.’ To permit diversion of a portion of those revenues into the general funds of the counties would be contrary to the apparent purposes of article XIII, section 25, of the Constitution.” (Id. at p. 215.)

Other agencies operating within distinct geographic limits have likewise been found to be separate entities from the cities and counties within those same geographic boundaries. (See, e.g., Pacific States Enterprises, Inc. v. City of Coachella, supra, 13 Cal.App.4th at p. 1424 [“Redevelopment agencies are governmental entities which exist by virtue of state law and are separate and distinct from the communities in which they exist.”]; Condit v. Solvang Mun. Improvement Dist. (1983) 146 Cal.App.3d 997, 1000 [“[Solvang Municipal Improvement District] is neither a city nor a county but is a special governmental district created by a special act of the State Legislature.”]; Santa Clara County Local Transportation Authority v. Guardino (1995) 11 Cal.4th 220, 233 [“petitioner is an agency of the state formed pursuant to general law (Pub. Util. Code, § 180000 et seq.) for the local performance of a governmental function (raising tax revenues) within limited boundaries (Santa Clara County)”].)

None of the authority cited by SF Urban supports its position that the SFCTA is an agency of the City. Rather, those cases held the entities at issue were versions of municipal corporations (Merchants Bank v. Escondido Irr. Dist. (1904) 144 Cal. 329, 334), other local public agencies (Torres, supra, 89 Cal.App.3d at pp. 549–550), or local
entities (*Lynch v. San Francisco Housing Authority* (1997) 55 Cal.App.4th 527, 541).\(^3\) None of these cases held that such entities are part of the cities or counties in which they operate.

Moreover, the structure established by the Bay Area Transportation Act, which authorized creation of the SFCTA, indicates the transportation authorities created thereunder are distinct from the cities and counties they serve. Notably, the Bay Area Transportation Act sets forth the process by which counties may develop transportation expenditure plans and the requirements for the contents of such plans. (See Pub. Util. Code, §§ 131050–131057.) As part of that approval process, the Metropolitan Transportation Commission must review and approve the draft transportation expenditure plan “before submittal to the board of supervisors and local governments for adoption.” (*Id.*, § 131052.) The Bay Area Transportation Act also sets forth the specific criteria by which the Metropolitan Transportation Commission may approve or reject the draft transportation expenditure plan. (Pub. Util. Code, §§ 131053, 131054.) It also contains extensive provisions related to imposition of a retail transactions and use tax, issuance of bonds, the information required to be included in any proposition seeking approval of such taxes and bonds, and the administration, powers, and functions of any created county transportation authority. (*Id.*, §§ 131100–131122, 131240–131304.)

Finally, our interpretation also is in accord with the City’s own understanding of its executive branch structure. Notably, the City joined the SFCTA’s brief in this matter “on all grounds, including that the trial court’s judgment should be affirmed.” The City also does not list the SFCTA as a department or other City entity in either its Charter or

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3 SF Urban also cites *Hayward Area Planning Assn. v. Alameda County Transportation Authority* (1999) 72 Cal.App.4th 95 in support of its position. That case, however, addressed whether the Alameda County Transportation Authority could implement a highway extension project that contained a significantly different route than the one outlined in the county transportation expenditure plan. (*Id.* at p. 98.) The court concluded the highway extension must comply with the route identified in the expenditure plan. (*Id.* at p. 107.) The court never addressed whether the Alameda County Transportation Authority was an agency of the county.
on its website. (See generally S.F. Charter, § 4.100 et seq.;
<http://www.sf.gov/departments> [as of December 19, 2019].)

In sum, neither applicable case law nor the structure of the SFCTA or the provisions of the Bay Area Transportation Act indicate the SFCTA is an agency of the City. While the SFCTA may be classified as a local agency based on the scope of its functions, it remains an agency of the state.

B. Whether the Sunshine Ordinance Applies to the SFCTA

SF Urban next argues the California Supreme Court’s recent decision in Regents, supra, 7 Cal.5th 536, demonstrates municipal ordinances, such as the Sunshine Ordinance, may apply to state entities, such as the SFCTA. However, the analysis set forth in Regents is only applicable if the City is attempting to subject the SFCTA to the Sunshine Ordinance. In this instance, we conclude the scope of the Sunshine Ordinance does not extend to the SFCTA.

As discussed in part I.A.2., ante, voters enacted the current version of the City’s Sunshine Ordinance via passage of Proposition G. The materials presented to the voters indicated Proposition G’s purpose was to enhance access to the City’s operations. (Traders Sports, Inc. v. City of San Leandro (2001) 93 Cal.App.4th 37, 49 [court may consider ballot materials to ascertain the voters’ intent].) For example, the digest explained the then-current Sunshine Ordinance “provides rules and procedures for public access to City meetings and records.” (S.F. Voter Information Pamp. (Nov. 2, 1999) Digest, p. 119.) It further explained Proposition G would “clarify or extend the existing ordinance” by (1) providing greater access to meetings either conducted by the mayor, City department heads, or City employees; (2) providing greater access to meetings attended by City representatives; (3) requiring compliance with the Sunshine Ordinance from groups that contribute money to the City; (4) creating detailed, public calendar listings for the mayor and City department heads; and (5) requiring the City to create and maintain certain records. (S.F. Voter Information Pamp., supra, Digest, p. 119.) The proposed changes also prohibited the City from asserting certain bases for withholding records. (Ibid.) All of these changes directly involve City-related activities. The
argument in support of Proposition G specifically notes: “What Prop. G will do is make city government more accessible and accountable to the San Franciscans it’s supposed to serve.” (S.F. Voter Information Pamp., supra, Proponent’s Argument in Favor of Prop. G, p. 120, italics added.) This city-specific intent is emphasized in the “Findings and Purpose” section of the Sunshine Ordinance. That section focuses on access to the business conducted by “Elected officials, commissions, boards, councils and other agencies of the City and County . . . .” (S.F. Admin. Code, § 67.1, subd. (b), italics added.)

Undoubtedly, article II of the Sunshine Ordinance contains a broad definition of “ ‘Policy Body,’ ” which could be interpreted to include the SFCTA. (S.F. Admin. Code, § 67.3, subd. (d)(3) [“ ‘Policy Body’ shall mean: [¶] . . . [¶] . . . Any board, commission, committee, or other body created by ordinance or resolution of the Board of Supervisors.”].) Article III of the Sunshine Ordinance likewise articulates a broad scope, encompassing “Every person having custody of any public record or public information . . . .” (S.F. Admin. Code, § 67.21, subd. (a).) However, “we must read every statute, ‘ “with reference to the entire scheme of law of which it is part so that the whole may be harmonized and retain effectiveness.” ’ ” (Chaffee v. San Francisco Library Commission (2004) 115 Cal.App.4th 461, 468.) The Sunshine Ordinance, as a whole, indicates it was not intended to include entities such as the SFCTA.4 This interpretation is supported by section 67.32 of the Sunshine Ordinance, which aims to “enact open meetings” with other “local, state, regional and federal agencies and institutions,” including “the San Francisco Transportation Authority.” By encouraging such open meetings, this section presumes

4 The manner in which the SFCTA was created also suggests it is beyond the scope of the “policy body” definition. While the SFCTA was arguably “created by ordinance,” for all practical purposes the SFCTA was created by both statute and ordinance. Proposition B states its creation of the SFCTA was “Pursuant to Division 12.5 of the Public Utilities Code.” (See part I.A.1., ante; accord Pub. Util. Code, § 131007 [“ ‘County transportation authority’ means any authority created pursuant to this division . . . .”].)
the listed agencies, including the “San Francisco Transportation Authority,” are not subject to the Sunshine Ordinance.

The provisions setting forth the administrative appeal process further indicate the Sunshine Ordinance is limited to City agencies. Subdivision (d) of section 67.21 provides: “If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. . . . Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person’s request.” (S.F. Admin. Code, § 67.21, subd. (d), italics added.) The “ ‘Supervisor of records’ ” is defined as the “City Attorney.” (Id., § 67.20, subd. (c).) This administrative review process is only reasonable if the Sunshine Ordinance is limited to City agencies. We are unaware of any authority that would empower a city to determine whether records of a state agency are public and whether those records must be produced to third parties.

While the Sunshine Ordinance should be broadly construed (Cal. Const., art. I, § 3, subd. (b)(2)), we cannot reasonably interpret it to include an entity, such as the SFCTA, which its provisions expressly appear to exclude. Nor can we construe it in a manner that would allow a city to override a state agency’s determination on whether its internal documents were subject to disclosure. Accordingly, we find the scope of the Sunshine Ordinance is limited to the City and is not intended to apply to the SFCTA.

In light of this holding, we find Regents, supra, 7 Cal.5th 536, inapplicable. In Regents, the California Supreme Court addressed whether San Francisco could impose its parking tax on drivers parking in lots owned by the University of California and require the university to collect those taxes on its behalf. (Id. at p. 541.) The court discussed In re Means (1939) 14 Cal.2d 254 and Hall v. City of Taft (1956) 47 Cal.2d 177, explaining that those cases “tell us that in the event of a conflict between a municipality’s view of, say, how best to build a parking lot, and the state’s ability to decide for itself what sort of parking lot would best serve its needs, the state’s prerogatives must prevail. But the
Means-Hall cases do not hold that state agencies are categorically beyond the reach of any local law, no matter how inobtrusive, including one that does no more than require assistance in collecting a concededly valid tax on third parties.” (Id. at p. 554.) To the contrary, the court emphasized “we must consider and pragmatically weigh the substantive constitutional interests on both sides of the balance.” (Id. at p. 555.) The court concluded the city’s interest in collecting tax revenue outweighed the University of California’s administrative burden in collecting the tax on third parties. (Id. at p. 560.)

Here, however, we need not determine whether the SFCTA is “beyond the reach” of the Sunshine Ordinance by “weigh[ing] the substantive constitutional interests on both sides” because the Sunshine Ordinance does not seek to regulate agencies such as the SFCTA. Rather, the Sunshine Ordinance’s scope is limited to the City. And we decline to speculate on whether the Sunshine Ordinance could regulate the SFCTA if it is amended to encompass such agencies in the future. (See Wilson v. Transit Authority (1962) 199 Cal.App.2d 716, 722–724 [declaratory relief is not available to provide judicial answers to theoretical, hypothetical or academic questions].)

III. DISPOSITION

The judgment is affirmed. Respondents may recover their costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1), (2).)
We concur:

Banke, J.

Sanchez, J.
Trial Court:  San Francisco City and County Superior Court

Trial Judge:  Hon. Harold Kahn

Counsel:


Nossaman, Stanley S. Taylor, III, Carl L. Blumenstein and Jennifer L. Meeker for Defendants and Respondents San Francisco County Transportation Authority, Tilly Chang, and Cynthia Fong.

Dennis J. Herrera, City Attorney and Wayne K. Snodgrass, Deputy City Attorney for Defendant and Respondent City and County of San Francisco.
## APPENDIX
### TWENTIETH ANNUAL REPORT OF THE SUPERVISOR OF RECORDS

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January 31, 2019

Sent via email
Paul Somers

Re: Petition to Supervisor of Records

Dear Mr. Somers:

This letter responds to your petition to the Supervisor of Records sent via email on January 11, 2019. The petition concerns your public records request to the San Francisco District Attorney’s Office (“DA’s Office”). We conclude that the DA’s Office properly withheld records responsive to your request under Section 6254(f) of the Government Code and Rivero v. Superior Court, 54 Cal. App. 4th 1048 (1997).

Background

On July 11, 2018, you sent a public records request to the DA’s Office requesting all documents “related to the investigation of [certain individuals employed by] Seyfarth Shaw regarding the Fraud and Forgery per Paul Somers email to SFDA on August 7, 2017.”

The DA’s Office initially responded on July 23, 2018, producing thirteen documents that appear to consist of communications between you and the DA’s Office and attachments that you provided the DA’s Office and invoking an extension with respect to additional documents. The DA’s Office sent you a further response on August 3, 2018, producing another thirteen documents constituting communications between you and the DA’s Office. In the August 3 response, the DA’s Office also disclosed information pursuant to Section 6254(f)(2)(A) of the Government Code concerning your complaint to the DA’s Office regarding the Seyfarth Shaw attorneys. The DA’s Office declined to disclose any records it may have in its investigative file concerning this matter under Government Code Section 6254(f) and Rivero v. Superior Court, 54 Cal. App. 4th 1048 (1997).

Response to Petition

In your petition, you contend that because the DA’s Office has closed its investigation into the Seyfarth Shaw attorneys, the Sunshine Ordinance requires the DA’s Office to disclose its entire file concerning that investigation.

The California Public Records Act provides an exemption to public disclosure for investigatory files of a district attorney’s office. See Gov’t Code § 6254(f). This exemption is available even after the agency closes its investigation. Williams v. Superior Court, 5 Cal.4th 337, 361-362 (1993) (“we shall enforce subdivision (f) according to its terms by holding the exemption for investigatory files does not terminate with the conclusion of the investigation.”) But a municipality may adopt a requirement that allows greater access to its records than
provided by the Public Records Act. See Gov’t Code § 6253(e). Presumably, you base your argument that the DA’s Office must disclose records from a closed investigation on Section 67.24(d) of the Sunshine Ordinance (S.F. Admin. Code § 67.24(d)) which provides, “[r]ecords pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first.”

In Rivero v. Superior Court, 54 Cal. App. 4th 1048 (1997), the court addressed the same situation present here, albeit involving a prior version of San Francisco’s Sunshine Ordinance. In Rivero, the petitioner requested from the DA’s Office the investigative file for a closed case. Id. at 1051. The version of the Sunshine Ordinance in place at that time also required that investigative files not be withheld under Section 6254(f) after the investigation was closed and the prospect of an enforcement action “has been terminated by either a court or a prosecutor.” Id. at 1053 (quoting earlier version of S.F. Admin. Code § 67.24(d)). The court confronted the question of whether the compelled disclosure required by this provision obstructed the investigatory function of the DA’s Office under Section 25303 of the Government Code. That section provides that a county board of supervisors “shall not obstruct . . . the investigative and prosecutorial function of the district attorney of a county.” Gov’t Code § 25303. The court concluded that the compelled disclosure of a closed criminal investigative file required by the Sunshine Ordinance obstructs the investigatory function of the DA’s Office in contravention of Section 25303, and that this conflicting local ordinance “must yield” to state law. Id. at 1059-60. And the provision of the Public Records Act “allow[ing] local agencies to permit greater access to records than offered by the [Public Records Act] does not compel a different conclusion,” because “[i]t does not authorize a local board of supervisors to violate section 25303.” Id.

Interpreting Section 67.24(d) in its current iteration to compel disclosure of the DA’s Office’s closed criminal investigative files would contravene Section 25303. As a result, the DA’s Office properly withheld the records you requested under Rivero and Section 6254(f) of the Government Code.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Hi Brad,

This looks like a supervisor of records issue, but let me know if it should go to someone else instead.

Best,

Andrea Guzman
Deputy Press Secretary
Office of City Attorney Dennis Herrera
(415) 554-4653 Direct
www.sfcityattorney.org
Find us on: Facebook Twitter Instagram

From: Paul Somers
Sent: Friday, January 11, 2019 3:40 AM
To: CityAttorney <cityattorney@SFCITYATTY.ORG>
Subject: Fwd: Violation of SFSO

Please disregard the previous email. This is the correct version.

January 11, 2019

Dennis Herrera
Supervisor of Records
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

Via Email with Hard Copy Sent Via 2 day USPS Express

Re: San Francisco District Attorney’s Office Refusal to Release Information Regarding Investigation of Brian T. Ashe, Shireen Y. Wetmore, Kyle Petersen of Seyfarth Shaw LLP Related to Fraud and Forgery Investigation August - October 2017 in Violation of the San Francisco Sunshine Ordinance

Dear Mr. Herrera,

I write to you as the Supervisor of Records for San Francisco concerning the San Francisco DA’s (“SFDA”) violation of the San Francisco Sunshine Ordinance (“SFSO”). The SFDA is refusing to provide all internal information pursuant to a SFSO request made on or about July 13, 2018. (See attached).

In August 2017, I notified the SFDA of an incident involving several defense attorneys who engaged in crimes of fraud,
forgery, identity theft, etc. in an attempt to misrepresent me, the plaintiff in the lawsuit Paul Somers v. Digital Realty Trust, Inc., et al. The case is still pending in the District Court of the Northern District of California despite being labeled as closed (03-14-cv-015180)

Despite multiple requests for all documentation, the SFDA has only released documents that I sent to them to enable the investigation. This is unacceptable. The SFDA has stalled this process far too long. Because a judicial officer is involved the laws do not change.

A criminal investigation of the defense counsel was well underway before it appears it was shut down at the request of a judicial officer acting outside of her jurisdiction. Direct evidence proving this was discovered last year. The SFDA’s decision to forego completing the investigation was done for improper reasons and as a result, they can now be proven has been highly prejudicial to my case. It is for this reason I am seeking all information about the investigation. The SFDA is refusing to provide anything in writing or disclose who orders the investigation shut down and why.

Please instruct the SFDA to comply with the SFSO and release every last scrap of paper, voice mail, text or email, appointment related to the investigation was included. They only half-heartedly complied to my request by sending me a file containing everything I had already sent to them.

It’s simply not possible that there is no internal documentation at the SFDA offices related to the Seyfarth investigation.

The SFDA declared the investigation closed. As a result, they are obligated to release everything but for personal information such as social security numbers, bank account numbers, etc. The SFSO obligates the SFDA to release everything unless there is a valid reason. Any reasons to withhold must be detailed in writing. I can see no justifiable reason for withholding any information related to the investigation into this matter.

Thank you for your assistance,

Paul Somers
**Immediate Disclosure Request**

**PUBLIC RECORDS REQUEST FORM**

<table>
<thead>
<tr>
<th>To: Custodian of Records</th>
<th>Date: July 9, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evan Ackiron</td>
<td>Via email</td>
</tr>
<tr>
<td>Department: SFDA - Special Prosecutions Unit, White Collar Crime Division</td>
<td>Department Address: 732 Brannan St., S.F., CA 94103</td>
</tr>
<tr>
<td>Name of Requester: Paul Somers</td>
<td></td>
</tr>
<tr>
<td>Requester Address:</td>
<td></td>
</tr>
<tr>
<td>City/State/Zip:</td>
<td></td>
</tr>
</tbody>
</table>

Subject or Item Requested: (Please be as specific as possible)

Documents which are in your possession or control or subject to your control, wherever they may be located. The documents to be produced include not only documents which you presently possess, but also documents which are in the possession or control of your other employees of the SFDA. The term "document" as used in this request for identification and production is a broadly inclusive term referring to any and all written or other graphic material, however produced or reproduced, of every kind and description and to everything upon which sounds, words, symbols or pictures are recorded or depicted by magnetic or electrical impulse, photography, or otherwise. The term "document" includes, by way of example and not limitation, the following and anything similar to any of the following: Letters, emails, instant messages, texts, faxes, memoranda, interoffice correspondence and other forms of correspondence and written communication; Calendars, desk calendars, appointment books, telephone messages, minutes of meetings, and transcripts; Pleadings, deposition transcripts, trial transcripts, interrogatories, answers to interrogatories, affidavits, declarations, papers filed or lodged with courts, and papers filed with or sent to administrative agencies and tape recordings related to the investigation of Brian Ashe, Shireen Wetmore and Kyle Petersen of Seyfarth Shaw regarding the Fraud and Forgery per Paul Somers email to the SFDA on August 7, 2017. Requester does not want copies of items he sent for review UNLESS they contain markings or changes of any kind made after the items were received by the SFDA.
**Immediate Disclosure Request**

<table>
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<tr>
<th>Telephone:</th>
<th>Number to be called when documents are available or to clarify request</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Call Anytime (Indicate times when you can be contacted)</td>
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<table>
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<tr>
<th>I want to see the records. Please call me at the above phone number when the records are ready for viewing. Do not make copies on my behalf. I will review the documents first and then indicate those documents I wish copied.</th>
</tr>
</thead>
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<tr>
<th>I want copies of the pages in the records that I have marked.</th>
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<tr>
<th>I want the entire records copied.</th>
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<tr>
<th>I want the information mailed to the address above.</th>
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<tr>
<th>If payment is required before releasing copies, please let me know</th>
</tr>
</thead>
</table>

*Immediate Disclosure Requests:* (Requests satisfied no later than the close of business on the day following the day of the request.) This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted.
March 8, 2019

Sent via email (Beth.Jones@cbs.com)

Beth Finley Jones  
Vice President, Associate General Counsel  
CBS Television  
4024 Radford Avenue  
Studio City, CA 91604

Re: Petition to Supervisor of Records

Dear Ms. Jones:

This letter responds to your petition to the Supervisor of Records sent via email on February 26, 2019. The petition concerns your public records request to the San Francisco Police Department (“SFPD”) for records relating to Incident Number 190-134-636, including the incident report. The incident at issue arose from the death of San Francisco Public Defender Jeff Adachi. We conclude that SFPD properly declined to disclose records under Section 6254(f) of the Government Code, which provides that records of an investigation of a local police agency are exempt from disclosure. We further conclude that the information provided by SFPD concerning the incident complied with Section 6254(f)(2) of the Government Code and that SFPD properly withheld information due to a pending investigation. Finally, the disclosure, without authorization, of some documents or information concerning the incident does not affect our conclusion that SFPD responded properly to your request.

Background

On the evening of February 22, 2019, Public Defender Jeff Adachi unexpectedly passed away after emergency medical services transported him to the hospital from an apartment on Telegraph Place. SFPD officers responded to the Telegraph Place apartment later that night. Subsequent press accounts indicated that the SFPD incident report regarding the incident, or portions of the incident report, had been leaked.

You requested the SFPD incident report and related documents from SFPD under the Public Records Act and the San Francisco Sunshine Ordinance. SFPD withheld responsive records on the basis that disclosure “may endanger successful completion of the investigation,” citing Government Code Section 6254(f). On March 1, 2019, SFPD provided you the following information under Government Code Section 6254(f)(2):
On February 22, 2019 at approximately 17:41 hours, dispatchers at the San Francisco Department of Emergency Management received a 911 call for a medical emergency at 46 Telegraph Place.

Emergency Medical Services (EMS) units arrived at approximately 17:45 hours. EMS personnel rendered aid to the patient and then transported him to the hospital at approximately 18:29 hours. The patient was pronounced deceased at California Pacific Medical Center (CPMC). The decedent was identified as Jeff Adachi, age 59 of San Francisco.

At approximately 20:33 hours, the Office of the Chief Medical Examiner (OCME) informed dispatch that they were enroute to 46 Telegraph Place and requested SFPD officers to meet them at the scene. At approximately 20:46 hours SFPD responded to the call. At approximately 21:05 hours, DEM received a call from the OCME notifying dispatchers that OCME investigators could not gain entrance to the residence at 46 Telegraph Place or make contact with any witnesses at that time. The OCME investigators left the scene and returned to the hospital. At approximately 23:30 hours, [sic] OCME investigators met with a witness who had control of the residence. Permission was obtained to enter the residence. OCME investigators and SFPD officers entered the residence and continued the investigation. This remains and [sic] active and ongoing undetermined death investigation by the San Francisco OCME and San Francisco Police Department.

Response to Petition

In your petition, you contend, (1) SFPD improperly relied on Section 6254(f) to decline to produce responsive records, (2) even if SFPD properly invoked Section 6254(f) to withhold records, SFPD should have provided information under Section 6254(f)(2), and (3) the public disclosure of some SFPD documents regarding this incident undermines SFPD’s reliance on Section 6254(f) and SFPD should therefore be required to disclose responsive records.

1. **SFPD Properly Declined to Disclose Records Under Section 6254(f).**

Section 6254(f) of the Government Code provides in pertinent part that records of “investigations conducted by . . . any state or local police agency” may be withheld as exempt from disclosure. The underlying records of an investigation may be withheld by a local police agency even where Section 6254(f) requires information from these records to be disclosed in certain circumstances. For example, Section 6254(f)(2) requires information from investigatory records concerning “complaints or requests for assistance” to be disclosed, as discussed below, but it does not require the corresponding records be disclosed. The exemption for investigatory records does not depend on whether the investigation is ongoing. Indeed, “[t]he disclosure exemption extends indefinitely, even after an investigation is closed.” *Rivero v. Superior Court*, 54 Cal. App. 4th, 1048, 1052 (1997) (citing *Williams v. Superior Court*, 5 Cal.4th 337, 355-62 (1993)). SFPD properly invoked this exemption to decline to disclose records of its investigation of this incident.

The San Francisco Sunshine Ordinance provides greater access to investigatory records if certain conditions are met. Section 67.24(d) of the San Francisco Administrative Code provides that “[r]ecords pertaining to any investigation, arrest or other law enforcement activity shall be
disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first.” But such records may still be withheld in certain circumstances, such as where the public interest in non-disclosure outweighs the public interest in disclosure due to “[p]ersonal or otherwise private information related to or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy.” S.F. Admin. Code § 67.24(d)(2). Because the investigation at issue is ongoing, SFPD has no obligation to determine whether Section 67.24(d) requires disclosure at this time.

2. **SFPD Provided the Information Required to be Disclosed Under Section 6254(f)(2).**

   Section 6254(f)(2) provides that notwithstanding the exemption from disclosure for records of an investigation, a local police agency must provide:

   - the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto,
   - including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved.

But a police agency is not required to disclose this information where disclosure “would endanger the successful completion of the investigation or a related investigation.” Gov’t Code § 6254(f). After you filed your petition, SFPD provided you the information quoted above concerning the “time, substance, and location of the complaint” and the “time and nature of the response thereto.” SFPD provided some of the “factual circumstances surrounding the crime or incident” but not all such circumstances. But SFPD has stated that the disclosure of any additional information now would endanger an ongoing investigation. We are not in a position to question SFPD’s assertion that disclosure of additional information would adversely impact the ongoing investigation. We conclude that the information SFPD provided to you complies with Section 6254(f)(2).

3. **The Unauthorized Disclosure of Records Relating to the Incident Does Not Affect SFPD’s Proper Reliance on Section 6254(f).**

   To the extent media outlets obtained documents concerning SFPD’s investigation of the incident, SFPD did not authorize such release, as SFPD has publicly affirmed and you recognize in your petition. An inadvertent or unauthorized disclosure of records does not waive the City’s authority to rely on properly invoked exemptions contained in the Public Records Act. See Ardon v. City of Los Angeles, 62 Cal.4th 1176 (2016) (concluding that city did not waive exemption for attorney-client privileged materials through inadvertent disclosure). As the court concluded in Ardon, a waiver under Section 6254.5 of the Government Code would occur where the disclosure was intentional. Here, it is not clear how the media obtained records regarding the incident, but we are not aware of any evidence that SFPD intentionally disclosed such records. And even where a local police agency intentionally discloses some records that may be withheld under Section 6254(f) that disclosure does not require the local police agency to disclose all records concerning the investigation. The unauthorized disclosure of some records relating to
the incident did not waive SFPD’s ability to rely on Section 6254(f) to withhold those records or any other records of the investigation.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
From: Lopez, Denise <Denise.Lopez@cbs.com>  
Sent: Tuesday, February 26, 2019 11:58 AM  
To: Stevenson, David (POL)  
Cc: Jones, Beth (STC); SFPD, Commission (POL); cityattorney@sfgov.org; Supervisor Records  
Subject: CBS News and KPIX5/Request for Reconsideration of Denial of Request for Documents Relating to Incident Report 190-134-636  
Attachments: Letter.pdf

Sent on behalf of Beth F. Jones, Esq.

Denise Lopez | Legal Assistant | CBS  
Mailing Address: 4024 Radford Avenue, Carpenter 204, Studio City, CA 91604  
Physical Address: 11846 Ventura Boulevard, Suite 204, Studio City, CA 91604  
T: 818.655.1640 | denise.lopez@CBS.com

* CONFIDENTIALITY NOTICE *

This e-mail message is intended only for the confidential use of the intended recipient(s). This message may contain information that is legally protected by the attorney-client and/or work product protections; as such, this message is privileged and may not be disclosed except to the intended recipient(s). If you have received this message in error, please notify the sender immediately by e-mail, and delete all copies of this message and any enclosures. Thank you.
February 26, 2019

Via email (David.c.stevenson@sfgov.org)

Mr. David C. Stevenson
Director of Strategic Communication
San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158


Dear Mr. Stevenson:

I am in-house counsel at CBS Television. I submit this letter on behalf of CBS News and CBS’ San Francisco television station, KPIX5 (collectively, “CBS”), to respectfully request that the San Francisco Police Department (“SFPD”) reconsider its refusal to release documents relating to the death of San Francisco Public Defender, Jeff Adachi. As you well know, both KPIX5 and CBS News submitted separate requests to SFPD for copies of records under the California Public Records Act (“CPRA”) relating to Incident Number 190-134-636, including the Incident Report/Police Report (collectively, “Records”). Sergeant Michael Andraychak responded via email to KPIX5 that SFPD is refusing to produce the requested records, invoking the exemption under CPRA Section 6254(f) for records relating to an open investigation, the disclosure of which “may endanger successful completion of the investigation.”

CPRA Section 6254(f)(2) expressly mandates that local law enforcement agencies shall make public the following information regarding a request for police assistance:

1. The time, substance, and location of all complaints or requests for assistance received by the agency;
2. The time and nature of the response thereto;
3. The time and date of the report;
4. The name and age of the victim;
5. The factual circumstances surrounding the crime or incident; and
6. A general description of any injuries, property or weapons involved.
An exception to these mandatory disclosure requirements is if the “disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation.” CPRA Section 6254(f). SFPD cannot establish sufficient grounds for invoking this exception.

SFPD has not offered any explanation as to how release of the requested records would impair the successful completion of an investigation. In fact, it states only that the release of the documents “may” endanger successful completion of the investigation. Other public statements by SFPD are also inconsistent with the position that details surrounding the investigation of Mr. Adachi’s death must be kept confidential. In its response to Ms. Caen’s email, SFPD has said there were “no signs of foul play” regarding Mr. Adachi’s death, which would suggest there is little concern for a murder or other criminal investigation.

Perhaps most fatal to SFPD’s position is the fact that copies of the alleged Incident Report are already public, albeit not as a result of a formal disclosure by SFPD. Copies of the Incident Report were supposedly leaked and copies have been pirated to those willing to pay a fee. Portions of the alleged Incident Report, including photographs taken inside the apartment where Mr. Adachi was found, have also been published in television news reports and in the San Francisco Chronicle. These facts alone completely undermine the need for SFPD to keep the Records private.

Mr. Adachi was a high-ranking public official in San Francisco and questions surrounding his sudden and untimely death deserve public answers. Disclosure of the Records will serve to provide reliable details about his death rather than the rumors and speculation that currently abound. At a minimum, SFPD should produce the factual information mandated by CPRA Section 6254(f)(2). However, given that the Incident Report is already publicly available, the public interest served by disclosure certainly outweighs the public interest served by nondisclosure. Accordingly, CBS respectfully requests that SFPD produce the entire Incident Report and all related documents. By copy of this letter to the San Francisco City Attorney’s Office, CBS is also filing an appeal of SFPD’s decision under the applicable provisions of the Sunshine Ordinance.

Nothing contained in this letter constitutes a waiver of any of CBS’ rights, remedies or defenses with respect to this matter, all of which are expressly reserved.

Very truly yours,

Beth Finley Jones

cc: Police Commissioner Robert Hirsch
San Francisco City Attorney, Dennis Herrera
Supervisor.Records@sfcityatty.org
April 30, 2019

Geoffrey King

Re: Petition to Supervisor of Records

Dear Mr. King:

This letter responds to your petition to the Supervisor of Records. The petition concerns your public records request to the San Francisco Police Department (“SFPD”) for “all records related to the status of charges against Willie McCoy . . . at the time of his death on February 9, 2019.” We conclude that SFPD properly withheld documents under Section 6254(k) of the Government Code.

SFPD states that in order to comply with your request, it must search criminal offender record information. Section 11075(a) of the California Penal Code provides that criminal offender record information includes “the nature and disposition of criminal charges.” Criminal offender record information is only available as authorized by statute. Penal Code § 11076. No statute authorizes disclosure of criminal offender record information to the general public in response to a public records request. Thus, SFPD properly withheld documents responsive to your request under Section 6254(k) of the Government Code, which provides an exemption for records “the disclosure of which is exempted or prohibited pursuant to federal or state law . . . .”

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
We received the following regarding an SFPD request. I was unsure if we wanted to respond to directly, or a Supervisor of Records request.

Best,

Andrea Guzman
Deputy Press Secretary
Office of City Attorney Dennis Herrera
(415) 554-4653 Direct
www.sfcityattorney.org
Find us on: Facebook Twitter Instagram

Dear Colleagues,

Please see the forwarded email, below.

I write to you in your capacity as counselors to your client agency, SFPD. I have been asking for a reasonable disclosure of records since February; after invoking its extensions, SFPD has denied my request in full.

The City of Vallejo references Willie McCoy's 2018 arrest by SFPD on an official webpage about his death. As you know, the charges in that case were dropped. The public cannot assess the reasonableness of that almost year-old event. VPD hasn't released records; then again, their compliance with the PRA is very frequently suboptimal. I expect more from SFPD.

The records requested from SFPD relate to issues as simple as charging decisions. While I am asking for more than just that, it should be obvious that I am not seeking information — reasonably segregated from disclosable records — that would prejudice an ongoing investigation. I believe there is room for negotiation here.

Please let me know if your agency can intervene, and help us work toward a mutually-begrudging outcome.

Best,

Geoff
Lieutenant Waaland,

I have seen some creative claims about exemptions in my decade of open government experience, but this is impressive.

Your response asserts that SFPD cannot release year-old arrest information for a dead man. It cannot tell me whether charges were filed, declined or dropped. Records cannot be released, even with redactions. And to justify this, the agency cites nothing more specific than Government Code section 6254(f).

I am aware of the investigation regarding Mr. McCoy’s death. These records are inapposite. To the extent they touch upon it, you may redact non-disclosable information consistent with the law.

Please let me know if you have any plans to do so no later than 5:00 p.m. tomorrow.

Geoffrey King

On Tue, Mar 26, 2019 at 5:07 PM San Francisco Police Records Portal <sanfranciscopd@mycusthelp.net> wrote:

--- Please respond above this line ---

March 26, 2019

Via email

Geoffrey King
Dear Geoffrey King:

In response to your request, please see attached document(s).

Sincerely,

Lieutenant Kathryn Waaland
Officer in Charge
Legal Division

To monitor the progress or update this request please log into the SFPD Public Records Center.

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.
March 25, 2019

Geoffrey King
CA

RE: Public Records Request, dated February 25, 2019, Reference # P006950-022519

Dear Geoffrey King:

The San Francisco Police Department (SFPD) received your Public Records Request, dated February 25, 2019. On March 7 and March 21, 2019, the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another division of the agency.

You requested, “Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.) ("CPRA") and the San Francisco Sunshine Ordinance, I request the following records: • all records reflecting the status of charges against Willie McCoy (see https://sanfranciscopolice.org/article/sfpd-make-arrest-human-trafficking-related-kidnapping-18-054) at the time of his death on February 9, 2019 (see https://www.nytimes.com/2019/02/21/us/willie-mccoy-police-shooting.html). Please also include the dates of any relevant events between his initial arrest and death, e.g., the date any charges were dropped or discharged pending further investigation, if applicable. PLEASE NOTE: I am aware this is an SVU matter which may require an additional layer of review. To avoid undue delay, you may limit your immediate disclosure search to the status of the charges and the attendant dates. This request does not seek the disclosure of the incident report, warrant and similar documents within 24 hours; disclosure of these and similar records a rolling basis is acceptable once the priority information is disclosed. As you know, the fundamental rule of the CPRA is a presumption of public access. “In other words, [A]ll public records are subject to disclosure unless the Legislature has expressly provided to the contrary.” Williams v. Superior Court, 5 Cal. 4th 337 (1993). This presumption finds further support in the California Constitution, as amended by Proposition 59 in 2004. “A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access.” Cal. Const. Art. 1 § 3(b)(2) (emphasis added). Pursuant to the San Francisco Sunshine Ordinance, I ask for a determination on this request within 24 hours. Pursuant to the California Public Records Act, I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the records in question. If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information. If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold
it, I ask that you redact it for the time being and make the rest available as requested. In any
event, please provide a signed notification citing the legal authorities on which you rely if you
determine that any or all of the information is exempt and will not be disclosed. If I can provide
any clarification that will help expedite your attention to my request, please contact me via
email. I ask that you please apply a fee waiver to this request. Please email the records to me at
and/or post them online to this records center. If my request for a fee waiver is denied, I ask that you please notify me of any duplication costs exceeding $50 before
you duplicate the records so that I may decide which records I want copied. Thank you for your
time and attention to this matter. If you have any questions, please do not hesitate to be in touch
via email, the records center, or by phone at . Thank you."

The SFPD declines to release records responsive to your request under California Government
Code Section 6254(f), which exempts from disclosure records that would endanger the safety of
a witness or other person involved in the investigation, or disclosure would endanger the
successful completion of the investigation or a related investigation.

If you have any questions, please contact Kathleen Langley at 415-837-7181.

Sincerely,

Sgt. Victoria Sullivan #571

For

Lieutenant Kathryn Waaland
Officer in Charge
Legal Division
Where a department relies on an exemption in the Public Records Act to withhold or redact documents, we look at whether the department properly invoked the exemption. If you believe OEWD has not produced all responsive documents, I can reach out to them and ask. Let me know. Thanks.

Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
www.sfcityattorney.org

Hello Mr Russi,

My apologizes. I should have better understood the scope of the Supervisor of Records.

Question: You only determine "If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance."

I take it that if a custodian does not make any claim that a record is not public or exempt in writing and just fails to produce a record, that is under jurisdiction of SOTF only?

Thanks,

Mark Sullivan

On 4/16/2019 6:59 PM, Supervisor Records wrote:

Mr. Sullivan –

Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any
part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” That is the extent of the scope of Supervisor of Records jurisdiction. It is not clear from your email whether the department has withheld or redacted any records. It appears that they did not. Please let me know. Thank you.

Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
www.sfcityattorney.org

From: sfneighborhoods.net <info@sfneighborhoods.net>  
Sent: Monday, April 15, 2019 2:40 PM  
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>  
Subject: Questions/Professionalism Custodian of Records

To Supervisor of Records,

The below PR request brings up two questions:

Are screenshots of a document and or text of a document specific enough for a PR request?

If you make a very specific Immediate Disclosure Request request for certain documents (about 6 to 10), can a custodian of records dump about 510 records 4 days later and say your documents are in the pile of another request?

What happened:

In another PR request to OEWD by someone else, they received documents of which at first they only sent me screen shots and some text. They were having a hard time working with documents on the computer. I asking them for the documents (waited 2 weeks). They have not been able to find those documents, so I made a PR request to OEWD, April 4, 2019.

The e-mails chain below from the bottom to up, I made a public records request with the screen shots and text I had, about 6 to 10 documents. Marianne Thompson says that my request was not specific enough and closed my PR request. I pointed out that she should work with the requester to narrow the request or add the specificity needed before closing a PR request and pointed out the government code.

She replied that I should use some outline below that she did not provide but instead just copied me the government code I had sent her.

I sent her an Immediate Disclosure Request, giving the dates, the to or from, and subject matter of the about six documents I needed. It has been longer than "the close of business on the day following the day of the request". I made Immediate Disclosure Request because I think
Marianne Thompson has every intention of not complying with requests in a timely manner based on past PR requests made to her.

I also made a larger regular PR request at the same time as the Immediate Disclosure Request. "All e-mail correspondence of employees of OEWD that include the words Green Benefit District or GBD from December 2017 to the present. Please do not include duplicates. Include all attachments."

I asked for SOTF to intervene and they did. Four days beyond the deadline of the Immediate Disclosure Request, Marianne Thompson, produced the general request with about 510 documents and responded to my Immediate Disclosure Request:

Please see the documents in the previous response to your request.

We have sent you all of the documents regarding any and all Green Benefits Districts, and do not have any more documents.

M.

I think the public should expect more professionalism from custodian of records. I have found that custodian of records are generally hostile to requester and not very supportive of the idea of open government and transparency. It could be just me, but every requester should be treated the same.

Sincerely,

Mark Sullivan

Subject: PUBLIC RECORD REQUEST Immediate Disclosure Requests

Date: Fri, 5 Apr 2019 03:13:42 -0700

From: sfneighborhoods.net <info@sfneighborhoods.net>

To: Thompson, Marianne (ECN) <Marianne.Thompson@sfgov.org>

PUBLIC RECORD REQUEST

Immediate Disclosure Requests (Requests satisfied no later than the close of business on the day following the day of the request.)

Please send me the following document(s). The document(s) can be to or from Corgas, Christopher (ECN) also misspelled as Gorgas, Christopher (ECN). Include any attachments.
1. June 18, 2018 to June 21, 2018
Gorgas, Christopher (ECN) or Corgas, Christopher (ECN)
Subject: Clarifying action item assignments and volunteers RE: REMINDER: Doodle Poll + Notes from 6/12 Dolores Park GBD Meeting

2. October 24, 2018
Gorgas, Christopher (ECN) or Corgas, Christopher (ECN)
Subject: Outreach Check-in: Mission Dolores GBD Feasibility Survey

3 January 10, 2018 to January 12, 2018
Corgas, Christopher (ECN)
Subject: Meeting

4 March 12, 2018
Corgas, Christopher (ECN)
Subject: Meeting Tonight

5 May 15, 2018
Corgas, Christopher (ECN)
Subject: GBD Steering Committee Meeting

6 June 1, 2018
Corgas, Christopher (ECN)
Subject: New SC member - Dolores Park GBD

Thank You,
Mark Sullivan

-------- Forwarded Message --------

Subject: RE: Public Record Request
   Date: Fri, 5 Apr 2019 16:08:34 +0000
   From: Thompson, Marianne (ECN) <marianne.thompson@sfgov.org>
   To: sfneighborhoods.net <info@sfneighborhoods.net>

Using the outline below, please submit a new and succinct request.

M.
Closing a request without assisting "the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances" is in violation of California Government Code

Sec. 6253.1

(a)

When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

(1)

Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2)

Describe the information technology and physical location in which the records exist.

(3)

Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

(b)

The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

Marianne Mazzucco Thompson

Office of Economic and Workforce Development
City Hall, Room 448
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Closing a request without assisting "the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances" is in violation of

**California Government Code**

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(1)  

Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2)  

Describe the information technology and physical location in which the records exist.
Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

On 4/4/2019 2:57 PM, Thompson, Marianne (ECN) wrote:

Good afternoon,

I am currently declining this request, as you are not being specific as to the types of records and documents that you are requesting, and you have not provided a subject or topic that this request is regarding. Therefore I am closing out this request as it is incomplete and vague.

Best,

M.

Marianne Mazzucco Thompson
Office of Economic and Workforce Development
City Hall, Room 448
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

P: 415-554-6297
E: Marianne.Thompson@sfgov.org

From: sfneighborhoods [mailto:sfneighborhoods.net@gmail.com]
Sent: Thursday, April 04, 2019 2:01 PM
To: Thompson, Marianne (ECN) <marianne.thompson@sfgov.org>
Subject: Public Record Request
Hello Marianne Thompson,

PUBLIC RECORDS REQUEST

I am requesting the following documents that were part of a Public Record Request of OEWD to another person but of which I only have some texts and or screen shots of. I would like the pdf or word documents which they are stored. All have Chris Corgas (ECN) as receiving a copy.

Text copies of requested documents are followed by screen shots of requested documents below.

Thank You,
Mark Sullivan

My apologies for the mix up. Thank you Hans for clarifying!

Since we have enough folks who can attend the proposed June 26th meeting date, I will be following-up with a calendar invite shortly.

Cheers, Jonathan

Jonathan Goldberg Green Benefit District Program Manager
Operations | San Francisco Public Works | City and County of San Francisco 2323 Cesar Chavez Street | San Francisco, CA 94124 | (o) 415.695.2015 |
From: Hans Kolbe  
[mailto:hanskolbe@celantrasystems.com]  
Sent: Tuesday, June 19, 2018 9:42 AM  

To: Goldberg, Jonathan (DPW) <jonathan.goldberg@sfdpw.org>; 'Toral Patel'  
	<toral@placelabsf.org>; 'Brett Lider' ; 'Carolyn Thomas' ; 'Dana De Lara'  
	'Eric Guthertz' ; 'Gideon Kramer'  
	'Jim Chappell' ;  
	rebecca@cds-sf.org; 'Robert Brust'  
	'Sam Mogannam'  

Cc: Gorgas, Christopher (ECN) <christopher.corgas@sfgov.org>; 'Brooke Ray Rivera'  
<brookeray@buildpublic.org>  

Subject: Clarifying action item assignments and volunteers RE: REMINDER: Doodle Poll + Notes from 6/12 Dolores Park GBD Meeting  

Jonathan,  

Thanks a lot for the detail minutes of our meeting, great! My recollection of the two groups preparing for the next meeting is different than you wrote down. I believe Dana, Carolyn, and Robert volunteered for the communication plan, and Liore and I volunteered for the survey questionnaire draft. I asked Conan whether he volunteered. He offered to review any intermediary work product -but did not want to be part of the assignment.  

Please let me know if I am remembering incorrectly. In the meantime, I will start working with  

you on the survey.
Goldberg, Jonathan (DPW)
Thursday, June 21, 2018 6:03 PM

Hans Kolbe; 'Toral Patel'; 'Brett Lider'; 'Carolyn Thomas'; 'Dana De Lara'; 'Eric Guthertz'; 'Gideon Kramer'; 'Jim Chappell'; nori.yatsunami; rebecca@cds-sf.org; 'Robert Brust'; 'Sam Mogannam'

Gorgas, Christopher (ECN); 'Brooke Ray Rivera'

RE: Clarifying action item assignments and volunteers RE: REMINDER: Doodle Poll + Notes from 6/12 Dolores Park GBD Meeting

1

Thank you

Hans Kolbe Celantra Systems

_______________________________________________
From: Goldberg, Jonathan (DPW) [mailto:jonathan.goldberg@sfdpw.org] Sent: Monday, June 18, 2018 5:32 PM
To: Toral Patel <toral@placelabsf.org>; Hans Kolbe <hanskolbe@celantrasystems.com>; Brett Uder; Carolyn Thomas; Dana De Lara; Eric Guthertz <guthertze@sfusd.edu>; Gideon Kramer; Jim Chappell; nori.yatsunami; rebecca@cds-sf.org; 'Robert Brust'; 'Sam Mogannam'; nori.yatsunami; rebecca@cds-sf.org; 'Robert Brust'; 'Sam Mogannam'; nori.yatsunami; rebecca@cds-sf.org; 'Robert Brust'; 'Sam Mogannam'; nori.yatsunami; rebecca@cds-sf.org; 'Robert Brust'; 'Sam Mogannam'
Cc: Gorgas, Christopher (ECN) <Christopher.corgas@sfgov.org>; 'Brooke Ray Rivera'

<brookeray@buildpublic.org>
Subject: REMINDER: Doodle Poll + Notes from 6/12 Dolores Park GBD Meeting

Hi all!

Just a reminder to respond to this Doodle poll to confirm our next meeting date.

At our June 12th meeting, we tentatively set our next meeting date to be Tuesday, June 26th at 6 PM, pending the availability of our greater group. If this date doesn't work for most, we'll reschedule this meeting for another date in June or July.

Cheers, Jonathan

Jonathan Goldberg Green Benefit District Program Manager
Operations | San Francisco Public Works | City and County of San Francisco 2323 Cesar Chavez Street | San Francisco, CA 94124 | (o) 415.695.2015 | (c) 415.304.0749
sfpublicworks.org · twitter.com/sfpublicworks

From: Goldberg, Jonathan (DPW)
Sent: Wednesday, October 24, 2018 7:40 PM
To: Goldberg, Jonathan (DPW); Brett Uder; Bruce Bowen; Carolyn; Gorgas, Christopher (ECN); Claude Imbault; conan mcHugh; Ned Moran; Eric Guthertz; Hans Kolbe;

'Jim Chappell'; Uore Milgrom-Gartner; nori yatsunami tong; David; Brooke Ray Rivera;

Cc: brookeray@buildpublic.org; juliaayeni@sfparksalliance.org; Conan McHugh Subject: Outreach Check-in: Mission Dolores GBD Feasibility Survey

When: Monday, October 29, 2018 6:00 PM-7:30 PM (UTC-08:00) Pacific Time (US & Canada). Where: Conference Call

Hi all-

This conference call will be to check-in regarding survey and outreach efforts to date. Conference call details will be forthcoming.

Cheers, Jonathan

20th Annual SOR Report
APPENDIX - Page 30
From: Corgas, Christopher (ECN) [mailto:christopher.corgas@sfgov.org]
Sent: Wednesday, January 10, 2018 9:16 AM
To: Hans Kolbe <hanskolbe@celantrasystems.com>; Sam Mogannam <sam@hirisemarket.com>
Subject: Meeting

Hi Sam and Hans,

Happy new year! Hope you both are having 2018 start out strong and well.

I am reaching out to both of you in regards to 18th Street capacity building. I would like to schedule meeting between the three of us sooner rather than later to plot the path forward. How is your schedule this Friday or next week?

Regards,

Chris Corgas, MPA
Senior Program Manager
Office of Economic and Workforce Development
1 Dr. Carlton B. Goodlett Place, Room 448
San Francisco, CA 94102
O: 415.554.6661
christopher.corgas@sfgov.org
On Jan 12, 2018 2:10 PM, “Corgas, Christopher (ECN)” <christopher.corgas@sfgov.org> wrote:

Hi Sam and Hans,

I will need both of you to confirm Monday at 12:30 PM and agree to a location. Once we get that squared away I can put on my calendar.

Regards,

Chris Corgas, MPA
Senior Program Manager
Office of Economic and Workforce Development
Dr. Carlisle B. Goodlett Place, Room 448
San Francisco, CA 94102
O: 415-554-6661
christopher.corgas@sfgov.org
Co-author of **FAT GOOD FOOD**: a grocer’s guide to shopping, cooking, and creating community through food

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From: Corgas, Christopher (ECN) [mailto:christopher.corgas@sfgov.org]
Sent: Monday, March 12, 2018 9:26 AM
To: Sam Moganram; Hans Kolbe
Cc: Goldberg, Jonathan (DPW)
Subject: Meeting Tonight

Hi Sam and Hans,

Look forward to seeing you and the rest of the steering committee tonight for a robust discussion on the proposed map for a GBD. I wanted to give you a heads up that I will be about 10/15 minutes late, I will be coming from an item before the Small Business Commission.

Regards,

Chris Corgas, MPA
Senior Program Manager
Office of Economic and Workforce Development
1 Dr. Carlton B. Goodlett Place, Room 448
San Francisco, CA 94102
O: 415-554-6661
christopher.corgas@sfgov.org
Hi Sam,

The agenda will be to discuss the map area and we should have a final area tonight for the survey area. This shouldn’t last longer than 1.5 hours.

-Chris

From: Corgas, Christopher (ECN) [mailto:christopher.corgas@sfgov.org]
Sent: Monday, March 12, 2018 11:11 AM
To: Sam Mogannam
Subject: RE: Meeting Tonight

Hey Chris
What should the agenda for tonight be?

Thanks,
Most definitely. Benefit districts (CBDs, GBDs, & BIDs) aren’t easy to understand or digest in one sitting.

On this issue, there’s a tricky balancing act when initiating the outreach process; too much time spent on informational outreach for newcomers puts-off engaged members that are already up-to-speed; not enough time spent on distilling priorities for engaged members loses the focus of newcomers who don’t understand the overall process.

For Thursday, we’re working to update the proposed agenda and refine the exercise/activity for the group. We’ll be spending a few minutes reviewing where we are – Supervisor Strehly secured funding for this process; a group of community members started began conceptual discussions a couple months ago; etc. etc. – before introducing an activity that is easy to understand and more intuitively-based: what are your priorities? What are opportunity sites in the neighborhood? Where do key, reoccurring neighborhood issues lie?

Thursday’s meeting will focus less on the (wonky) GBD concept and more so on the distillation of some commonly-shared neighborhood themes. This meeting’s facilitated discussion will help inform how these commonly-shared themes might tie-in to and potentially address by the GBD concept. Ultimately, these themes will help generate messaging moving forward, be it a motivational pitch (with a geographic focus) or some universal message that will help positively engage others in this process.

Of course, Chris, Place Lab, and I will be available to respond to any targeted questions about the model after the meeting, should they arise.

Cheers,
Jonathan

Jonathan Goldberg
Green Benefit District Program Manager
City of San Francisco Public Works
Hi All,

I am sure I am missing a bunch of my emails in my haste to get this out. I ran into Jim Chappell last evening, who lives in the vicinity we are looking at for the Dolores Park GBD and is interested in becoming involved.

For those of you who do not know, he specializes in providing strategic assistance to the development community and public agencies on private-public initiatives. From 1994 to 2009, he led the San Francisco Planning and Urban Research Association (SPUR), bringing a balanced and informed perspective to San Francisco Bay Area urban issues through research, education, and advocacy. Prior to that, he began his career as a planning and development consultant, working for some of the country’s top planning firms, on a wide variety of projects for developers, public agencies, and community groups.

He is skilled in strategic planning, positioning, zoning and land use planning, project siting, entitlements, public/private partnerships, historic preservation, park and recreation planning, community relations and government relations.

Jim is highly regarded in the field and I have had the pleasure of working with him on various CBD formations. I trust his wisdom will be most beneficial to steering committee.

Please loop him in, he is included in this email.

Regards,

Chris Corgas, MPA
Senior Program Manager
econdevintern, (ECN)

From: Jim Chappell
Sent: Friday, June 01, 2018 11:35 AM
To: Cargas, Christopher (ECN)
Cc: Brooke Ray Rivera; Sam@birtemarket.com; Hans Kolbe; Carolyn Thomas; Toral Patel; Goldberg, Jonathan (DPW); Robert Brust
Subject: Re: New SC member - Dolores Park GBD

Thanks Chris. Just to be clear, I am interested in participating as a neighbor and volunteer. I'm not looking for work. Happily retired!

Jim Chappell
708 Guerrero

On Fri, Jun 1, 2018 at 10:45 AM, Cargas, Christopher (ECN) <christopher.cargas@sfgov.org> wrote:

Hi All,
August 26, 2019

Sent via email (72056-97339218@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your April 20, 2019 request to the City Attorney’s Office for the following:

A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:
   20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:
   <20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:
   20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:
   <20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:
   <DM5PR09MB1497363CAABBEE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:
   DM5PR09MB1497363CAABBEE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records
   policies/manuals/instructions/guidelines for the public and/or your own employees

As an alternative to producing the records in original electronic format, your request asked that the metadata from these emails be copied into a PDF. The City Attorney’s Office produced PDF
copies of the emails and the metadata but redacted portions of the metadata. We conclude that the City Attorney’s Office responded appropriately to this request.

Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” You contend that the City Attorney’s Office improperly redacted information from the metadata in its response to your request.

State law does not provide authoritative guidance on whether metadata is subject to disclosure under the Public Records Act. Assuming that it is subject to disclosure, there are proper grounds to redact it. Disclosure of the metadata associated with the original electronic files – whether by producing it in original electronic format or disclosing the metadata in some other format – may jeopardize or compromise the security of the City’s computer system, and the City Attorney’s Office may decline to produce the native files and additional metadata under Government Code Section 6253.9(f). See Gov’t Code § 6254(f) ("Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.")

If native files are produced, metadata disclosed with those files may include unique identifiers for individual computer terminals and computer servers and associated security certificates and similar information. This information is highly sensitive, as disclosing it could allow a hacker to penetrate the City’s computer system, “spoof” emails and insert themselves into confidential and/or privileged discussions, or send unauthorized emails on behalf of city officials. Therefore, this information may also be withheld under Government Code Section 6254.19, which allows information security records to be withheld if disclosure “would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.” Finally, given this security risk, the information may also be withheld because there is a substantial need for confidentiality that outweighs any interest the public may have in accessing this information. See Cal. Evid. Code § 1040; Gov’t Code § 6254(k).

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
RE: SF Sunshine Ordinance petition against City Attorney, ref 72056

To the Supervisor of Records of the City and County of San Francisco:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

This petition is addressed to you in your capacity as Supervisor of Records, with regards to the actions of your office, in its City Attorney capacity. I am not an attorney and not aware of whether any case law does or does not permit you to direct your own office, in a different capacity, to provide us with public records in accordance with the Sunshine Ordinance and California Public Records Act.

On April 20, 2019, I made an anonymous request (see Attachment 1) for public records to your office in its City Attorney capacity.

Unsatisfied with the City Attorney’s response, on May 8, 2019, I filed an anonymous complaint with the SF Sunshine Ordinance Task Force (see Attachment 2) regarding my experience. Included in the attachment are exhibits detailing the request, the City Attorney’s responses, and my reasoning that the response of the City Attorney was inadequate under the Sunshine Ordinance and the California Public Records Act, all of which I incorporate into this petition.

In parallel with the Task Force complaint, I am anonymously petitioning you under SF Admin Code
Sec 67.21(d)\(^1\) to, within 10 days, direct your office, in its City Attorney capacity, to: (1) provide us with the full public records requested, numbered A\(\{3,4,5,6\}\) in Attachment 1, and (2) provide in writing any justifications for withholding specific parts of the responsive records.

encl: Attachment 1 – April 20, 2019 request

encl: Attachment 2 – Complaint Filed with SF Sunshine Ordinance Task Force, including Exhibits A, B, and C

\(^1\)“(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person’s request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.”
Attachment 1 - request sent to cityattorney@SFCITYATTY.ORG

San Francisco City Attorney
PRA Office
Room 234
1 Doctor Carlton B Goodlett Place
SF, CA 94102

April 20, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id: 20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id: <20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id: 20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id: <20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id: <DM5PR09MB1497363CAABBE6806E68810F802600@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id: DM5PR09MB1497363CAABBE6806E68810F802600@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id’s should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.
We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,

Anonymous
Attachment 2 - Task Force complaint
RE: SF Sunshine Ordinance Complaint against City Attorney, ref 72056

To Whom It May Concern:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

A. METADATA:

Complainant Name: (Anonymous - use email 72056-97339218@requests.muckrock.com)

Date of Request: April 20, 2019

Complaint Against Employees: Dennis Herrera (Herrera) in his official capacity as city attorney, Elizabeth A. Coolbrith (Coolbrith) in her official capacity as paralegal for city attorney

Complaint Against Agency: Office of City Attorney

Yes - Alleged violation of public records access
Yes - Alleged failure to provide information in a timely manner in accordance with the provisions of the Sunshine Ordinance
No - Alleged violation of a public meeting
B. NARRATIVE:

On April 20, 2019 we sent a San Francisco Sunshine Ordinance (Ordinance) and California Public Records Act (CPRA) request to the City Attorney – enclosed herein as Exhibit A, which also includes the communication back and forth with the City Attorney’s office and Coolbrith. On April 22, 2019 Coolbrith replied on behalf of Herrera with records responsive to part "B" and asking for clarification on part "A", to which I replied on the same day. On April 23, 2019 Coolbrith notified us our request would not be treated as an Immediate Disclosure request.

On April 24, 2019 Coolbrith provided us "two emails [that] are responsive to portions A3/A4, and A5/A6 of your request." (with the responsive records provided as Exhibit B and Exhibit C).

I replied on the same day as follows:

Thank you. As we noted in our initial request, we requested the entire email message, which contains numerous other headers in addition to those you have provided so far.

We do not see any statutory justification cited for withholding that portion of the public record. Please do provide the entire message with all headers (except those statutorily excluded from disclosure).

The MuckRock.com system automatically sent a reminder to City Attorney on May 8, 2019, to which Coolbrith replied on the same day in part:

We already completed our response to your request on April 24, 2019. We do not intend to produce anything further in response to your request.

I replied on the same day, in part:

Your PDFs include From, To, Subject, Sent, Attachments, and Body of the emails. You have withheld certain portions of the email records, including but not limited to:
- Header: X-Envelope-From
- Header: Received
- Header: Thread-Topic
- Header: X-Originating-Ip
- Header: Thread-Index
- Header: Sender
- Header: X-Originatororg

Please provide a statutory justification for such withholding, and the name and title of the official responsible for that withholding, per CPRA.

Since I had previously requested the entire email message with full headers and statutory justification, I proceeded to file this complaint.
C. COMPLAINTS:

I make the following allegations. I am not an attorney, so my understanding is associated with proper sections of the law to the best of my (lay) ability.

1. Violations of SF Admin Code Sec. 67.27. Justification Of Withholding

On April 24, 2019 and May 8, 2019, Coolbrith’s responses did not justify withholding portions of the responsive email records (namely the headers, which we had specifically requested in our original request and April 24, 2019 reply). No statutory nor case law authority was provided.

2. Violations of SF Admin Code Sec. 67.26. Withholding Kept To A Minimum

On April 24, 2019, responsive records as provided in attachments to Coolbrith’s response (Exhibits B and C) did not withhold the minimum necessary portions of the emails requested. While it may be argued that some of the headers of an email could be withheld for privacy reasons (though we do not concede such point), that does not mean the City Attorney can withhold all portions of the email other than From, To, Subject, Sent, the attachments, and the email body.

Furthermore, information that is clearly public record was withheld by converting the email record to PDF format in the specific manner that the City Attorney did. For example, the From header in one of the PDFs states "Coolbrith, Elizabeth (CAT) on behalf of CityAttorney." The original e-mail record would include the email address of "Coolbrith, Elizabeth (CAT)" and "CityAttorney" instead of just their names - these are official, public employee email addresses that there is no reason to withhold.


67.21(b) (“...If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance....”) was violated by Coolbrith’s April 24, 2019 response wherein she did not indicate that the City Attorney believed the remaining portion (other headers) of the emails we requested were exempt, and on May 8 as well when Coolbrith indicated they would not disclose any more records without any justification.

67.21(i) (“The San Francisco City Attorney’s office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. ”) was violated since it is the City Attorney itself denying us access to a portion of the email record.

67.21(l) (“Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department...”) was violated on April 24, 2019 since Coolbrith provided the emails requested in PDF format and not the raw/original format stored by the email...
servers. This original format (which we specifically requested) contains those additional headers we requested.

4. Violations of CA Govt Code 6253.9

6253.9(a)(1) ("...The agency shall make the information available in any electronic format in which it holds the information....") was violated for reasons stated under the third paragraph of complaint #3. We specifically asked for emails in the format the agency held them in. Emails are not held in PDF format by email servers.

5. Violations of CA Govt Code 6253

6253(a) ("Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.") was violated for reasons stated under complaint #2. Portions of the responsive email records that are not exempt under the law were deleted.

6. Violations of CA Govt Code 6255

6255(a) was violated for reasons stated under complaint #1.

D. RELIEF REQUESTED

SF Admin Code Sec 67.30 provides in part that “The City Attorney shall serve as legal advisor to the task force. The Sunshine Ordinance Task Force shall, at its request, have assigned to in an attorney from within the City Attorney"s Office or other appropriate City Office, who is experienced in public-access law matters. This attorney shall serve solely as a legal advisor and advocate to the Task Force and an ethical wall will be maintained between the work of this attorney on behalf of the Task Force and any person or Office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney.” I ask the Task Force to keep in mind the possible conflicts of interest apparent in an attorney from the Office of City Attorney investigating complaints against the City Attorney itself.

I ask for the Task Force to direct the City Attorney to produce the full emails we originally requested, with redaction of only those headers (if any) that can be justified legally and explicitly. I ask the Task Force to direct that emails be produced by San Francisco agencies subject to the Sunshine Ordinance in their original format, preserving headers, except those that can be withheld with explicit justification. I ask for a hearing, to the extent possible given my desire to remain anonymous.

I do not believe adequate relief is available under SF Admin Code Sec 67.21(d) since the City Attorney is also the Supervisor of Records. However, we reserve our right to petition the Supervisor of Records in that capacity, separate from his capacity as the local agency responsible for responding to our request under the CPRA.
encl: Exhibit A – Original Request and Communications with City Attorney

encl: Exhibit B – Responsive record titled Email_4.18.19.pdf

encl: Exhibit C – Responsive record titled Email_4.19.19.pdf
From: Anonymous Person 04/20/2019

Subject: California Public Records Act Request: Immediate Disclosure Request - Em...

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id: 20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id: <20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id: requests@muckrock.com

A4. the e-mail message with Message-Id: <requests@muckrock.com>

A5. the e-mail message with Message-Id: <DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id: DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.
However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

From: San Francisco City Attorney 04/22/2019
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

Hello,

I am writing in response to your below immediate disclosure request, received today.

Regarding your first request, "A" - could you please provide more context? I am not sure I understand what the emails are or how to locate them based on the information provided.

Regarding your second request, "B", please see below links to the Good Government Guide and to information on the San Francisco Sunshine Ordinance. Our office's internal advice is exempt from disclosure under attorney-client privilege.


https://www.sfcityattorney.org/good-government/

Please send replies to cityattorney@sfcityatty.org
Sincerely,

[Email]

Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org
Find us on: Facebook<https://www.facebook.com/sfcityattorney/>
Twitter<https://twitter.com/SFCityAttorney>
Instagram<https://www.instagram.com/sfcityattorney/>

---

From: Anonymous Person 04/22/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... Email

Message-Ids uniquely identify e-mail messages in your email servers. From the headers of your most recent email, it appears your office uses Microsoft Outlook and/or Microsoft Exchange - therefore, your IT department/contractor should be able to retrieve e-mail records directly from your server using the Message-Ids we have provided.

---

From: San Francisco City Attorney 04/23/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... Email

Hello,

I am writing in response to part A of your below request.

Your request was sent as an "Immediate Disclosure Request" under San Francisco Administrative Code Section 67.25(a). But to qualify under that section, the request must be "simple, routine and readily answerable." The Sunshine Ordinance requires shorter response times in those situations where a department is able to quickly locate and produce the requested records. In order to respond to your request, this office will need to conduct a review of our electronic files to find responsive records. For this reason, we are not treating your request as one appropriately filed as an "immediate disclosure" request, but as one which is subject to the normally applicable 10-day response time, which will be May 2, 2019. However, we will endeavor to fulfill your request as soon as possible.
Sincerely,

Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org
Find us on: Facebook<https://www.facebook.com/sfcityattorney/>
Twitter<https://twitter.com/SFCityAttorney>
Instagram<https://www.instagram.com/sfcityattorney/>

From: Anonymous Person 04/22/2019
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

Message-Ids uniquely identify e-mail messages in your email servers. From the headers of your most recent email, it appears your office uses Microsoft Outlook and/or Microsoft Exchange - therefore, your IT department/contractor should be able to retrieve e-mail records directly from your server using the Message-Ids we have provided.

From: San Francisco City Attorney 04/23/2019
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

Hello,

I am writing in response to part A of your below request.

Your request was sent as an "Immediate Disclosure Request" under San Francisco Administrative Code Section 67.25(a). But to qualify under that section, the request must be "simple, routine and readily answerable." The Sunshine Ordinance requires shorter response times in those situations where a department is able to quickly locate and produce the requested records. In order to respond to your request, this office will need to conduct a review of our electronic files to find responsive records. For this reason, we are not treating your request as one appropriately filed as an "immediate disclosure" request, but as one which is subject to the normally applicable 10-day response time, which will be May 2, 2019. However, we will endeavor to fulfill your request as soon as possible.
Please send replies to cityattorney@sfcityatty.org

Sincerely,

[cid:image002.jpg@01D4F9EE.FD8B8960]Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityatty.org
Find us on: Facebook<https://www.facebook.com/sfcityattorney/>
Twitter<https://twitter.com/SFCityAttorney>
Instagram<https://www.instagram.com/sfcityattorney/>

From: San Francisco City Attorney  04/24/2019
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

Dear Sir/Madam,

The attached two emails are responsive to portions A3/A4, and A5/A6 of your request below. We have conducted a reasonable and diligent search and did not locate any further responsive documents.

In addition, please note that we already responded to portion B of your request, on 4/22/2019.

If you have further questions or need anything additional, please feel free to reach out to us at the below contact information.

Please send replies to cityattorney@sfcityatty.org

Sincerely,

[cid:image002.jpg@01D4FA8E.F0958DA0]Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityatty.org
From: Anonymous Person 04/24/2019
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

Thank you. As we noted in our initial request, we requested the entire email message, which contains numerous other headers in addition to those you have provided so far.
We do not see any statutory justification cited for withholding that portion of the public record. Please do provide the entire message with all headers (except those statutorily excluded from disclosure).

From: Muckrock Staff 05/08/2019
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

To Whom It May Concern:

I'm following up on the following California Public Records Act request, copied below, and originally submitted on April 20, 2019. You had previously indicated that it would be completed on May 2, 2019. I wanted to check on the status of my request, and to see if there was a new estimated completion date.

Thanks for your help, and let me know if further clarification is needed.

From: San Francisco City Attorney 05/08/2019
Hello,

We already completed our response to your request on April 24, 2019. We do not intend to produce anything further in response to your request.

Please send replies to cityattorney@sfcityatty.org

Sincerely,

Elizabeth A. Coolbrith Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org
Find us on: Facebook<https://www.facebook.com/sfcityattorney/>
Twitter<https://twitter.com/SFCityAttorney>
Instagram<https://www.instagram.com/sfcityattorney/>

From: Anonymous Person 05/08/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

Your PDFs include From, To, Subject, Sent, Attachments, and Body of the emails. You have withheld certain portions of the email records, including but not limited to:
- Header: X-Envelope-From
- Header: Received
- Header: Thread-Topic
- Header: X-Originating-Ip
- Header: Thread-Index
- Header: Sender
- Header: X-Originatororg

Please provide a statutory justification for such withholding, and the name and title of the official responsible for that withholding, per CPRA.

**Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service
used to issue this request (though I am not a MuckRock representative).**
Exhibit B - a responsive email record. note it includes an attachment of a separate CPRA request.
San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102  

April 18, 2019  

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.  
Please see the attached letter.  

Filed via MuckRock.com  
E-mail (Preferred): 71969-51399120@requests.muckrock.com  
Upload documents directly:  
reply&url_auth_token=AAAuFPyowSKvISVcsOY___QbVFM%3A1hHAs4%3AOwQe4c_mSke6wjcWujmU_cmkaGU  

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.  

For mailed responses, please address (see note):  
MuckRock News  
DEPT MR 71969  
411A Highland Ave  
Somerville, MA 02144-2516  

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
California Public Records Act Request

Immediate Disclosure Request

Your immediate response is requested.

<table>
<thead>
<tr>
<th>Date</th>
<th>Our Ref. Num.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019-04-18</td>
<td>ZX03-190418-06</td>
</tr>
</tbody>
</table>

Please provide the following public records pursuant to the California Public Records Act (the “Act”), the San Francisco Sunshine Ordinance, and Article I of the California Constitution. If the recipient cannot address this request, please forward it to the appropriate official or staff member. “You” and “your,” refer to each of the one or more requestee public agencies, and not merely the individual recipient or member, agent, officer, or employee of the public agency. “Including” means “including but not limited to.” We reserve all of our rights under the Act and other applicable law.

All of your responses, including any disclosed records, secret URLs or file share passwords, may be automatically, instantly, and publicly viewable via the muckrock.com service.

Please be certain all responses are properly redacted. I am not a representative of MuckRock.

We request electronic copies of only those records that will be provided to us without any fees and/or that you waive fees. As we do not want any physical copies, we are not expecting any fees. However, if you determine that you would assess fees to provide us with copies of some or all records (which we may challenge), instead provide us with the fee-free determination of which responsive records exist, so that we may inspect the records instead (for free), if we so choose. As numerous records may be responsive, after providing your statutory response within appropriate deadlines, we are happy to receive record production in a rolling or incremental manner.

Requestee Public Agency

City and County of San Francisco – City Attorney

Requestor

An anonymous member of the public, who may be contacted only via email

1References to the Act are made with respect to the Cal. Gov’t. Code as listed on https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=

2Since Act requests are not even required to be in writing (“The California Public Records Act plainly does not require a written request.” Los Angeles Times v. Alameda Corridor Transp. Auth. (2001) 88 Cal.App.4th 1381, 1392.) and may not be distinguished by the purpose of the request (Gov’t Code sec. 6257.5), I choose not to use any forms you may have made available for Act requests nor will I identify myself nor provide contact information other than e-mail address. I will not use any private entity’s contracted public records website if doing so would require agreement to terms or privacy policies which impose any conditions beyond the requirements of the Act.
Requests

Electronic copies, via email, of all records prepared, owned, used, or retained by each agency (including all appendices, attachments, inline images, exhibits, or shared files referenced in or by the below requested records, and including all public records that pursuant to City of San Jose v. Superior Court (2017) 2 Cal.5th 608 may exist on personal accounts or devices) of any of the following:

R1. all requests for legal opinion from the City Attorney pursuant to San Francisco Administrative Code 67.21 from January 1, 2010 through April 18, 2019

R2. all responses to R1, including published and unpublished opinions and refusals to provide an opinion

Note that per Gov’t Code 6253.9(a)(1): “The agency shall make the information available in any electronic format in which it holds the information.” If you have these records in .msg or .eml formats, please provide a lossless copy of that record in that original format, or in another format that fully preserves all e-mail headers and other metadata. If you instead, for example, print the email to PDF format, we will lose valuable data associated with the record, and you will not have provided us a complete copy of the public record.

In your notice of determination, state whether you have records responsive to each of the requests made. Please cite legal authority for any records or portions thereof withheld and the names and titles of each person responsible for such withholding. Please perform a diligent search for responsive records and examine them before determining they are exempt, as you may find that responsive records have segregatable disclosable portions that you must disclose, which cannot be determined unless you actually search for records.

Please provide all records solely in electronic format and via e-mail. If a record is available on your public website, a URL is preferable to duplication. If it is not, please consider publishing it so as to benefit the entire public and not just me. If records are too large to provide over e-mail, please use a file sharing service if your agency has one. If you use your file sharing service, and file access would expire, please set the expiration to no less than 30 days after notifying us of record availability. We choose not to provide a mailing address for physical CD-ROMs or USB drives both to preserve anonymity and reduce financial and environmental costs.

All public records “prepared, owned, used, or retained” by every agency named must be considered. Under City of San Jose v. Superior Court (2017) 2 Cal.5th 608 personal email accounts or mobile devices may contain disclosable public records – please search them as appropriate. If multiple agencies are addressed, a response from each is expected.

Please make note of the reference number (ZX03-190418-06) as I may have sent you multiple,

---

3 Gov’t Code sec. 6255
4 Gov’t Code sec. 6253(d)
5 Gov’t Code sec. 6253(a)
6 Gov’t Code sec. 6253.9(a)
7 Gov’t Code sec. 6252(e)
8 See Gov’t Code sec. 6527(e)(5) if you are a joint powers agency or joint powers authority.
distinct requests with different reference numbers.

Please promptly disclose\(^9\) of all disclosable records responsive to this request, and provide assistance, as needed, in identifying and locating responsive records and overcoming objections to their disclosure,\(^{10}\) in accordance with the Act, any “requirements for [yourself] that allow for faster, more efficient, or greater access to records,”\(^{11}\) and other applicable laws and regulations.

Thank you for your prompt attention to this matter.

---

\(^9\)Gov’t Code sec. 6253(b)  
\(^{10}\)Gov’t Code sec. 6253.1(a)  
\(^{11}\)Gov’t Code sec. 6253(e)
Exhibit C
Hello,

I am writing in response to your immediate disclosure request received April 18, 2019. Please note that we are invoking an extension of time under Government Code section 6253(c) due to the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records. We will endeavor to process your request as quickly as possible and anticipate responding no later than the close of business May 3, 2019.

Please send replies to cityattorney@sfcityatty.org

Sincerely,

Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org
Find us on: Facebook Twitter Instagram

San Francisco City Attorney
PRA Office
Room 234
1 Doctor Carlton B Goodlett Place
SF, CA 94102

April 18, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance. Please see the attached letter.

Filed via MuckRock.com
E-mail (Preferred): 71969-51399120@requests.muckrock.com
Upload documents directly:
For mailed responses, please address (see note):
MuckRock News
DEPT MR 71969
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
August 26, 2019

Sent via email (72902-46637773@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your May 8, 2019 request to the Mayor’s Office for the following:

an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor’s calendar, with all items, from April 28 to May 4, 2019 (inclusive.

In response to this request, the Mayor’s Office produced the Mayor’s calendar entries in PDF format from the time period at issue. The Mayor’s Office explained that it provided the records in PDF format for ease of transferability and to protect the security of the original record, citing Government Code Section 6253.9.

Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” You contend that the Mayor’s Office improperly withheld headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images from its response to your request.

We understand that the responsive calendar entries include no email addresses, attachments, appendices, exhibits, or inline images, and thus the Mayor’s Office did not improperly withhold this information.

With regard to metadata, which we understand would include headers and timestamps, we conclude that the Mayor’s Office properly withheld this information.

First, you contend that the Mayor’s Office should provide this information by producing the calendar entries in the “original electronic format.” But you also request that the calendar entries be exported to “.ics, iCalendar, or vCard formats.” The Public Records Act does not require the Mayor’s Office to produce records in a format that it does not store them unless the Mayor’s Office has used the records in the requested format or provided them in the requested format to another agency. Gov’t Code § 6253.9. We understand that the Mayor’s Office does not hold the records in any of these formats, and it has not used any of these formats or provided...
the records in these formats to any agency. By contrast, the Mayor’s Office does store calendar entries in PDF format, and it has used that format to provide the records in the past.

Second, the Mayor’s Office has determined that disclosure of the metadata associated with the original electronic files – whether by producing it in native format or disclosing the metadata in some other format – may jeopardize or compromise the security of the City’s computer system. Thus the Mayor’s Office may decline to produce the metadata under Government Code Section 6253.9(f). Also, the Mayor’s Office has determined that metadata contained in original electronic files may include unique identifiers for individual computer terminals and computer servers and associated security certificates and similar information. This information is highly sensitive, as disclosing it could allow a hacker to penetrate the City’s computer system, “spoof” emails and insert themselves into confidential and/or privileged discussions, or send unauthorized emails on behalf of city officials. Therefore the information may be withheld under Government Code section 6254.19. Given this security risk, the information may also be withheld because there is a substantial need for confidentiality that outweighs any interest the public may have in accessing this information. See Cal. Evid. Code § 1040; Gov’t Code § 6254(k).

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
RE: SF Sunshine Ordinance petition against Mayor, ref 72902

To the Supervisor of Records of the City and County of San Francisco:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

This petition is addressed to you in your capacity as Supervisor of Records, with regards to the actions of the Office of Mayor with regards to a Sunshine Ordinance / California Public Records Act request.

On May 8, 2019, I made an anonymous, Immediate Disclosure, request (see Attachment 1) for public records to Office of Mayor.

Unsatisfied with the Mayor’s response, I filed an anonymous complaint with the SF Sunshine Ordinance Task Force (see Attachment 2) regarding my experience, which has been captioned by the Task Force as File 19047, Anonymous v. Mayor London Breed and Hank Heckel, Office of the Mayor. Included in the attachment are exhibits detailing the request, the Mayor’s responses, and my reasoning that the response of the Mayor was inadequate under the Sunshine Ordinance and the California Public Records Act, all of which I incorporate into this petition.

As the complaint describes, the rights under the Sunshine Ordinance that I wish to vindicate are similar, but not identical (calendar vs. email content, and other minor differences), to those of my pending complaint against your office in its capacity as City Attorney in Task Force File 19044, Anonymous v. Dennis Herrera, Elizabeth Coolbrith and the related petition I filed with your office.
as Supervisor of Records. Please however note the distinct email addresses used for each of these proceedings and keep communications separate.

While there is a City Attorney opinion\(^1\) entitled “Providing Electronic Records In PDF Rather Than Word Format When Responding To A Public Records Request,” I believe that the opinion does not apply to the Mayor’s request for two reasons because the calendar data I have requested, unlike Word documents, do not contain ‘track changes’ metadata that includes prior revisions. Furthermore, if you do believe the opinion is applicable, I believe, though I am not an attorney, the opinion’s interpretation of Govt Code 6253.9(f) in section “Protecting The Text Of The Electronic Record” is wrong for the reasons detailed in my Attachment 2, Section D.2. Regardless, none of that justifies a public agency not providing a justification for withholding the portions of the records I requested, but were not withheld. I also ask that you consider any potential conflict of interest in these various cases.

In parallel with Task Force complaint 19047, I am anonymously petitioning you under SF Admin Code Sec 67.21(d)\(^2\) to, within 10 days, direct the Mayor to: (1) provide us with the full public records requested as specified in Attachment 1, (2) provide in writing any justifications for withholding specific parts of the responsive records, and (3) provide us all other relief requested of the Task Force in Section E of Attachment 2, to the extent compatible with your powers as Supervisor of Records.

encl: Attachment 1 – May 8, 2019 request

encl: Attachment 2 – Complaint Filed with SF Sunshine Ordinance Task Force, including Exhibits A and B


\(^2\)(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person’s request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.”
May 8, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor’s calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous
Attachment 2 - Task Force complaint
RE: SF Sunshine Ordinance Complaint against Office of Mayor, ref 72902

To Whom It May Concern:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

A. METADATA:

Complainant Name: (Anonymous - use email 72902-46637773@requests.muckrock.com)

Date of Request: May 8, 2019

Complaint Against Employees: London N. Breed (Breed) in her official capacity as Mayor, Hank Heckel (Heckel) in his official capacity as Compliance Officer for Office of Mayor

Complaint Against Agency: Office of Mayor

Yes - Alleged violation of public records access
Yes - Alleged failure to provide information in a timely manner in accordance with the provisions of the Sunshine Ordinance
No - Alleged violation of a public meeting
B. NARRATIVE:

On May 8, 2019 we sent a San Francisco Sunshine Ordinance (Ordinance) and California Public Records Act (CPRA) request to the Office of Mayor (enclosed herein as Exhibit A, which also includes the communication back and forth with the Mayor’s office and Heckel) for, *inter alia*:

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor’s calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

On May 8, 2019 Heckel acknowledged the request and on May 9, 2019 Heckel replied on behalf of Breed with records responsive to the request in relevant part:

Re: Public Records Request received May 8, 2019

To whom it may concern:

This responds to your Immediate Disclosure Request below.

Response Dated April 24, 2019 [sic]

Thank you for your inquiry. Please see attached the requested information.

This information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Moreover, pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record. The PDF format ensures the security and integrity of the original record.
and attached a PDF form (Exhibit B – the PDF file itself can also be downloaded at https://cdn.muckrock.com/foia_files/2019/05/09/MuckRock_Calendar_Request_4-27_-_5-4.pdf) of the requested calendar including only: times, physical locations, and titles of events and names or descriptions of some attendees, to which I replied on the same day in relevant part:

We do not believe your arguments re: the acceptability of PDF format are valid and intend to contest them at the Sunshine Task Force. First, 6253.9(f) protects the integrity and security of the *original* record, not the copy of the record you provide to the public. Regardless, PDFs which are not digitally signed can be quite easily edited by anyone, no differently than editing say the .ics calendar file you could have provided to us. Second, 6253.9(a)(1) plainly requires provision of the [sic] in "any electronic format in which it holds the information" and we asked for the original format. Our understanding of computer systems indicates that format is not PDF.

In the mean time, I will point out that the original electronic format of the Mayor’s calendar may contain substantial additional information (such as email addresses, conference call numbers, actual names of attendees instead of group descriptions, the acceptance/rejection of individual attendees to the invite, etc.) than that which was printed out for us. In addition to, and separately from, not being in the original format, by converting to PDF, you may have withheld such portions of the record from us, without pointing out to us that the portions were in fact withheld nor providing statutory justification for exemption (required by CPRA and the Sunshine Ordinance) nor providing the name and title of the official responsible for such withholding. Please provide all such information, if any information was withheld in the PDF you released to us, as compared to the original format.

Since I had previously requested the entire calendar items in their original electronic format, I proceeded to file this complaint.

C. COMPLAINTS:

I make the following allegations. I am not an attorney, so my understanding is associated with proper sections of the law to the best of my (lay) ability.

1. Violations of SF Admin Code Sec. 67.27. Justification Of Withholding

On May 9, 2019, Heckel’s response did not justify withholding portions of the responsive calendar records (namely the headers and metadata, which we had specifically requested in our original request). No statutory nor case law authority was provided. Note Heckel provided an argument (which we believe to be wrong, see below) for why he had not provided the original format. He did not provide any justification for withholding the header and metadata information, even in PDF format. Our original request did indicate that if the Mayor were to convert the calendar to PDF format, we still wanted the entire record with all headers, metadata, etc.

We specifically asked for calendars in the original electronic format. Calendars are not stored in PDF format by calendaring systems. From the City’s SB 272 enterprise systems list, it appears the
City\(^1\) uses Microsoft Exchange/Outlook as its email and calendaring system. Such a system should be able to export a full copy of calendar items in iCalendar/.ics format, which preserves most if not all of the item’s content. This could be done by simply printing out the .ics/iCalendar exported file and redacting as needed.

2. Violations of SF Admin Code Sec. 67.26. Withholding Kept To A Minimum

On May 9, 2019, responsive records as provided in an attachment to Heckel’s response (Exhibit B) did not withhold the minimum necessary portions of the calendars requested. While it may be argued that some of the headers of a calendar item could be withheld for privacy reasons (though we do not concede such point), that does not mean the Mayor can withhold all portions of the calendar items other than Time, Title, Physical Location, and (sometimes) Attendee Names/Descriptions.


67.21(b) (‘‘...If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance....’’) was violated by Heckel’s May 9, 2019 response wherein he did not indicate that the Mayor was withholding the remaining portions of the full calendar item records, with headers and metadata.

67.21(l) (“Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department...”) was violated on May 9, 2019 since Heckel provided the calendars requested in PDF format and not the raw/original format stored by the email servers. This original format (which we specifically requested) contains those additional headers we requested. As described in Complaint 1, paragraph 2, we believe exporting of calendar items in iCalendar/.ics format should be easy given the City’s systems.

4. Violations of CA Govt Code 6253.9

6253.9(a)(1) (‘‘...The agency shall make the information available in any electronic format in which it holds the information....’’) was violated for reasons stated under the second paragraph of complaint #3.

5. Violations of CA Govt Code 6253

6253(a) (“Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.”) was violated for reasons stated under complaint #2. Portions of the responsive email records (headers, metadata) that are not exempt under the law were deleted by using the PDF print-out formats that the Mayor chose.

\(^1\)For some reason, it appears only SF Public Health has listed its email system, not the Mayor, so this is an extrapolation.
6. Violations of CA Govt Code 6255

6255(a) was violated for reasons stated under complaint #1.

D. REBUTTALS:

1. CA Govt Code 6253.9(a)(1) does not permit use of formats for “transferability and accessibility”

In Heckel’s May 9 response, the Office of the Mayor argued “This information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1).”

By its plain language, that is not what 6253.9(a)(1) requires. CA Govt Code 6253.9(a) reads:

(a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

- (1) The agency shall make the information available in any electronic format in which it holds the information.

- (2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

Since there is no ambiguity in the statute’s language, 6253.9(a)(1) should be given its plain meaning. Nothing in this clause refers to conversion of files for transferability and accessibility.

2. CA Govt Code 6253.9(f) protects the security and integrity of originals, not copies

In Heckel’s May 9 response, the Office of the Mayor argued “pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record. The PDF format ensures the security and integrity of the original record.”

This argument fails for two reasons.

Most importantly, 6253.9(f) states (emphasis mine) “Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.” The Mayor appears to believe that the PDF format makes it harder for someone to modify the file. However that would be (if it was true) a protection of the integrity of the copy. That is not what the statute requires.
Otherwise, physical copies could not be provided under the CPRA, as they can be easily altered in writing/printed, and passed off as the originals.

Secondarily, the PDF format, in the form that the Mayor has used it to provide the responsive record on May 9, does not even protect the security and integrity of the copy. Anyone can modify a PDF file with, among many other products, Apple’s Preview app (a free default app that comes with Mac OS X computers), Adobe’s Acrobat or Photoshop. Persons could also of course modify the iCalendar/.ics exported file copies just as easily. If the Mayor wants to use the PDF format to protect the copies (even though that is not what the statute requires), they would need to be, for example, digitally signed, which is an information technology solution that uses cryptography to make it extremely difficult to pass off an altered version of the copy as identical to the original. My examination of the PDF file provided by Heckel (https://cdn.muckrock.com/foia_files/2019/05/09/MuckRock_Calendar_Request_4-27_-_5-4.pdf) shows no indication of a standard PDF digital signature.

E. RELIEF REQUESTED

I have a parallel pending complaint (Anonymous v. Dennis Herrera, Elizabeth Coolbrith, SOTF File No. 19044) against the Office of the City Attorney for similar (but not identical) claims regarding alleged failure to disclose emails (not calendars) in their full, original electronic format. I ask the Task Force to keep in mind the possible conflicts of interest apparent in an attorney from the Office of City Attorney assisting the Task Force on this complaint, for which a ruling in my favor would tend to also favor finding against the City Attorney in case 19044 as well.

I ask the Task Force to find that the Office of the Mayor violated the Sunshine Ordinance (including any requirements of the CPRA incorporated by reference in SF Admin Code) on May 9, 2019.

I ask the Task Force to direct the Mayor or her delegate to produce the full calendars we originally requested, with redaction of only those headers or metadata (if any) that can be justified legally and explicitly.

I ask the Task Force to direct that calendars be produced by San Francisco agencies subject to the Sunshine Ordinance in their original format, preserving headers and metadata, except those that can be withheld with explicit justification.

I ask for a hearing, to the extent possible given my desire to remain anonymous.

I reserve my right to petition the Supervisor of Records and/or any judicial remedies that may be available.
encl: Exhibit A – Original Request and Communications with Mayor’s Office

encl: Exhibit B – Responsive record titled “MuckRock Calendar Request 4-27 - 5-4.pdf”
Exhibit A

Correspondence with Office of Mayor
The MuckRock system censors the email address as 'requests@muckrock.com' in certain locations.
This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

We remind you of your obligation under City of San Jose v Superior Court (2017) to search personal accounts/devices for calendar items regarding the public's business, as appropriate.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **
From: Office of the Mayor

05/08/2019

Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclos...

Email

Received. We are processing our response.

Thank you,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
(415) 554-4796

From: Office of the Mayor

05/09/2019

Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclos...

Email

VIA ELECTRONIC MAIL
Requestor: Anonymous

Email: requests@muckrock.com

May 9, 2019

Re: Public Records Request received May 8, 2019

To whom it may concern:

This responds to your Immediate Disclosure Request below.

Response Dated April 24, 2019

Thank you for your inquiry. Please see attached the requested information.

This information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Moreover, pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record. The PDF format ensures the security and integrity of the original record.

Please also note that we are responding on behalf of the Mayor's Office only, and not on behalf of other city departments.

If you have any questions about your request or would like to submit another public records request, please feel free to contact us

at mayorsunshinerequests@sfgov.org<mailto:mayorsunshinerequests@sfgov.org>. 

Best Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
From: Anonymous Person 05/09/2019

Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclos...

We do not believe your arguments re: the acceptability of PDF format are valid and intend to contest them at the Sunshine Task Force. First, 6253.9(f) protects the integrity and security of the *original* record, not the copy of the record you provide to the public. Regardless, PDFs which are not digitally signed can be quite easily edited by anyone, no differently than editing say the .ics calendar file you could have provided to us. Second, 6253.9(a)(1) plainly requires provision of the in "any electronic format in which it holds the information" and we asked for the original format. Our understanding of computer systems indicates that format is not PDF.

In the mean time, I will point out that the original electronic format of the Mayor's calendar may contain substantial additional information (such as email addresses, conference call numbers, actual names of attendees instead of group descriptions, the acceptance/rejection of individual attendees to the invite, etc.) than that which was printed out for us. In addition to, and separately from, not being in the original format, by converting to PDF, you may have withheld such portions of the record from us, without pointing out to us that the portions were in fact withheld nor providing statutory justification for exemption (required by CPRA and the Sunshine Ordinance) nor providing the name and title of the official responsible for such withholding. Please provide all such information, if any information was withheld in the PDF you released to us, as compared to the original format.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thank you.
Exhibit B
Responsive record produced by Heckel
on May 9, 2019

Page 4 of the calendar contained fonts missing on my computer - they appear to be merely bullet points.

PDF file available at:
https://cdn.muckrock.com/foia_files/2019/05/09/MuckRock_Calendar_Request_4-27_-__5-4.pdf
## April 27, 2019
**Saturday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:45 AM - 9:15 AM</td>
<td>North Beach Farmers Market 2019 Season Open</td>
<td>699 Columbus Avenue, San Francisco, CA 94133</td>
</tr>
<tr>
<td>11:55 AM - 1:25 PM</td>
<td>12th Annual McKinley Elementary School Dogfest</td>
<td>Duboce Park, Noe Street at Duboce Avenue, San Francisco, CA 94114</td>
</tr>
<tr>
<td>7:05 PM - 7:20 PM</td>
<td>A Banner of Love Gala: A Night in Venice</td>
<td>St. Mary’s Cathedral, 1111 Gough St., San Francisco</td>
</tr>
<tr>
<td>7:35 PM - 8:00 PM</td>
<td>San Francisco Gay Men’s Chorus Crescendo Gala</td>
<td>The Fairmont San Francisco, 950 Mason Street, Main Ballroom</td>
</tr>
<tr>
<td>8:40 PM - 9:00 PM</td>
<td>Beyond Differences Gala</td>
<td>Terra Gallery, 511 Harrison Street, San Francisco</td>
</tr>
</tbody>
</table>

## April 28, 2019
**Sunday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>12:30 PM - 1:00 PM</td>
<td>St. Francis Wood Women’s League Annual Luncheon</td>
<td>The Olympic Club Lakeside, Garden Court, 599 Skyline Blvd, San Francisco, CA 94132</td>
</tr>
<tr>
<td>7:00 PM - 7:30 PM</td>
<td>North Beach Citizens’ Spring Dinner</td>
<td>666 Filbert Street, San Francisco CA 94133</td>
</tr>
</tbody>
</table>

## April 29, 2019
**Monday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 AM - 9:30 AM</td>
<td>Meeting Re: Staff Check In -- Remote Conference Call</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Attendees:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Mayor’s Office Staff</td>
<td></td>
</tr>
<tr>
<td>1:05 PM - 1:30 PM</td>
<td>Meeting with President Yee Re: District 7 -- City Hall, Room 200, Mayor’s Office</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Attendees:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- President Yee, Supervisor for District 7, Board of Supervisors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Jen Lowe, Legislative Aide, Board of Supervisors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Mayor’s Office Staff</td>
<td></td>
</tr>
<tr>
<td>1:39 PM - 1:46 PM</td>
<td>Press availability re: MTA Director -- City Hall, Room 200</td>
<td></td>
</tr>
<tr>
<td>1:51 PM - 2:10 PM</td>
<td>Meeting Re: Scheduling -- City Hall, Room 200, Mayor’s Office</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Attendees:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Mayor’s Office Staff</td>
<td></td>
</tr>
<tr>
<td>2:34 PM - 2:45 PM</td>
<td>Swearing In Ceremony for Sophie Maxwell and Tim Paulson -- City Hall, International Room</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Attendees:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Sophie Maxwell, Public Utilities Commission Appointee</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Tim Paulson, Public Utilities Commission Appointee</td>
<td></td>
</tr>
</tbody>
</table>
### April 29, 2019 Continued

**Monday**

- Harlan Kelly Jr., General Manager, San Francisco Public Utilities Commission
- Larry Mazzola Jr., President (Plumbers & Pipe Fitters Local 38), Recreation and Park Commissioner
- Sandra Duarte, Executive Assistant San Francisco Building and Construction Trades Council
- Kim Tavaglione, Campaign Director San Francisco Labor Council
- Willie Adams, Port Commissioner
- Mayor’s Office Staff

**3:01 PM - 3:29 PM**  
Meeting Re: Government Affairs -- City Hall, Room 200, Mayor’s Office  
Attendees:  
- Mayor’s Office Staff

**3:31 PM - 4:03 PM**  
Meeting Re: City Operations and Government Affairs -- City Hall, Room 200, Mayor’s Office  
Attendees:  
- Mayor’s Office Staff

**4:10 PM - 4:55 PM**  
Meeting Re: Housing Bond with Supervisor Yee and Members of Housing Bond Working Group -- City Hall, Room 201

**6:00 PM - 6:30 PM**  
Grace Cathedral Paris Sister City Event for Notre-Dame, Sri Lanka, Louisiana Churches, and Poway Synagogue -- Grace Cathedral, 1100 California Street

**6:45 PM - 8:00 PM**  
Recode Decode Podcast Live Recording -- Manny’s 3092 16th Street

### April 30, 2019

**Tuesday**

**9:00 AM - 9:30 AM**  
Meeting Re: Staff Check In -- Remote Conference Call  
Attendees:  
- Mayor’s Office Staff

**10:35 AM - 10:50 AM**  
Public Works Week Awards and Pins Ceremony -- Moscone Center South, Third Floor, 747 Howard St.

**12:00 PM - 12:30 PM**  
Telephone Interview with LA Times Reporter Heidi Chang -- Remote Conference Call  
Attendees:  
- Heidi Chang, Reporter, Los Angeles Times  
- Mayor’s Office Staff

**12:35 PM - 1:15 PM**  
Meeting Re: Budget -- City Hall, ROom 200, Mayor’s Office  
Attendees:  
- Mayor’s Office Staff
### April 30, 2019 Continued

**Tuesday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:34 PM - 1:50 PM</td>
<td>Meeting Re: Town Hall Event -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
<tr>
<td>2:09 PM - 2:45 PM</td>
<td>Meeting with San Francisco Latino Parity and Equity Coalition -- City Hall, Room 201</td>
<td></td>
</tr>
<tr>
<td>2:46 PM - 3:10 PM</td>
<td>Meeting Re: Scheduling -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
<tr>
<td>3:10 PM - 3:33 PM</td>
<td>Meeting Re: Government Affairs -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
</tbody>
</table>

**May 1, 2019**

**Wednesday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 AM - 9:30 AM</td>
<td>Meeting Re: Staff Check In -- Remote Conference Call</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
<tr>
<td>10:00 AM - 10:30 AM</td>
<td>Live Phone Interview with KIQL -- Remote Conference Call</td>
<td>Attendees: Isabel Gutierrez, KIQL radio host, Marcos Gutierrez, KIQL radio host, Mayor’s Office Staff</td>
</tr>
<tr>
<td>11:00 AM - 11:30 AM</td>
<td>Fire Station 5 Ribbon Cutting -- Fire Station No. 5, 1301 Turk St</td>
<td></td>
</tr>
<tr>
<td>12:00 PM - 12:15 PM</td>
<td>Jewish Vocational Service Strictly Business Luncheon -- San Francisco Marriott Marquis Hotel, 780 Mission Street</td>
<td></td>
</tr>
<tr>
<td>2:04 PM - 2:43 PM</td>
<td>Meeting Re: City Services and Operations -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Naomi Kelly, City Administrator, City and County of San Francisco, Heather Green, Capital Planning Director, City and County of San Francisco, Mayor’s Office Staff</td>
</tr>
<tr>
<td>2:43 PM - 2:46 PM</td>
<td>Swearing In Ceremony for Frank Fung -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Frank Fung, Planning Commissioner, Aimee Fung, Daughter of Frank Fung, Mayor’s Office Staff</td>
</tr>
</tbody>
</table>
### May 1, 2019 Continued

**Wednesday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Attendees</th>
</tr>
</thead>
</table>
| 2:46 PM - 3:13 PM | Meeting Re: City Services and Operations -- City Hall, Room 200, Mayor’s Office | Naomi Kelly, City Administrator, City and County of San Francisco  
- Heather Green, Capital Planning Director, City and County of San Francisco  
- Mayor’s Office Staff |
| 3:20 PM - 3:46 PM | Meet and Greet with Jamestown Community Center Youth -- City Hall, International Room | -  
| 4:03 PM - 4:35 PM | Meeting Re: Public Safety -- City Hall, Room 200 Mayor’s Office | Chief William Scott, SFPD  
- Deirdre Hussey, Director of Policy and Public Affairs, SFPD  
- Mayor’s Office Staff |
| 5:00 PM - 5:20 PM | Neighborhood Preference Program Tour and SFGovTV Interview -- 150 Van Ness | Mario Watts, resident  
- Josiah Watts, resident  
- Kim Dubin, Mayor’s Office of Community Housing and Development  
- Max Barnes, Mayor’s Office of Community Housing and Development  
- Mayor’s Office Staff |
| 5:30 PM - 6:00 PM | Asian Pacific American Heritage Month Awards and Reception Celebration -- Herbst Theater, War Memorial Building, 401 Van Ness Avenue |  |

**May 2, 2019**

**Thursday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 AM - 9:30 AM</td>
<td>Meeting Re: Staff Check In -- Remote Conference Call</td>
<td>Mayor’s Office Staff</td>
</tr>
<tr>
<td>12:04 PM - 12:25 PM</td>
<td>Lest We Forget Photo Exhibit for Holocaust Remembrance Day -- City Hall, Room 200, Mayor’s Office</td>
<td></td>
</tr>
</tbody>
</table>
| 12:31 PM - 12:48 PM | Meeting re: Street Conditions -- City Hall, Room 200, Mayor’s Office | Chief William Scott, Chief of Police, San Francisco Police Department  
- Dr. Grant Colfax, Director, Department of Public Health  
- Mohammed Nuru, Director, Department of Public Works  
- Jeff Kositsky, Director, Department of Homelessness and Supportive Housing  
- Mary Ellen Carrol, Director, Department of Emergency Management  
- Mayor’s Office Staff |
<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Location</th>
<th>Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:31 PM - 2:11 PM</td>
<td>Meeting Re: Budget -- City Hall, Room 200, Mayor’s Office</td>
<td>City Hall, Room 200, Mayor’s Office</td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Mayor’s Office Staff</td>
</tr>
<tr>
<td>2:14 PM - 2:34 PM</td>
<td>Meeting Re: Communications -- City Hall, Room 200, Mayor’s Office</td>
<td>City Hall, Room 200, Mayor’s Office</td>
<td>Attendees:</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>- Mayor’s Office Staff</td>
</tr>
<tr>
<td>2:34 PM - 3:07 PM</td>
<td>Meeting Re: Commissions -- City Hall, Room 200, MO</td>
<td>City Hall, Room 200, MO</td>
<td>Attendees:</td>
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<td></td>
<td></td>
<td>- Mayor’s Office Staff</td>
</tr>
<tr>
<td>3:10 PM - 3:41 PM</td>
<td>Meeting with Civil Grand Jury -- City Hall, Room 201</td>
<td>City Hall, Room 201</td>
<td></td>
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<tr>
<td>3:42 PM - 3:49 PM</td>
<td>Meeting Re: Government Affairs -- City Hall, Room 200, Mayor’s Office</td>
<td>City Hall, Room 200, Mayor’s Office</td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>- Kylecia Broom, Community Development Assistant, Mayor’s Office of Housing and Community Development</td>
</tr>
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<td></td>
<td></td>
<td>- Steven Gallardo, Displaced Tenant Housing Preference Program Coordinator, Mayor’s Office of Housing and Community Development</td>
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<td></td>
<td>- Mayor’s Office Staff</td>
</tr>
<tr>
<td>5:30 PM - 6:00 PM</td>
<td>Alliance of Black School Educators Scholarship and Salute Banquet -- African American Art and Culture Complex, 762 Fulton Street, 3rd Floor</td>
<td>African American Art and Culture Complex, 762 Fulton Street, 3rd Floor</td>
<td></td>
</tr>
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**May 3, 2019**

<table>
<thead>
<tr>
<th>Time</th>
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<th>Location</th>
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</tr>
</thead>
<tbody>
<tr>
<td>9:00 AM - 9:30 AM</td>
<td>Meeting Re: Staff Check In -- Remote Conference Call</td>
<td>Remote Conference Call</td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Mayor’s Office Staff</td>
</tr>
<tr>
<td>1:00 PM - 1:30 PM</td>
<td>Downtown Streets Team Mission Ribbon Cutting -- 3100 17th Street, San Francisco</td>
<td>3100 17th Street, San Francisco</td>
<td></td>
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</tbody>
</table>

**May 4, 2019**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Location</th>
<th>Attendees</th>
</tr>
</thead>
</table>
6:10 PM - 6:40 PM  The Association of Chinese Teachers 50th Anniversary Gala  -- Scottish Rite Masonic Center, 2850 19th Avenue
Hi Veronica,

Would it be clear to you if the word "the" were omitted?

"I am seeking all DPH job announcements that have any qualification concerning number of years or hours of experience for the past five years"

Hypothetical example:
Job announcement PBT-123 with a filling deadline of 1/1/2015 for position 1234 had a minimum requirement of 1 year experience in accounting.

That job announcement has a qualification concerning number of years of experience and should be included.

Please let me know if you have any other questions.

Thanks,
Alex

On Tue, Aug 27, 2019, 11:53 AM Vien, Veronica (DPH) <veronica.vien@sfdph.org> wrote:

Hi Alex, I apologize for the confusion.

If you can clarify what you mean by “the number of years or hours of experience“ that would be helpful. We are unclear about “the number” you are referring to. If you can provide us with an example, it would give us a much clearer direction and understanding of which job announcements you are looking for.

Thank you so much for your understanding,

Veronica Vien

From: Pradhan, Manu (CAT) <Manu.Pradhan@sfcityatty.org> On Behalf Of Supervisor Records
Sent: Tuesday, August 27, 2019 10:38 AM
To: 'Alex Lewis-Koskinen' <Alex.Lewis-Koskinen@sfdph.org>; Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>
Cc: Vien, Veronica (DPH) <veronica.vien@sfdph.org>
Subject: RE: Sunshine Appeal

Mr. Lewis-Koskinen,

I’m writing to let you know we received your email. Mr. Russi is out this week, so he may not be able to get back to you right away.
From: Alex Lewis-Koskinen
Sent: Monday, August 26, 2019 9:25 PM
To: Supervisor Records <supervisor.records@sfcityatty.org>
Cc: Vien, Veronica (DPH) <veronica.vien@sfdph.org>
Subject: Re: Sunshine Appeal

It may not be your responsibility to provide clarity, but it would certainly be helpful. I believe I have provided DPH clarity on what I requested. In my clarification I quoted you directly, so it stands to reason that you understand the statement.

"Are you seeking all job announcements that have any qualification concerning the number of years or hours of experience?"

"I am seeking all DPH job announcements that have any qualification concerning the number of years or hours of experience"

I believe this statement is clear, and it came from you so I would imagine you agree.

You previously stated that you are responsible for "determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so". It has been almost 3 weeks since I sent clarification to DPH, and they have not provided any records. I asked Veronica to explain what she found unclear, but have not received a response. At what point does DPH's lack of response become withholding?

Thanks,

Alex

On Wed, Aug 21, 2019 at 4:31 PM Supervisor Records <supervisor.records@sfcityatty.org> wrote:

Mr. Lewis-Koskinen – It’s not my role to provide clarity on what you are requesting from the department. You and Ms. Vien should reach an understanding so that the department can properly respond. Thanks.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
Hi Veronica,

I am unsure how to make "I am seeking all DPH job announcements that have any qualification concerning the number of years or hours of experience for the past 5 years." more clear. Can you please let me know which part of the sentence is unclear to you. The language I used is a direct quote from Bradley Russi. Brad can you please help explain the meaning to Veronica.

Thanks,

Alex

On Mon, Aug 19, 2019 at 1:29 PM Vien, Veronica (DPH) wrote:

Hi Alex,

Thank you for your email. After having reviewed your response and comments to your original request, we are unclear as to the requested content for item #1. We understand items #3 and 4 are dependent on your clarification to #1 and we will move forward after we once we hear back from you. We appreciate your help with clarifying your request.

In addition to your comments, we want to inform you that any expansion to an original request is considered a new request. As a result, we will be treating your request for expanding items #3 and 4 as a new request after your help with clarifying item #1.

Hope this makes sense. Happy to discuss more if you have any questions or concerns.

Best,

Veronica Vien
See request clarifications, comments, and request expansions for Request #19-176 / Request #19-2231 below in red.

1) Web links to all job announcements that have minimum qualifications similar to PBT-0931-092173 Minimum Qualification 2 (minimum years or hours of experience) for the past 5 years

I am seeking all DPH job announcements that have any qualification concerning the number of years or hours of experience for the past 5 years.

2) Web links to all eligibility lists for the aforementioned announcements

3) A list of all City employees whose experience was verified by DPH for the aforementioned announcements that includes; Employee ID, number of years and/or hours verified by DPH, in MS Excel format

To clarify the request, the list of employees should include people who were City employees when they applied for the positions announced in #1.

To date no attempt has been made to provide or address this.

I would like to expand on this item. Please also provide the names, employee IDs, and job classes of the direct reports of these City employees whose experience was verified by DPH for the aforementioned announcements.

4) eMerge timesheet data for the aforementioned employees that includes employee number, pay period end date, EARN code, job code, and recorded hours for all hours in those employees' verification periods, in MS Excel format

For PBT-0931-066213 the eligibility list provided on 6/21/2019 shows seven people. However, the data for #4 was only provided for one of the seven. Further, it appears that the data provided is for the person who was hired for the PBT-0931-066213 position, for the time period after they were hired, not the verification period where they gained the qualifying experience.

Please provide the requested data for PBT-0931-066213 and for all other announcements in #1.

I would like to expand on this item. Please also include any other documents or data used to verify hours/years of experience.

Please let me know if you have any questions.

Thanks,

Alex

On Mon, Jul 29, 2019 at 1:09 PM Supervisor Records <supervisor.records@sfcityatty.org> wrote:

Mr. Lewis-Koskinen –

It is unclear to me and to DPH what job announcements you are requesting. Are you seeking all job announcements that have any qualification concerning the number of years or hours of experience? Or are you seeking job announcements with qualifications similar to the years or hours of experience required by PBT-0931-092173?

Best,
Mr. Lewis-Koskinen –

As I said below, the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” That is the extent of the scope of Supervisor of Records jurisdiction. The Supervisor of Records does not evaluate whether a department properly invoked an extension and does not answer legal questions from the public.

With regard to your concern that DPH did not produce all records in response to your request, I will follow up with DPH to make sure they understood your request. Thanks.

Hi Bradley,

I do not believe all of my concerns regarding timely response have been addressed. I would appreciate it if you can respond to the following questions:
1) Is there a time limit to respond to Sunshine Ordinance information requests?

2) If so, what is time limit?

3) If not, what are the time limits described in San Francisco Administrative Code Section 67.25(b) and California Government Code (CAGC) Section 6253(c) and why don't they apply to my information requests?

4) What was the deadline to respond to my three information requests?

5) Did DPH meet those deadlines?

6) What steps are typically taken when time limits are violated?

7) What circumstances constitute "willful failure to discharge any duties imposed by the Sunshine Ordinance", which would therefore be considered "official misconduct" pursuant to SFAC 67.35?

8) What are typical consequences for official misconduct?

9) What are the most severe possible consequences for official misconduct?

In addition, DPH's response to my original information request was a single record. This is an incomplete response. I asked for "all job announcements that have minimum qualifications similar to PBT-0931-092173 Minimum Qualification 2 (minimum years or hours of experience) for the past 5 years". All job postings that included minimum years of experience and minimum years of supervision should have been included.

Thanks,

Alex

On Mon, Jul 1, 2019 at 5:51 PM Russi, Brad (CAT) <Brad.Russi@sfcityatty.org> wrote:

Mr. Lewis-Koskinen -

Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” That is the extent of the scope of Supervisor of Records jurisdiction. The Supervisor of Records does not evaluate whether a department properly invoked an extension.

I have discussed these requests with DPH. They indicate that with regard to your first and second requests, they produced responsive records on June 21 and June 27 and that they are continuing to gather and review potentially responsive records. They have not yet withheld or redacted records pursuant to an exemption in the Public Records Act in response to those requests. With regard to the third request, DPH states that they produced all responsive records on June 21 and they did not withhold or redact any records.
If DPH does ultimately withhold or redact records in response to your first and second requests and you contest the basis that they rely on to do so, please reach out to me again, and I will evaluate whether DPH properly withheld or redacted the records. Let me know if you have any questions.

Best,

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera

City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

From: Russi, Brad (CAT) On Behalf Of Supervisor Records
Sent: Monday, June 24, 2019 10:06 AM
To: 'Alex Lewis-Koskinen'
Subject: RE: Sunshine Appeal

I write to acknowledge receipt of your petition below. I will be in touch with you soon. Thanks.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

www.sfcityattorney.org

From: Alex Lewis-Koskinen
Sent: Friday, June 21, 2019 1:17 PM
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>
Subject: Sunshine Appeal

I wish to file a Sunshine Appeal.

The city department to which you made your request
DPH

The record or records you requested
See attached
The date of your request

An explanation as to why you believe the decision to withhold or redact records is unlawful

Request #1
DPH did not respond to an immediate disclosure request (Request 1) I submitted on 5/13/2019. I believe DPH has violated the Sunshine Ordinance, San Francisco Administrative Code (SFAC) Section 67.25. As required by 67.25(a) I included "Immediate Disclosure Request" in the email subject line and requested the information be submitted by 5/14/2019. DPH reponded on 5/14/2019 at 7:18pm, well after the close of business, that they were unable to comply and request a 14 day extension pursuant to San Francisco Administrative Code Section 67.25(b) and California Government Code (CAGC) Section 6253(c).

SFAC 67.25(b) requires that the requester be notified by close of business on the business day following the request. Close of business is generally recognized as 5:00pm. 7:18 is well after close of business.

California Government Code Section 6253(c) only permits delays in "unusual circumstances", and "only to the extent reasonably necessary to the proper processing of the particular request". Regardless of whether or not responsive records are voluminous, obtaining a large number of emails from MS Outlook, the software used by DPH, is trivial. It could take mere seconds to minutes to search for terms such as "Alex Koskinen" and related terms, and to save and compile all resulting emails.

DPH did not identify a subsection of CAGC 6253(c) as required by SFAC 67.27(a).

DPH has also violated SFAC 67.25(d). As it is reasonable for DPH to have provided all records, it is therefore also possible for them to have provided at least some emails/documents responsive to my request. DPH is required to "produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible". DPH cannot possibly claim that they could not have produced a single responsive email in 32 hours, which is clearly a failure to comply with 67.25(d) and therefore a violation.

Requests #2 and 3
On 5/13/2019 I submitted an additional disclosure request (Request 2) to DPH. On 6/6/2019 I submitted another immediate disclosure request (Request 3) to DPH. As of 6/21/2019 they have not responded to either request. This is a violation of CAGC 6253 (c), "No notice shall specify a date that would result in an extension for more than 14 days."

These violations are so obvious that they may constitute "willful failure to discharge any duties imposed by the Sunshine Ordinance", which would therefore be considered "official misconduct" pursuant to SFAC 67.35.

Other information you consider pertinent
DPH's failure to respond to the three information requests in a timely manner has caused me financial harm.

Your contact information and preferred means of contact
Alex Koskinen
(preferred)
I wish to file a Sunshine Appeal.

The city department to which you made your request

DPH

The record or records you requested

See attached

The date of your request


An explanation as to why you believe the decision to withhold or redact records is unlawful

Request #1

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These violations are so obvious that they may constitute "willful failure to discharge any duties imposed by the Sunshine Ordinance", which would therefore be considered "official misconduct" pursuant to SFAC 67.35.

Other information you consider pertinent
DPH's failure to respond to the three information requests in a timely manner has caused me financial harm.

Your contact information and preferred means of contact
Alex Koskinen

(preferred)
Re: FW: 0931 Manager III-Accounting Manager(PBT-0931-092173) - Immediate Disclosure Request

Alex Lewis-Koskinen <alex.koskinen@gmail.com>  
Mon, May 13, 2019 at 8:36 AM  
To: “Caporale, Andrea (DPH)” <andrea.caporale@sfdph.org>, PublicRecords.dph@sfdph.org  
Cc: “Soto, Juliette (DPH)” <juliette.soto@sfdph.org>

Immediate Disclosure Request

Pursuant to the Sunshine Ordinance please provide electronic copies of all correspondence regarding Alex Koskinen and PBT-0931-092173 including all emails and documents written by DPH or any other City staff including HRD staff by 10:00am Tuesday 5/14/2019.

Thanks,
Alex

On Thu, May 9, 2019 at 8:55 AM Alex Lewis-Koskinen <alex.koskinen@gmail.com> wrote:

Thanks Andrea - I'll see you at 11:15.

On Thu, May 9, 2019, 8:08 AM Caporale, Andrea (DPH) <andrea.caporale@sfdph.org> wrote:

Hi Alex,

We can meet in person. I suggested the phone since I know we have limited time. You mentioned you have until 11:30am.

Look forward to meeting you at 11:15am today. Please check in at Room 210.

Thanks,

Andrea Caporale

HR Manager

Human Resources -- Merit and Recruiting Services
San Francisco Department of Public Health
101 Grove St., Room 210 -- San Francisco, CA, 94102
415-554-2910 (direct line)

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Confidentiality Notice: This message and any attachments are solely for the intended recipient and may contain confidential or privileged information. If you have received this communication in error, please notify me by reply e-mail and immediately and permanently delete this message and any attachments. Thank you.
Hi Veronica,

I have an additional immediate disclosure request.

Please provide all emails and any other documents related to the discussion and fulfillment of my original two information requests. Please provide this information in electronic format by close of business 6/7/2019.

Thanks,
Alex
Re: FW: 0931 Manager III-Accounting Manager(PBT-0931-092173) - Disclosure Request

Alex Lewis-Koskinen

Mon, May 13, 2019 at 8:38 AM

To: "Caporale, Andrea (DPH)" <andrea.caporale@sfdph.org>, PublicRecords.dph@sfdph.org
Cc: "Soto, Juliette (DPH)" <juliette.soto@sfdph.org>

Disclosure Request

Pursuant to the Sunshine Ordinance please provide the following information by 5:00pm Friday 5/24/2019.

Lastly, please send the information I requested in my 4/15/2019 email;
1) Web links to all job announcements that have minimum qualifications similar to PBT-0931-092173 Minimum Qualification 2 (minimum years or hours of experience) for the past 5 years
2) Web links to all eligibility lists for the aforementioned announcements
3) A list of all City employees whose experience was verified by DPH for the aforementioned announcements that includes; Employee ID, number of years and/or hours verified by DPH, in MS Excel format
4) eMerge timesheet data for the aforementioned employees that includes employee number, pay period end date, EARN code, job code, and recorded hours for all hours in those employees' verification periods, in MS Excel format

Thanks,
Alex

On Mon, May 13, 2019 at 8:36 AM Alex Lewis-Koskinen wrote:
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Pursuant to the Sunshine Ordinance please provide electronic copies of all correspondence regarding Alex Koskinen and PBT-0931-092173 including all emails and documents written by DPH or any other City staff including HRD staff by 10:00am Tuesday 5/14/2019.

Thanks,
Alex

On Thu, May 9, 2019 at 8:55 AM Alex Lewis-Koskinen wrote:
Thanks Andrea - I'll see you at 11:15.

On Thu, May 9, 2019, 8:08 AM Caporale, Andrea (DPH) <andrea.caporale@sfdph.org> wrote:

Hi Alex,

We can meet in person. I suggested the phone since I know we have limited time. You mentioned you have until 11:30am.

Look forward to meeting you at 11:15am today. Please check in at Room 210.

Thanks,

Andrea Caporale
HR Manager
Human Resources -- Merit and Recruiting Services

https://mail.google.com/mail/u/0?ik=9c227ad29e&view=pt&search=all&permmsgid=msg-a%3Ar-57628998255840517800&permmsgid=msg-a%3Ar-57628998255840517800...
Mr. Sullivan –

We have reviewed your petition and the additional documents you have provided. OEWD requested all documents, including e-mails, from the contractor that constitute the results, deliverables, and work product created in connection with the contract, and confirmed with the contractor that the substance of any email that it did not obtain but could arguably constitute results or deliverables was incorporated into the deliverables that the contractor produced. We find that this is consistent with the City’s rights under the grant agreement and with OEWD’s obligation under the Sunshine Ordinance. Because OEWD has not unlawfully withheld any public records in response to your request, we find no violation of the Sunshine Ordinance and dismiss your petition. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

Hello Mr Russi,

What is the current status of my petition? Is my petition still open, closed, or being ignored?

Sincerely,
Mark Sullivan

On 7/29/2019 1:17 PM, Supervisor Records wrote:

Mr. Sullivan,

Thank you for the additional information. Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” That is the extent of the scope of Supervisor of Records jurisdiction. I am continuing to look into whether there are records that the department has withheld. If there are, we will determine whether the department lawfully withheld them. Thanks.
Hello Mr Russi,

They are withholding agendas and minutes of all meeting, all the contractors e-mail correspondence under the contracts including cc, including e-mail with the survey subcontractor, training materials including how they survey's are constructed and why (verbally told to me). I have documentation of some of this existing specifically the agendas and minutes.

Have you seen the three documents that they have sent me? They claim that is all? The city can get all records produced under the contracts as the records belong to the city per contract.

Again regardless of the records they have sent beyond the 14 days time frame, my petition to you as the Supervisor of Records was to determine that under the contract all records produced by the contract are property of the city and are therefore public record. I know there are plenty of records and that have not been produced. I filed a petition to you under the Sunshine Ordinance to make a determination in writing.

Sincerely,
Mark Sullivan

On 7/24/2019 5:44 PM, Supervisor Records wrote:

My understanding from speaking with OEWD is that they are not withholding any records. What records do you think they are withholding?
Subject: Re: Petition the Supervisor of Records for a determination of whether the record requested is public

Hello Mr Russi,

My petition to you as the Supervisor of Records was to determine that under the contract all records produced by the contract are property of the city and are therefore public record. I know there are plenty of records and that have not been produced. I filed a petition to you under the Sunshine Ordinance to make a determination in writing.

Chapter 67 The San Francisco Sunshine Ordinance of 1999
Sec 67.21

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

I think I have been very clear in both my public record request to OEWD and my petition to you. My expectation is compliance with CA public record laws and the Sunshine Ordinance. Note: "The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public."

Sincerely,
Mark Sullivan

On 7/24/2019 1:39 PM, Supervisor Records wrote:

Mr. Sullivan - I understand that OEWD has now produced additional records in response to your request. Please let me know if this does not resolve your concern.
Best,

Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
www.sfcityattorney.org

From: Russi, Brad (CAT) On Behalf Of Supervisor Records  
Sent: Thursday, July 11, 2019 6:06 PM  
To: 'sfneighborhoods.net' <info@sfneighborhoods.net>  
Subject: RE: Petition the Supervisor of Records for a determination of whether the record requested is public

Mr. Sullivan –

I write to acknowledge your petition below. We are looking into it.  
Thanks.

Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
www.sfcityattorney.org

From: sfneighborhoods.net <info@sfneighborhoods.net>  
Sent: Monday, July 08, 2019 10:00 AM  
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>  
Subject: Petition the Supervisor of Records for a determination of whether the record requested is public

Petition to the Supervisor of Records

Under Sunshine Ordinance Section 67.21 (d) I am petitioning the supervisor of records for a determination of whether the record requested is public in my public record request to OEWD on June 18, 2019. In my PR request, I ask the custodian of records to reply “please state the nature of records withheld and explain the reason the records are being withheld” if they had reason to believe that records requested are not public. The public record request is below.

Under Sunshine Ordinance Section 67.21 (b) ”If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days
following receipt of a request, that the record in question is exempt under express provisions of this ordinance.”

It has been more than 10 days since my request and I have not received a response of either records or why the records are being withheld.

Under both contracts cited in the public record request, April 1, 2018 to June 30, 2018 under Contract ID# 1000010216 with Build Public, Inc. and July 1, 2018 to present under Contract ID# 1000012901 with San Francisco Park Alliance, Section 6.8 Ownership of Results, say records shall be promptly transmitted to the city. Section 6.5 makes the all the records covered under Article 6 made available to the City and its employees. Contract ID# 1000012901 with San Francisco Park Alliance, Appendix B, I. Project Definitions, list employees who should have access or seen many of the records requested.

City's Team -

Christopher Corgas, Senior Program Manager, OEWD
Jonathan Goldberg, Program Manager, Public Works
Helen Mar, Project Specialist, OEWD

Mark Sullivan

info@sfneighborhoods.net

PUBLIC RECORD REQUEST

Date: June 18, 2019

OEWD. Custodian of Records: Ms. Thompson.

In its contracts, the city asserts rights of ownership of all documents, services and product in at least 6 different clauses.

6.8 Ownership of Results. Any interest of Grantee or any sub grantee, in drawings, plans, specifications, studies, reports, memoranda, computation sheets, the contents of computer diskettes, or other documents or Publications prepared by Grantee or any sub grantee in connection with this Agreement or the implementation of the Grant Plan or the services to be performed under this Agreement, shall become the promptly of and be promptly transmitted to City.
Please send me all records produced April 1, 2018 to June 30, 2018 under Contract ID# 1000010216 with Build Public, Inc. and July 1, 2018 to present under Contract ID# 1000012901 with San Francisco Park Alliance. Deliverables are not all records produced.

If you feel, you do not have to comply to produce all records or only partial records, please state the nature of records withheld and explain the reason the records are being withheld.

I see no legal reason for any record to be withheld.

Mark Sullivan

info@sfneighborhoods.net
Sent via email (76434-70600365@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records submitted on August 26, 2019, concerning a public records request to the Mayor’s Office dated July 2, 2019, in which you requested various emails and other forms of electronic communications from mayoral staff. You have sought a determination from the Supervisor of Records on the following issues related to this request:

This petition is regarding, inter alia, the Office of Mayor’s:

(a) failure to provide various email in .msg format and with headers,
(b) use of personal and/or secret communications technologies to discuss the people’s business and therefore failing to preserve correspondence in a “professional and businesslike” manner (67.29-7).
(c) use of scanned PDFs instead of text PDFs, and
(d) lack of specificity re: redaction justification.

With regard to item (a), you have acknowledged that our “Aug. 26, 2019 response to [your] 19044 May 8 petition already reflects [this] office’s position regarding (a).”

Items (b) and (c) are beyond the jurisdiction of the Supervisor of Records. The Sunshine Ordinance (Section 67.21(d) of the Administrative Code), tasks the Supervisor of Records with determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” With regard to item (b), you do not allege that the Mayor’s Office has withheld or redacted public records responsive to your request. Instead, you allege that the Mayor’s Office failed to maintain some records in a “professional and businesslike” manner in violation of Section 67.29-7 of the Sunshine Ordinance by using the Signal application. Whether the use of a particular communications technology is proper and complies with this provision of the Sunshine Ordinance is not an issue within the ambit of our responsibility under the Sunshine Ordinance. Similarly, with respect to item (c), whether the Sunshine Ordinance requires the Mayor’s Office to produce a searchable PDF file is beyond the scope of our review; we do not
Letter to Anonymous  
September 5, 2019  
Page 2

view this as an allegation that the Mayor’s Office improperly withheld a record or any part of a record.

Finally, with respect to item (d), we understand that the Mayor’s Office has agreed to identify the legal basis for each redaction that it applied to the responsive documents. If after receiving this information, you believe that the Mayor’s Office improperly relied on an exemption to redact information, please follow up with us and we will address your concern at that time.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

Bradley A. Russi  
Deputy City Attorney
August 26, 2019

This is a follow up to a previous request:

Good afternoon Supervisor of Records,

This is a new petition under SFAC 67.21(d).

This petition is regarding, inter alia, the Office of Mayor's:
(a) failure to provide various email in .msg format and with headers,
(b) use of personal and/or secret communications technologies to discuss the people's business and therefore failing to preserve correspondence in a "professional and businesslike" manner (67.29-7).
(c) use of scanned PDFs instead of text PDFs, and
(d) lack of specificity re: redaction justification.

This overlaps partially with SOTF 19044 v. the City Attorney's office, which you have already responded to, but there are new issues not covered in 19044.
I believe your Aug. 26, 2019 response to my 19044 May 8 petition already reflects your office's position regarding (a), however it does not cover (b), (c), and (d).

My petition incorporates all of the allegations in the following documents:
SOTF complaint:

I look forward to your response within 10 days.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76434-70600365@requests.muckrock.com
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.
On Aug. 26, 2019:
Subject: RE: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)
Office of Mayor,

Linked below is a new SOTF complaint and exhibits thereto against the Office of Mayor, et al. sent to the SOTF earlier today.

This complaint is regarding, inter alia, the Office of Mayor's:
- failure to provide various email in .msg format and with headers,
- use of personal and/or secret communications technologies to discuss the people's business,
- use of scanned PDFs instead of text PDFs, and
- lack of specificity re: redaction justification.
This is similar to 19044 v. the City Attorney's office, but there are new issues not covered in 19044.

Alleged Violations: 67.21, 67.26, 67.27, 67.29-7

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Sincerely,
Anonymous

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On Aug. 26, 2019:
Subject: RE: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)
Good morning SOTF,

Attached is a new complaint and exhibits thereto against the Office of Mayor, et al. Please order the exhibits after the complaint in the file for clarity.

I will fill out your Google Form as well. I would appreciate a confirmation of your receipt of this email due to the file attachment size possibly causing technical issues.
Note: This complaint is re: the Office of Mayor's failure to provide various email in .msg format and with headers, their use of personal and/or secret communications technologies to discuss the people's business, and their use of scanned PDFs instead of text PDFs. This is similar to 19044 v. the City Attorney's office, but there are new issues not covered in 19044.

Complainant Name: (Anonymous - use email 76434-70600365@requests.muckrock.com) Date of Request: July 2, 2019 and August 22, 2019

Alleged Violations: 67.21, 67.26, 67.27, 67.29-7

Complaint Against Employees (listed by official capacity): London N. Breed (Mayor), Hank Heckel (Compliance Officer), Tyrone Jue (Senior Advisor), Sean Elsbernd (Chief of Staff), Andres Power (Policy Director), Andrea Bruss (Deputy Chief of Staff), Marjan Philhour (Senior Advisor), Jeff Cretan (Communications Director), Sophia Kittler (Liaison to the Board)

Complaint Against Agency: Office of Mayor

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Sincerely,
Anonymous (76434-70600365@requests.muckrock.com)
---

On Aug. 26, 2019:
Subject: RE: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)
Good Evening Mr. Heckel,

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

I will be filing in the immediate future an SOTF complaint regarding: the lack of headers/metadata, the use of PDFs instead of .msg/.eml formats, and the use of image PDFs instead of textual PDFs, and your failure to identify with particularity specifically which laws apply to which redactions. The issues are quite similar to those you heard in your own case SOTF 19047, and in the SOTF 19044 case re: the city attorney. However, we will be emphasizing the image PDF and lack of redaction specificity issues in this new case.

In addition, this is a further immediate disclosure request for the following:
PART 3: all instruments used to inquire of each official as to whether they possess any responsive records of our July 2, 2019 request, and all of the responses of the official or their legal representatives (including all affidavits/declarations that no responsive records exists)

I understand such instruments would not have existed on the date of my original request, by definition, so I am re-requesting them now.
Since a City of San Jose v Superior Court (2017) search was requested for various officials' personal property, and you have indicated no responsive records existed, we believe such instruments must exist.

Thanks,
Anonymous
On July 29, 2019:
Subject: RE: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)
VIA ELECTRONIC MAIL

Requestor: Anonymous
76434-70600365@requests.muckrock.com

July 29, 2019

Re: Amended and Supplemental Response to Public Records Request Received July 2, 2019

Dear Anonymous:

This amends and supplements our July 26, 2019 response to your Public Records Request, attached, entitled Email and Electronic Communications Audit, received by the Office of the Mayor on July 2, 2019. We previously invoked an extension of time to continue our response under Government Code § 6253(c) and San Francisco Admin. Code § 67.25(b) for up to 14 days from the original due date because of the need for consultation with other city departments and the potential volume of requested materials. We then responded and provided responsive documents on July 26, 2019.

Amended and Supplemental Response Dated July 29, 2019

We have completed our search and consultation and are attaching herewith responsive records located in the possession of the Office of the Mayor. The documents have been provided in multiple emails due to file size. Please note that responsive emails from official city email accounts have been provided for all of the requested custodians. Additionally, responsive text messages from personal devices pertaining to city business have been provided for Communications Director Jeff Cretan, Liaison to the Board of Supervisors Sophia Kittler and Compliance Officer Hank Heckel. No such responsive texts were located for the other requested custodians. Existing messages received using Signal pertaining to city business have been provided for Chief of Staff, Sean Elsbernd. These communications are provided herewith as a supplemental production. No responsive communications in the other electronic media named were located for the requested custodians.

The responsive documents have been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Metadata from any native format has not been provided to avoid risks to the security and integrity of the city’s data system and avoid the release of exempt confidential or privileged information. Pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record or its data system. The PDF format ensures the security and integrity of the original record.

Please note that certain documents have been withheld on the basis of the attorney-client privilege and/or the attorney work product doctrine. Gov’t Code § 6254(k); Evid. Code § 954; Code of Civ. Proc. § 2018.030; Gov’t Code § 6276.04; Admin. Code § 67.21(k).

Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov’t Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).
Please also note that certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).

Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).

Please note that we are responding only on behalf of the Office of the Mayor and not on behalf of other City Departments. If you have any questions about your request or would like to submit another public records request, please feel free to contact us at mayorsunshinerequests@sfgov.org.

Best Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
---

On July 27, 2019:
Subject: RE: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)
Dear Anonymous,

Please note that in addition to the redactions noted below, the attached files also contain redactions of information that is exempt because it constitutes draft recommendations of the author (Admin. Code § 67.25(a), (e)). Please note that these files also contain redactions of personal communications in text screenshots that do not relate to city business and are therefore exempt from disclosure due to personal privacy interests (California Constitution, Art. I, Sec. 1).

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
---

On July 2, 2019:
Subject: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)
RE: Email and Electronic Communications Audit

To Whom It May Concern:

**NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).**

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the Mayor's Office.

Similar requests were recently made of the Board of Supervisors and Clerk. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.
We remind you of your obligations to provide electronic records in the original format you hold them in.
Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.
However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.
If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from your and other SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

PART 2 - Chat/Messaging
As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example). Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Facebook Messenger ]:
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Telegram ]:
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Slack ]:
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Google Hangouts ]:
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Signal ]:
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

F. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [SMS/MMS/text messages]:
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

H. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Telegram], solely to the extent that such conversations are regarding the public's business and disclosable under
relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

I. An electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Slack], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

J. An electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Google Hangouts], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

K. An electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Signal], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

Lan electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76434-70600365@requests.muckrock.com
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 76434
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
Sent via email (72902-46637773@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records dated August 27, 2019, concerning a request to the Mayor’s Office for calendar entries. We understand your petition to relate to your May 8, 2019 request to the Mayor’s Office for:

an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor’s calendar, with all items, from April 28 to May 4, 2019 (inclusive).

You contend that the Mayor’s Office improperly withheld responsive calendar entries that are not required to be maintained and disclosed under Section 67.29-5 of the Sunshine Ordinance (Administrative Code Section 67.29-5). Section 67.29-5 requires certain City officials to maintain a daily calendar and prescribes the information that must be recorded and disclosed in such calendar and the process for obtaining it. Separate and apart from this requirement, this Office has stated that where “an official or employee maintains a personal work calendar, it would be considered a public record, with exempt material subject to redaction.” (See City Attorney’s Good Government Guide, p. 121).

We understand that the Mayor’s Office has now produced additional documents in response to your request. The Mayor’s Office redacted some information from this production but did not otherwise withhold any responsive records. If you believe the Mayor’s Office improperly applied redactions to this production, please specify which redactions you contest. Otherwise, we consider this petition closed.

Very truly yours,

DENNIS J. HERRERA
City Attorney

[Signature]

Bradley A. Russi
Deputy City Attorney

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

DENNIS J. HERRERA
City Attorney

BRADLEY A. RUSSI
Deputy City Attorney

Direct Dial: (415) 554-4645
Email: brad.russi@sfcityatty.org

September 6, 2019
August 27, 2019

This is a follow up to request number 19047:

Good morning Supervisor of Records,

Attached is a new SFAC 67.21(d) petition. I look forward to your response in 10 days.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 72902-46637773@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAxJIxKbHL78P4hPis99Itsuo1Y%3A1i2bF
Z%3AfHV8oJt85_Y6ECVGLjeAuUSPqE&next=https%3A%2F%2Fwww.muckrock.com%2Ffaccounts%2Flogi
gin%2F%3Fnext%3D%252Fsfaccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-
may-4-2019-calendar-immediate-disclosure-request-72902%252F%252Femail%252Dsupervisor.records%252540sfcityatty.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 72902
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock
by the above in order to better track, share, and manage public records requests. Also note that improperly
addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests
might be returned as undeliverable.

---

On Aug. 27, 2019:
Subject: RE: California Public Records Act Request #19047
Dear SOTF,
Your copy of the Sunshine Ordinance (https://sfgov.org/sunshine/provisions-sunshine-ordinance-section-67) is
out of date (vis:
http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter67thesanfranciscosunshineordinanc
On Aug. 27, 2019:
Subject: RE: California Public Records Act Request #19047
SOTF,

RE: Case 19089, Anonymous v Supervisor of Records (City Attorney)

We have now received a response (a denial, attached) from the Supervisor of Records; please add it to your 19089 File.
The attached response bears a date of August 26, 2019, and the attached petition bears a date of May 15, 2019. Since Aug 26 is clearly more than 10 days after May 15, a violation by respondent of SFAC 67.21(d) is clear, which is the sole issue in the case.

If permitted by your bylaws or procedures and acceptable to Respondent, I am happy to waive a public hearing with oral argument in the interest of reducing the cost to both the City and myself, and instead submit case 19089 for your Task Force's consideration on the basis of my written complaint, the attached evidence, and any response by the Respondent, with the requested relief being a finding that the Supervisor of Records violated SFAC 67.21(d) and an associated Order of Determination.

Thanks,
Anonymous

---

On Aug. 27, 2019:
Subject: RE: California Public Records Act Request #19047
Thank you for your response, Supervisor of Records. We will continue to pursue SOTF 19047 v the Mayor re: the calendar data and SOTF 19089 v your office re: your prior violation of SFAC 67.21(d).

Sincerely,
Anonymous

---

On Aug. 26, 2019:
Subject: response to petition re mayor's office
To Whom it may concern:

Please see the attached response to your petition to the Supervisor of Records, submitted on May 15, 2019, concerning the Mayor's Office's response to your May 8, 2019 request. Thank you.

---

On Aug. 23, 2019:
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19089
Good Afternoon:
Bradley Russi and the City Attorney's Office have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:

Complaint Attached.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724


Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

---

On May 8, 2019:
Subject: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclosure
This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 72902-46637773@requests.muckrock.com

Upload documents directly:

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 72902
411A Highland Ave
Somerville, MA 02144-2516
PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
RE: SF Sunshine Ordinance petition against Mayor, ref SOTF 19047

To the Supervisor of Records of the City and County of San Francisco:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

On August 26, 2019 you denied our May 15, 2019 petition regarding the May 8, 2019 request for production of the Mayor’s calendar in original electronic format and with metadata and headers. While we dispute your conclusions with regard to electronic formats and metadata (which we will pursue before the full Sunshine Ordinance Task Force), this is not a request for reconsideration for those format or metadata issues.

After our May 15, 2019 petition, the Office of Mayor indicated in their response to the SOTF complaint that they had provided the full Prop G (SFAC 67.29-5) calendar, and the contours of SFAC 67.29-5’s requirements were a significant part of the Mayor’s argument before the SOTF Complaint Committee on Aug. 20. The designated “Prop G” calendar is the sole record disclosed by the Mayor in this case. The Complaint Committee found jurisdiction and that the records are public and sent the complaint to the full SOTF.

Therefore, this is a new SFAC 67.21(d) petition asking you to determine whether the following are public records:

calendar records/entries prepared, owned, used, or retained by the Office of Mayor¹ that either (a) go beyond the requirements of SFAC 67.29-5 and/or (b) are not part of the designated “Prop G” calendar

¹On government property, or on personal property subject to a City of San Jose v Superior Court (2017) search
For example, if the Office of Mayor prepared, owned, used, or retained any calendar entries with greater detail than their designated “Prop G” calendar - are those items public records? We argue that they are.

SFAC 67.29-5 reads:

SEC. 67.29-5. CALENDARS OF CERTAIN OFFICIALS.

(a) The Mayor, City Attorney, Treasurer, Assessor-Recorder, District Attorney, Public Defender, Sheriff, every member of the Board of Supervisors, and every Department Head shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, either in person or by teleconference or other electronic means, with the exclusion of purely personal or social events at which no City business is discussed and that do not take place at City Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the City. For meetings not otherwise publicly recorded, the calendar shall include a general statement of issues discussed. Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date.

(b) For meetings or events with ten or fewer attendees, the calendar shall also identify the individual(s) present and organization(s) represented at the meeting or event if known by the official, unless the official is aware that the information would reveal the identity of a confidential whistleblower, would interfere with an individual’s right to petition government where the individual has sought and been assured confidentiality, would disclose the attendance of members or representatives of a labor organization at a meeting to discuss matters within the scope of representation, as that term is defined in California Government Code Section 3504, would reveal personnel information not subject to disclosure, or is otherwise exempt from disclosure under State and local law.

(c) At any meeting or event with ten or fewer attendees, officials subject to subsection (a) of this Section 67.29-5 shall attempt to identify names of attendees present, and the organizations they represent; provided that an official shall not require any attendees to identify themselves, unless the official is aware that those attendees are campaign consultants registered with the Ethics Commission under Campaign and Governmental Conduct Code Article I, Chapter 5; lobbyists registered with the Ethics Commission under Campaign and Governmental Conduct Code Article II, Chapter 1; permit consultants registered with the Ethics Commission under Campaign and Governmental Conduct Code Article III, Chapter 4; Developers of Major Projects, as defined in Campaign and Governmental Conduct Code Section 3.510, if the Major Project is discussed at the meeting or event; and employees or representatives of any entity that has received a grant from or entered a contract with any City department within the previous 12 months. The official has no duty to ascertain whether any attendees fall into these categories. Within three business days after a meeting or event subject to this subsection (c), the official shall update the daily calendar to include the names of the attendees and organizations identified by or known to the official.

(d) For the purpose of calculating the total number of attendees at a meeting or event under subsections (b) and (c), an official shall not include himself or herself.

(e) The obligations imposed under subsections (b) and (c), and the obligations imposed upon members of the Board of Supervisors under subsection (a), shall not apply to meetings or events where City business is discussed only incidentally; to unplanned, casual conversations with residents; to campaign-related meetings, events, and appearances; or to meetings or events where
all attendees are employees or officers in the official’s City department, which for members of the Board of Supervisors shall mean that all attendees are members of the Board of Supervisors, legislative aides, or employees of the Office of the Clerk of the Board. Officials are not in violation of subsections (b) or (c), and members of the Board of Supervisors are not in violation of subsection (a), if they have made a good faith effort to comply with their obligations thereunder.

SFAC 67.29-5 sets a minimum bar for what calendar information must be kept by the Mayor. But SFAC 67.29-5’s instruction that “such calendars shall be public records” does not in any way make other calendars not public records. Public records are defined by the CPRA, Gov Code 6252(e) as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” No local ordinance can restrict or limit the CPRA’s definition (local ordinances may only broaden the provisions, as the Sunshine Ordinance does in various ways), and SFAC 67.29-5 does not purport to do so.

The Office of Mayor should have to disclose all calendar records, regardless of whether they are the designated “Prop G” calendar. It would stretch credulity to believe that the Office of Mayor functions without much more detailed calendar entries than the special “Prop G” calendar which is the sole record they have disclosed in this case. Most telling, SFAC 67.29-5 only requires that the Prop G calendar be available 3 business days after the entry date, but obviously there would have to exist some calendar entry indicating scheduling of most events before the event actually occurs. How else would the Mayor or her staff know when and where to go?

Before the SOTF Complaint Committee, the Office of Mayor appeared to argue that those other calendar items aren’t “official” and/or don’t have a long-term retention policy. Neither of those issues are relevant. An agency’s designation of a record as “official” has no bearing on whether it must be disclosed. Furthermore, any records retained at the time of the request should be disclosed, even if those records won’t be kept as long as the “Prop G” calendar.

Sincerely,

Anonymous
Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your August 23, 2019 request to the Department of Public Works ("DPW") for the following:

A. IMMEDIATE DISCLOSURE: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EVERY OFFICIAL government email account of

1. Director, Public Works;
2. Director, Policy and Communications;
3. City Architect;
4. City Engineer;
5. Deputy Director for Operations;
6. Deputy Director for Financial Management and Administration;
7. (Acting) Chief Information Officer;
8. Custodian of Records
9. All persons having an Executive Assistant, Personal Assistant, Admin. Assistant or Secretary or equivalent title which report directly to the Director, Public Works

B. IMMEDIATE DISCLOSURE: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EVERY OFFICIAL government email account of [[same list of titles as 1–9]]

C. regular disclosure: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and
inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EVERY PERSONAL email account(s) of the following officials, TO/CC/BCC any City/County email address, solely to the extent that such emails are regarding the public’s business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records. [[same list of titles as 1–9]]

D. regular disclosure: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EVERY PERSONAL email account(s) of the following officials, FROM any City/County email address, solely to the extent that such emails are regarding the public’s business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records. [[same list of titles as 1–9]]

DPW produced records responsive to your request on September 5 and September 13. (See https://sanfrancisco.nextrequest.com/requests/19-3609).

First, you contend that DPW either failed to produce public records maintained on employees’ personal accounts or failed to state that it had no such responsive records. We understand DPW has now stated it has no such responsive records.

Second, you contend that DPW improperly withheld native files and metadata. For the reasons articulated in our response to another one of your petitions, attached hereto as Exhibit A, we find that DPW did not improperly withhold native files or metadata.

Third, you contend that DPW improperly withheld email addresses of City employees in the To/From/Cc/Bcc headers of some emails provided in PDF format. We find that DPW did not improperly withhold information. DPW provided the records in PDF format, which we find to be reasonable and appropriate. We understand that the way in which the City’s email system prints such records – and the way they appear on the screen – does not show the email addresses. You may of course request a directory of City email addresses if you so choose. Similarly, you contend that DPW withheld URL links, HTML content, certain images, and timestamp information due to the manner in which the records were printed and provided. We find that DPW did not improperly withhold this information for the same reasons.

Finally, you request that we determine whether some or part of the information in 116 different metadata headers must be disclosed. We decline to do so. DPW produced the records in PDF format and did not disclose the metadata headers, and we have already determined that this is a proper way to respond to the request. Moreover, the information contained in these fields is highly technical and without engaging in an analysis that exceeds the requirements of the Public Records Act, the information is not “reasonably segregable,” further supporting DPW’s method of responding to the request. See Gov’t Code § 6253(a).
For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Lopez, Reyna (CAT)

From: 79356-20639593@requests.muckrock.com
Sent: Friday, September 6, 2019 4:37 PM
To: Supervisor Records
Subject: RE: California Public Records Act Request #19-3609
Attachments: 79356-SupervisorPetition-20190906.pdf

Department of Public Works
PRA Office
Room 348
1 Doctor Carlton B Goodlett Place
SF, CA 94102

September 6, 2019

This is a follow up to request number 19-3609:

Supervisor of Records,

Attached is a new 67.21(d) petition against the Dept of Public Works.

** Note that this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thank you,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 79356-20639593@requests.muckrock.com
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 79356
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly
addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Sept. 5, 2019:
Subject: Your San Francisco public records request #19-3609 has been closed.
San Francisco

************************************************************************
Hi there

Record request #19-3609 has been closed and published. The closure reason supplied was:

Dear Anonymous,

We have conducted a diligent search for records responsive to your request. We have located responsive records and are releasing them to you. Responsive documents for request items A and B are provided via this online portal. We have no responsive documents for request items C and D.

If you have trouble accessing the files, we can burn the responsive records onto a CD at a rate of $1 per CD or load the responsive records onto a flash drive at a rate of $4 per flash drive. Fees for duplication are subject to change and postage is an additional cost.

If hard copies are needed, we can provide hard copies of any 8.5x11 documents that are made available to you at a cost of 10 cents per copy, as allowed by the San Francisco Administrative Code § 67.28(c). This section states "a fee not to exceed 10 cents per page may be charged." Postage is an additional cost.

Please note that the Public Records Act requires an agency to make available to any person a copy of an "identifiable record or records" in its possession, unless the record is specifically exempt from disclosure. (Please see California Government Code § 6253(b).) The City’s obligation under the Sunshine Ordinance, like the Public Records Act, is to produce public records in its custody. (See San Francisco Administration Code § 67.20(b).) There is no requirement that a department or officer construct a document to meet the specifications of the request.

Due to privacy concerns, personal information, such as personal phone numbers, cell numbers and email addresses, has been redacted from the documents that we are making available to you. We redacted this personal information pursuant to Section 6254(c) and Section 6254(k) of the California Public Records Act and Article 1, Section 1 of the California Constitution. Information security records have also been redacted pursuant to Gov. Code, Section 6254.19. Personnel records have also been redacted pursuant to Gov. Code, Section 6254(c).

This responsive information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Metadata from any native format has not been provided to avoid risks to the security and integrity of the original record as well as the city’s data and information technology systems and to avoid the release of exempt confidential or privileged information. See Cal. Gov. Code 6253.9 (f) and 6254.19. The PDF format ensures the security and integrity of the original record as well as the security and integrity of the city’s data and information technology systems.

This concludes your public records request.
Hi there

Documents have been released for record request #19-3609:

* Steinberg Inox.pdf
* Steinberg Sent_Redacted.pdf
* Thomas Sent_Redacted.pdf
* Thomas Inbox_Redacted.pdf
* Dawson Inbox_Redacted.pdf
* Dawson Sent.pdf
* Lin Inbox_Redacted.pdf
* Lin Sent.pdf
* Stringer Inbox_Redacted.pdf
* Stringer Sent_Redacted.pdf
* Nuru Inbox_Redacted.pdf
* Nuru Sent_Redacted.pdf
* Hervey Inbox.pdf
* Hervey Sent_Redacted.pdf
* Gordon Inbox.pdf
* Gordon Sent.pdf
* Alameida Inbox.pdf
Hi there

A message was sent to you regarding record request #19-3609:

We received your Immediate Disclosure Request, dated August 23, 2019, on August 26, 2019. Public records requests received after the close of business, or received on a weekend or holiday, are considered received on the next business day.

Although you labeled your request as an Immediate Disclosure Request, it is not “simple, routine, or otherwise readily answerable,” as is required by San Francisco Administrative Code Section 67.25(a). For this reason, we are treating your Immediate Disclosure Request as a standard public records request, subject to the normally applicable 10-day response time, with a possible extension. Accordingly, we will be in touch with you regarding the request by no later than September 5, 2019.

Best,

Jeremy Spitz
Policy and Government Affairs
This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Aug. 23, 2019. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com
E-mail (Preferred): 79356-20639593@requests.muckrock.com
Upload documents directly: https://accounts.muckrock.com/accounts/login/?url_auth_token=AAA14sRYyHY0_oqa8gf2otYwhbo%3Ai4iDN%3A_pHSCr3wOGp90VK2Ju7wnxHo3q4&next=https%3A%2F%2Fwww.muckrock.com%2F2Faccounts%2F2FLogin%2F2Fnext%3D%252F%252F%252Fdepartment-of-public-works-4835%252Fdept-staff-email-audit-immediate-disclosure-request-79356%252FEmail%25253Ddavid.steinberg%252540sfdpw.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 79356
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---

On Aug. 23, 2019:
Subject: California Public Records Act Request: Dept. Staff Email Audit - Immediate Disclosure Request Department of Public Works,

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, sent on Fri Aug 23.

** Note that this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **
We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items:

A. IMMEDIATE DISCLOSURE: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EVERY OFFICIAL government email account of:
1. Director, Public Works;
2. Director, Policy and Communications;
3. City Architect;
4. City Engineer;
5. Deputy Director for Operations;
6. Deputy Director for Financial Management and Administration;
7. (Acting) Chief Information Officer;
8. Custodian of Records
9. All persons having an Executive Assistant, Personal Assistant, Admin. Assistant or Secretary or equivalent title which report directly to the Director, Public Works

B. IMMEDIATE DISCLOSURE: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EVERY OFFICIAL government email account of:
1. Director, Public Works;
2. Director, Policy and Communications;
3. City Architect;
4. City Engineer;
5. Deputy Director for Operations;
6. Deputy Director for Financial Management and Administration;
7. (Acting) Chief Information Officer;
8. Custodian of Records
9. All persons having an Executive Assistant, Personal Assistant, Admin. Assistant or Secretary or equivalent title which report directly to the Director, Public Works

C. regular disclosure: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EVERY PERSONAL email account(s) of the following officials, TO/CC/BCC any City/County email address, solely to the extent that such emails are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Director, Public Works;
2. Director, Policy and Communications;
3. City Architect;
4. City Engineer;
5. Deputy Director for Operations;
6. Deputy Director for Financial Management and Administration;
7. (Acting) Chief Information Officer;
8. Custodian of Records
9. All persons having an Executive Assistant, Personal Assistant, Admin. Assistant or Secretary or equivalent title which report directly to the Director, Public Works

D. regular disclosure: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the
Ordinance, of the most recent 10 emails RECEIVED BY EVERY PERSONAL email account(s) of the following officials, FROM any City/County email address, solely to the extent that such emails are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Director, Public Works;
2. Director, Policy and Communications;
3. City Architect;
4. City Engineer;
5. Deputy Director for Operations;
6. Deputy Director for Financial Management and Administration;
7. (Acting) Chief Information Officer;
8. Custodian of Records
9. All persons having an Executive Assistant, Personal Assistant, Admin. Assistant or Secretary or equivalent title which report directly to the Director, Public Works

Please do not include spam or draft emails.

We want e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. for government accounts.
For personal accounts, PDFs are fine or any other format the employee knows how to export.
Please include all non-exempt headers/metadata. Do not exclude BCC addresses.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 79356-20639593@requests.muckrock.com
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 79356
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly
addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---

On Sept. 3, 2019:
Subject: Your first record request #19-3609 has been opened.
San Francisco

************************************************************************
Hi there

Your first San Francisco record request (request number #19-3609) has been submitted.
It is currently unpublished and is not available for the general public to view.

As the requester, you can always see the status of your request by signing into the San Francisco Public Records portal here.

If you haven't already activated your account, click here to get started.
Once your account is activated, your request will be visible at the following link:
Request #19-3609.

************************************************************************
Questions about your request? Reply to this email or sign in to contact staff at San Francisco.
Technical support: See our help page

---

On Aug. 23, 2019:
Subject: California Public Records Act Request: Dept. Staff Email Audit - Immediate Disclosure Request
Department of Public Works ,

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, sent on Fri Aug 23.

** Note that this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items:

A. IMMEDIATE DISCLOSURE: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EVERY OFFICIAL government email account of
1. Director, Public Works;
2. Director, Policy and Communications;
3. City Architect;
4. City Engineer;
5. Deputy Director for Operations;
6. Deputy Director for Financial Management and Administration;
7. (Acting) Chief Information Officer;
8. Custodian of Records
9. All persons having an Executive Assistant, Personal Assistant, Admin. Assistant or Secretary or equivalent title which report directly to the Director, Public Works

B. IMMEDIATE DISCLOSURE: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EVERY OFFICIAL government email account of
1. Director, Public Works;
2. Director, Policy and Communications;
3. City Architect;
4. City Engineer;
5. Deputy Director for Operations;
6. Deputy Director for Financial Management and Administration;
7. (Acting) Chief Information Officer;
8. Custodian of Records
9. All persons having an Executive Assistant, Personal Assistant, Admin. Assistant or Secretary or equivalent title which report directly to the Director, Public Works

C. regular disclosure: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EVERY PERSONAL email account(s) of the following officials, TO/CC/BCC any City/County email address, solely to the extent that such emails are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Director, Public Works;
2. Director, Policy and Communications;
3. City Architect;
4. City Engineer;
5. Deputy Director for Operations;
6. Deputy Director for Financial Management and Administration;
7. (Acting) Chief Information Officer;
8. Custodian of Records
9. All persons having an Executive Assistant, Personal Assistant, Admin. Assistant or Secretary or equivalent title which report directly to the Director, Public Works

D. regular disclosure: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EVERY PERSONAL email account(s) of the following officials, FROM any City/County email address, solely to the extent that such emails are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Director, Public Works;
2. Director, Policy and Communications;
3. City Architect;
4. City Engineer;
5. Deputy Director for Operations;
6. Deputy Director for Financial Management and Administration;
7. (Acting) Chief Information Officer;
8. Custodian of Records
9. All persons having an Executive Assistant, Personal Assistant, Admin. Assistant or Secretary or equivalent title which report directly to the Director, Public Works

Please do not include spam or draft emails.

We want e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. for government accounts.
For personal accounts, PDFs are fine or any other format the employee knows how to export.
Please include all non-exempt headers/metadata. Do not exclude BCC addresses.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 79356-20639593@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fn%3D7935620639593@requests.muckrock.com&url_auth_token=AAA14sR-yHY0_qA8gf2otYwhbo%3A1i6Nmh%3A7inLzFKjvWEOMDBNuLbxZZACks
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 79356
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl.
San Francisco CA 94102
supervisor.records@SFcityATTY.ORG
sent via email to Supervisor of Records

Our ref.
#79356

Date
2019-09-06

RE: SF Sunshine Ordinance petition against DPW, ref req 79356

To the Supervisor of Records of the City and County of San Francisco:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

This is a new petition under SF Admin Code (SFAC) 67.21(d) for a written determination that records are public. As before, while there is some overlap with prior petitions, this request has certain new issues and agencies. You may reference our petitions of May 8 and August 26 against City Attorney’s and Mayor’s offices regarding email formats/metadata, but, where relevant, those requests are explicitly made below in the context of this specific petition.

I have numbered the determinations I request #1 through #TODO and they are set off from the text for your convenience. I ask that you carefully consider whether any part of the records so far withheld from us are public.

Please note that, within 10 days, if you determine that any records or parts thereof are public, you have a non-discretionary duty to immediately order their disclosure.¹ I do not wish to negotiate further with the Department of Public Works (DPW) - please issue all appropriate orders, and provide me a copy along with the determination.

¹"Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person’s request." (SFAC 67.21(d), emphasis mine)
On August 23, 2019, I requested from the DPW under the Sunshine Ordinance and CPRA:

A. IMMEDIATE DISCLOSURE: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EVERY OFFICIAL government email account of
1. Director, Public Works;
2. Director, Policy and Communications;
3. City Architect;
4. City Engineer;
5. Deputy Director for Operations;
6. Deputy Director for Financial Management and Administration;
7. (Acting) Chief Information Officer;
8. Custodian of Records
9. All persons having an Executive Assistant, Personal Assistant, Admin. Assistant or Secretary or equivalent title which report directly to the Director, Public Works

B. IMMEDIATE DISCLOSURE: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EVERY OFFICIAL government email account of
[same list of titles as 1–9]

C. regular disclosure: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EVERY PERSONAL email account(s) of the following officials, TO/CC/BCC any City/County email address, solely to the extent that such emails are regarding the public’s business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
[same list of titles as 1–9]

D. regular disclosure: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EVERY PERSONAL email account(s) of the following officials, FROM any City/County email address, solely to the extent that such emails are regarding the public’s business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
[same list of titles as 1–9]

I also stated:

"Please do not include spam or draft emails.
We want e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. for government accounts. For personal accounts, PDFs are fine or any other format the employee knows how to export. Please include all non-exempt headers/metadata. Do not exclude BCC addresses.
Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose."
SOLE SUBSTANTIATIVE RESPONSE

On Sept 5, DPW released various PDFs of emails responsive to our request. DPW’s reply and responsive records are available at https://sanfrancisco.nextrequest.com/requests/19-3609 \(^3\), including:

- AlameidaInbox.pdf
- AlameidaSent.pdf
- DawsonInbox_Redacted.pdf
- DawsonSent.pdf
- GordonInbox.pdf
- GordonSent.pdf
- HerveyInbox.pdf
- HerveySent_Redacted.pdf
- LinInbox_Redacted.pdf
- LinSent.pdf
- NuruInbox_Redacted.pdf
- NuruSent_Redacted.pdf
- SteinbergInox.pdf
- SteinbergSent_Redacted.pdf
- StringerInbox_Redacted.pdf
- StringerSent_Redacted.pdf
- ThomasInbox_Redacted.pdf
- ThomasSent_Redacted.pdf

Public records on personal accounts; City of San Jose v Superior Court (2017)

It does not appear that any records on personal accounts/devices (responsive to our request Part C and D) were disclosed. These records are plainly public under City of San Jose v Superior Court (2017). However, DPW did not affirmatively deny the existence of such records, as required under Gov Code 6253(c) and SFAC 67.21(c). I ask that you:

1. Determine that all records re: the public’s business on personal accounts and devices are public records responsive to request Parts C and D are public records and that DPW must conduct the search and affirmatively deny the existence of any such records or provide those that do exist

Native formats; metadata, in general

The disclosed files are mostly text PDFs and some image PDFs. I ask that you:

2. Determine that the native files of all emails are public records; and
3. Determine that the metadata in all emails is a public part of a record.

Unlike possibly other departments, because the DPW has released hundreds of e-mails in .msg format previously\(^4\) and done so for years (at least 2017), and with headers/metadata, it is clear that the '.msg' format is “easily generated” (SFAC 67.21(l)) for DPW and there are no genuine security concerns (Gov Code 6253.9(f) and 6254.19).

Furthermore, it is your responsibility to determine if “any part” of the record is public - surely there is some metadata that is non-exempt and public. Some examples will be illustrated below.

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\(^3\) Archived at https://web.archive.org/web/20190906213401/https://sanfrancisco.nextrequest.com/requests/19-3609

\(^4\) See for example: https://sanfrancisco.nextrequest.com/requests/19-3456
City employee e-mail addresses improperly withheld

Taking “Lin Sent.pdf”5 as the example, on pages 1, 2, 3, 4, 5, 6, and many others, the email addresses in the From/To/Cc are withheld. The actual native entries and/or metadata would indicate this email address information. No exemption justified the withholding of this part of the record, and DPW did not justify it in their list of justifications. City employee e-mail addresses are not information security records. Therefore, please:

4. Determine that all To/From/Cc city employee e-mail addresses information in all emails are public parts of records.
5. Determine that all Bcc city employee names and e-mail addresses information in all emails are public parts of records.

Hyperlinks improperly withheld

Taking “Steinberg Sent_Redacted.pdf”6 as the example, on page 26, the hyperlinks labeled “List of procedures with deadlines” and “Procedures Manual Update Project page” were improperly withheld. See also “Nuru Inbox_Redacted”7 on pages 4, 6, 7, 8, 9, 10, and 11. The actual native entries and/or metadata (in this case the underlying HTML source which is in the e-mail body) would indicate this timestamp information. No exemption justified the withholding of this part of the record, and DPW did not justify it in their list of justifications. City document URLs are not information security records. Therefore, please:

6. Determine that all hyperlink URLs in all emails are public parts of records.
7. Determine that the HTML content in all emails are public parts of records.

Images improperly withheld

Taking “Steinberg Sent_Redacted.pdf” again as the example, on pages 2 and 9, or in “Nuru Inbox_Redacted”, on pages 3, 4, 6, 8, 9, and 11, the inline images labeled “?” were improperly withheld. The actual native entries and/or metadata would include the inline images. No exemption justified the withholding of this part of the record, and DPW did not justify it in their list of justifications. Images are not information security records. Therefore, please:

8. Determine that all images in all emails are public parts of records.

Timestamp metadata improperly withheld

For example the disclosed record “Alameida Sent.pdf”8 improperly withholds the date of transmission on page 1 and same with “Lin Sent.pdf” on pages 1, 2, 3, 4, 5, and 6 (among many others). Many of these are messages sent when the employee accepts/cancels/declines/issues calendar invitations. The actual native entries and/or metadata would indicate this timestamp information. No exemption justified the withholding of this part of the record, and DPW did not justify it in their list of justifications. Timestamps are not information security records. Therefore, please:

9. Determine that the timestamp/date information in all emails are public parts of records.

---

5https://sanfrancisco.nextrequest.com/documents/1768051
6https://sanfrancisco.nextrequest.com/documents/1767172
7https://sanfrancisco.nextrequest.com/documents/1768614
8https://sanfrancisco.nextrequest.com/documents/1768620

4 of 7
Misc. headers improperly withheld

Finally, DPW has previously disclosed dozens of additional headers in previous requests. I understand you may object to some of these headers based on security concerns, however, all others must be disclosed as a public part of a record.

I understand your office has done extensive research with your IT staff regarding the concerns on releasing metadata for our prior petitions.

I would like an on-the-record determination for each item in #11 below; however even if #11 takes longer than 10 days, please answer the rest of this petition in a timely manner. Therefore, please:

10. Determine that the names of all e-mail headers are public parts of records.

11. Determine that the values or some part of the values of each e-mail header below are public parts of records (you may find some or all of them are public, independently):

   (1) Age
   (2) Alternate-Recipient
   (3) Alternates
   (4) ARC-Authentication-Results
   (5) ARC-Message-Signature
   (6) ARC-Seal
   (7) Authentication-Results
   (8) Autoforwarded
   (9) Auto-Submitted
   (10) Autosubmitted
   (11) Bcc
   (12) Body
   (13) CalDAV-Timezones
   (14) Cc
   (15) Comments
   (16) Content-Description
   (17) Content-Duration
   (18) Content-Encoding
   (19) Content-Disposition
   (20) Content-Language
   (21) Content-MD5

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9 In fact Mr. Coté argued as such on behalf of your office in your reply to SOTF Complaint 19089 explaining why your responses to petitions in SOTF 19044 and 19047 took so long. “In some situations, a request may be unusually complex, in terms of legal issues or factual issues or both, or may require the requester or the responding department to follow up in order to make the issue or issues ripe for determination. This was just such a case. Evaluating whether disclosure of metadata could result in a security risk is a highly technical and specialized effort. To the best of our knowledge, this is the first time that the Mayor’s Office has ever received a request that raised these specific issues, and also the first time that the Supervisor of Records has received a petition dealing with these specific issues. Understandably, it has taken time for both the Mayor’s Office and the Supervisor of Records to evaluate the request and security risks. Rather than respond at the 10-day mark with incomplete information and poorly informed analysis, the Supervisor of Records wrote to the requester on May 21, 2019 (within 10 days of receipt of the petition) to confirm that the petition was received and under review. The Supervisor of Records also sent the requester status updates on June 7, July 1, and July 24. After completing a thorough review of the petition and underlying requests and responses related to the petition, the Supervisor of Records issued its final determination on August 26, 2019.” (emphasis mine). Your office, presumably, now has complete information and well-informed analysis.

10 Withholding header names is analogous withholding the name of a form field “Social security number” instead of just redacting the SSN itself.
Sincerely,

Anonymous
Sent via email (81242-04060798@requests.muckrock.com
72902-46637773@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records dated September 6, 2019, concerning a request to the Mayor’s Office for the Mayor’s calendar, and your October 7, 2019 petition also relating to a request for the Mayor’s calendar. We understand your September 6, 2019 petition to relate to an August 21, 2019 request to the Mayor’s Office for:

1. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor’s *prospective/expected* calendar or schedule, with all expected events/items, from August 26 to Sept 3, 2019 (inclusive). We are specifically requesting ALL calendar/scheduling items for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). If any of the Mayor’s staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook’s invite mechanism), those calendars are also included within the scope of this request. Furthermore, we request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public’s business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested.

2. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by
the Ordinance, of the Mayor’s *past* calendar or schedule, with all
events/items, from August 5 to August 16, 2019 (inclusive). We are
specifically requesting ALL calendar/scheduling items for the Mayor, whether
the Mayor herself possesses them or her staff, whether they are labeled “Prop
G” or not, and whether they are on a computer or in physical form (such as a
diary, a physical calendar on a wall, etc.). If any of the Mayor’s staff uses any
invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook’s
invite mechanism), those calendars are also included within the scope of this
request. Furthermore, we request that a City of San Jose v Superior Court
(2017) search be performed of the Mayor, her chief of staff (and deputy
chiefs), and all personal/secretarial/administrative assistants, such that each
such official either provide all records responsive to this request present on
their personal accounts/devices/property (solely to the extent the record or
portion thereof relates to the public’s business), or provide a
declaration/affidavit that no such records exist. All such affidavits are also
requested.

In response to this request, the Mayor’s Office produced responsive records on August 22, 2019
for Item 2 of the request, the calendar entries between August 5, 2019 and August 16, 2019. The
Mayor’s Office treated Item 1 as a standard public records request subject to the normal time
deadlines rather than an immediate disclosure request, and later invoked an extension of time.
On September 5, 2019, the Mayor’s Office produced additional documents responsive to Item 2,
for the time period between August 5 and August 16, 2019. The Mayor’s Office applied a
number of redactions to this production and identified for you the exemption applicable to each
redaction. The Mayor’s Office did not produce records responsive to Item 1 of the request,
which sought the Mayor’s prospective calendar for the period between August 26 and September 3,
2019, citing Section 6254(f) of the Government Code.

Your October 7, 2019 petition relates to a separate immediate disclosure request dated October 4,
2019, for the Mayor’s prospective calendar for October 21 through October 28. The Mayor’s
Office withheld all records, citing Section 6254(f) of the Government Code.

We respond to the issues you have raised as follows:

In your September 6 petition, you request that we determine that the Mayor’s Office violated the
Sunshine Ordinance by not producing native files or metadata. Those issues are addressed in our
response to the prior petition you submitted on the same topic, attached hereto as Exhibit A.

In your September 6 petition, you request a determination that the Mayor’s Office violated the
Sunshine Ordinance by declining to produce records in response to Item 1 concerning the
Mayor’s prospective calendar. You request a similar determination in your October 7 petition.
The Mayor’s Office properly declined to produce these records. Disclosure of the Mayor’s
prospective whereabouts raises obvious security concerns for her, and the California Supreme
Court has endorsed the withholding of such records concerning a high-level government official.
See Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991) (Governor not required to
release daily calendar due to security concerns). In Times Mirror, the court noted that disclosure
of the calendar “would constitute a potential threat to the Governor’s safety, because the
information . . . will enable the reader to know in advance and with relative precision when and
where the Governor may be found . . .” Id. at 1346 (quotation marks omitted). While the court
based its conclusion in that case on Government Code Section 6255, we conclude that Section
6254(f), regarding security records, also provides a proper basis to withhold the records in question. The San Francisco Police Department ("SFPD") provides the Mayor’s security, and her prospective calendar may reflect input from the SFPD concerning security issues. And the prospective calendar is at times consulted by the SFPD in order to plan security measures regarding the Mayor. Additionally, the future calendar entries are protected under Evidence Code Section 1040 – the official information privilege – and are therefore exempt from disclosure under Government Code Section 6254(k). In light of security concerns, the Mayor’s Office holds the Mayor’s future calendar entries in confidence, and the necessity of preserving confidentiality to protect the Mayor’s wellbeing outweighs the need for public disclosure. See Evid. Code § 1040; County of Los Angeles v. Superior Court, 82 Cal. App. 4th 819, 834-35 (2000).

In your September 6 petition, you request a determination that the Mayor’s Office improperly withheld “recurrence” metadata. Our understanding is that for some of the calendar entries the Mayor’s Office produced, there is an indication that a particular appointment recurs due to an icon that appears on the printed page. We conclude that the Mayor’s Office did not improperly withhold information concerning recurrence of these events by producing the records in PDF format. As the court in Times Mirror recognized, disclosure of such information could allow an individual “intent on doing harm” to “use such information to discern patterns of activity.” Id. at 1346. Thus, the Mayor’s Office could have properly redacted any indication of recurrence under the basis discussed in the preceding paragraph, and it did not improperly withhold the details about the recurrences that you contend should be disclosed.

Finally, in your September 6 petition, you contest a number of redactions that the Mayor’s Office applied to the records on the basis of Section 6254(f), particularly information at the top of each calendar entry, some of which redactions follow the acronym “SID.” As mentioned, the Mayor has a security detail staffed by SFPD officers. That detail is part of SFPD’s Special Investigation Division, or SID. We understand that the information redacted in each of the instances you have cited in your petition relates to the Mayor’s security detail. Thus, the Mayor’s Office properly redacted it under Section 6254(f).

For the foregoing reasons, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Sent via email (72902-46637773@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your May 8, 2019 request to the Mayor’s Office for the following:

an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor’s calendar, with all items, from April 28 to May 4, 2019 (inclusive.

In response to this request, the Mayor’s Office produced the Mayor’s calendar entries in PDF format from the time period at issue. The Mayor’s Office explained that it provided the records in PDF format for ease of transferability and to protect the security of the original record, citing Government Code Section 6253.9.

Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” You contend that the Mayor’s Office improperly withheld headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images from its response to your request.

We understand that the responsive calendar entries include no email addresses, attachments, appendices, exhibits, or inline images, and thus the Mayor’s Office did not improperly withhold this information.

With regard to metadata, which we understand would include headers and timestamps, we conclude that the Mayor’s Office properly withheld this information.

First, you contend that the Mayor’s Office should provide this information by producing the calendar entries in the “original electronic format.” But you also request that the calendar entries be exported to “.ics, iCalendar, or vCard formats.” The Public Records Act does not require the Mayor’s Office to produce records in a format that it does not store them unless the Mayor’s Office has used the records in the requested format or provided them in the requested format to another agency. Gov’t Code § 6253.9. We understand that the Mayor’s Office does not hold the records in any of these formats, and it has not used any of these formats or provided
the records in these formats to any agency. By contrast, the Mayor’s Office does store calendar entries in PDF format, and it has used that format to provide the records in the past.

Second, the Mayor’s Office has determined that disclosure of the metadata associated with the original electronic files – whether by producing it in native format or disclosing the metadata in some other format – may jeopardize or compromise the security of the City’s computer system. Thus the Mayor’s Office may decline to produce the metadata under Government Code Section 6253.9(f). Also, the Mayor’s Office has determined that metadata contained in original electronic files may include unique identifiers for individual computer terminals and computer servers and associated security certificates and similar information. This information is highly sensitive, as disclosing it could allow a hacker to penetrate the City’s computer system, “spoof” emails and insert themselves into confidential and/or privileged discussions, or send unauthorized emails on behalf of city officials. Therefore the information may be withheld under Government Code section 6254.19. Given this security risk, the information may also be withheld because there is a substantial need for confidentiality that outweighs any interest the public may have in accessing this information. See Cal. Evid. Code § 1040; Gov’t Code § 6254(k).

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
September 6, 2019

This is a follow up to a previous request:

Supervisor of Records,

Attached is a new petition under SFAC 67.21(d) - ref # 79117. Also attached are 3 exhibits.

Thank you,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 79117-76789902@requests.muckrock.com
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 79117
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---

On Sept. 5, 2019:
Subject: Calendar Request
Please see attached, additional responsive to Item 2 of your request regarding Mayor London Breed's calendar for the dates of August 5, 2019 to August 16, 2019. This responsive information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Metadata
from any native format has not been provided to avoid risks to the security and integrity of the original record as well as the city's data and information technology systems and to avoid the release of exempt confidential or privileged information. See Cal. Gov. Code 6253.9 (f) and 6254.19. The PDF format ensures the security and integrity of the original record as well as the security and integrity of the city's data and information technology systems.

Please note that information responsive to Item 1 of your request is being withheld pursuant to the security procedures information exemption of Cal. Gov. Code 6254(f).

Please also note the following redactions of exempt information and the basis for each withholding:

- August 8th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 8th 9AM - call-in information redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).

- August 8th 11AM - personal cell phone numbers redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 8th 1:30 PM - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 8th 2PM - 4PM - personal cell phone numbers redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 8th 9top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 10th 8:30AM - call-in information redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).

- August 10th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 10th 11AM - personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 10th 3PM - 5PM - personal cell phones redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 11th - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 12th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).


- August 12th 3PM - 5PM - personal cell phones redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 13th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).


- August 13th 11:30-5:30 - personal cell phones redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.
- August 14th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 14th 9AM - call-in information redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).

- August 14th 12PM - information redacted to protect the identity of individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c); personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 14th 1PM - personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 14th 1:30PM - information redacted to protect the identity of individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c); personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 14th 2PM - 6PM - personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 15th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).


- August 15th 10:30AM - 5:30PM - personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 16th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 16th 9AM - call-in information redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).

- August 16th 11:30AM - 4PM - personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

September 4, 2019

This is a follow up to a previous request:

Thank you - Please provide the date, no later than Sept. 14, of your extension (GC 6253(c)).
On Sept. 4, 2019:
Subject: Re: California Public Records Act Request: More Calendars - Immediate Disclosure Request

Dear Anonymous,

Please note that we are continuing our response to the balance of your request below under an extension pursuant to Government Code § 6253(c) and San Francisco Admin. Code § 67.25(b) because of the need for consultation with other city departments.

Regards,

Hank Heckel

---

On Aug. 26, 2019:

I would also like to remind you both here and in 19047 of the following quote from the Good Govt Guide "But if an official or employee maintains a personal work calendar, it would be considered a public record, with exempt material subject to redaction."


---
On Sept. 4, 2019:
Thank you - Please provide the date, no later than Sept. 14, of your extension (GC 6253(c)).

https://www.timeanddate.com/date/dateadded.html?m1=8&d1=21&y1=2019&type=add&ay=&am=&aw=&ad =24&rec=

---

On Sept. 4, 2019:
Subject: Re: California Public Records Act Request: More Calendars - Immediate Disclosure Request
Dear Anonymous,

Please note that we are continuing our response to the balance of your request below under an extension pursuant to Government Code § 6253(c) and San Francisco Admin. Code § 67.25(b) because of the need for consultation with other city departments.

Regards,

Hank Heckel

---

On Aug. 26, 2019:
I would also like to remind you both here and in 19047 of the following quote from the Good Govt Guide "But if an official or employee maintains a personal work calendar, it would be considered a public record, with exempt material subject to redaction. " (https://www.sfcityattorney.org/wp-content/uploads/2019/02/Good-Government-Guide-February-2019.pdf pg 121). Non-Prop G calendars are and always have been public records.

---

On Aug. 22, 2019:
** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thank you for the Request 2 Prop G PDF.

Please note that I intend to immediately appeal/petition at least the following Sunshine violations in your Aug 22 response:
- Admin Code 67.21(l) - Your use of an image PDF instead of even the minimal use of a textual PDF. On information and belief, the PDF you provided is generated by printing out on physical paper the calendar from Outlook and then scanning it to generate an image PDF. You could have even more easily printed to text PDF from Outlook directly than doing all these extra steps which serve solely to make it harder for the public to analyze public records.
- Admin Code 67.25 - Your claim that no parts of the prospective future calendar/schedule for the Mayor are amenable to Immediate Disclosure. This is information that must be immediately available to the Mayor's staff.

I expect rolling production of all other responsive records as soon as they are available (67.25(d)). Do not wait until all records are available.
Note: I also intend to request in a future request all communications in all forms your department is using in order to determine how to proceed with the present request.

Thanks,
Anonymous

---

On Aug. 21, 2019:
Subject: California Public Records Act Request: More Calendars - Immediate Disclosure Request
Mayor Breed and Mr. Heckel,

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before start of business August 21, 2019. As you know, the SOTF Complaint Committee unanimously found on Aug 20 that the SOTF has jurisdiction, that the requested records are public, and to refer the matter to the SOTF for hearing, in both 19044 Anonymous v. City Attorney and 19047 Anonymous v. Mayor, regarding the refusal of the City Attorney and Mayor, respectively, to provide to me non-PDF electronic formats and metadata/headers for email and calendar information, among other things. I am requesting further calendar information below. It in no way replaces our complaint 19047 which we will continue to pursue.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

I request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"1. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from August 26 to Sept 3, 2019 (inclusive). We are specifically requesting ALL calendar/scheduling items for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). If any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism), those calendars are also included within the scope of this request. Furthermore, we request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested.

2. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's *past* calendar or schedule, with all events/items, from August 5 to August 16, 2019 (inclusive). We are specifically requesting ALL calendar/scheduling items for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical
calendar on a wall, etc.). If any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism), those calendars are also included within the scope of this request. Furthermore, we request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested.

We remind you of your obligations to provide electronic records in any format we request them in as long as either you hold them in that format, the format is available to you, or the format is easy to generate (Admin Code 67.21(l)). Therefore, calendars exported in the .ics, iCalendar, or vCard formats ("A") with all non-exempt headers, metadata, attachments, etc. are our desired formats. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems. However, if you choose to convert electronic calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in requests 1 and 2), which contains many detailed headers beyond the ones generally printed out. If you provide PDFs or printed items with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision. We *do not* waive the requirement of 67.21(l) discussed above, and are merely instructing you to preserve information even if you provide to us the undesirable PDF format.

For physical calendar items, scanning to PDF format is acceptable.

Note that it is implausible that there would be no prospective scheduling information for upcoming events the Mayor must attend to, even though Prop G requires no such calendar be kept. All calendars you keep re: the public's business are public records.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 79117-76789902@requests.muckrock.com
Upload documents directly:
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
August 5, 2019

Monday

11:05 AM - 11:42 AM  Older Adult & Adults with Disabilities Hiring Fair -- War Memorial Green Room, 401 Van Ness Avenue, San Francisco, CA

11:45 AM - 11:47 AM  Q&A with KALW Radio Re: Public Safety -- War Memorial Green Room, 401 Van Ness Avenue, San Francisco, CA
Attendees:
- Holly McDede, reporter
- Mayor's Office Staff

12:31 PM - 1:00 PM  Meeting Re: Communications -- City Hall, Room 200, Mayor's Office
Attendees:
- Mayor's Office Staff

1:00 PM - 1:28 PM  Meeting Re: Staffing -- City Hall, Room 200, Mayor's Office
Attendees:
- Mayor's Office Staff

1:32 PM - 2:01 PM  Meeting Re: Children, Youth and Their Families -- City Hall, Room 200, Mayor's Office
Attendees:
- Maria Su, Executive Director, Department of Children, Youth and Their Families
- Mayor's Office Staff

2:01 PM - 2:30 PM  Meeting Re: Homelessness and Supportive Housing -- City Hall, Room 200, Mayor's Office
Attendees:
- Jeff Kositsky, Director, Department of Homelessness and Supportive Housing
- Mayor's Office Staff

2:41 PM - 3:00 PM  Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office
Attendees:
- Mayor's Office Staff

3:01 PM - 3:19 PM  Meeting Re: Housing and Community Development -- City Hall, Room 200, Mayor's Office
Attendees:
- Dan Adams, Deputy Director, Mayor's Office of Housing and Community Development
- Theo Miller, Director HOPE SF
- Tonia Lediju, Transition Team Leader, San Francisco Housing Authority
- Mayor's Office Staff

4:01 PM - 4:48 PM  Opportunities for All Internship Visit -- Airbnb Headquarters, 888 Brannan Street, San Francisco, CA
### August 6, 2019
Tuesday

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 AM - 9:15 AM</td>
<td>Meeting Re: Staff Check In -- Remote Conference Call</td>
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<tr>
<td></td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td>- Mayor's Office Staff</td>
</tr>
<tr>
<td>11:30 AM - 12:10 PM</td>
<td>Muni Chase Center Ribbon Cutting Ceremony</td>
</tr>
<tr>
<td>2:03 PM - 2:33 PM</td>
<td>Meeting Re: Protocol -- City Hall, Room 200, Mayor's Office</td>
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<tr>
<td></td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td>- Mayor's Office Staff</td>
</tr>
<tr>
<td>2:43 PM - 2:57 PM</td>
<td>2021 Bay Area Gay Softball World Series Video -- City Hall, International Room</td>
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<td></td>
<td>Attendees:</td>
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<tr>
<td></td>
<td>- Mayor's Office Staff</td>
</tr>
<tr>
<td></td>
<td>- Cameraman</td>
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<tr>
<td>3:03 PM - 3:29 PM</td>
<td>Meeting Re: Public Safety -- City Hall, Room 200, Mayor's Office</td>
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<tr>
<td></td>
<td>Attendees:</td>
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<td></td>
<td>- Vicki Hennessy, Sheriff, San Francisco Sheriff's Department</td>
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<tr>
<td></td>
<td>- Mayor's Office Staff</td>
</tr>
<tr>
<td>3:33 PM - 3:45 PM</td>
<td>San Francisco Mayor's Soccer Cup Video Clip -- City Hall, International Room</td>
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<tr>
<td></td>
<td>Attendees:</td>
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<tr>
<td></td>
<td>- Mayor's Office Staff</td>
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<tr>
<td></td>
<td>- San Francisco Glens Evolution Youth Soccer Players and Staff</td>
</tr>
<tr>
<td>4:33 PM - 4:55 PM</td>
<td>Hunters Point Family Back to School Event -- South Community Facility, 1800 Oakdale Avenue, San Francisco, CA</td>
</tr>
<tr>
<td>5:00 PM - 5:20 PM</td>
<td>Bayview Station, National Night Out -- Bayview Opera House, 4705 3rd Street, San Francisco, CA</td>
</tr>
<tr>
<td>5:45 PM - 6:05 PM</td>
<td>Central Station, National Night Out -- Salesian Boys’ &amp; Girls’ Club; 680 Filbert Street, San Francisco, CA</td>
</tr>
<tr>
<td>6:20 PM - 6:45 PM</td>
<td>Park Station, National Night Out -- Harvey Milk Center Duboce Park; 50 Scott Street, San Francisco, CA</td>
</tr>
<tr>
<td>6:50 PM - 7:45 PM</td>
<td>Northern Station, National Night Out -- Ella Hill Hutch Center; 1050 McAllister Street, San Francisco CA</td>
</tr>
</tbody>
</table>

### August 7, 2019
Wednesday

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 AM - 9:18 AM</td>
<td>Meeting Re: Staff Check In -- Remote Conference Call</td>
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<tr>
<td></td>
<td>Attendees:</td>
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<td></td>
<td>- Mayor's Office Staff</td>
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</tbody>
</table>
### August 7, 2019 Continued

**Wednesday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11:30 AM - 12:00 PM</td>
<td>Life Learning Academy Dormitory Opening -- Life Learning Academy; 651 8th Street, Treasure Island; San Francisco, CA</td>
</tr>
<tr>
<td>12:30 PM - 12:45 PM</td>
<td>The Salvation Army’s 15th Annual Flower Power Luncheon -- Fairmont Hotel, 950 Mason Street, San Francisco, CA</td>
</tr>
<tr>
<td>2:34 PM - 2:56 PM</td>
<td>Swearing in Ceremony for John Caldron -- City Hall, International Room</td>
</tr>
<tr>
<td>2:57 PM - 3:33 PM</td>
<td>Meeting Re: Homelessness -- City Hall, Room 200, Mayor’s Office</td>
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<td></td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td>- Lou Giraudo, RSVP Project Sponsor, Co-Founder and Senior Managing Partner, GESD Capital Partners</td>
</tr>
<tr>
<td></td>
<td>- Mayor’s Office Staff</td>
</tr>
<tr>
<td>3:33 PM - 3:54 PM</td>
<td>Meeting Re: Public Safety -- City Hall, Room 200, Mayor’s Office</td>
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<td></td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td>- Chief William Scott, Chief of Police, San Francisco Police Department</td>
</tr>
<tr>
<td></td>
<td>- Mayor’s Office Staff</td>
</tr>
<tr>
<td>4:55 PM - 5:20 PM</td>
<td>2019 Backpack Giveaway -- 222 Taylor Street, San Francisco, CA</td>
</tr>
<tr>
<td>5:30 PM - 6:15 PM</td>
<td>2019 Backpack Giveaway -- 1036 Mission Street, San Francisco, CA</td>
</tr>
</tbody>
</table>

### August 8, 2019

**Thursday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:02 AM - 9:14 AM</td>
<td>Meeting Re: Staff Check In -- Remote Conference Call</td>
</tr>
<tr>
<td></td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td>- Mayor’s Office Staff</td>
</tr>
<tr>
<td>11:09 AM - 11:27 AM</td>
<td>SFPD Traffic Company and Forensic Services Division Facility Groundbreaking Ceremony -- 1995 Evans Avenue, San Francisco, CA</td>
</tr>
<tr>
<td>1:30 PM - 1:50 PM</td>
<td>Meeting with Supervisor Sandra Fewer Re: District 1 -- City Hall, Room 200, Mayor’s Office</td>
</tr>
<tr>
<td></td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td>- Supervisor Sandra Fewer</td>
</tr>
<tr>
<td></td>
<td>- Mayor’s Office Staff</td>
</tr>
<tr>
<td>2:10 PM - 3:17 PM</td>
<td>Outside Lands Press Conference -- Polo Field (north side), Golden Gate Park, San Francisco, CA</td>
</tr>
<tr>
<td>3:39 PM - 3:55 PM</td>
<td>Latchkey Afterschool Program Field Trip -- City Hall, Room 200, International Room</td>
</tr>
</tbody>
</table>
August 8, 2019 Continued
Thursday

3:55 PM - 4:05 PM  Meeting with Supervisor Vallie Brown Re: District 5 -- City Hall, Room 200, Mayor’s Office
Attendees:
- Supervisor Vallie Brown
- Mayor’s Office Staff

4:05 PM - 4:35 PM  Meeting Re: Transportation -- City Hall, Room 200, Mayor’s Office
Attendees:
- Amanda Eaken – Member, SFMTA Board of Directors
- Gwyneth Borden, Vice Chair, SFMTA Board of Directors
- Mayor’s Office Staff

4:48 PM - 4:59 PM  Meeting Re: Legislation Signing -- City Hall, Room 200, Mayor’s Office
Attendees:
- Mayor’s Office Staff

6:13 PM - 7:45 PM  UC Davis Reception; Aggies in the City -- City Hall, South Light Court

August 9, 2019
Friday

8:32 AM - 9:00 AM  Meeting Re: Staff Check In -- Remote Conference Call
Attendees:
- Mayor’s Office Staff

August 10, 2019
Saturday

11:00 AM - 12:02 PM  26th Annual Pistahan Parade -- Corner of Larkin and Fulton Streets, in between the Asian Art Museum and Public Library, San Francisco, CA

August 12, 2019
Monday

9:00 AM - 9:17 AM  Meeting Re: Staff Check In -- Remote Conference Call
Attendees:
- Mayor’s Office Staff

2:36 PM - 2:52 PM  Meeting Re: Government Affairs -- City Hall, Room 200, Mayor’s Office
Attendees:
- Mayor’s Office Staff

3:02 PM - 3:33 PM  Meeting Re: Human Resources -- City Hall, Room 200, Mayor’s Office
Attendees:
- Micki Callahan, Director, Department of Human Resources
- Carol Isen, Employee Relations Director
- Mayor’s Office Staff
### August 12, 2019 Continued

**Monday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>3:33 PM - 4:00 PM</td>
<td>Meeting Re: Personnel -- City Hall, Room 200, Mayor's Office</td>
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<tr>
<td></td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td>- Interviewee</td>
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<td></td>
<td>- Mayor's Office Staff</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Time</th>
<th>Event Details</th>
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<tbody>
<tr>
<td>4:01 PM - 4:17 PM</td>
<td>Meeting Re: Economic and Workforce Development -- City Hall, Room 200, Mayor's Office</td>
</tr>
<tr>
<td></td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td>- Joaquin Torres, Director, Office of Economic and Workforce Development, City and County of San Francisco</td>
</tr>
<tr>
<td></td>
<td>- Mayor's Office Staff</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Time</th>
<th>Event Details</th>
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</thead>
<tbody>
<tr>
<td>4:36 PM - 4:55 PM</td>
<td>Meeting Re: Street Conditions -- City Hall, Room 200, Mayor's Office</td>
</tr>
<tr>
<td></td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td>- Chief William Scott, Chief of Police, San Francisco Police Department</td>
</tr>
<tr>
<td></td>
<td>- Dr. Grant Colfax, Director, Department of Public Health</td>
</tr>
<tr>
<td></td>
<td>- Mohammed Nuru, Director, Department of Public Works</td>
</tr>
<tr>
<td></td>
<td>- Mary Ellen Carroll, Department of Emergency Management</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>5:04 PM - 5:28 PM</td>
<td>Veteran's Affairs Swearing-In Ceremony -- City Hall, Mayor's Balcony</td>
</tr>
</tbody>
</table>

### August 13, 2019

**Tuesday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Details</th>
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</thead>
<tbody>
<tr>
<td>9:02 AM - 9:13 AM</td>
<td>Meeting Re: Staff Check In -- Remote Conference Call</td>
</tr>
<tr>
<td></td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td>- Mayor's Office Staff</td>
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<table>
<thead>
<tr>
<th>Time</th>
<th>Event Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>11:30 AM - 12:00 PM</td>
<td>Exploratorium Middle Ground Opening Event -- San Francisco Main Library, San Francisco, CA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12:20 PM - 1:00 PM</td>
<td>Bristol Hotel Move-in -- Bristol Hotel, 56 Mason Street, San Francisco, CA</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:03 PM - 1:38 PM</td>
<td>Meeting Re: Police Officers Association -- City Hall, Room 200, Mayor's Office</td>
</tr>
<tr>
<td></td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td>- Tony Montoya, President, San Francisco Police Officers Association</td>
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<td></td>
<td>- Mayor's Office Staff</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:44 PM - 2:13 PM</td>
<td>Meeting Re: Hall of Justice Closure -- City Hall, Room 200, Mayor's Office</td>
</tr>
<tr>
<td></td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td>- Naomi Kelly, City Administrator, City and County of San Francisco</td>
</tr>
<tr>
<td></td>
<td>- Vicki Hennessy, Sheriff, San Francisco</td>
</tr>
<tr>
<td></td>
<td>- Mayor's Office Staff</td>
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</tbody>
</table>
### August 13, 2019 Continued

**Tuesday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>2:13 PM - 2:24 PM</td>
<td>Meeting Re: Budget -- City Hall, Room 200, Mayor's Office</td>
<td>- Mayor's Office Staff</td>
</tr>
<tr>
<td>5:30 PM - 6:25 PM</td>
<td>Perry's 50th Anniversary -- Perry's on Union, 1944 Union Street, San Francisco, CA</td>
<td></td>
</tr>
</tbody>
</table>

### August 14, 2019

**Wednesday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:01 AM - 9:17 AM</td>
<td>Meeting Re: Staff Check In -- Remote Conference Call</td>
<td>- Mayor's Office Staff</td>
</tr>
<tr>
<td>12:13 PM - 12:42 PM</td>
<td>Meeting Re: Personnel -- City Hall, Room 200, Mayor's Office</td>
<td>- Interviewee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Mayor's Office Staff</td>
</tr>
<tr>
<td>12:43 PM - 12:57 PM</td>
<td>Meeting with Jenny Lam Re: Education -- City Hall, Room 200, Mayor's Office</td>
<td></td>
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<td></td>
<td></td>
<td>- Mayor's Office Staff</td>
</tr>
<tr>
<td>1:02 PM - 1:15 PM</td>
<td>Meeting Re: Public Safety -- City Hall, Room 200, Mayor's Office</td>
<td>- Chief Jeanine Nicholson, San Francisco Fire Department</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Mayor's Office Staff</td>
</tr>
<tr>
<td>1:34 PM - 1:47 PM</td>
<td>Meeting Re: Personnel -- City Hall, Room 200, Mayor's Office</td>
<td>- Interviewee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Mayor's Office Staff</td>
</tr>
<tr>
<td>2:05 PM - 2:29 PM</td>
<td>Meeting Re: Human Rights Commission -- City Hall, Room 200, Mayor's Office</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Sheryl Davis, Executive Director, Human Rights Commission</td>
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<tr>
<td></td>
<td></td>
<td>- Mayor's Office Staff</td>
</tr>
<tr>
<td>2:30 PM - 3:07 PM</td>
<td>Meeting with Supervisor Mark Ridley-Thomas Re: Homelessness -- City Hall, Room 200 Mayor's Office</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Supervisor Mark Ridley-Thomas, Los Angeles County, Second District</td>
</tr>
<tr>
<td>3:09 PM - 3:32 PM</td>
<td>Meeting Re: Transportation -- City Hall, Room 200, Mayor's Office</td>
<td>- Tom Maguire, Interim Director, San Francisco Municipal Transportation Agency</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Mayor's Office Staff</td>
</tr>
</tbody>
</table>
August 14, 2019 Continued

Wednesday

3:32 PM - 3:56 PM
Meeting with City Attorney Dennis Herrera Re: Legal and City Issues -- City Hall, Room 200, Mayor's Office
Attendees:
- Dennis Herrera, City Attorney

4:00 PM - 4:28 PM
Meeting with Superintendent Matthews Re: San Francisco Unified School District -- City Hall, Room 200, Mayor's Office
Attendees:
- Vincent Matthews, Superintendent, San Francisco Unified School District
- Mayor's Office Staff

4:37 PM - 5:08 PM
Meeting Re: PG&E -- City Hall, Room 200, Mayor's Office
Attendees:
- John Mader, President, ESC Local 20
- Karen Sawisiak, Executive Director, ESC Local 20
- Joshua Sperry, Senior Union Representative of PG&E, ESC Local 20
- Jonathan Wright, Organizer and Political Coordinator, ESC Local 20
- Harlan Kelly, General Manager, San Francisco Public Utilities Commission
- Mayor's Office Staff

5:13 PM - 5:35 PM
Meeting Re: Public Safety -- City Hall, Room 200 Mayor's Office
Attendees:
- William Scott, Chief of Police, San Francisco Police Department
- Mayor's Office Staff

6:10 PM - 6:35 PM
2019 A. Philip Randolph Institute Resilient Youth Leadership Academy Graduation -- Southeast Community Facility, 1800 Oakdale Ave, San Francisco, CA

August 15, 2019

Thursday

9:03 AM - 9:27 AM
Meeting Re: Staff Check In -- Remote Conference Call
Attendees:
- Mayor's Office Staff

10:35 AM - 11:20 AM
Middle-Income Housing Round Table with Governor Newsom -- Francis Scott Key Elementary School; 1530 43rd Avenue, San Francisco, CA

11:45 AM - 12:20 PM
Bayview Bistro Celebration -- 4101 Third Street, San Francisco, CA

12:51 PM - 1:45 PM
HOPE SF Sunnydale Backpack Giveaway -- 1652-1654 Sunnydale Ave., Sunnydale Youth Center and Community Room, San Francisco, CA
### August 15, 2019 Continued

**Thursday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>2:15 PM - 2:40 PM</td>
<td>2019 Backpack Giveaway: Pink Yuen/Chinatown Community -- 711 Pacific Ave, San Francisco, CA 94133</td>
</tr>
</tbody>
</table>
| 3:15 PM - 3:28 PM | Video Recording: Mission Neighborhood Centers’ 50th Anniversary -- City Hall, Room 200, Mayor’s Office Attendees:  
- Mayor’s Office Staff  
- Cameraman |
| 3:38 PM - 4:11 PM | Chinese Consolidated Benevolent Association Meeting -- City Hall, Room 200, International Room |
| 5:30 PM - 5:50 PM | Downtown Streets Team Reception -- Twitter HQ, 1355 Sutter Street, San Francisco, CA |

### August 16, 2019

**Friday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
</table>
| 9:00 AM - 9:18 AM | Meeting Re: Staff Check In -- Remote Conference Call Attendees:  
- Mayor’s Office Staff |
| 12:55 PM - 1:35 PM | EMILY’S List Annual Ignite Change San Francisco Luncheon -- Fairmont San Francisco, 950 Mason Street, San Francisco, CA |
| 2:56 PM - 3:10 PM | Meeting Re: Commissions -- City Hall, Room 200, Mayor’s Office Attendees:  
- Mayor’s Office Staff |
| 3:11 PM - 3:35 PM | Meeting Re: PG&E -- City Hall, Room 200, Mayor’s Office Attendees:  
- Tom Dalzell, Business Manager, IBEW Local 1245  
- Hunter Stern, Assistant Business Manager, IBEW Local 1245  
- Bob Dean, Senior Assistant Business Manager, IBEW Local 1245  
- Harlan Kelly, General Manager, San Francisco Public Utilities Commission  
- Mayor’s Office Staff |
| 3:41 PM - 3:57 PM | Meeting Re: Commissions -- City Hall, Room 200, Mayor’s Office Attendees:  
- Mayor’s Office Staff |
<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3:57 PM - 4:49 PM</td>
<td>Meeting Re: Government Affairs and City Operations -- City Hall, Room 200, Mayor's Office</td>
</tr>
<tr>
<td></td>
<td>Attendees:</td>
</tr>
<tr>
<td></td>
<td>- Mayor's Office Staff</td>
</tr>
<tr>
<td>5:11 PM - 6:00 PM</td>
<td>District 5 Public Safety Walk -- Fillmore Street, San Francisco, CA</td>
</tr>
</tbody>
</table>
Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl.
San Francisco CA 94102
supervisor.records@SFcityatty.org
sent via email to Supervisor of Records

Our ref.
#79117

Date
2019-09-06

RE: SF Sunshine Ordinance petition against Mayor, ref req 79117

To the Supervisor of Records of the City and County of San Francisco:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

This is a new petition under SF Admin Code (SFAC) 67.21(d). As before, while there is some overlap with prior petitions, this request has certain new issues. You may reference our petitions of May 15 and August 27 regarding calendar formats/metadata and calendar information beyond SFAC 67.29-5, but, where relevant, those requests are explicitly made below in the context of this specific petition.

I have numbered the determinations I request #1 through #8 and they are set off from the text for your convenience. I ask that you carefully consider whether any part of the records so far withheld from us are public.

Please note that, within 10 days, if you determine that any records or parts thereof are public, you have a non-discretionary duty to immediately order their disclosure.¹ I do not wish to negotiate further with the Mayor’s Office - please issue all appropriate orders, and provide me a copy along with the determination.

As you may know the Mayor’s Office argued at the SOTF Complaint Committee regarding non-Prop G or “unofficial” calendars.

To avoid any of these arguments regarding Proposition G put forth by the Mayor’s Office regarding my earlier calendar requests, on August 21, 2019, I requested from the Mayor under the Sunshine Ordinance

¹"Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person’s request.” (SFAC 67.21(d), emphasis mine)
"1. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor’s *prospective/expected* calendar or schedule, with all expected events/items, from August 26 to Sept 3, 2019 (inclusive). We are specifically requesting ALL calendar/scheduling items for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). If any of the Mayor’s staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook’s invite mechanism), those calendars are also included within the scope of this request. Furthermore, we request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public’s business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested.

2. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor’s *past* calendar or schedule, with all events/items, from August 5 to August 16, 2019 (inclusive). We are specifically requesting ALL calendar/scheduling items for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). If any of the Mayor’s staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook’s invite mechanism), those calendars are also included within the scope of this request. Furthermore, we request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either

I also stated:

"We remind you of your obligations to provide electronic records in any format we request them in as long as either you hold them in that format, the format is available to you, or the format is easy to generate (Admin Code 67.21(l)). Therefore, calendars exported in the .ics, iCalendar, or vCard formats ("A") with all non-exempt headers, metadata, attachments, etc. are our desired formats. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems. However, if you choose to convert electronic calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in requests 1 and 2), which contains many detailed headers beyond the ones generally printed out. If you provide PDFs or printed items with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision. We *do not* waive the requirement of 67.21(l) discussed above, and are merely instructing you to preserve information even if you provide to us the undesirable PDF format. For physical calendar items, scanning to PDF format is acceptable.

Note that it is implausible that there would be no prospective scheduling information for upcoming events the Mayor must attend to, even though Prop G requires no such calendar be kept. All calendars you keep re: the public’s business are public records.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose."
provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public’s business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. 

FIRST SUBSTANTIATIVE RESPONSE

On August 22, Mayor’s Office released a redacted, image PDF (“Release A”) of the Prop G calendar responsive to #2 (Exhibit A attached to the enclosing email), and withholding native formats and metadata pursuant to their interpretation of Govt Code 6253.9(a)(1) and Govt Code 6253.9(f) and 6254.19, respectively. I ask that you:

1. Determine that the native file of the Release A calendar is a public record; and
2. Determine that the metadata in the Release A calendar is a public part of a record;

though I suspect you will re-iterate your office’s position in SOTF 19047 (your reply of Aug. 27 to our petition of May 15). I continue to object to those determinations. It is your responsibility to determine if “any part” of the record is public - surely there is some metadata that is non-exempt and public. Some examples will be illustrated below.

SECOND SUBSTANTIATIVE RESPONSE

On September 5, Mayor’s Office (see Exhibit B in the enclosing email):

- rejected our request #1, stating:
  
  Please note that information responsive to Item 1 of your request is being withheld pursuant to the security procedures information exemption of Cal. Gov. Code 6254(f).

- released another redacted, image PDF (“Release B”) of the Mayor’s Calendar (not the Prop G calendar) responsive to #2 (Exhibit C attached to the enclosing email)

- enumerated specific exemptions for certain redactions to the foregoing PDF

Records responsive to request 1 improperly withheld; GC 6254(f) inapposite.

First, the rejection of request #1 is plainly wrong. The entirety of the Mayor’s future schedule (future at the time of request, but past at the time of the Sept. 5 response) cannot possibly be confidential law enforcement investigatory records under GC 6254(f). Mayor’s Office claims that records responsive to request #1 is withheld under a “security procedures information exemption” of 6254(f). This exemption does not even exist for the Mayor’s Office. The Mayor’s Office is not “the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency” so the first clause re: security procedures does not apply. Furthermore a calendar cannot be “investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.” This is an extreme and inappropriate stretch of the words of the statute. 6254(f) simply does not apply.

6254(f) reads in relevant part:

“(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.”
At the very least (but not only) a calendar showing the times of those supposedly exempt law enforcement investigation meetings (which is a generous interpretation of the Mayor’s justification) with the titles, names, and such redacted must be public. Therefore I ask that you:

3. Determine that the calendar records requested in item 1 of our August 21 request are public.

Native formats; metadata, in general

Second, we will re-iterate our requests for determination that the Release B should be released in native format and with metadata.

4. Determine that the native file of the Release B calendar is a public record; and
5. Determine that the metadata in the Release B calendar is a public part of a record;

Recurrence metadata

In fact, we can plainly see the presence of non-exempt metadata being improperly withheld in this specific Release B. Note the “circle with arrows” icons on pages 1, 2, 5, 6, 7, 8, and 9 of Release B. Microsoft Outlook uses such icons to represent the recurrence or non-recurrence of certain meetings (i.e. how often these meetings happen, once a week, month, etc.). The actual native entries and/or metadata would indicate those recurrence details. No exemption justified the withholding of this part of the record, and Mayor’s Office did not justify it in their list of justifications. Therefore, please:

6. Determine that the event recurrence information in the Release B calendar is a public part of a record.

Inapposite use of GC 6254(f) in Release B

Finally, Mayor’s Office has withheld numerous parts of Release B itself under GC 6254(f). Specifically, their justifications list (other exemptions elided):

- August 8th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).
- August 8th 1:30 PM - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).
- August 9th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).
- August 10th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).
- August 11th - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).
- August 12th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).
- August 13th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).
- August 14th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 15th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 16th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

As explained earlier, the Mayor’s Office simply does not have the cloak of 6254(f) available to it. The “top of page” redactions appears to be labeled “SID” – I am not aware of the meaning of this term. The “August 8th 1:30 PM” redaction again appears not to be a correct 6254(f) withholding – it is a meeting with a city Supervisor. Therefore I ask that you

7. Determine that one or more of the redacted “top of page”/SID data is a public part of a record.

8. Determine that the redacted August 8th 1:30 PM information is a public part of a record.

I look forward to your response within 10 days.

Sincerely,

Anonymous
From: Office of the Mayor

Subject: Calendar Request

09/05/2019

Please see attached, additional responsive to Item 2 of your request regarding Mayor London Breed's calendar for the dates of August 5, 2019 to August 16, 2019. This responsive information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Metadata from any native format has not been provided to avoid risks to the security and integrity of the original record as well as the city's data and information technology systems and to avoid the release of exempt confidential or privileged information. See Cal. Gov. Code 6253.9 (f) and 6254.19. The PDF format ensures the security and integrity of the original record as well as the security and integrity of the city's data and information technology systems.

Please note that information responsive to Item 1 of your request is being withheld pursuant to the security procedures information exemption of Cal. Gov. Code 6254(f).

Please also note the following redactions of exempt information and the basis for each withholding:

- August 8th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 8th 9AM - call-in information redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).

- August 8th 11AM - personal cell phone numbers redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 8th 1:30 PM - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 8th 2PM - 4PM - personal cell phone numbers redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 9th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 10th 8:30AM - call-in information redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).

- August 10th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 10th 11AM - personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 11th - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 12th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 12th 3PM - 5PM - personal cell phones redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 13th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).


- August 13th 11:30-5:30 - personal cell phones redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 14th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).

- August 14th 9AM - call-in information redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).

- August 14th 12PM - information redacted to protect the identity of individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c); personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 14th 1PM - personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 14th 1:30PM - information redacted to protect the identity of individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c); personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 14th 2PM - 6PM - personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 15th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).


- August 15th 10:30AM - 5:30PM - personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

- August 16th top of page - security procedures information redacted pursuant to Cal. Gov. Code 6254(f).
- August 16th 9AM - call-in information redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).

- August 16th 11:30AM - 4PM - personal cell phone redacted to avoid an unwarranted breach of personal privacy pursuant to Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
### August 8, 2019

**Thursday**

#### THURSDAY

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>06 AM</td>
<td>Senior Staff Check in Call:</td>
</tr>
<tr>
<td>11</td>
<td>SFPD Traffic Company and Forensic Services Division: Groundbreaking Ceremony (Staff: Jeff Cretz, Evan Ward) 1995 Evans Avenue</td>
</tr>
</tbody>
</table>

#### 12 PM

<table>
<thead>
<tr>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside Lands Press Conference (Staff: Jeff Cretz, Sarah Owens) Solo Field (north side), Golden Gate Park</td>
</tr>
</tbody>
</table>

#### 3 PM

<table>
<thead>
<tr>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latchkey Program Field Trip (Staff: Jenny Lam) : City Hall, International Room</td>
</tr>
<tr>
<td>Vellie Brown: Supervisor (Staff: Sophia Kitler) : City Hall, Room 200, MD</td>
</tr>
<tr>
<td>Amanda Eiken, Gwyneth Borden (Staff: Sean Elister) : City Hall, Room 200, MO</td>
</tr>
<tr>
<td>Legislation Signing (Staff: Sophia Kitler) : City Hall, Room 200, MO</td>
</tr>
</tbody>
</table>

#### 6 PM

<table>
<thead>
<tr>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>UC Davis Reception: Aggies in the City (Staff: Martha Cohen, Jenny Lam, Ashley Murray) : City Hall, South Light Court</td>
</tr>
</tbody>
</table>

---

*Calendar, Mayor (NYR)*

8/27/2019 2:04 PM
August 10, 2019

Saturday

6 AM

7

8

9

10

10 AM

11

12 PM

26th Annual Flotilla Parade (Staff: Kelvin Wu, Jimmer Cassio)
Corner of Larkin and Fulton Streets, in between the Asian Art Museum and Public Library
<table>
<thead>
<tr>
<th>SUNDAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
</tr>
</tbody>
</table>

| 6 AM   |   |

| 7      |   |

| 8      |   |

| 9      |   |

| 10     |   |

| 11     |   |

| 12 PM  |   |

| 1      |   |

| 2      |   |

| 3      |   |

| 4      |   |

| 5      |   |

| 6      |   |

| 7      |   |

| 8      |   |
## August 13, 2019

**Tuesday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 AM</td>
<td>Senior Staff Check-in</td>
</tr>
<tr>
<td>11 AM</td>
<td>Exploratorium Middle Ground Opening Event (Staff: Joaquin Torres, Amy Cohen)</td>
</tr>
<tr>
<td>11 AM</td>
<td>Bristol Hotel Move-in (Staff: Jeff Cretan, Jeff Buckley)</td>
</tr>
<tr>
<td>1 PM</td>
<td>Tony Montoya re: POA (Staff: Marjan Philiou, Mawuli Tugbenyoh)</td>
</tr>
<tr>
<td>2 PM</td>
<td>Naomi Kelly + Sheriff Hennessy (Staff: Kelly Kirkpatrick, Sophia Kittler)</td>
</tr>
<tr>
<td>2 PM</td>
<td>Kelly Kirkpatrick re: Budget (Staff: Andrea Russe)</td>
</tr>
<tr>
<td>5 PM</td>
<td>Perry’s 50th Anniversary (Staff: Ashley Murray, Emma Heiken, Abby Fay)</td>
</tr>
</tbody>
</table>

Calendar, Mayor (MYR)
## August 14, 2019

**Wednesday**

### WEDNESDAY

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 PM</td>
<td>Staff: Andrea Bruss</td>
<td>City Hall, Room 200, MO</td>
</tr>
<tr>
<td></td>
<td>Jenny Lam; City Hall, Room 200, MO</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Fire Chief Jeanne Nicholson (Staff: Andrea Bruss)</td>
<td>City Hall, Room 200, MO</td>
</tr>
<tr>
<td></td>
<td>Staff: Josique Torres</td>
<td>City Hall, Room 200, MO</td>
</tr>
<tr>
<td>2</td>
<td>Sheryl Davis (Staff: Marian Philhour): City Hall, Room 200, MO</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mark Ridley-Thomas, Supervisor (Staff: Andres Power)</td>
<td>City Hall, Room 200, MO</td>
</tr>
<tr>
<td></td>
<td>Emily Cohen</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Tom Maguire (Staff: Paul Supawanich): City Hall, Room 200 Mayor's Office</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Andres Power</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dennis Herrera, City Attorney; City Hall, Room 200 Mayor's Office</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Vincent Matthews, Superintendent (Staff: Jenny Lam): City Hall, Room 200, MO</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Andrea Bruss</td>
<td>City Hall, Room 200, MO</td>
</tr>
<tr>
<td>5</td>
<td>Meeting with PG&amp;E's Local 20 Union (Staff: Tyrone Jones): City Hall, Room 200, MO</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Harlan Kelly</td>
<td>City Hall, Room 200, MO</td>
</tr>
<tr>
<td>6</td>
<td>Police Chief William &quot;Bill&quot; Scott (Staff: Andrea Bruss): City Hall, Room 200, MO</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>2019 A. Philip Randolph Institute Resilient Youth Leadership Academy Graduation (Staff: De'Anthony Jones): City Hall, Room 200, MO</td>
<td>Southeast Community</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Sent via email (sanderies@andgolaw.com)

Shane Anderies
Anderies & Gomes LLP
601 Montgomery Street, Suite 888
San Francisco, CA 94111

Re: Petition to Supervisor of Records

Dear Mr. Anderies:

This letter responds to your petition to the Supervisor of Records. The petition concerns your public records request to the San Francisco Public Defender’s Office, submitted on July 26, 2019. You requested the following documents:

1. All documents in the care custody or control of the San Francisco Public Defender’s Office pertaining to San Francisco Chronicle article “Did late SF Public Defender Jeff Adachi keep plea deals secret from clients?” by Heather Knight, published on March 8, 2019 and updated March 12, 2019.

2. Calendar entries for all public defender employees regarding any scheduled meetings pertaining to San Francisco Chronicle article “Did late SF Public Defender Jeff Adachi keep plea deals secret from clients?” by Heather Knight, published on March 8, 2019 and updated March 12, 2019.

3. All documents in the care custody or control of the San Francisco Public Defender’s Office pertaining to Thomas Ostly from 2/1/19 to 7/22/19.

4. All documents pertaining to any alleged misconduct by Thomas Ostly.

5. All documents pertaining to alleged misconduct committed by Sliman Nawabi.

6. All documents pertaining to alleged misconduct committed by Ilona Solomon.

7. All documents pertaining to alleged misconduct committed by Sangeeta Singha.

8. All documents pertaining to alleged misconduct committed by Matt Sotorosen.

9. All documents pertaining to alleged misconduct committed by Roberta Evangelista.
10. All documents pertaining to any accusation of misconduct committed by any employee of the San Francisco District Attorney’s Office by Ilona Solomon.

11. All documents pertaining to any accusation of misconduct committed by any employee of the San Francisco District Attorney’s Office by Anisa Sirur.

12. All documents pertaining to any accusation of misconduct committed by any employee of the San Francisco District Attorney’s Office by Tennette Smith.

13. All documents pertaining to any accusation of misconduct committed by any employee of the San Francisco District Attorney’s Office by Bonnie Chan.

14. All documents pertaining to any accusation of misconduct committed by any employee of the San Francisco District Attorney’s Office by Firass Halawi.

15. All documents pertaining to any accusation of misconduct committed by any employee of the San Francisco District Attorney’s Office by Arielle Brown.

16. Calendar entries for all public defender employees regarding any scheduled meetings pertaining to Thomas Ostly.

17. All documents pertaining to complaints filed against employees of the Riverside County District Attorney.

18. All documents pertaining to complaints filed against employees of the Orange County District Attorney.

The Public Defender’s Office produced records responsive to Item 1, and stated that it has no records responsive to Items 2, 16, 17, and 18. With regard to the other requests, the Public Defender’s Office indicated that it has responsive records, but that such records are not public records under Coronado Police Officers Association v. Carroll, 106 Cal. App. 4th 1001 (2003) and are exempt from disclosure based on the attorney-client privilege and attorney work product doctrine. Gov’t Code §§ 6254(k), 6276.04; Evid. Code § 954; Code of Civ. Pro. § 2018.030.

Under the Sunshine Ordinance, it is the responsibility of the Supervisor of Records to determine whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – in the words of the Ordinance, to determine “whether the record requested, or any part of the record requested, is public.” Admin. Code § 67.21(d). That is the extent of our jurisdiction. To the extent you have raised issues concerning the timeliness of the Public Defender’s Office’s response, those issues are beyond our purview. You have also raised issues concerning preservation and spoliation of evidence that are beyond our jurisdiction.

We address the question of whether the Public Defender’s Office properly withheld records responsive to Items 3-15.

In Coronado, the San Diego County Public Defender’s Office created a database that included, among other things, information derived from client representation files concerning peace officer misconduct. Coronado, 106 Cal. App. 4th at 1005. The local police officers association sought to inspect the database under the Public Records Act. The court concluded...
that “the database is not a public record because” the “core function” of the Public Defender’s Office, “the representation of indigent criminal defendants, is a private function. . . . Although the requested database was prepared, used and retained by the Public Defender as required under [Gov’t Code] section 6252, subdivision (e), the critical question is whether the information contained therein relates to the ‘public’s business.’” Id. at 1006. The court concluded that the public defender is not acting as a state agent when representing clients (id. at 1007), and further that the creation of the database used to assist in the defense of existing and future clients, even if the information contained therein did not originate in client files, is “a private function not relating to the conduct of the public’s business.” Id. at 1008-09 (citing Gov’t Code § 6252(e)).

Here, the Public Defender’s Office confirms that all documents it has that are responsive to Items 3-15 are held for the purpose of defending existing and future clients. Most of your requests call for documents concerning allegations of misconduct against employees of the San Francisco District Attorney’s Office by employees of the Public Defender’s Office. It is reasonable that such documents would be contained within the files related to individual representations and some of these documents may be used for purposes of representing future clients. Other requests seek documents regarding alleged misconduct by employees of the Public Defender’s Office. The Public Defender’s Office confirmed that it has no other documents concerning alleged misconduct of the employees you identified in your requests other than those contained within client files, as the misconduct was alleged in connection with court proceedings. Because these documents were assembled and are retained for purposes of the performance of the Public Defender’s private function of representing clients, they are not public records under Coronado, and the Public Defender’s Office properly declined to disclose them.

Additionally, because the documents you have requested were assembled in connection with the Public Defender’s representation of individual clients, such documents are likely protected by the attorney work product doctrine and/or the attorney-client privilege, and are exempt from disclosure on that basis. See Gov’t Code §§ 6254(k), 6276.04; Bus. & Prof. Code § 6202; Evid. Code § 954.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Please see the attached response to your petition.

Best,
Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: sanderies@andgolaw.com <sanderies@andgolaw.com>
Sent: Tuesday, October 1, 2019 3:24 PM
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>
Cc: Nicole Mitchell <nmitchell@andgolaw.com>
Subject: RE: Re: Public Records Request, served July 26, 2019
Thanks, Mr. Russi. When can we expect to hear back from your office?

From: Russi, Brad (CAT) <Brad.Russi@sfcityatty.org> On Behalf Of Supervisor Records
Sent: Tuesday, October 1, 2019 3:22 PM
To: sanderies@andgolaw.com
Cc: Nicole Mitchell <nmitchell@andgolaw.com>
Subject: RE: Re: Public Records Request, served July 26, 2019
Now that the Public Defender’s Office has provided a final response to your request and has withheld documents, we will evaluate whether the bases they have relied on to withhold documents were proper, and we will get back to you. Thanks.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: sanderies@andgolaw.com <sanderies@andgolaw.com>
Sent: Tuesday, October 1, 2019 8:44 AM
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>
Cc: Nicole Mitchell <nmitchell@andgolaw.com>
Subject: RE: Re: Public Records Request, served July 26, 2019
Good morning, Mr. Russi.
Please see attached. We believe the responses are false and the objections and claims of privilege are meritless and obstructive. Does the City Attorney intend to intervene? If not, we will proceed with a Sunshine appeal and/or civil lawsuit to obtain compliance.
Respectfully,
Shane

From: sanderies@andgolaw.com
Sent: Wednesday, September 25, 2019 5:56 PM
Hi, Mr. Russi.

Is the City Attorney going to have the DA’s office review this willful noncompliance as a misdemeanor? I believe it is required by the ordinance and that appeals are reviewed by the DA’s office for criminal prosecution.

Shane

From: sanderies@andgolaw.com <sanderies@andgolaw.com>  
Sent: Monday, September 23, 2019 5:14 PM  
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>  
Cc: Nicole Mitchell <nmitchell@andgolaw.com>  
Subject: RE: Re: Public Records Request, served July 26, 2019  

Good afternoon, Mr. Russi.

None other than the 5th pro forma letter in a row attached.

Shane

From: sanderies@andgolaw.com <sanderies@andgolaw.com>  
Sent: Monday, September 16, 2019 11:07 AM  
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>  
Cc: Nicole Mitchell <nmitchell@andgolaw.com>  
Subject: RE: Re: Public Records Request, served July 26, 2019  

Mr. Russi,

To clarify and elaborate on my email below, our biggest concern is the PDO is failing to take reasonable steps to identify and preserve the requested information and documentation as required by law resulting in potential spoliation of evidence. Specifically, PDs are apparently stating in open court they are unaware of any request for information even being made, which would suggest the PDO has done nothing to obtain text messages from Solomon, Chan, Sirur, or Smith. Therefore, we would like to know the identity of the decision maker as required by the Ordinance and what steps the PDO has taken to comply with its legal obligation to preserve
From: sanderies@andgolaw.com  
Sent: Monday, September 16, 2019 9:59 AM  
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>  
Cc: Nicole Mitchell <nmitchell@andgolaw.com>  
Subject: RE: Re: Public Records Request, served July 26, 2019  
  
Good morning, Mr. Russi.  
The Public Defender’s Office (PDO) provided only a few innocuous emails.  
The PDO denies having documents responsive to certain requests for information about complaints against employees from other DA offices, which we have reason to believe exist.  
The PDO is still considering most of the other requests: Items 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 are still being reviewed and we are unable to provide a response at this time. We will provide an update by September 20, 2019.  
So, in short, the answer is no; the PDO’s response only exacerbates our concerns about the unreasonable delay in responding to our requests.  
Time is of the essence for us, so please let us know next steps at your earliest opportunity.  
Respectfully,  
Shane K. Anderies, Esq.  
Anderies & Gomes LLP,  
601 Montgomery St., Ste. 888  
San Francisco, CA 94111  
T: 415-217-8802; F: (415) 217-8803; D: (415) 458-2738  
Confidentiality: The information in this email including attachments is confidential and may be covered by the attorney-client privilege or the attorney work product doctrine. If you are not the intended recipient, please do not read the email or attachment. If you have received this email in error, please notify the sender by replying and delete it from your system.

From: nmitche@andgolaw.com  
On Behalf Of Supervisor Records  
Sent: Monday, September 16, 2019 9:40 AM  
To: Nicole Mitchell <nmitchell@andgolaw.com>  
Cc: sanderies@andgolaw.com  
Subject: RE: Re: Public Records Request, served July 26, 2019  
  
Ms. Mitchell –  
I understand that the Public Defender’s Office responded to your records request last week. Please let me know if their response resolves your concern. Thank you.  
Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
www.sfcityattorney.org  

From: Russi, Brad (CAT) <Brad.Russi@sfcityatty.org> On Behalf Of Supervisor Records  
Sent: Thursday, September 12, 2019 9:47 AM  
To: 'Nicole Mitchell' <nmitchell@andgolaw.com>  
Cc: sanderies@andgolaw.com  
Subject: RE: Re: Public Records Request, served July 26, 2019  
  
Ms. Mitchell –  
I write to acknowledge receipt of your petition. Under the Sunshine Ordinance, it is the responsibility of the Supervisor of Records to determine whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” Admin. Code § 67.21(d). It appears that the Public Defender’s Office has not yet
responded to your request. We have reached out to them to find out the status of their response. I will follow up with you when I have more information. Thank you.

**Bradley Russi**
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

From: Nicole Mitchell <nmitchell@andgolaw.com>
Sent: Monday, September 9, 2019 3:21 PM
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>
Cc: sanderies@andgolaw.com
Subject: FW: Re: Public Records Request, served July 26, 2019

**City Department to Which Request Was Made**

San Francisco Public Defender

**Records Requested**

Per Request of July 25, 2019, (served July 26, 2019) by Shane Anderies, Anderies & Gomes (Request attached as Exhibit A.)

1. **All documents in the care custody or control of the San Francisco Public Defender’s Office pertaining to San Francisco Chronicle article “Did late SF Public Defender Jeff Adachi keep plea deals secret from clients?” by Heather Knight, published on March 8, 2019 and updated March 12, 2019.**

2. **Calendar entries for all public defender employees regarding any scheduled meetings pertaining to San Francisco Chronicle article “Did late SF Public Defender Jeff Adachi keep plea deals secret from clients?” by Heather Knight, published on March 8, 2019 and updated March 12, 2019.**

3. **All documents in the care custody or control of the San Francisco Public Defender’s Office pertaining to Thomas Ostly from 2/1/19 to 7/22/19.**

4. **All documents pertaining to any alleged misconduct by Thomas Ostly.**

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Smith.
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16. Calendar entries for all public defender employees regarding any scheduled meetings pertaining to Thomas Ostly.
17. All documents pertaining to complaints filed against employees of the Riverside County District Attorney.
18. All documents pertaining to complaints filed against employees of the Orange County District Attorney.

A copy of the request is attached as Exhibit A.

Date of Request
The initial request was dated July 25, 2019 but served on July 26, 2019.

Why Decision to Withhold Records is Unlawful
10 days after service was August 5, 2019 but no responsive documents were provided, nor were we provided a response as to whether the San Francisco Public Defender has records responsive to this request, or whether it intended to provide such records. Instead on August 6, 2019 the San Francisco Public Defender invoked a 14 day extension. (Exhibit B.) The new date for compliance was then August 20, 2019. However, on August 20, 2019 no response was received by us.

On August 23, we received another letter from the San Francisco Public Defender stating that pursuant to Government Code section 6253(c)(3) it required additional time to consult with another agency on the scope of its duties and whether it has records responsive to the request, and that it was unilaterally invoking an additional 14 day extension. (Exhibit C.)

Fourteen days from August 23, 2019 was September 6, 2019. We have still not received a response.

I draw your attention to Government Code sections 6253(c), (d):

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, “unusual circumstances” means the following, but only to the extent reasonably necessary to the proper processing of the particular request:
(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

The reason given for the extension was “we require additional time consult [sic] with another agency on the scope of our duties and whether we have records responsive to your request.”

Per the law, the consultation is to be done “with all practicable speed.” The Public Defender has now had over 42 days to “consult.” This hardly seems like they are acting with “all practicable speed.” Furthermore, the documents requested are all documents that the San Francisco Public Defender uniquely has access to; it should know, after 42 days, whether it has documents responsive to the request.

Any attempt to delay or obstruct is in violation of Government Code Section 6253(d).

I also direct your attention to San Francisco City Ordinance 67.21 which, in addition to state laws, contains its own requirements for the production of records and documents. This present delay of 42 days is beyond both the spirit and letter of such law.

Nicole S. Mitchell, Paralegal
Anderies & Gomes LLP
601 Montgomery Street, Suite 888
San Francisco, CA 94111
T: (415) 217-8802 ext. 8806
F: (415) 217-8803
www.andgolaw.com
City Department to Which Request Was Made
San Francisco Public Defender

Records Requested
Per Request of July 25, 2019, (served July 26, 2019) by Shane Anderies, Anderies & Gomes
(Request attached as Exhibit A.)

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A copy of the request is attached as Exhibit A.

**Date of Request**
The initial request was dated July 25, 2019 but served on July 26, 2019.

**Why Decision to Withhold Records is Unlawful**
10 days after service was August 5, 2019 but no responsive documents were provided, nor were we provided a response as to whether the San Francisco Public Defender has records responsive to this request, or whether it intended to provide such records. Instead on August 6, 2019 the San Francisco Public Defender invoked a 14 day extension. (Exhibit B.) The new date for compliance was then August 20, 2019. However, on August 20, 2019 no response was received by us.

On August 23, we received another letter from the San Francisco Public Defender stating that pursuant to Government Code section 6253(c)(3) it required additional time to consult with another agency on the scope of its duties and whether it has records responsive to the request, and that it was unilaterally invoking an additional 14 day extension. (Exhibit C.)

Fourteen days from August 23, 2019 was September 6, 2019. We have still not received a response.

I draw your attention to Government Code sections 6253(c), (d):

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be
made available. As used in this section, “unusual circumstances” means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

The reason given for the extension was “we require additional time consult [sic] with another agency on the scope of our duties and whether we have records responsive to your request.”

Per the law, the consultation is to be done “with all practicable speed.” The Public Defender has now had over 42 days to “consult.” This hardly seems like they are acting with “all practicable speed.” Furthermore, the documents requested are all documents that the San Francisco Public Defender uniquely has access to; it should know, after 42 days, whether it has documents responsive to the request.

Any attempt to delay or obstruct is in violation of Government Code Section 6253(d).

I also direct your attention to San Francisco City Ordinance 67.21 which, in addition to state laws, contains its own requirements for the production of records and documents. This present delay of 42 days is beyond both the spirit and letter of such law.

Nicole S. Mitchell, Paralegal
Anderies & Gomes LLP
601 Montgomery Street, Suite 888
San Francisco, CA 94111
T: (415) 217-8802 ext. 8806
F: (415) 217-8803
www.andgolaw.com
July 25, 2019

VIA EMAIL & USPS

Department Name
Public Defender

Department Contact Name
Deborah Walters

Department Contact Email
deborah.walters@sfgov.org

Department Contact Phone Number
415-553-1677

Department Website
http://www.sfgov.org/pd/

Schedule Ratified Date
11/27/2018 12:04:39 PM

San Francisco Public Defender’s Office
555 7th Street
San Francisco, CA 94103
Re: Public Records Request

Dear Custodian of Records:

Public Records Request

A. Requests for Production.

1. Pursuant to San Francisco Administrative Code, Chapter 67, you are requested to produce for inspection and copying the documents or media described in each request made below. True and complete evidentiary images of the requested documents or media may be produced with the responsive documents to this request, but in any event shall be provided within 10 days after these requests are served on you. These requests for production are directed to you and to your employees, and agents, including all persons acting on your behalf.

2. Please call me at the above phone number when the records are ready for viewing. Do not make copies on my behalf. I will review the documents first and then indicate those documents I wish copied.

3. Electronic media should be produced in its native format (e.g., Word documents and Excel spreadsheets produced with .doc and .xls extensions and email produced in .pst files if Outlook is the email client). Pictures of hard copy documents (TIFF, PDF, etc.) should only be created and produced after consultation with the undersigned attorney.
4. These requests for public documents include the original media and all copies that differ from the original in any respect, such as notations made on the copy. These requests are also intended to include all media of any nature that are now or have at any time been within your care, custody or control. If a document or media is no longer in your care, custody or control, identify its disposition.

5. Any withholding of information shall be justified, in writing, as follows:

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

DEFINITIONS

The following are definitions of the terms used in these interrogatories and requests for production. Please read these definitions carefully as some of the words used in these discovery requests may be more expansive than those terms are given in common usage.

1. “Document” or “media” means recorded material in any form, including the original and all non-identical copies (whether different from the originals by reason of any notation made on such copies or otherwise), including, without limitation, correspondence, text messages, memoranda, notes, desk calendar, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, invoices, statements, receipts, returns, warranties, guaranties, summaries, pamphlets, books, interoffice and intraoffice communications, offers, notations of any sort of conversations, telephone calls, voice mails, chat rooms, meetings or other communications, bulletins, bulletin boards, magazines, publications, printed matter, photographs, video, computer stored or generated information, teletypes, telefax, invoices, worksheets and all drafts, alterations, modifications, changes and amendments of any of the foregoing, tapes, tape recording transcripts, graphic or aural records or representations of any kind, of which you have knowledge or which are or were formally in your actual or constructive possession, custody, or control.

2. “Possession, custody or control” includes the joint or several possession, custody or control not only by the person to whom these interrogatories and requests are addressed, but also the joint or several possession, custody or control by each or any other person or entity acting or purporting to act on behalf of the person, whether as employee, attorney, accountant, agent, sponsor, spokesman or otherwise.
3. The term “pertaining to” is used in the broadest sense and mean to refer to, discuss, involve, reflect, deal with, consist of, represent, constitute, emanate from, directed at, support, evidence, describe or mention. “Pertaining to” Thomas Ostly includes documents referring to him by moniker, nickname, or misspellings i.e. “Ostly”.

4. “Electronic data” means all information stored in a digital format. Electronic data includes, but is not limited to, electronic mail messages and attachments, contacts, journal entries, calendar entries, word processing documents, spreadsheets, databases including all records and fields and structural information, charts, graphs, and any and all miscellaneous files responsive to the following requests. The responding party is expected to search for any and all information stored on hard disks, floppy disks, CDs, DVDs, USB devices, Smart Phones and Personal Digital Assistants (such as Palm Pilots, Blackberries and iPhones), and in any other vehicle for digital data storage and/or transmittal. The term electronic data also includes the file, folder tabs and/or containers and labels appended to, or associated with, any physical storage device associated with the information described above.

5. “Evidentiary Image” means a true bit-stream copy of the data requested. “Deleted File” means any electronic data file that has been erased or deleted from the electronic media on which it resided.

6. Throughout these discovery requests language should be read in light of the context in which it is used. Consequently, the singular includes the plural and the plural includes the singular, where appropriate. Furthermore, the masculine is intended to also refer to the feminine, where appropriate and vice versa.

Records Requested

1. All documents in the care custody or control of the San Francisco Public Defender’s Office pertaining to San Francisco Chronicle article “Did late SF Public Defender Jeff Adachi keep plea deals secret from clients?” by Heather Knight, published on March 8, 2019 and updated March 12, 2019.

2. Calendar entries for all public defender employees regarding any scheduled meetings pertaining to San Francisco Chronicle article “Did late SF Public Defender Jeff Adachi keep plea deals secret from clients?” by Heather Knight, published on March 8, 2019 and updated March 12, 2019.

3. All documents in the care custody or control of the San Francisco Public Defender’s Office pertaining to Thomas Ostly from 2/1/19 to 7/22/19.

4. All documents pertaining to any alleged misconduct committed by Thomas Ostly.

5. All documents pertaining to alleged misconduct committed by Sliman Nawabi.

6. All documents pertaining to alleged misconduct committed by Ilona Solomon.

7. All documents pertaining to alleged misconduct committed by Sangeeta Singha.
8. All documents pertaining to alleged misconduct committed by Matt Sotorosen.

9. All documents pertaining to alleged misconduct committed by Roberta Evangelista.

10. All documents pertaining to any accusation of misconduct committed by any employee of the San Francisco District Attorney's Office by Ilona Solomon.

11. All documents pertaining to any accusation of misconduct committed by any employee of the San Francisco District Attorney's Office by Anisa Sirur.

12. All documents pertaining to any accusation of misconduct committed by any employee of the San Francisco District Attorney's Office by Tennette Smith.

13. All documents pertaining to any accusation of misconduct committed by any employee of the San Francisco District Attorney's Office by Bonnie Chan.

14. All documents pertaining to any accusation of misconduct committed by any employee of the San Francisco District Attorney's Office by Firass Halawi.

15. All documents pertaining to any accusation of misconduct committed by any employee of the San Francisco District Attorney's Office by Arielle Brown.

16. Calendar entries for all public defender employees regarding any scheduled meetings pertaining to Thomas Ostly.

17. All documents pertaining to complaints filed against employees of the Riverside County District Attorney.

18. All documents pertaining to complaints filed against employees of the Orange County District Attorney.

Very truly yours,

ANDERIES & GOMES LLP

Shane K. Anderies

SKA/nsm
To Whom It May Concern:

This letter responds to your further petition to the Supervisor of Records concerning your requests to the Mayor’s Office dated July 2, 2019 and August 22, 2019. The Mayor’s Office produced records responsive to your request.

First, you contend the Mayor’s Office either failed to produce public records maintained on employees’ personal accounts or failed to state that it had no such responsive records. The response from the Mayor’s Office, dated July 26, 2019, states: “Additionally, responsive text messages from personal devices pertaining to city business have been provided for Communications Director Jeff Cretan, Liaison to the Board of Supervisors Sophia Kittler and Compliance Officer Hank Heckel. No such responsive texts were located for the other requested custodians. Further, no responsive communications in the other electronic media named were located for the requested custodians.”

Second, you contend that the Mayor’s Office improperly withheld native files and metadata. For the reasons articulated in our response to another one of your petitions, attached hereto as Exhibit A, we find that the Mayor’s Office did not improperly withhold native files or metadata.

Third, you contend that the Mayor’s Office improperly withheld email addresses of City employees in the To/From/Cc/Bcc headers of some emails provided in PDF format. We find that the Mayor’s Office did not improperly withhold information. The Mayor’s Office provided the records in PDF format, which we find to be reasonable and appropriate. We understand that the way in which the City’s email system prints such records – and the way they appear on the screen – does not show the email addresses. You may of course request a directory of City email addresses if you so choose. Similarly, you contend that the Mayor’s Office withheld URL links, HTML content, certain images, color and formatting of documents, and timestamp information due to the manner in which the records were printed and provided. We find that the Mayor’s Office did not improperly withhold this information for the same reasons.

Fourth, you contend the Mayor’s Office withheld responsive email attachments without a legal basis. We understand that the Mayor’s Office will produce any responsive attachments that are not exempt from disclosure, if it has not done so already.

Fifth, you contend the Mayor’s Office improperly withheld a responsive text message conversation partially visible on the top of page 57 of the attachments you sent with your
petition. Records on personal devices that do not relate to City business are not subject to disclosure under the Public Records Act or the Sunshine Ordinance. See City of San Jose v. Superior Court, 2 Cal.5th 608, 618 (2017).

Finally, you request that we determine whether some or part of the information in 116 different metadata headers must be disclosed. We decline to do so. The Mayor’s Office produced the records in PDF format and did not disclose the metadata headers, and we have already determined that this is a proper way to respond to the request. Moreover, the information contained in these fields is highly technical and without engaging in an analysis that exceeds the requirements of the Public Records Act, the information is not “reasonably segregable,” further supporting the Mayor’s Office’s method of responding to the request. See Gov’t Code § 6253(a).

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Sent via email (72056-97339218@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your April 20, 2019 request to the City Attorney’s Office for the following:

A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:
20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:
<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:
20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:
<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:
<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:
DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees

As an alternative to producing the records in original electronic format, your request asked that the metadata from these emails be copied into a PDF. The City Attorney’s Office produced PDF
copies of the emails and the metadata but redacted portions of the metadata. We conclude that the City Attorney’s Office responded appropriately to this request.

Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” You contend that the City Attorney’s Office improperly redacted information from the metadata in its response to your request.

State law does not provide authoritative guidance on whether metadata is subject to disclosure under the Public Records Act. Assuming that it is subject to disclosure, there are proper grounds to redact it. Disclosure of the metadata associated with the original electronic files – whether by producing it in original electronic format or disclosing the metadata in some other format – may jeopardize or compromise the security of the City’s computer system, and the City Attorney’s Office may decline to produce the native files and additional metadata under Government Code Section 6253.9(f). See Gov’t Code § 6254(f) (“Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.”)

If native files are produced, metadata disclosed with those files may include unique identifiers for individual computer terminals and computer servers and associated security certificates and similar information. This information is highly sensitive, as disclosing it could allow a hacker to penetrate the City’s computer system, “spoof” emails and insert themselves into confidential and/or privileged discussions, or send unauthorized emails on behalf of city officials. Therefore, this information may also be withheld under Government Code Section 6254.19, which allows information security records to be withheld if disclosure “would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.” Finally, given this security risk, the information may also be withheld because there is a substantial need for confidentiality that outweighs any interest the public may have in accessing this information. See Cal. Evid. Code § 1040; Gov’t Code § 6254(k).

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
September 11, 2019

This is a follow up to request number 19091:

Attached is a new SFAC 67.21(d) petition and exhibits. It encompasses the email address discussion from this morning and a number of other parts of these records improperly withheld that require your written determination. These are new exhibits - with greater scope than the prior ones I sent you.

** NOTE: Please redact all responses correctly. This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76434-70600365@requests.muckrock.com
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 76434
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Sept. 10, 2019:
Subject: RE: California Public Records Act Request #19091
Thank you. I look forward to your disclosures.

---

On Sept. 9, 2019:
Subject: Follow-up Request Re Communications Audit
Dear Anonymous,

Please note that we are continuing our response to the request below, received by the Office of the Mayor on August 28th, under an extension for up to 14 days pursuant to Government Code § 6253(c) and San Francisco Admin. Code § 67.25(b) because of the need for consultation with other city departments.

We understand the need to complete this request with all practicable speed and will endeavor to provide responsive documents on a rolling basis as they become available and anticipate completing our response by September 23, 2019.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

August 27, 2019

This is a follow up to request number 19091:

Thank you. I look forward to your disclosures.

This is a follow-up Sunshine/CPRA request for WhatsApp and Instagram records which I mistakenly left out earlier. As before, "conversations" include both communications and also include any stubs/records that a conversation previously took place, but has now expired or been deleted. These requests cover the WhatsApp and Instagram mobile, web, and desktop applications.

PART 2
AA. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ WhatsApp ]:
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor's Liaison to the Board of Supervisors
8. Compliance Officer

BB.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [ WhatsApp ], solely to the extent that such conversations are regarding the public's business and disclosable
under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor's Liaison to the Board of Supervisors
8. Compliance Officer

CC. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Instagram ]:
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor's Liaison to the Board of Supervisors
8. Compliance Officer

DD.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [ Instagram ], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor's Liaison to the Board of Supervisors
8. Compliance Officer

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

If a person has multiple accounts, 10 items from each are requested. For example the Mayor may have a public-facing alias and also an account she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in any form we request them in if they are the format you hold them in OR any format that is easily-generated. If you use PDF, use properly redacted
searchable or text PDFs. Please don't use image PDFs to make it harder to analyze the records. However, if you choose to convert conversations, for example, to PDF, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you provide image PDFs, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us.

You must justify all withholding. Please follow SFAC 67.26 and 67.27 and identify specifically which justifications are associated with which redaction, for example, using a footnote.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76434-70600365@requests.muckrock.com<mailto:76434-70600365@requests.muckrock.com>
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 76434
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Aug. 27, 2019:
Subject: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)
Dear Anonymous,
This is in response to your immediate disclosure request below received August 26 in the Office of the Mayor regarding "all instruments used to inquire of each official as to whether they possess any responsive records of our July 2, 2019 request, and all of the responses of the official or their legal representatives (including all affidavits/declarations that no responsive records exists)" in reference to your earlier July 2 request.

We are processing our response. Please note that your request is not simple, routine or otherwise readily answerable. Accordingly we are treating the request as subject to the maximum deadline of 10 days. See San Francisco Admin. Code § 67.25 (a), (b). We also reserve the right to continue our response from that date for up to 14 days pursuant to Government Code § 6253(c) and San Francisco Admin. Code § 67.25(b) due to any continuing need for consultation with other city departments.

We understand the need to continue this consultation with all practicable speed and will process your request accordingly.

If you have any questions regarding your request, please let me know.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

August 26, 2019

This is a follow up to a previous request:

Good Evening Mr. Heckel,

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

I will be filing in the immediate future an SOTF complaint regarding: the lack of headers/metadata, the use of PDFs instead of .msg/.eml formats, and the use of image PDFs instead of textual PDFs, and your failure to identify with particularity specifically which laws apply to which redactions. The issues are quite similar to those you heard in your own case SOTF 19047, and in the SOTF 19044 case re: the city attorney. However, we will be emphasizing the image PDF and lack of redaction specificity issues in this new case.

In addition, this is a further immediate disclosure request for the following:
PART 3: all instruments used to inquire of each official as to whether they possess any responsive records of our July 2, 2019 request, and all of the responses of the official or their legal representatives (including all affidavits/declarations that no responsive records exists)

I understand such instruments would not have existed on the date of my original request, by definition, so I am re-requesting them now.
Since a City of San Jose v Superior Court (2017) search was requested for various officials' personal property, and you have indicated no responsive records existed, we believe such instruments must exist.
Thanks,
Anonymous
---
On Aug. 26, 2019:
Subject: RE: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)
Dear Anonymous:

I just sent the Notice to the Respondent. Mr. Heckel will respond to the complaint and more than likely show up for the hearing. Mr. Heckel will see your Complaint Form and respond.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724


Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

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On Aug. 26, 2019:
Subject: RE: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)
RE: 19091

Ok. I believe I have complied with B2 (bullet 2) of your complaint procedures requiring inclusion of the name of "any individual working at the agency who the request involves."

Thank you,
Anonymous

---

On Aug. 26, 2019:
Subject: RE: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)
Hank Heckel is the Custodian of Records and Compliance Officer for the Mayor's office. He is my contact.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724
Click here to complete a Board of Supervisors Customer Service Satisfaction form.


Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

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On Aug. 26, 2019:
Subject: RE: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)
Ms. Leger,

Your current file for 19091 indicates the individual respondents are only Heckel and Breed. My original complaint further includes the following individual respondents because they are referred to as the "custodians" by the Office of the Mayor's records response and because they are responsible for City of San Jose v Superior Court (2017) searches of their personal property:

Tyrone Jue (Senior Advisor), Sean Elsbernd (Chief of Staff), Andres Power (Policy Director), Andrea Bruss (Deputy Chief of Staff), Marjan Philhour (Senior Advisor), Jeff Cretan (Communications Director), Sophia Kittler (Liaison to the Board)

I would appreciate the correction.

Thank you,
Anonymous

---

On July 2, 2019:
Subject: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)
RE: Email and Electronic Communications Audit

To Whom It May Concern:

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the Mayor's Office.
Similar requests were recently made of the Board of Supervisors and Clerk. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from your and other SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of
   1. Mayor Breed
   2. Chief of Staff
   3. all persons holding title 'Senior Advisor to the Mayor'
   4. Deputy Chief of Staff
   5. Communications Director
   6. Policy Director
   7. Mayor's Liaison to the Board of Supervisors
   8. Compliance Officer

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of
   1. Mayor Breed
   2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor's Liaison to the Board of Supervisors
8. Compliance Officer

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).
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2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor's Liaison to the Board of Supervisors
8. Compliance Officer

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
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6. Policy Director
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E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
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8. Compliance Officer
PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example). Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:
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2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
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5. Communications Director
6. Policy Director
7. Mayor's Liaison to the Board of Supervisors
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7. Mayor's Liaison to the Board of Supervisors
8. Compliance Officer

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conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
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6. Policy Director
7. Mayor's Liaison to the Board of Supervisors
8. Compliance Officer

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76434-70600365@requests.muckrock.com<mailto:76434-70600365@requests.muckrock.com>
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAxJlxKbHL78P4hPis99Isuo1Y%3A1i2nMg%3ArpCDU0XAKsyKoYBri7ZjTkkivs&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogi
n%2F%3Fnext%3D%2Faccounts%2Fagencies%2Fagencies%2Fagency_login%252Foffice-of-the-mayor-3891%252Femail-and-electronic-communications-audit-sf-mayor-76434%252Femail%252540sfgov.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 76434
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly
addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

[http://email.requests.muckrock.com/o/eJw1ysOwiAUAMDTyJK8V_4LFsa01zCUT0sqJYKyHvdO0sJvghJYnh5cc_BliBjSpLd8jW54KTSRpqUomToVzQJJrjkGmS7QRoQ8aJIaKFI1C81vi7oaDhrn5cKhxeeI_dVpGf5o1R_U10KaLc5Twx9n3_MZ_-n3e9rqm9a2fQHcy7m]

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On Sept. 9, 2019:
Subject: RE: California Public Records Act Request #19091
Mr. Russi,

I never said they were redactions; they are improper withholdings of public parts of records.

Pg. 50 through 52 of
The original email record held by the City has To and From fields in the actual email that usually look like this:
To: "Full Name" <address@example.com>, "Another Name" <another@example.com>, ...

As an example, in the email you just sent me that I am replying to, the fields look like this:
- X-Envelope-From: <Brad.Russi@sfcityatty.org>
- From: Supervisor Records <supervisor.records@SFCITYATTY.ORG>

Note how the From has a name (Supervisor Records) and an email address (supervisor.records@SFCITYATTY.ORG). If someone CPRA-ed this email, and you printed this email out and it only showed [From: Supervisor Records] instead of also <supervisor.records@SFCITYATTY.ORG> you would be improperly withholding a part of a public record.

In some cases, depending on how your email systems work, the To/From/Cc/Bcc will not be email addresses, but instead a Microsoft Exchange identifier showing the employee's department affiliation and other such organizational information. None of this is properly exempt from disclosure.

In the printout on pg 50-52, the Mayor's Office has given solely the city employee names in the To/From , and not the email address and/or Microsoft Exchange identifier that would be present. This is an improper withholding of part of the To/From/Cc/Bcc headers in the record as kept by the City and a violation of SFAC 67.26 and 67.27. There is no justified withholding of this part of the record.

Just because the City believes it is justified in converting the record format and withholding the purportedly security-sensitive headers as you have previously argued, it cannot *also* withhold additional information, like email addresses, unrelated to those security justifications.

For an example of how the City could do this properly (if it still wishes to withhold all the other headers and not use .msg format), it could:
a) print out to PDF the full with-header emails as the City Atty's office did in Case 19044, May 17 supplemental response, then redact all security headers, and provide the To/From/Cc/Bcc headers in their entirety or, easier:
b) do what DPW did here on page 1: https://sanfrancisco.nextrequest.com/documents/1767171/download - even though they used print-out PDFs like the Mayor's Office, the From and To emails are hyperlinks that preserve the email address information. (Hover your mouse over them to see what I mean).
That is what I am asking for here: an official Sup. of Records determination that the To/From/Cc/Bcc full headers are public parts of records (unless specifically exempt in certain cases, like whistleblowers, or email addresses of private citizens under Constitutional privacy protections, etc.).

Thanks,
Anonymous

---

On Sept. 9, 2019:
Subject: RE: California Public Records Act Request #19091
There are no redactions on pages 50-52 of the documents at that link, so I don’t know what you’re talking about.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

---

On Sept. 6, 2019:
Subject: RE: California Public Records Act Request #19091
Mr. Russi,

On Sept 5 you replied to my Aug 26 supervisor of records petition re: the Mayor's emails, denying all metadata once again.

Please examine ex. page 50-52 of the Exhibits I included in my petition:

The public employee email addresses in the From and To headers there are clearly public parts of the record. There is no security or other justification to withhold those parts of the record. I cannot understand how your office is coming to these legal conclusions unless they aren't actually looking at the records.

Please reconsider, determine (at least) that the email address parts of the records are public, and issue an order to the Office of Mayor to disclose them.

Sincerely,
Anonymous

---

On July 2, 2019:
Subject: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)
RE: Email and Electronic Communications Audit

To Whom It May Concern:
**NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).**

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the Mayor's Office.

Similar requests were recently made of the Board of Supervisors and Clerk. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from your and other SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

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8. Compliance Officer

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PART 2 - Chat/Messaging

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7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

H. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Telegram], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

I. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Slack], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

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1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer
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1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor's Liaison to the Board of Supervisors
8. Compliance Officer

L. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor's Liaison to the Board of Supervisors
8. Compliance Officer

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76434-70600365@requests.muckrock.com
Upload documents directly:

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 76434
PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
RE: Email and Electronic Communications Audit

To Whom It May Concern:

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the Mayor's Office. Similar requests were recently made of the Board of Supervisors and Clerk. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from your and other SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.
PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of
   1. Mayor Breed
   2. Chief of Staff
   3. all persons holding title 'Senior Advisor to the Mayor'
   4. Deputy Chief of Staff
   5. Communications Director
   6. Policy Director
   7. Mayor’s Liaison to the Board of Supervisors
   8. Compliance Officer

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of
   1. Mayor Breed
   2. Chief of Staff
   3. all persons holding title 'Senior Advisor to the Mayor'
   4. Deputy Chief of Staff
   5. Communications Director
   6. Policy Director
   7. Mayor’s Liaison to the Board of Supervisors
   8. Compliance Officer

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).
   1. Mayor Breed
   2. Chief of Staff
   3. all persons holding title 'Senior Advisor to the Mayor'
   4. Deputy Chief of Staff
   5. Communications Director
   6. Policy Director
   7. Mayor’s Liaison to the Board of Supervisors
   8. Compliance Officer

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those
explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example).
Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Facebook Messenger ]:
1. Mayor Breed
B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Telegram ]:

1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Slack ]:

1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
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5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

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1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
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7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

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2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

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1. Mayor Breed
2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
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G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
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4. Deputy Chief of Staff
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6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
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4. Deputy Chief of Staff
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8. Compliance Officer

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3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

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3. all persons holding title 'Senior Advisor to the Mayor'
4. Deputy Chief of Staff
5. Communications Director
6. Policy Director
7. Mayor’s Liaison to the Board of Supervisors
8. Compliance Officer

**PART 3:** all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,

Anonymous
EXHIBIT B
VIA ELECTRONIC MAIL

Requestor: Anonymous
76434-70600365@requests.muckrock.com

July 26, 2019

Re: Public Records Request Received July 2 2019

Dear Anonymous:

This further responds to your request attached, entitled Email and Electronic Communications Audit, received by the Office of the Mayor on July 2, 2019. We previously invoked an extension of time to continue our response under Government Code § 6253(c) and San Francisco Admin. Code § 67.25(b) for up to 14 days from the original due date because of the need for consultation with other city departments and the potential volume of requested materials.

Response Dated July 26, 2019

We have completed our search and consultation and are attaching herewith responsive records located in the possession of the Office of the Mayor. The documents are provided in multiple emails due to file size. Please note that responsive emails from official city email accounts are provided for all of the requested custodians. Additionally, responsive text messages from personal devices pertaining to city business have been provided for Communications Director Jeff Cretan, Liaison to the Board of Supervisors Sophia Kittler and Compliance Officer Hank Heckel. No such responsive texts were located for the other requested custodians. Further, no responsive communications in the other electronic media named were located for the requested custodians.

The responsive documents have been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Metadata from any native format has not been provided to avoid risks to the security and integrity of the city’s data system and avoid the release of exempt confidential or privileged information. Pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record or its data system. The PDF format ensures the security and integrity of the original record.

Please note that certain documents have been withheld on the basis of the attorney-client privilege and/or the attorney work product doctrine. Gov’t Code § 6254(k); Evid. Code § 954; Code of Civ. Proc. § 2018.030; Gov’t Code § 6276.04; Admin. Code § 67.21(k).
Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov’t Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).

Please also note that certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).

Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).

Please note that we are responding only on behalf of the Office of the Mayor and not on behalf of other City Departments. If you have any questions about your request or would like to submit another public records request, please feel free to contact us at mayorsunshinerequests@sfgov.org.

Best Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
VIA ELECTRONIC MAIL

Requestor: Anonymous
76434-70600365@requests.muckrock.com

July 29, 2019

Re: Amended and Supplemental Response to Public Records Request Received July 2, 2019

Dear Anonymous:

This amends and supplements our July 26, 2019 response to your Public Records Request, attached, entitled Email and Electronic Communications Audit, received by the Office of the Mayor on July 2, 2019. We previously invoked an extension of time to continue our response under Government Code § 6253(c) and San Francisco Admin. Code § 67.25(b) for up to 14 days from the original due date because of the need for consultation with other city departments and the potential volume of requested materials. We then responded and provided responsive documents on July 26, 2019.

Amended and Supplemental Response Dated July 29, 2019

We have completed our search and consultation and are attaching herewith responsive records located in the possession of the Office of the Mayor. The documents have been provided in multiple emails due to file size. Please note that responsive emails from official city email accounts have been provided for all of the requested custodians. Additionally, responsive text messages from personal devices pertaining to city business have been provided for Communications Director Jeff Cretan, Liaison to the Board of Supervisors Sophia Kittler and Compliance Officer Hank Heckel. No such responsive texts were located for the other requested custodians. Existing messages received using Signal pertaining to city business have been provided for Chief of Staff, Sean Elsbernd. These communications are provided herewith as a supplemental production. No responsive communications in the other electronic media named were located for the requested custodians.

The responsive documents have been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Metadata from any native format has not been provided to avoid risks to the security and integrity of the city’s data system and avoid the release of exempt confidential or privileged information. Pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record or its data system. The PDF format ensures the security and integrity of the original record.

Please note that certain documents have been withheld on the basis of the attorney-client privilege and/or the attorney work product doctrine. Gov’t Code § 6254(k); Evid. Code § 954; Code of Civ. Proc. § 2018.030; Gov’t Code § 6276.04; Admin. Code § 67.21(k).
Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov’t Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).

Please also note that certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).

Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).

Please note that we are responding only on behalf of the Office of the Mayor and not on behalf of other City Departments. If you have any questions about your request or would like to submit another public records request, please feel free to contact us at mayorsunshinerequests@sfgov.org.

Best Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
EXHIBIT D

This is a small 20-page portion of the voluminous responsive records.

These records were provided by Respondents in an image PDF format, namely they appear to have been printed on hardcopy paper and then re-scanned. Due to this format, their quality as provided below is somewhat worse than the copy the respondents provided due to repeated compression. Please have Respondents provide their copies in their Reply so you can see the original quality.
That’s right. Thanks!

Andres Power
Policy Director
Mayor London N. Breed

On Jul 3, 2019, at 4:11 PM, Lindler, Nicole (MYR) <nicole.lindler@sf.gov.org> wrote:

The first subtotal line should have said 590 not 516. Sorry excel error.

Nicolle Lindler | Policy Advisor
Office of Mayor London N. Breed
Sent via iPhone

On Jul 3, 2019, at 3:43 PM, Power, Andres (MYR) <andres.power@sf.gov.org> wrote:

Am I missing something? This seems like it’s adding up to 926.

Andres Power
Policy Director
Mayor London N. Breed

On Jul 3, 2019, at 1:12 PM, Lindler, Nicole (MYR) <nicole.lindler@sf.gov.org> wrote:

DPH has confirmed that Hummingbird 14 beds are online.

From: Lindler, Nicole (MYR)
Sent: Wednesday, July 03, 2019 12:16 PM
To: Power, Andres (MYR) <andres.power@sf.gov.org>; Cretan, Jeff (MYR) <Jeff.Cretan@sf.gov.org>
Subject: RE: 1000 Beds Tracker

Revised. The additions at BVHM and Hummingbird are currently open/operating according to HSH. However, I am
still awaiting absolute confirmation from DPH about Hummingbird as it is their program and we've been receiving mixed messages from HSH.

### TEAM PLAN

<table>
<thead>
<tr>
<th></th>
<th>Beds</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open</td>
<td>212</td>
<td>Various</td>
</tr>
<tr>
<td>BVHM</td>
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</tr>
<tr>
<td>ZSFGH Hummingbird</td>
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### In Development

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<td>Division Circle (Exp)</td>
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<td>Civic Center Hotel (Exp)</td>
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<tr>
<td><strong>Total</strong></td>
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<td></td>
</tr>
</tbody>
</table>

### Next Up

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SAFE (SWL 330)</td>
<td>200</td>
<td>6</td>
</tr>
</tbody>
</table>

**Subtotal**: 516

**TOTAL**: 1000

---

*NOT DISTRIBUTE*
Below is the agreed plan that we’ve outlined to reach the 1000 bed shelter goal:

<table>
<thead>
<tr>
<th>TEAM PLAN</th>
<th>Beds</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open</td>
<td>212</td>
<td>Various</td>
</tr>
<tr>
<td><strong>In Development</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ZSFGH Hummingbird</td>
<td>14</td>
<td>10</td>
</tr>
<tr>
<td>Jelani</td>
<td>24</td>
<td>10</td>
</tr>
<tr>
<td>Division Circle (Exp)</td>
<td>60</td>
<td>9</td>
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<tr>
<td>Civic Center Hotel (Exp)</td>
<td>20</td>
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</tr>
<tr>
<td><strong>Next Up</strong></td>
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</tr>
<tr>
<td>SAFE (SWL 330)</td>
<td>200</td>
<td>6</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>530</td>
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</tr>
</tbody>
</table>

TOTAL 1000
Am I missing something? This seems like it’s adding up to 926.

Andres Power
Policy Director
Mayor London N. Breed

On Jul 3, 2019, at 1:12 PM, Lindler, Nicole (MYR) <nicole.lindler@sfgov.org> wrote:

DPH has confirmed that Hummingbird 14 beds are online.

From: Lindler, Nicole (MYR)
Sent: Wednesday, July 03, 2019 12:16 PM
To: Power, Andres (MYR) <andres.power@sfgov.org>; Cretan, Jeff (MYR) <Jeff.Cretan@sfgov.org>
Subject: RE: 1000 Beds Tracker

Revised. The additions at BVHM and Hummingbird are currently open/operating according to HSH. However, I am still awaiting absolute confirmation from DPH about Hummingbird as it is their program and we’ve been receiving mixed messages from HSH.

**TEAM PLAN**

<table>
<thead>
<tr>
<th></th>
<th>Beds</th>
<th>District</th>
</tr>
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<tbody>
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<td>BVHM</td>
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<td><strong>Total</strong></td>
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</thead>
<tbody>
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<td>Jelani</td>
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<td>10</td>
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<td>Civic Center Hotel (Exp)</td>
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<td><strong>Total</strong></td>
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<td><strong>Total</strong></td>
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Below is the agreed plan that we've outlined to reach the 1000 bed shelter goal:

<table>
<thead>
<tr>
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<th>District</th>
</tr>
</thead>
<tbody>
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<tr>
<td>ZSFGH Hummingbird</td>
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<tr>
<td><strong>Subtotal</strong></td>
<td><strong>530</strong></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>1000</strong></td>
<td></td>
</tr>
</tbody>
</table>
Isn’t BVHM implemented?

Andres Power  
Policy Director  
Mayor London N. Breed  

On Jul 3, 2019, at 10:11 AM, Lindler, Nicole (MYR) <nicole.lindler@sfgov.org> wrote:

Below is the agreed plan that we’ve outlined to reach the 1000 bed shelter goal:

<table>
<thead>
<tr>
<th>TEAM PLAN</th>
<th>Beds</th>
<th>District</th>
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<tbody>
<tr>
<td>Open</td>
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<td>530</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1000</td>
<td></td>
</tr>
</tbody>
</table>

Nicole Lindler | Policy Advisor
Office of Mayor London N. Breed
City and County of San Francisco
415-554-6694
Hi Andres,

I’m on my way in and will give you a call at 9am when I have everything in front of me.

Thank you,
Dylan

Get Outlook for iOS

From: Power, Andres (MYR)
Sent: Tuesday, July 2, 2019 8:05:16 AM
To: Schneider, Dylan (HOM)
Cc: Kittler, Sophia (MYR)
Subject: Re: Homeless Commission Charter Amendment

Dylan,

Please give me a call when you’re in.

We need to make sure that we’re framing this correctly.

Andres Power
Policy Director
Mayor London N. Breed

On Jul 1, 2019, at 9:59 PM, Schneider, Dylan (HOM) <dylan.schneider@sfgov.org> wrote:
This is going to apply for the open budget office position, but you may want to also see if he is a good fit for your team. He comes recommended from his time in the Controller's Office.

Andrea,

Thank you very much for taking the time to chat and offering to forward my resume to folks. Please see my attached resume.

Please let me know if there is anything else I can provide.

Best,
FYI - closing the loop on this request from the Veterans Summit

From: Arce, Joshua (ECN)
Sent: Tuesday, July 2, 2019 11:56 AM
To: David Chasteen
Cc: Torres, Joaquin (ECN) <joaquin.torres@sfgov.org>; Nim, Ken (ECN) <ken.nim@sfgov.org>; Lam, Byron (ECN) <byron.lam@sfgov.org>; Dostal, Viktoria (ECN) <Viktoria.Dostal@sfgov.org>; Rice, Lowell (ECN) <lowell.rice@sfgov.org>; Callahan, Micki (HRD) <micki.callahan@sfgov.org>; Howard, Kate (HRD) <kate.howard@sfgov.org>; Biasbas, Anna (HRD) <anna.biasbas@sfgov.org>
Subject: RE: Thank You!

Thank you again Commissioners. Apologies for the delay but we wanted to be very thorough with respect to your request, working with our partners at the Department of Human Resources.

Thank you again Director Callahan, Kate and Anna.

Commissioners, Anna Biasbas, DHR Director of Employment Services, was able to work with her Team to provide the following response (thank you once again):

<table>
<thead>
<tr>
<th>Year Applied</th>
<th>Received Vet Points (Regular or Disabled)</th>
<th>Received Disabled Vet Points</th>
<th>Total Who Received Vet Points and Were Hired</th>
<th>Total Who Were Hired and Had Received Disabled Vet Points</th>
<th>Total Number of Applicants for Permanent Recruitment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>253</td>
<td>55</td>
<td>56</td>
<td>12</td>
<td>65,623</td>
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<tr>
<td>2018</td>
<td>255</td>
<td>66</td>
<td>35</td>
<td>8</td>
<td>73,936</td>
</tr>
</tbody>
</table>

Please let us know if you would like further background and context, or any follow up questions you may have. We look forward to our continued work together on the items that we discussed at the Veterans' Summit.

Josh

From: David Chasteen
Sent: Wednesday, June 12, 2019 10:53 PM
EXHIBIT E
WED, MAY 22

Did you talk to Ed Reiskin about LCFS? Want to confirm before sending out memo.
MAY 22 5:27 PM

No, a bunch of other stuff. Sorry
MAY 22 5:42 PM

No worries. I can hold off on sending the memo until tomorrow. If you can confirm that you generally approve I can move the item forward with Ed/Harlan.
MAY 22 5:46 PM

I approve
MAY 22 5:46 PM

Ok. Thanks.
MAY 22 5:49 PM

FRI, JUN 14

New Message
Dear Office of the Mayor,

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before start of business August 22, 2019.

** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

The audio record of the August 7 SOTF meeting appears to reference a "Custodian of Records Working Group" (aka "Custodian Working Group", called the "Group" below) of public employees attempting to, among other things, lobby (in a colloquial sense), via a letter, the SOTF to impose certain suggestions or restrictions on the behavior of the public. Perhaps my impression is incorrect; I would like to know more.

I request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

1. IMMEDIATE DISCLOSURE REQUEST: all agendas (draft or final) of meetings of the Group
2. IMMEDIATE DISCLOSURE REQUEST: all minutes (draft or final) of meetings of the Group
3. IMMEDIATE DISCLOSURE REQUEST: all listings of the membership/roster of the Group
4. regular request: all supporting documentation used at meetings of the Group
5. IMMEDIATE DISCLOSURE REQUEST: all records showing any budget allocations or other financial support given to the Group
6. regular request: all records that would demonstrate the public monies being used to support the activities of the Group (including showing the time spent by public employees performing Group work, for example calendar/schedule items showing when the meetings took place and who attended). Ms. Blackman said [in the Aug 7 SOTF audio record] that the signers spent "quite a lot of time" was spent writing this letter. Provide all records showing what public employee work time was spent writing this letter.
7. IMMEDIATE DISCLOSURE REQUEST: all records related to the attempt to lobby the Sunshine Ordinance Task Force to change their rules or procedures, including but not limited to the letter discussed at the SOTF Aug 7 meeting. Including a copy of the letter and all drafts or other versions of this letter.
8. regular request: all correspondence between your Compliance Officer and/or Custodian of Records and/or Public Records Manager and the Group as an entity
9. regular request: all correspondence between your Compliance Officer and/or Custodian of Records and/or Public Records Manager and any of { David Steinberg, Sue Blackman, Hank Heckel, Caroline Celaya, Marianne Mazzucco-Thompson } since Jan. 1, 2019.
10. regular request: Ms. Celaya stated [in the Aug 7 SOTF audio record] that certain best practices have been generated. Provide all policies/best practices written by the Group.

We remind you of your obligations to provide electronic records in any format we request them in, as long as either you hold them in that format, the format is available to you, or the format is easy to generate (Admin Code 67.21(l)). Therefore, calendars exported in the .ics, iCalendar, or vCard formats ("A") and emails exported in the .eml or .msg formats ("B") with all non-exempt headers, metadata, attachments, etc. are our desired formats. Such formats are easily exportable from Google Calendar/Gmail, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems. However, if you choose to convert electronic calendar items, for
example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in requests 1 and 2), which contains many detailed headers beyond the ones generally printed out. If you provide PDFs or printed items with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision. We *do not* waive the requirement of 67.21(l) discussed above, and are merely instructing you to preserve information even if you provide to us the undesirable PDF format.

For word processing documents, either .docx or .pdf formats are fine. For physical items, scanning to PDF format is acceptable.

For this request, we are asking for a City of San Jose v Superior Court (2017) search be performed of the Compliance Officer/Custodian of Records/Public Records Manager and all other members of your department's staff who are a member of or have ever attended the Group, such that each such employee either provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits/declarations are also requested as responsive records to this request. Please handle the government account record search as an immediate disclosure search, and the personal search under regular timelines.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous
Dear Anonymous,

This is in response to your request below received by the Office of the Mayor on August 22, 2019. Please see attached responsive records located in the Office of the Mayor responsive to items 1 and 2. Please note that we have not located records responsive to items 3, 5 or 7.

The responsive information attached has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Metadata from any native format has not been provided to avoid risks to the security and integrity of the original record as well as the city's data and information technology systems and to avoid the release of exempt confidential or privileged information. See Cal. Gov. Code 6253.9 (f) and 6254.19. The PDF format ensures the security and integrity of the original record as well as the security and integrity of the city's data and information technology systems.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
(415) 554-4796
Hi all,

We had tentatively settled on April for our next quarterly meeting, but things have gotten delayed. There are a number of issues that I think we should discuss and possibly weigh in on before the Sunshine Ordinance Task Force. Among them:

- The SOTF hasn’t responded to the December letter signed by a number of custodians.
- The SOTF has recently expressed the opinion that custodians should not be redacting personally identifiable information from records released to the public. A committee hearing was supposed to further explore this issue.
- Plans to expand NextRequest to additional departments.
- DT has expressed an interest in hosting a demo about archiving social media activity.

Are there other issues that we should discuss, and is anyone able to host a meeting? (Disclosure: I’ll be very busy until the first full week of May, after Public Works Week.)

Thanks,

David A. Steinberg
Custodian of Records & Executive Assistant to the Director
San Francisco Public Works | City and County of San Francisco
City Hall, Room 348 - 1 Dr. Carlton B. Goodlett Pl. | San Francisco, CA 94102 | (415) 554-6950
sfpublicworks.org - twitter.com/sfpublicworks

For public records requests, please go to sfpublicworks.org/records.
Dear Custodians,

Thanks to everyone who has agreed to sign the letter that has been drafted by the Custodians of Record Working Group. A quick update:

- So far, representatives from 11 departments have agreed to sign the letter, including most recently the Mayor’s Office and the Office of the City Administrator.
- Several people said they want to sign but haven’t yet received an OK from a supervisor, so please send me an update.
- My goal would be to send this letter by the end of this week so it arrives before the Thanksgiving holiday and before the next task force meeting.
- If you know of other custodians who are not on our mailing list, please forward their contact information to me so I can loop them in.
- The plan we discussed was to include the names and departments of everyone signing the letter, with copies to the unions representing those individuals. I will confirm with every “Yes” to verify how you want your name to be listed and to find out which union should be copied.

Please let me know if anyone has additional questions or comments. I’m attaching the “final” version of the letter that has been approved. Don’t forget, we also are looking for a host for our next meeting, which should be in December.

Regards,

David A. Steinberg
Custodian of Records & Executive Assistant to the Director
San Francisco Public Works | City and County of San Francisco
City Hall, Room 348 - 1 Dr. Carlton B. Goodlett Pl. | San Francisco, CA 94102 | (415) 554-6950
sfpublicworks.org | twitter.com/sfpublicworks

For public records requests, please go to sfpublicworks.org/records.
DATE

Members of the Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall Room 244
San Francisco, CA 94102

Dear Honorable Members of the Sunshine Ordinance Task Force:

We are writing to let you know that since fall 2017, City and County of San Francisco (City) employees who serve as Custodians of Records for their respective agencies have been meeting to share best practices in responding to Sunshine requests.

The Custodians of Record Working Group is committed to open and transparent government, and to providing the best possible customer service to all members of the public. We meet quarterly to: share promising practices; discuss ways we can improve the customer experience; collectively work through issues we face in our roles; and ensure consistency throughout all City departments in how we comply with the Sunshine Ordinance.

Our group recognizes the important role the Sunshine Ordinance Task Force plays with regard to ensuring compliance, and appreciates the work of the Task Force. In the spirit of partnering to ensure that good work can continue, as a group, we would like are compelled to communicate that several members have raised concerns about disturbing behavior from the public during the hearings. These behaviors include: being heckled during testimony; being videotaped at uncomfortably close proximity; having objects thrown during testimony; name-calling; and being the recipients of angry, demeaning, and sometimes threatening comments and gestures.

We feel that such behaviors are abusive and stressful, and create a very uncomfortable environment. If we engaged in these behaviors as City employees we would be in violation of the City’s “Policy Regarding the Treatment of Co-Workers and Members of the Public,” which states:

City policy requires employees to treat co-workers and members of the public with courtesy and respect. City employees and managers are responsible for maintaining a safe and productive workplace which is free from inappropriate workplace behavior.

The City’s “Policy Prohibiting Employee Violence in the Workplace” also states:

Violence includes any conduct, verbal or physical, which causes another to reasonably fear for his or her own personal safety or that of his or her family, friends, associates, or property.

We respectfully request that the Task Force consider ways to better enforce order and establish a professional and collegial tone during its hearings.
We can point to several policy bodies as good examples of setting an expectation of decorum at their meetings. For example, the Ethics Commission includes the following language on every agenda:

The Ethics Commission encourages and promotes integrity in government by education and example and is committed to treating all staff, members of the public, and colleagues with courtesy, respect, objectivity and fairness. Ethics Commission By-Laws Article XI Sec. 1. Members of the public who attend commission meetings are also expected to behave responsibly and respectfully. Persons who engage in name-calling, shouting, interruption, or other distracting behavior may be asked to leave. The following behaviors or activities are strictly prohibited inside the hearing room: applause or vocal expression of support or opposition; eating or drinking; signs regardless of content or message; profanity; physical aggression. The prohibition on signs does not apply to clothing, which includes signage pinned to clothing, messages displayed on clothing, pins, hats, or buttons. If the Chair is unable to obtain voluntary compliance, he may seek assistance from the Sheriff’s Deputy on call. This provision supplements the rules and policies adopted by City Hall, the Sheriff’s Office, or the Board of Supervisors related to decorum, prohibited conduct or activities, noise, etc. and is not meant to be exhaustive.

We hope the Task Force will adopt a similar policy, and ask that this policy be read aloud at SOTF hearings.

Thank you in advance for giving our feedback consideration. Again, we have great respect for the important function of the Task Force and would be happy to meet with the SOTF Chair and Vice Chair to further discuss our concerns.

We look forward to working with you and to ensuring an open and transparent government for all.

Sincerely,

Name, department
Name, department

cc: Mayor London Breed; Board of Supervisors President Malia Cohen; Supervisors Sandra Lee Fewer, Catherine Stefani, Aaron Peskin, Katy Tang, Vallie Brown, Jane Kim, Norman Yee, Rafael Mandelman, Hillary Ronen and Asha Safai
Hi all,

Was anyone aware that the SOTF Rules Committee met March 26 and discussed the letter that many of us sent regarding decorum and conduct at meetings? A draft code of conduct is being worked on and will be referred to the full task force. More info here: https://sfgov.org/sunshine/sites/default/files/rules_032619_minutes.pdf. I know Bill Barnes was going to reach out to the SOTF administrator, so maybe we can get more information and we can discuss this at our May meeting.

Regards,

David A. Steinberg
Custodian of Records & Executive Assistant to the Director
San Francisco Public Works | City and County of San Francisco
City Hall, Room 348 - 1 Dr. Carlton B. Goodlett Pl. | San Francisco, CA 94102 | (415) 554-6950
sfpublicworks.org; twitter.com/sfpublicworks

For public records requests, please go to sfpublicworks.org/records.
Hi all,

Looking forward to seeing everyone and having a productive discussion. One thing I'd like to add to the agenda if there's time is related to records retention and email. Our department is considering instituting some sort of automatic deletion policy and I'd like to know what experience others may have with this idea.

Thanks,

David A. Steinberg
Custodian of Records & Executive Assistant to the Director
San Francisco Public Works | City and County of San Francisco
City Hall, Room 348 - 1 Dr. Carlton B. Goodlett Pl. | San Francisco, CA 94102 | (415) 554-6950

sfpublicworks.org · twitter.com/sfpublicworks

For public records requests, please go to sfpublicworks.org/records.
Hi all,

In case you didn’t listen to last week’s task force audio, the issue of the letter signed by many custodians requesting a code of conduct for SOTF meetings was discussed. It starts with a report by the Rules Committee, which decided there wasn’t a need for a code of conduct. The discussion that followed was interesting and the bottom line is that the task force will be inviting the custodians to attend the Aug. 7 SOTF meeting to discuss the issue.

Some interesting take-aways:

- Chairman Wolfe noted that the letter from the custodians has some gravity because of the number of signatures.
- He also pointed out that some staff (he specifically mentioned Kate’s colleague from the Arts Commission) refuse to attend hearings because they feel attacked and disparaged.
- He opined that if the task force doesn’t allow the custodians to speak about the issue, the task force would likely be hearing from our unions next.
- Another member pointed out that if they don’t let the custodians come in and present, they would be reinforcing the bias that people feel exists.


David A. Steinberg
Custodian of Records & Executive Assistant to the Director
San Francisco Public Works | City and County of San Francisco
City Hall, Room 348 - 1 Dr. Carlton B. Goodlett Pl. | San Francisco, CA 94102 | (415) 554-6950
sfpublicworks.org · twitter.com/sfpublicworks

For public records requests, please go to sfpublicworks.org/records.
Hi all,

For those of you who weren't able to attend, the SOTF spent almost an hour discussing the letter that was signed by a number of custodians asking that the Task Force adopt a code of conduct for meetings. Five of us spoke, including one custodian who hadn't even signed the letter. The others who were there can chime in, but I'd say that most members of the Task Force were resistant to adopting any rule that would prohibit personal attacks. The matter was referred back to the Rules Committee, which plans to take the issue up at its September meeting.

Given the sentiments voiced by Task Force members, it would be a good idea to meet before the September Rules meeting to plan our response. Caroline Celaya said the MTA could host our next quarterly meeting in September.

The audio here: https://sfgov.org/sunshine/audio-archive-full-sotf. The discussion about our letter and adopting a code of conduct starts at about 1:13. (The separate report from the Rules Committee chair at 4:53 notes that they intend to hold a September meeting.)

Regards,

David A. Steinberg
Custodian of Records & Executive Assistant to the Director
San Francisco Public Works | City and County of San Francisco
City Hall, Room 348 - 1 Dr. Carlton B. Goodlett Pl. | San Francisco, CA 94102 | (415) 554-6950
sfpublicworks.org - twitter.com/sfpublicworks

For public records requests, please go to sfpublicworks.org/records.
EXHIBIT I
From: Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>
Sent: Thursday, June 20, 2019 8:12 AM
To: Joshua.Slowiczek@nbuni.com
Subject: RE: CPRA Request: Downloaded Phone Applications & Clocked Social Media Accounts

Dear Josh Slowiczek (NBC Bay Area),

Thank you for your inquiry. On behalf of the Office of the Clerk of the Board, I am confirming receipt of your request.

In response to the first item, our office does not provision departmental cell phones or mobile applications to staff for City business. For inquiry regarding the use of cell phones or mobile applications by other City agencies, we advise that you please contact the San Francisco Department of Technology (DT), as they provide Information Technology support and resources to departments Citywide. DT can be contacted at dtis.helpdesk@sfgov.org. Alternatively, you may submit (redirect) a Public Records Request to DT here.

In response to the second item, our office is not the custodian of record for Mayor London Breed’s social media accounts, nor do we have responsive records retained during her term as a member of the Board of Supervisors. Please contact the Office of the Mayor at mayorsunshinerequests@sfgov.org, as they are the custodian of record for records pertaining to Mayor London Breed.

Sincerely,

Wilson L. Ng
Records and Project Manager
San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Phone: (415) 554-7725
Web: www.sfbos.org

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Disclosures: Personal information that is provided in communications to the Clerk of the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk’s Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk’s Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.
From: Kittler, Sophia (MYR)
To: Cretan, Jeff (MYR)
Subject: FW: Mental Health Reform in San Francisco
Date: Tuesday, June 18, 2019 12:32:13 PM
Attachments: MentalHealthSF_Letter to Board_06182019.pdf

From: Kittler, Sophia (MYR)
Sent: Tuesday, June 18, 2019 11:46 AM
To: BOS-Supervisors <bos-supervisors@sfgov.org>
Cc: BOS-Legislative Aides <bos-legislative_aides@sfgov.org>
Subject: Mental Health Reform in San Francisco

Dear Supervisors,

Please see the attached letter from Mayor Breed regarding her position on Mental Health SF Ballot measure, and her work to reform mental health delivery in San Francisco.

Please do not hesitate to reach out if you have any questions.

Sophia Kittler
Mayor’s Liaison to the Board of Supervisors
Office of Mayor London N. Breed
(415) 554 6153
Heckel, Hank (MYR)

From: Pereira.Tully, Marisa (MYR)
Sent: Monday, July 01, 2019 4:20 PM
To: Kittler, Sophia (MYR); Kirkpatrick, Kelly (MYR)
Cc: Busch, Laura (MYR); Patil, Lillian (MYR)
Subject: FW: Working Families Credit
Attachments: Fwd: WFC Proposal from Supervisor Brown

Hey Soph and Kelly,

Is the email from Shakirah (attached), the final programmatic guidance we should convey to HSA? With the notable changes of: 1) in HSA, 2) just change for families while studying single adults?

My draft responses in green below based on this info. Please amend as needed!

Thanks!

From: Gibbs, Emily (HSA) <emily.gibbs@sfgov.org>
Sent: Monday, July 01, 2019 4:05 PM
To: Pereira.Tully, Marisa (MYR) <marisa.pereira.tully@sfgov.org>; Busch, Laura (MYR) <laurabusch@sfgov.org>; Patil, Lillian (MYR) <lillian.patil@sfgov.org>
Cc: Chan, Justin (HSA) <justin.chan@sfgov.org>
Subject: Working Families Credit

Hi Marisa, Laura, and Lillian –

Wondering if any of the three of you have more detail on the thinking behind the Working Families credit expansion in the ERAF reallocation plan. Noelle has heard, via Trent via your office, that we would use the funds to: 1) do away with the once-in-a-lifetime cap on receipt of the credit and 2) also increase the amount from $250 to $500.

Specifically, we were wondering:
1) Given how ERAF funds are being handled, is this all intended to be spent in FY19-20 if possible?

2) How much flexibility do we have around implementation of the expansion? We weren’t sure how much thinking there was about our ability to actually achieve both #1 and #2 within the $2.5 M allotment or whether there is an expectation we will adjust on our end to make it fit.

Staff happen to have a meeting tomorrow (Tuesday) scheduled on the WFC, so if you have ready answers, we’d love them. Happy to chat by phone if it’s easier.

Thanks,

Emily

Emily Geith Gibbs
Budget Director
Human Services Agency
Any update on Ruby? Should we just submit her?

No update. I think you should submit. Courtney said she didn't think Ruby had reached out tho, so maybe confirm that first.

She had emailed his personal email last week.

But she just emailed Courtney and cc'd me.

Cool
For: 
Sent: Monday, July 01, 2019 11:59 AM
To: Lee, Mason (MYR)
Subject: Chinese Media Press Clips - Saturday, June 29, 2019 to Monday, July 01, 2019

Chinese Media Press Clips
Saturday, June 29, 2019

World Journal
Mayor is determined to investigate abuse cases at Laguna Honda Hospital
600 Chinese community members held campaign event in support of London Breed!
Gold scam in San Francisco as one victim lost $70,000

Singtao
700 attendees praised Xian Dumpling Festival
The whole city participates in Xian Dumpling Festival
San Francisco Police Department warn the Chinese community of the Gold Scam
Laguna Honda Hospital’s scandal on patient abuse

KTSF
San Francisco property tax revenue reached $271.0 billion, a 35% growth comparing with 3 years ago
Antique gold scam occurred in San Francisco
Abuse cases at Laguna Honda Hospital

Skylink TV – N/A

China Press
San Francisco Police plans traffic safety enforcement
San Francisco holds inaugural Pride Golf Tournament
<table>
<thead>
<tr>
<th>Subject:</th>
<th>Canceled: Weekly Scheduling Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>City Hall, Room 200, Sean's Office</td>
</tr>
<tr>
<td>Start:</td>
<td>Thu 7/11/2019 9:30 AM</td>
</tr>
<tr>
<td>End:</td>
<td>Thu 7/11/2019 10:00 AM</td>
</tr>
<tr>
<td>Show Time As:</td>
<td>Free</td>
</tr>
<tr>
<td>Recurrence:</td>
<td>Weekly</td>
</tr>
<tr>
<td>Recurrence Pattern:</td>
<td>every Thursday from 9:30 AM to 10:00 AM</td>
</tr>
<tr>
<td>Meeting Status:</td>
<td>Not yet responded</td>
</tr>
<tr>
<td>Organizer:</td>
<td>Elsbernd, Sean (MYR)</td>
</tr>
<tr>
<td>Required Attendees:</td>
<td>Cretan, Jeff (MYR); Philhour, Marjan (MYR); Bruss, Andrea (MYR); Mullan, Andrew (MYR); Sun, Selina (MYR)</td>
</tr>
<tr>
<td>Optional Attendees:</td>
<td>MYR_Purge_andrew.mullan_06052019</td>
</tr>
<tr>
<td>Importance:</td>
<td>High</td>
</tr>
</tbody>
</table>

Sean will be out of the office.
Supervisor of Records  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl.  
San Francisco CA 94102  
supervisor.records@SFCITYATTY.ORG  
sent via email to Supervisor of Records

Your ref.  
SOTF 19091

Our ref.  
#76434, 79193

Date  
2019-09-10

RE: SF Sunshine Ordinance petition against Office of Mayor, ref 19091/76434/79193

To the Supervisor of Records of the City and County of San Francisco:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

This is a new petition under SF Admin Code (SFAC) 67.21(d) for a written determination that records are public, regarding two sets of CPRA/Sunshine Ordinance requests made of the Mayor’s Office starting July 2 and August 22. You may reference my related petition of August 26 to which you replied1 on Sept 5, but, where relevant, those requests are explicitly made below in the context of this specific petition. Your Sept. 5 response appeared to:

• (a) implicitly deny the primary concern based on your prior responses to other petitions,
• (b) (c) dismiss two of the issues I raised as outside of your jurisdiction, and
• (d) ask me to wait for specific justifications for redactions from the Mayor.

After that, there have been numerous back and forth between your office and me, but in order to make it very clear what I want you to determine is public, I have written this petition more formally. The Mayor has not yet provided the specific justifications of (d), but the petition below is not about that part.

I have numbered the determinations that I request #1 through #14 and they are set off from the text for your convenience. I ask that you carefully consider whether any part of the records so far withheld from us are public. There is no mootness provision in the Sunshine Ordinance: “The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public.” (SFAC 67.21(d), emphasis mine). Even if the Mayor’s Office supplements its responses after Sept. 10, I would still like, and believe I am owed under

the law, this written determination. You are historically very clear when you deny my petitions, and I am hoping you are equally clear when you grant my petitions, even in part, when you determine that any part of a record is public.

Furthermore, if you determine that any records or parts thereof are public, you have a non-discretionary duty to immediately order their disclosure. I do not wish to negotiate further with the Office of Mayor - please issue all appropriate orders, and provide me a copy along with the written determination. Of course, if by the time the petition is responded to, you have encouraged the Mayor to turn over supplemental disclosures, perhaps no order will be necessary. However, any purported mootness of an order does not also allow you to not provide your written determination.

Note that (in addition to the numerous other remedies available to me under SFAC 67.21(e), 67.35(a), and the CPRA) SFAC 67.35(d) also allows me to institute court proceedings “if enforcement action is not taken by a city or state official 40 days after a complaint is filed” and I believe the Supervisor of Records’ failure to provide all appropriate written determinations and orders required by the Sunshine Ordinance would be such a lack of enforcement action.

Your duty to grant, even in part, petitions is crucial to your role as impartial Supervisor of Records; the next time the public wants this same class of records or part of records they should be able to avoid the months long appeals process and point to your prior determinations, which thus can help build some “case law” in these matters.

All references to “Exhibits” below means the Exhibits PDF attached to the enclosing email.

Note that the Exhibits contain a small fraction of the disclosed records in this case, and while I illustrate examples from that sample, the requested determination apply to the entire universe of responsive records which I’m sure the Mayor can turn over to you.

**Public records on personal accounts; City of San Jose v Superior Court (2017)**

It does not appear that records on personal accounts/devices (responsive to each of our requests in Exhibit A, parts 1D, 1E, 2G, 2H, 2I, 2J, 2K, and 2L) were disclosed. These records are plainly public under City of San Jose v Superior Court (2017). However, the Office of Mayor did not affirmatively deny the existence of such records (SFAC 67.21(c)) or indicate no responsive records existed (Gov Code 6253(c)) for each of those requests. I ask that you:

1. Determine that all records re: the public’s business on personal accounts and devices responsive to the requests in Exhibit A, parts 1D, 1E, 2G, 2H, 2I, 2J, 2K, and 2L, are public records and that Office of Mayor must conduct the search and affirmatively deny the existence of any such records or provide those that do exist.

**City employee e-mail addresses/identifiers improperly withheld**

On Exhibits pp. 26, 35, 36, 46, 49–52, and many others, the email addresses or other identifiers in the From/To/Cc are withheld, only the names are given. They are not redacted visibly; they were excluded when the records were voluntarily converted by the Office of Mayor to this format. The refusal to use a particular native format does not also justify the withholding of a portion of the record not otherwise exempt. This is the case with most withholdings discussed in this petition below as well. The actual native

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2 "Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person’s request.” (SFAC 67.21(d), emphasis mine)
entries and/or metadata would indicate this address information. While you may be familiar with e-mail addresses, sometimes emails sent within an organization do not actually use traditional e-mail addresses in the From/To/etc. and use identifiers variously from or known as Active Directory, Microsoft Exchange, LDAP/X.500 identifiers. Your IT department should be able to inform you about these.

No exemption justified the withholding of this part of the record, and Office of Mayor did not justify it in their list of justifications. City employee e-mail addresses or identifiers are not information security records. Therefore, please:

2. Determine that all To/From/Cc city employee e-mail address/identifier information in all emails are public parts of records.
3. Determine that all Bcc city employee names and e-mail address/identifier information in all emails are public parts of records.

Hyperlinks improperly withheld

On Exhibits pp. 26 (“Outlook for iOS”), 54 (“here”), 58 (most of the content), and others, one or more hyperlink URLs is withheld. The actual native messages and/or metadata (in this case the underlying HTML source which is in the e-mail body) would indicate this URL information. Even properly using text PDFs would have preserved this information; printing out an email and scanning it back in explicitly destroys this information. No exemption justified the withholding of this part of the record, and Office of Mayor did not justify it in their list of justifications. URLs are not information security records. Therefore, please:

4. Determine that all hyperlink URLs in all emails are public parts of records.
5. Determine that the HTML content in all emails are public parts of records.

Images improperly withheld

On Exhibits pp. 17, 18, 20, 21, 22, 23, and 25, and others, the inline images were improperly withheld. The actual native messages and/or metadata would include the inline images. No exemption justified the withholding of this part of the record, and Office of Mayor did not justify it in their list of justifications. Images are not information security records. Therefore, please:

6. Determine that all images in all emails are public parts of records.

Attachments improperly withheld

On Exhibits p. 55 and others, attached files were improperly withheld. The actual native messages and/or metadata would include the attached files. No exemption justified the withholding of this part of the record, and Office of Mayor did not justify it in their list of justifications. Attachments are not information security records. Therefore, please:

7. Determine that all attachments in all emails are public parts of records.

Color and formatting improperly withheld

On Exhibits p. 56 and others, the formatting choices of public employees in writing the email were improperly withheld. Note on pg. 56, the author explicitly states that her draft responses are in green. However by printing the emails to black and white and scanning we are deprived of this information. The actual native messages and/or metadata would include the formatting. No exemption justified the withholding
of this part of the record, and Office of Mayor did not justify it in their list of justifications. Color and formatting are not information security records. Therefore, please:

8. Determine that all color and formatting in all emails are public parts of records.

Timestamp metadata improperly withheld

On Exhibits p. 59 and others, the “Sent” date is improperly withheld. The actual native entries and/or metadata would indicate this timestamp information. No exemption justified the withholding of this part of the record, and Office of Mayor did not justify it in their list of justifications. Timestamps are not information security records. Therefore, please:

9. Determine that the timestamp/date information in all emails are public parts of records.

Portions of chat/text messages improperly withheld

On Exhibits pp. 57, the beginning of the text/chat message was improperly withheld. It is clear that some record exists scrolled off the top of the screen. No exemption justified the withholding of this part of the record, and Office of Mayor did not justify it in their list of justifications. These parts of messages are not information security records. Therefore, please:

10. Determine that all partially provided chat/text messages are public parts of records.

Misc. headers improperly withheld

I understand you may object to some of the following headers based on security concerns, however, all others must be disclosed as a public part of a record.

I understand your office has done extensive research with your IT staff regarding the concerns on releasing metadata for our prior petitions.³

I would like an on-the-record determination for each item in #12 below; however if #12 takes longer than 10 days, please answer the rest of this petition in a timely manner. Therefore, please:

11. Determine that the names of all e-mail headers are public parts of records.

12. Determine that the values or some part of the values of each e-mail header below are public parts of records (you may find some or all of them are public, independently; your IT department

³In fact Mr. Coté argued as such on behalf of your office in your reply to SOTF Complaint 19089 explaining why your responses to petitions in SOTF 19044 and 19047 took so long. “In some situations, a request may be unusually complex, in terms of legal issues or factual issues or both, or may require the requester or the responding department to follow up in order to make the issue or issues ripe for determination. This was just such a case. Evaluating whether disclosure of metadata could result in a security risk is a highly technical and specialized effort. To the best of our knowledge, this is the first time that the Mayor’s Office has ever received a request that raised these specific issues, and also the first time that the Supervisor of Records has received a petition dealing with these specific issues. Understandably, it has taken time for both the Mayor’s Office and the Supervisor of Records to evaluate the request and security risks. Rather than respond at the 10-day mark with incomplete information and poorly informed analysis, the Supervisor of Records wrote to the requester on May 21, 2019 (within 10 days of receipt of the petition) to confirm that the petition was received and under review. The Supervisor of Records also sent the requester status updates on June 7, July 1, and July 24. After completing a thorough review of the petition and underlying requests and responses related to the petition, the Supervisor of Records issued its final determination on August 26, 2019.” (emphasis mine). Your office, presumably, now has complete information and well-informed analysis.

⁴Withholding header names is analogous to withholding the name of a form field “Social security number” instead of just redacting the SSN itself.
should be able to explain these):

(1) Age
(2) Alternate-Recipient
(3) Alternates
(4) ARC-Authentication-Results
(5) ARC-Message-Signature
(6) ARC-Seal
(7) Authentication-Results
(8) Autoforwarded
(9) Auto-Submitted
(10) Autosubmitted
(11) Bcc
(12) Body
(13) CalDAV-Timezones
(14) Cc
(15) Comments
(16) Content-Description
(17) Content-Duration
(18) Content-Encoding
(19) Content-Disposition
(20) Content-Language
(21) Content-MD5
(22) Content-Type
(23) Date
(24) Date-Received
(25) Deferred-Delivery
(26) Delivery-Date
(27) Disclose-Recipients
(28) Distribution
(29) DKIM-Signature
(30) Encoding
(31) ETag
(32) Expires
(33) Followup-To
(34) Forwarded
(35) From
(36) Generate-Delivery-Report
(37) Host
(38) Importance
(39) In-Reply-To
(40) Keywords
(41) Label
(42) Language
(43) Latest-Delivery-Time
(44) List-Archive
(45) List-Id
(46) List-Owner
(47) Location
(48) Message-ID
(49) Message-Type
(50) MIME-Version
(51) Organization
(52) Original-From
(53) Original-Message-ID
(54) Original-Recipient
(55) Original-Sender
(56) Originator-Return-Address
(57) Priority
(58) Received (make a determination on each of: (a) full IP addresses, (b) (sub)networks, (c) hostnames, and (d) timestamps of receipt.)
(59) Received-SPF
(60) References
(61) Reply-By
(62) Reply-To
(63) Resent-Bcc
(64) Resent-Cc
(65) Resent-Date
(66) Resent-From
(67) Resent-Message-ID
(68) Resent-Reply-To
(69) Resent-Sender
(70) Resent-To
(71) Return-Path
(72) Sender
(73) Subject
(74) To
(75) Topic
(76) Xref
(77) Thread-Index
(78) Thread-Topic
(79) X-Envelope-From
(80) X-Envelope-To
(81) Delivered-To
(82) Mailing-List
(83) Accept-Language
(84) X-Originating-Ip (make a determination on: (a) full IP addresses and (b) (sub)network)
(85) X-MS-Has-Attach
(86) X-MS-Exchange-Organization-SCL
(87) X-MS-TNEF-Correlator
(88) X-MS-Exchange-Organization-MessageDirectionality
(89) X-MS-Exchange-Organization-AuthSource
(90) X-MS-Exchange-Organization-AuthAs
(91) X-MS-Exchange-Organization-AuthMechanism
(92) X-MS-Exchange-Organization-Network-Message-Id
(93) X-MS-Exchange-Organization-ExpirationStartTime
(94) X-MS-Exchange-Organization-ExpirationInterval
(95) X-MS-Exchange-Organization-ExpirationIntervalReason
(96) X-MS-Exchange-Organization-ExpirationStartTimeReason
(97) X-MS-Exchange-Organization-ExpirationIntervalReason
(98) X-MS-Office365-Filtering-Correlation-Id
(99) X-MS-Office365-Filtering-HT
Native formats; metadata, in general

The disclosed files are mostly text PDFs and some image PDFs. I ask that you:

13. Determine that the native files of all emails are public records; and
14. Determine that the metadata in all emails is a public part of a record.

It is your responsibility to determine if “any part” of the record is public - surely there is some metadata that is non-exempt and public. Some examples will be illustrated below. Before denying #14, please explicitly consider the various examples above which illustrate why the security justifications City agencies have given do not in fact cover all metadata/headers.

Furthermore, merely because I have not identified a part of a record above does not mean it is not a public part of a record that it is your responsibility to identify. Most members of the public would not be able to perform a technical analysis of disclosed records, and neither they nor I should have to do so in order to force the City to follow its own laws.

Sincerely,

Anonymous
Sent via email (79999-25916958@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your September 10, 2019 request to the Fine Arts Museums of San Francisco ("FAMSF") for the following:

1. all legal/contractual relationships between your agency (or the City as a whole) and Corporation of the Fine Arts Museums of San Francisco (COFAM)
2. all legal/contractual relationships between your agency (or the City as a whole) and Fine Arts Museums Foundation (FAMF)
3. all records of how city employees use IT systems owned or operated by FAMF and/or COFAM
4. all records of how city employees retain records owned, used, or prepared by the city agency, but stored on IT systems owned or operated by FAMF and/or COFAM

We understand that FAMSF responded to these requests, and that it withheld one record on the basis of an exemption.

Under the Sunshine Ordinance, it is the responsibility of the Supervisor of Records to determine whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – in the words of the Ordinance, to determine “whether the record requested, or any part of the record requested, is public.” Admin. Code § 67.21(d). That is the extent of our jurisdiction.

First, you request that we determine that records on FAMF or COFAM systems concerning the public’s business are public records. There is no indication that FAMSF withheld records on FAMF or COFAM systems in response to your request, and we decline to opine on the hypothetical situation that you posit.

Second, you request that we determine that all records responsive to Items 1, 2, and 4 of your request are public records. We understand that FAMSF withheld only one record responsive to these requests – an agreement between FAMSF and COFAM responsive to Item 1. FAMSF indicated that it withheld this document based on the attorney-client privilege under Section 6254(k) of the Government Code and on the basis of privacy under Section 6254(c) of the Government Code.
The agreement at issue is a common interest agreement between FAMSF and COFAM concerning potential litigation. Under the “common interest” doctrine, a privileged communication (or attorney work product document) may be shared with a third party without resulting in a waiver of attorney-client privilege (or attorney work product protection). Oxy Resources California LLC v. Superior Court, 115 Cal. App. 4th 874, 888-90 (2004). A communication may qualify under this doctrine if (1) the disclosure of the communication from one party to another relates to a common interest of the attorneys’ respective clients; (2) the disclosing attorney has a reasonable expectation that the other attorney will preserve confidentiality; and (3) the disclosure is reasonably necessary for the accomplishment of the purpose for which the disclosing attorney was consulted. Meza v. H. Muehlstein & Co., Inc., 176 Cal. App. 4th 969, 981 (2009).

A common interest agreement itself is covered by this doctrine, because the agreement is a communication between the respective parties and their attorneys protected by attorney-client privilege. The agreement itself also relates to the parties’ common interest in defending against potential litigation, there is a reasonable expectation that the agreement would remain confidential, and the agreement is reasonably necessary to carry out the purposes for which the attorneys were retained and consulted. Thus, we determine that FAMSF properly withheld the common interest agreement at issue. See Gov’t Code §§ 6254(k), 6276; Evid. Code § 954.

Moreover, to the extent the document mentioned a particular employee, FAMSF properly declined on privacy grounds to disclose the employee’s identity. See Gov’t Code § 6254(c).

Finally, you request a determination that FAMSF has violated Sections 67.29-6 and 67.29-7(c) of the Sunshine Ordinance. Section 67.29-6 places certain obligations on departments concerning sources of outside funding, and Section 67.29-7(c) concerns records created under certain contracts. Whether FAMSF has complied with these sections of the Ordinance is beyond the scope of our jurisdiction.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Fine Arts Museums Of San Francisco  
PRA Office  
de Young Museum  
50 Hagiwara Tea Garden Drive  
San Francisco, CA 94118

September 12, 2019

This is a follow up to a previous request:

Good Morning Supervisor of Records,

You may disregard the petition #79999 sent late last night from this email address (79999-SupervisorPetition-20190912-b.pdf), and replace it with the attached amended one (79999-SupervisorPetition-20190912-rev2.pdf).

Thanks,
Anonymous

Filed via MuckRock.com  
E-mail (Preferred): 79999-25916958@requests.muckrock.com  
Upload documents directly:  
https://accounts.muckrock.com/accounts/login/?url_auth_token=AABjtFY0jqPWZbJGNXgeHwE5xqs%3Al1i8Rs4%3AHQJaMYHYC36yZk_Ospwap3Y85I&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3D%2Fagency_login%3Femail%3Dsupervisor.records%40sfcityatty.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):  
MuckRock News  
DEPT MR 79999  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
On Sept. 12, 2019:

Supervisor of Records,

Attached is a new SFAC 67.21(d) petition against FAMSF.

Thanks,
Anonymous

---

On Sept. 12, 2019:

** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

I have seen the various numerous arguments your agency has had with Mr. Smith before the SOTF. I have no idea why the relationship between a city agency and COFAM and FAMF is simultaneously so interlocked/complex but also completely non-transparent, and I will be taking a fresh look at forcing the city to legally turn over all public records associated with this relationship, no matter where they are, whether at the Task Force or in Superior Court.

Keep in mind you must turn over all documents prepared, owned, used, OR retained by your agency. So if the City ever prepared or used the records, you must turn them over whether or not they are owned or retained by your agency (as it appears you seem to believe FAMF/COFAM own or retain them instead of you). City of San Jose vs Superior Court (2017) is very clear that individual employees cannot shield records from disclosure by putting them on private property; there is no way that entire corporations can shield public records from disclosure by putting them on private property.

This is a further IMMEDIATE DISCLOSURE REQUEST from FAMSF, from FAMF, and from COFAM:
1. full employee directory with name, title, and email of all FAMSF employees
2. full employee directory with name, title, and email of all FAMF employees
3. full employee directory with name, title, and email of all COFAM employees
4. full officer/board/trustees directory with name, title, and email of all FAMSF officers/board/trustees
5. full officer/board/trustees directory with name, title, and email of all FAMF officers/board/trustees
6. full officer/board/trustees directory with name, title, and email of all COFAM officers/board/trustees

If any FAMSF city employee possesses any of the records about FAMF or COFAM employees/officers you must turn them over.
The relevant question is NOT what the content or topic of the records is - the only issue is whether the City prepared, owned, used, or retained the records. If any City employee has used any of this information you must turn it over.

Thanks,
Anonymous
On Sept. 11, 2019:
Subject: Re: California Public Records Act Request: Immediate Disclosure Request - FAMSF/COFAM/FAMF Relationship
Dear Sir/Madam,

Your request was interpreted to capture current, legal agreements. However, I am attaching a 2002 agreement between CCSF, through the FAMSF Board of Trustees, and FAMF, which is no longer effective.

Thank you,
On behalf of FAMSF,
Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.750.3690
e mpowers@famsf.org | famsf.org

---

On Sept. 11, 2019:

** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

I want to be certain I understand your response. The entirety of ALL contracts between the City agency and COFAM or FAMF is a 1-page memorandum of understanding with no detail whatsoever? There are literally no other legal agreements?

---

On Sept. 11, 2019:
Subject: Re: California Public Records Act Request: Immediate Disclosure Request - FAMSF/COFAM/FAMF Relationship
Dear Sir/Madam,

The Fine Arts Museums of San Francisco received your Immediate Disclosure Request, dated September 7, 2019, on September 10, 2019. You have requested the following records:

"Pursuant to the Sunshine Ordinance and CPRA, I hereby request the following records as 6 Immediate Disclosure Requests from your agency, from COFAM, and from FAMF:

1. All legal/contractual relationships between your agency (or the City as a whole) and Corporation of the Fine Arts Museums of San Francisco (COFAM)
2. All legal/contractual relationships between your agency (or the City as a whole) and Fine Arts Museums Foundation (FAMF)
3. All records of how city employees use IT systems owned or operated by FAMF and/or COFAM
4. All records of how city employees retain records owned, used, or prepared by the city agency, but stored on IT systems owned or operated by FAMF and/or COFAM
5. The last 10 emails from, and the last 10 emails to, Diane B. Wilsey, President, on their official AND personal email (under City of San Jose v Superior Court (2017)) re: the public's business
6. The last 10 emails from, and the last 10 emails to, Belva Davis, Vice President, on their official AND personal email (under City of San Jose v Superior Court (2017)) re: the public's business”

On behalf of the City Department, the Fine Arts Museums of San Francisco (FAMSF), please find attached the document responsive to request 1 and 2 (FAMSF Board Resolution of January 2018). The FAMSF does not have records responsive to requests 3 and 4.

As for records request 5 and 6, although you labeled your requests as an Immediate Disclosure Request, it is not “simple, routine, or otherwise readily answerable,” as is required by San Francisco Administrative Code Section 67.25(a). For this reason, FAMSF is treating your IDR as a standard public records request, subject to the normally applicable 10 days response time, with a possible extension. Accordingly, FAMSF will be in touch with you regarding these records no later than September 20, 2019. However, FAMSF will endeavor to fulfill your request as soon as possible.

Thank you,

On behalf of FAMSF,
Melissa Powers
Manager of Board Relations and Special Projects

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To Whom It May Concern:

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We remind you of your obligations to provide electronic records in any format we request them in, as long that format is available to you OR easy to generate (Admin Code 67.21(l)). Therefore, emails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

If you choose to convert documents, for example, to PDF or printed format (even though we have specifically requested .eml or .msg formats), to easily redact them, you must still ensure that you have preserved the full content of the original conversation record, which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc.

If you send PDFs, please use only text/search PDFs, not images.

If on the City Attorney's advice or for other reasons, you redact portions of the metadata/headers, please specifically justify each such redaction with a legal citation (statute, ordinance, or case law).

If you provide PDFs or printed conversations or give us only a few of the headers or exclude attachments/images, and therefore withhold the other headers/attachments without proper justification, you may be in violation of SF Admin Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision in court, before the Supervisor of Records, and/or the Sunshine Ordinance Task Force. I have various cases proceeding before the SOTF and Sup. of Records, and intend to vigourously enforce the public's right to record disclosure.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required (free) notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Remember you must inform us whether there are are no responsive records, some fully disclosed records, some fully withheld records, or some partially disclosed/partially withheld/redacted records for each of the individual requests.

Sincerely,

Anonymous
For mailed responses, please address (see note):
MuckRock News
DEPT MR 79999
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
RE: SF Sunshine Ordinance petition against FAMSF- #79999– Rev. 2

To the Supervisor of Records of the City and County of San Francisco:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

This is a new, amended petition under SF Admin Code (SFAC) 67.21(d) for a written determination that records are public, regarding a Sept. 10 IDR to FAMSF, requests 1 through 4 of Exhibit A, attached. (We may complain about Sept. 10 requests 5 and 6 and the Sept. 12 requests at another time.). The requests and complaints arise out of the complex, but completely non-transparent, relationship between city agency Fine Arts Museums of San Francisco (FAMSF) and private non-profits Corporation of the Fine Arts Museums (COFAM) and Fine Arts Museums Foundation (FAMF). My request was very clear to include records “from your agency, from COFAM, and from FAMF”. FAMSF is a “local agency” under the CPRA.

The relationship between the entities is described as follows in their “Report of Independent Auditors”:

COFAM is a nonprofit public benefit corporation formed in 1987 that operates most of the activities at the Fine Arts Museums of San Francisco. The COFAM Board of Trustees consists of the combined Boards of Fine Arts Museums of San Francisco (FAMSF) and FAMF.

FAMF is a nonprofit public benefit corporation formed in 1963 that manages the Museums’ endowment, certain programs, and art acquisition funds, as well as tax-exempt bonds (and related investments) issued for the new de Young building project, which opened in 2005. The FAMF Board of Trustees (“Board”) is self-perpetuating.

The Fine Arts Museums of San Francisco consist of the de Young Museum and the Legion of Honor, and are governed by a self-perpetuating Board. The Museums collect, conserve, display, and interpret fine arts of all periods. The City and County of San Francisco.

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1https://www.famsf.org/sites/default/files/famsf_combined_fs_06-18_-_issued_12-14-18_0.pdf
Francisco (City) owns the land and buildings in which the Museums operate and most of the collections, and provides partial operating support through an in-kind contribution for their care and maintenance. COFAM and FAMF have rent-free use of the Museums, which must be operated for the benefit of the public.

In 2002, COFAM and FAMF agreed with the City to raise private funds, issue bonds, design and construct the new de Young Museum building and, consistent with the requirement that the City hold title to buildings on City property, donate the completed building to the City. COFAM and FAMF are co-obligors on the bonds. In April 2018, all outstanding bonds were redeemed at par by FAMF.

I have numbered the determinations that I request #1 through #4 and they are set off from the text for your convenience. I ask that you carefully consider whether any part of the records so far withheld from us are public.

Public records on private entity systems

Records stored by FAMSF on private FAMF or COFAM systems are public under the principles declared by the Supreme Court in City of San Jose v Superior Court (2017) regarding individual employees’ private property holding public records. The fact that two large corporations working on behalf of the City (and existing solely to work on behalf of the City) are keeping records on their private property is no less an effective way to evade public records laws than individual employees doing so, especially given the fact that the Boards of the various organizations are, by contract, law, or bylaw, interlocking. The question is whether FAMSF/City prepared, owned, used or retained those documents – I argue that in various cases City employees (and thus FAMSF) are either preparing or using the records, even if they are not retaining or owning those records. Furthermore, an agent of FAMSF represented at a public SOTF hearing on Sept. 4 that the City agency uses domains, email and document servers, owned and operated by these private entities (see https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=95&clip_id=33934, audio discussion starting at 4hr 15min 01sec.).

The use of COFAM or FAMF servers to shield records from public disclosure would also violate Gov Code 6253.3: “A state or local agency may not allow another party to control the disclosure of information that is otherwise subject to disclosure pursuant to this chapter.” and/or Gov Code 6270(a): “Notwithstanding any other provision of law, no state or local agency shall sell, exchange, furnish, or otherwise provide a public record subject to disclosure pursuant to this chapter to a private entity in a manner that prevents a state or local agency from providing the record directly pursuant to this chapter. ...”

If FAMSF has chosen to commingle its records, funds, employees or otherwise with COFAM or FAMF, that is further evidence that all such records must be public.

I ask that you:

1. Determine that all records stored on FAMF or COFAM systems about the public’s business are public records, and FAMSF must disclose them.
RE: SF Sunshine Ordinance petition against FAMSF - ref #79999

Records improperly withheld

I asked for “all legal/contractual relationships” between FAMSF/City and FAMF/COFAM. I was provided a single one page MOU with no details and a defunct old lease which no longer is in effect. It stretches credulity to believe that there is one page MOU and that is it. Gov Code 6253.31 states “Notwithstanding any contract term to the contrary, a contract entered into by a state or local agency subject to this chapter, including the University of California, that requires a private entity to review, audit, or report on any aspect of that agency shall be public to the extent the contract is otherwise subject to disclosure under this chapter.” – therefore all such contracts are public.

2. Determine that all such legal agreements are public records, and FAMSF must disclose them.

If that MOU is all there is, then I also allege FAMSF is violating SFAC 67.29-6 which states “When such funds are provided or managed by an entity, and not an individual, that entity must agree in writing to abide by this ordinance.” The MOU fails to require FAMF or COFAM to abide by the entire Sunshine Ordinance. I have heard rumors that ‘ordinance’ here is being interpreted by the City to mean Section 67.29-6, and not the Sunshine Ordinance — that is an absurd rule of statutory interpretation; the word used would be ‘section’ if that were the case. FAMSF would also be violating SFAC 67.29-7(c): “In any contract, agreement or permit between the City and any outside entity that authorizes that entity to demand any funds or fees from citizens, the City shall ensure that accurate records of each transaction are maintained in a professional and businesslike manner and are available to the public as public records under the provisions of this ordinance.”

3. Determine that FAMSF is in violation of SFAC 67.29-6 and SFAC 67.29-7(c).

I asked for records regarding FAMSF/City employees using IT systems run by FAMF/COFAM. No records were provided. As above, an agent of FAMSF represented at a public SOTF hearing on Sept. 4 that the City agency uses domains, email and document servers, owned and operated by these private entities (see https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=95&clip_id=33934, audio discussion starting at 4hr 15min 01sec.). These records must exist.

4. Determine that all records regarding FAMSF/City employees using IT systems run by FAMF/COFAM are public records, and FAMSF must disclose them.

Request for relief

There is no mootness provision in the Sunshine Ordinance: “The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public.” (SFAC 67.21(d), emphasis mine). Even if FAMSF supplements its responses, I would still like, and believe I am owed under the law, this written determination. You are historically very clear when you deny my petitions, and I am hoping you are equally clear when you grant my petitions, even in part, when you determine that any part of a withheld record is public.
Furthermore, if you determine that any records or parts thereof are public, you have a non-discretionary duty to immediately order their disclosure.\(^2\) I do not wish to negotiate further with FAMSF—please issue all appropriate orders, and provide me a copy along with the written determination. Of course, if by the time the petition is responded to, you have encouraged the Mayor to turn over supplemental disclosures, perhaps no order will be necessary. However, any purported mootness of an order does not also allow you to not provide your written determination.

Note that (in addition to the numerous other remedies available to me under SFAC 67.21(e), 67.35(a), and the CPRA) SFAC 67.35(d) also allows me to institute court proceedings “if enforcement action is not taken by a city or state official 40 days after a complaint is filed” and I believe the Supervisor of Records’ failure to provide all appropriate written determinations and orders required by the Sunshine Ordinance would be such a lack of enforcement action.

Your duty to grant, even in part, petitions is crucial to your role as impartial Supervisor of Records, a role your office’s Mr. Coté has stated you take very seriously; the next time the public wants this same class of records or part of records they should be able to avoid the months long appeals process and point to your prior determinations, which thus can help build some “case law” in these matters.

Furthermore, merely because I have not identified a part of a record above does not mean it is not a public part of a record that it is your responsibility to identify. It is possible FAMSF will inform you of other responsive records that I have not even been made aware of.

Sincerely,

Anonymous

\(^2\)“Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person’s request.” (SFAC 67.21(d), emphasis mine)
EXHIBIT A
To Whom It May Concern:

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Thank you for your message. 
I am on a leave of absence until further notice. 
For acquisitions related matters, please contact Lexi Paulson 
at l paulson@famsf.org (mailto:l paulson@famsf.org) 
For board of trustee related matters, please contact Melissa Powers 
at m powers@famsf.org (mailto:m powers@famsf.org)

Kind regards, 
Skot Jonz  
Executive Assistant and Project Assistant  
Fine Arts Museums of San Francisco  
San Francisco, CA 94118  
p 415.750.2635

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Skot Jonz  
Executive Assistant and Project Assistant  
Fine Arts Museums of San Francisco  
de Young | Legion of Honor  
Golden Gate Park | 50 Hagiwara Tea Garden Drive  
San Francisco, CA 94118  
p 415.750.2635 | sjonz@famsf.org (mailto: sjonz@famsf.org) famsf.org (http://famsf.org)

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Sincerely,

Anonymous

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From: Fine Arts Museums Of San Francisco  
09/11/2019

Subject: Re: California Public Records Act Request: Immediate Disclosure Request - FAMSF/COFAM/FAMF ...

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Thank you,

On behalf of FAMSF,
Melissa Powers
Manager of Board Relations and Special Projects

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FAMSF Board Resolution (1.25.18)

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I want to be certain I understand your response. The entirety of ALL contracts between the City agency and COFAM or FAMF is a 1-page memorandum of understanding with no detail whatsoever? There are literally no other legal agreements?
Dear Sir/Madam,
Your request was interpreted to capture current, legal agreements.
However, I am attaching a 2002 agreement between CCSF, through the FAMSF Board of Trustees, and FAMF, which is no longer effective.

Thank you,
On behalf of FAMSF,
Melissa Powers
Manager of Board Relations and Special Projects

Fine Arts Museums of San Francisco
de Young
Legion of Honor

Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
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Facilities Ground Lease - 2002
Download

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From: Anonymous Person
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - FAMSF/COFAM/FAMF ...

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I have seen the various numerous arguments your agency has had with Mr. Smith before the SOTF. I have no idea why the relationship between a city agency and COFAM and FAMF is simultaneously so interlocked/complex but also completely non-transparent, and I will be taking a fresh look at forcing the city to legally turn over all public records associated with this relationship, no matter where they are, whether at the Task Force or in Superior Court.

Keep in mind you must turn over all documents prepared, owned, used, or retained by your agency. So if the City ever prepared or used the records, you must turn them over whether or not they are owned or retained by your agency (as it appears you seem to believe FAMF/COFAM own or retain them instead of you). City of San Jose vs Superior Court (2017) is very clear that individual employees cannot shield records from disclosure by putting them on private property; there is no way that entire corporations can shield public records from disclosure by putting them on private property.

This is a further IMMEDIATE DISCLOSURE REQUEST from FAMSF, from FAMF, and from COFAM:
1. full employee directory with name, title, and email of all FAMSF employees
2. full employee directory with name, title, and email of all FAMF employees
3. full employee directory with name, title, and email of all COFAM employees
4. full officer/board/trustees directory with name, title, and email of all FAMSF officers/board/trustees
5. full officer/board/trustees directory with name, title, and email of all FAMF officers/board/trustees
6. Full officer/board/trustees directory with name, title, and email of all FAMF officers/board/trustees

If any FAMSF city employee possesses any of the records about FAMF or COFAM employees/officers you must turn them over.
The relevant question is NOT what the content or topic of the records is - the only issue is whether the City prepared, owned, used, or retained the records. If any City employee has used any of this information you must turn it over.

Thanks,
Anonymous
EXHIBIT B
Establish and Document a Memorandum of Understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, Listing the Roles and Responsibilities of Each Organization

WHEREAS, The City Services Auditor Division in October 2016 recommended to “establish and document a memorandum of understanding between the Fine Arts Museums of San Francisco, the Corporation of the Fine Arts Museums, and the Fine Arts Museums Foundation, listing the roles and responsibilities of each organization”.

RESOLVED, That the board of trustees of the Fine Arts Museums of San Francisco (FAMSF) adopts the attached memorandum of understanding between the Fine Arts Museums of San Francisco (FAMSF), the Corporation of the Fine Arts Museums (COFAM), and the Fine Arts Museums Foundation (FAMF), listing the roles and responsibilities of each organization.

Memorandum of Understanding

The Fine Arts Museums of San Francisco (FAMSF) is a charitable trust department of the City and County of San Francisco (City) consisting of the de Young Museum and the Legion of Honor (the Fine Arts Museums or Museums), governed by a self-perpetuating board of trustees. In accordance with Section 5.105 of the City Charter:

“The Board is responsible for the protection and conservation of the assets of the Fine Arts Museums and for setting the public course the Museums will follow. The Board shall assure that the Museums are open, accessible and vital contributors to the cultural life of the City and County, and that the Museums’ programs bring art appreciation and education to all the people of the City and County. The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums’ support.”

The City owns the land and buildings in which the Museums operate, and most of the collections, and provides partial operating support through an annual appropriation for their care and maintenance. The annual appropriation is approved through City’s annual budget process.

The Fine Arts Museums Foundation (FAMF) is a nonprofit public benefit corporation formed in 1963 that manages the Museums’ endowment and art acquisition funds, as well as tax-exempt bonds (and related investments) issued for the new de Young Museum building, which opened in 2005. The FAMF board of trustees is also self-perpetuating.

The Corporation of the Fine Arts Museums (COFAM) is a nonprofit public benefit corporation formed in 1987 responsible to operate the Museums and to raise and maintain funds for the museums’ support. The COFAM bylaws prescribe that the board of trustees consists of the combined Boards of FAMSF and FAMF, and others as designated by the FAMSF board of trustees. The COFAM board of trustees shall approve and monitor an annual budget sufficient to meet the needs of the Museums, as supplemented by the City annual appropriation and supported by funding distributions of FAMF.

Approved by:
Fine Arts Museums of San Francisco
Corporation of the Fine Arts Museums
Fine Arts Museums Foundation
Fine Arts Museums Of San Francisco  
PRA Office  
de Young Museum  
50 Hagiwara Tea Garden Drive  
San Francisco, CA 94118  

September 23, 2019  

This is a follow up to a previous request:  
Supervisor of Records,  

Attached is a further petition re: FAMSF (I sent you a FAMSF petition " #79999– Rev. 2" on Sept. 12, and it remains pending).  
It is much smaller in scope than the others -- for exactly one contract between the city and COFAM, being withheld in entirety for privacy reasons.  

Sincerely,  
Anonymous  
Filed via MuckRock.com  
E-mail (Preferred): 79999-25916958@requests.muckrock.com  

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.  
For mailed responses, please address (see note):  
MuckRock News  
DEPT MR 79999  
411A Highland Ave  
Somerville, MA 02144-2516  

---  
On Sept. 23, 2019  
Subject: Request for Information  
Dear Sir/Ma’am,  

Regarding your Request #13, pursuant to California Government Code Section 6253(c), FAMSF is invoking an extension of up to 14 days (until October 7) because of the voluminous nature of the request.  

Regarding your Request #16, pursuant to California Government Code Section 6253(c), FAMSF is invoking an extension of up to 14 days (until October 7) because of the need to consult with another department.  

In addition, it has come to my attention, regarding your Request #1 for all contracts between FAMSF (or the City as a whole) and COFAM, that there is one additional responsive document. However, that document is being withheld due to privacy concerns. Cal. Const. Art. 1 § 1; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin Code Chapter 12M.2.  

Thank you,  
On behalf of FAMSF,  
Melissa Powers  
Manager of Board Relations and Special Projects  
Fine Arts Museums of San Francisco  
de Young  
Legion of Honor  
Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118  
p 415.750.3690  
e mpowers@famsf.org | famsf.org  

---  
On Sept. 20, 2019  
Thank you for the additional documents and for noting redaction justifications with particularity in them. However, even the most basic metadata is missing from these records. You may follow-along with how the full SOTF rules on electronic metadata on Oct. 2. We will be petitioning that information as well – please do not destroy it.  

Finally, again, please meet the full 67.21(c) requirement - what is the quantity of records for #18? How many emails were there?  
Have a good weekend,  
Anonymous  
---  
On Sept. 20, 2019  
Subject: Request for Information  
Sir/Ma’am,  

Please find documents responsive to requests 5 and 6. Redactions were made on the basis of privacy. Authority: Cal. Const. Art. 1 § 1; Cal. Govt. Code § 6254(c); San Francisco Admin Code § 67.1(g); San Francisco Admin Code Chapter 12M.2.
Remember you must inform us whether there are are no responsive records, some fully disclosed records, some fully withheld records, or some partially disclosed/partially withheld/redacted records are available and non-exempt for inspection in-person if we so choose.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required (free) notice of which of those disclosure.

Records, and/or the Sunshine Ordinance Task Force. I have various cases proceeding before the SOTF and Sup. of Records, and intend to vigourously enforce the public's right to record justification, you may be in violation of SF Admin Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision in court, before the Supervisor of

Therefore, emails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

We remind you of your obligations to provide electronic records in any format we request them in, as long that format is available to you OR easy to generate (Admin Code 67.21(l)).

Pursuant to the Sunshine Ordinance and CPRA, I hereby request the following records as 6 Immediate Discloure Requests from your agency, from COFAM, and from FAMF:

1. all legal/contractual relationships between your agency (or the City as a whole) and Corporation of the Fine Arts Museums of San Francisco (COFAM)
2. all legal/contractual relationships between your agency (or the City as a whole) and Fine Arts Museums Foundation (FAMF)
3. all records of how city employees use IT systems owned or operated by FAMF and/or COFAM
4. all records of how city employees retain records owned, used, or prepared by the city agency, but stored on IT systems owned or operated by FAMF and/or COFAM
5. the last 10 emails from , and the last 10 emails to, Diane B. Wilsey, President, on their official AND personal email (under City of San Jose v Superior Court (2017)) re: the public's business
6. the last 10 emails from , and the last 10 emails to, Belva Davis, Vice President, on their official AND personal email (under City of San Jose v Superior Court (2017)) re: the public's business

To Whom It May Concern:

** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

In response to your request under 67.21(c):

Requests 7-12: 67.21(c) was satisfied on September 13.
Request 13: FAMSF has responsive records in the form of emails and attachments, to Mr. Smith and emails from Mr. Smith. Please provide a mailing address so FAMSF can send you a thumbdrive containing responsive material (in the thousands).
Requests 14-15: FAMSF does not have responsive records
Request 16: FAMSF has responsive records in the form of emails.
Requests 17: FAMSF does not have responsive records
Request 18: FAMSF is withholding records based on attorney/client privilege.
Requests 19-20: FAMSF does not have responsive records
Request 21: 67.21(c) was satisfied on September 13.
Requests 22-23: FAMSF does not have responsive records
Request 24: 67.21(c) was satisfied on September 13
Request 25-26: FAMSF does not have responsive records

Thank you,
On behalf of FAMSF,
Melissa Powers
Manager of Board Relations and Special Projects
Fine Arts Museums of San Francisco
de Young
Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.755.3690
 e mpowers@famsf.org | famsf.org

---

On Sept. 7, 2019:
Subject: California Public Records Act Request: Immediate Disclosure Request - FAMSF/COFAM/FAMF Relationship
To Whom It May Concern:

Pursuant to the Sunshine Ordinance and CPRA, I hereby request the following records as 6 Immediate Disclosure Requests from your agency, from COFAM, and from FAMF:

1. all legal/contractual relationships between your agency (or the City as a whole) and Corporation of the Fine Arts Museums of San Francisco (COFAM)
2. all legal/contractual relationships between your agency (or the City as a whole) and Fine Arts Museums Foundation (FAMF)
3. all records of how city employees use IT systems owned or operated by FAMF and/or COFAM
4. all records of how city employees retain records owned, used, or prepared by the city agency, but stored on IT systems owned or operated by FAMF and/or COFAM
5. the last 10 emails from , and the last 10 emails to, Diane B. Wilsey, President, on their official AND personal email (under City of San Jose v Superior Court (2017)) re: the public's business
6. the last 10 emails from , and the last 10 emails to, Belva Davis, Vice President, on their official AND personal email (under City of San Jose v Superior Court (2017)) re: the public's business

We remind you of your obligations to provide electronic records in any format we request them in, as long that format is available to you OR easy to generate (Admin Code 67.21(l)). Therefore, emails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

If you choose to convert documents, for example, to PDF or printed format (even though we have specifically requested .eml or .msg formats), to easily redact them, you must still ensure that you have preserved the full content of the original conversation record, which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc.

In response to your request under 67.21(c):

Requests 7-12: 67.21(c) was satisfied on September 13.
Request 13: FAMSF has responsive records in the form of emails and attachments, to Mr. Smith and emails from Mr. Smith. Please provide a mailing address so FAMSF can send you a thumbdrive containing responsive material (in the thousands).
Requests 14-15: FAMSF does not have responsive records
Request 16: FAMSF has responsive records in the form of emails.
Requests 17: FAMSF does not have responsive records
Request 18: FAMSF is withholding records based on attorney/client privilege.
Requests 19-20: FAMSF does not have responsive records
Request 21: 67.21(c) was satisfied on September 13.
Requests 22-23: FAMSF does not have responsive records
Request 24: 67.21(c) was satisfied on September 13
Request 25-26: FAMSF does not have responsive records

Thank you,
On behalf of FAMSF,
Melissa Powers
Manager of Board Relations and Special Projects
Fine Arts Museums of San Francisco
de Young
Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.755.3690
 e mpowers@famsf.org | famsf.org

---

On Sept. 19, 2019:
This is not a conforming response under 67.21c

> Request 18: FAMSF is withholding records based on attorney/client privilege.

On Sept. 19, 2019:
Subject: Public Information Request
Sir/Madam,

In response to your request under 67.21(c):

Requests 7-12: 67.21(c) was satisfied on September 13.
Request 13: FAMSF has responsive records in the form of emails and attachments, to Mr. Smith and emails from Mr. Smith. Please provide a mailing address so FAMSF can send you a thumbdrive containing responsive material (in the thousands).
Requests 14-15: FAMSF does not have responsive records
Request 16: FAMSF has responsive records in the form of emails.
Requests 17: FAMSF does not have responsive records
Request 18: FAMSF is withholding records based on attorney/client privilege.
Requests 19-20: FAMSF does not have responsive records
Request 21: 67.21(c) was satisfied on September 13.
Requests 22-23: FAMSF does not have responsive records
Request 24: 67.21(c) was satisfied on September 13
Request 25-26: FAMSF does not have responsive records

Thank you,
On behalf of FAMSF,
Melissa Powers
Manager of Board Relations and Special Projects
Fine Arts Museums of San Francisco
de Young
Legion of Honor
Golden Gate Park | 50 Hagiwara Tea Garden Drive | San Francisco, CA 94118
p 415.755.3690
 e mpowers@famsf.org | famsf.org

---

On Sept. 19, 2019:
This is not a conforming response under 67.21c

> Request 18: FAMSF is withholding records based on attorney/client privilege.

---
records for each of the individual requests.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred) 79999-25916958@requests.muckrock.com
Upload documents directly: https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%3Fnext%3D%252Faccounts%252Fagency_login%252Ffine-arts-museums-of-san-francisco-18604%252Fimmediate-disclosure-request-famsfamfamf-relationship-79999%252F%253Femail%253DsSupervisor.Records%252540sfcityatty.org&url_auth_token=AABjFY6jqP4ZbGKNXgEwE5xq%3A1%3CyO%3Azu16jkpmR4mA08FzNMfMYsiHfIPLY

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 79999
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
RE: SF Sunshine Ordinance petition against FAMSF- #79999-B

To the Supervisor of Records of the City and County of San Francisco:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

This is a new distinct petition under SF Admin Code (SFAC) 67.21(d) for a written determination that records are public. This petition is in addition to the petition sent on Sept. 12 re: FAMSF (#79999 rev 2), and they consider different issues. The Exhibits of that prior petition are incorporated herein; please consult them to see the wording of the request.

Records improperly withheld

I asked for “all legal/contractual relationships” between FAMSF/City and FAMF/COFAM. On Sept. 23, Ms. Powers of FAMSF stated:

In addition, it has come to my attention, regarding your Request #1 for all contracts between FAMSF (or the City as a whole) and COFAM, that there is one additional responsive document. However, that document is being withheld due to privacy concerns. Cal. Const. Art. 1 § 1; Cal. Govt. Code § 6254(c); San Francisco Admin. Code § 67.1(g); San Francisco Admin Code Chapter 12M.2.

How could a contract between a public agency and a non-profit corporation or trust be shielded by privacy? The document must be produced, and only the minimal private information redacted.

Request for relief

There is no mootness provision in the Sunshine Ordinance. Please issue a determination regarding this single record.

Sincerely,

Anonymous

Sent via email (72056-97339218@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your July 2, 2019 request to the San Francisco Police Department ("SFPD"), which is attached as an exhibit to your petition. The request sought emails and other forms of electronic communication such as text messages and chat files in original electronic format for a number of high-ranking SFPD employees. SFPD produced records in PDF format, applying redactions under Section 6254(f) of the Government Code concerning investigatory and security records, and Section 6254(c) of the Government Code regarding privacy.

Under the Sunshine Ordinance, it is the responsibility of the Supervisor of Records to determine whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so — in the words of the Ordinance, to determine "whether the record requested, or any part of the record requested, is public." Admin. Code § 67.21(d). That is the extent of our jurisdiction. We do not generally address other issues relating to a department's response to a public records request. As noted below, a number of the issues you have raised in your petition are beyond the jurisdiction of the Supervisor of Records. Our failure to address these issues does not in any instance imply a negative judgment regarding SFPD’s handling of your public records request.

We respond to the issues you have raised in your petition as follows:

1. Respondents violated SFAC 67.21(b) — The request was made via e-mail to SFPD on July 2, 2019. The initial responses were sent July 15, 2019. They were due July 12, 2019. Email trail is in Exhibit A.”

This issue is outside the scope of our jurisdiction.

2. Respondents violated SFAC 67.21(k), incorporating Gov Code 6253(c) — As of July 26 (24 days, with all extensions, after July 2), Respondents failed to 'determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor.' It is unclear whether as of filing this complaint Respondents have completed this
process, although they may have provided the determination finally on Sept. 3.”

This issue is outside the scope of our jurisdiction.

“3. Respondents violated SFAC 67.21(l) and/or Gov Code 6253.9(a); and must disclose the .eml or .msg, or original email records — The request asks for the records in their original format, or to use .eml or .msg format. .eml or .msg formats are ‘easily generated’ via simple file export by major brand email systems. Furthermore, Respondents were warned that, if contrary to our request, they would use PDFs, they should use searchable or text PDFs instead of image PDFs. Respondents do appear to have used searchable or text PDFs, but did not provide .eml, .msg, or the original format.”

For the reasons articulated in our response to another one of your petitions, attached hereto as Exhibit A, we find that SFPD did not improperly withhold native files or metadata.

“4. Respondents violated SFAC 67.21(k), incorporating Gov Code 6253(b); and must disclose exact (redacted) copies — Disclosed email records lack the original color, hyperlinks, images, metadata, email addresses, and other parts of records. In addition, at least in the case of Cmdr Daryl Fong, the actual emails requested were not disclosed. Instead Fong’s emails were forwarded first and those forwarded emails were disclosed instead. Forwarding an email creates a new email record, with completely different headers and metadata. I want Fong’s original emails, like many of the other custodians (partially) disclosed.”

We find that SFPD did not improperly withhold information. SFPD provided the records in PDF format, which we find to be reasonable and appropriate.

“5. Respondents violated SFAC 67.26; and must justify all redactions with footnote or clear reference — General redaction justifications are insufficient. They must be made with particularity pointing out which redactions match to which justifications.”

This issue is outside the scope of our jurisdiction. Regardless, we understand that SFPD has now identified for you the basis for each redaction.

“6. Respondents violated SFAC 67.27; and must justify its failure to provide original formats or .eml or .msg — No justification was provided.”

To the extent this allegation concerns SFPD’s purported failure to provide a justification for not providing original formats or .eml or .msg, this issue is outside the scope of our jurisdiction. To the extent this allegation challenges SFPD not providing original formats or .eml or .msg, for the reasons articulated in our response to another one of your petitions, attached hereto as Exhibit A, we find that SFPD did not improperly withhold native files.
Letter to Anonymous  
November 12, 2019  
Page 3

“7. Respondents violated SFAC 67.26 and 67.27; and must provide metadata, which are public parts of records, and/or justify its failure to provide metadata in general — No justification was provided. Respondents failed to even indicate that the metadata had in fact been withheld.”

To the extent this allegation concerns SFPD’s purported failure to provide a justification for not providing metadata, or purported failure to indicate that metadata had not been provided, the issues are outside the scope of our jurisdiction. To the extent this allegation challenges SFPD’s not providing metadata, for the reasons articulated in our response to another one of your petitions, attached hereto as Exhibit A, we find that SFPD did not improperly withhold native files or metadata.

“8. Respondents violated SFAC 67.26 and 67.27; and must provide city employee email addresses in the messages, which are public parts of records — Email addresses in the From/To/Cc/Bcc were withheld in at least the emails of Sutton, Tiffany (POL), Stevenson, David (POL), McEachern, Greg (POL), Francisco Da Costa, and others. No justification was provided. Respondents failed to indicate that the email addresses had in fact been withheld.”

To the extent this allegation concerns SFPD’s purported failure to justify not providing email addresses, the issue is outside the scope of our jurisdiction. To the extent this allegation challenges SFPD’s not providing email addresses, we find that SFPD did not improperly withhold information. SFPD provided the records requested in PDF format, which we find to be reasonable and appropriate. We understand that the way in which the City’s email system prints such records – and the way they appear on the screen – does not show the email addresses. You may of course request a directory of City email addresses if you so choose.

“9. Respondents violated SFAC 67.26 and 67.27; and must provide hyperlinks in the messages and attachments, which are public parts of records. Hyperlinks were withheld in at least the emails of Sutton, Tiffany (POL), McEachern, Greg (POL) and others and in the attachment of Chief Scott’s “Implementation Memo - Executive Directive to Support People of All Gender Identities” and others. No justification was provided. Respondents failed to indicate that the hyperlinks had in fact been withheld. By printing some messages and scanning them, the hyperlinks have been withheld.”

To the extent this allegation concerns SFPD’s purported failure to justify not providing hyperlinks, the issue is outside our jurisdiction. SFPD has stated that it produced web pages for the hyperlinks contained in its document production. To the extent SFPD missed any such links, SFPD is willing to provide you the web address or a PDF of the webpages that are not exempt from disclosure if you identify which links you are interested in seeing.

“10. Respondents violated SFAC 67.21(k), incorporating CPRA, as interpreted judicially in City of San Jose v Superior Court (2017); and must provide all records on personal accounts/devices that are “about the conduct of public business,” which are public records — Sgt. Andraychak requested custodians turn over only a subset of all records deemed public under City of San Jose v Superior Court (2017). Andraychak told custodians: “If you do not use your
personal email and/or mobile phone for work purposes, you would not have any responsive documents for items 2 and 3 below. ” and “IF you do not use any of these accounts for work related purposes, please reply to that effect.” That is not what the precedent requires; instead the Supreme Court held “when a city employee uses a personal account to communicate about the conduct of public business, the writings may be subject to disclosure under the California Public Records Act (CPRA or Act).” (emphasis mine) Communications about the conduct of public business is a wider universe of records than what Andraychak requested. Some custodians may not use their accounts for “work purposes” or “work related purposes” but may have still have communications “about the conduct of public business.” The custodians must be instructed to search for all such records, and provide a determination of whether or not such records exist, whether or not they are exempt. For example, a custodian may not personally use their phone for work purposes, but a coworker may still send to their personal phone a text message about the conduct of public business. Such recipient must still search for and disclose such record.”

This issue is outside our jurisdiction, as it concerns SFPD’s process for collecting records responsive to your request. Regardless, there is no reason to conclude, based on this allegation, that SFPD improperly withheld records relating to City business on SFPD employees’ personal accounts.

“11. Respondents violated SFAC 67.26 and 67.27; and must provide names of email headers in the messages, which are public parts of records — Email header names were withheld in all emails. No justification was provided. Respondents failed to indicate that the header names had in fact been withheld. Withholding header names is analogous to withholding the name of a form field “Social security number” instead of just redacting the SSN itself.”

To the extent this allegation concerns SFPD’s purported failure to justify not providing email header names, the issue is outside our jurisdiction. You similarly requested in other petitions that we determine whether some or part of the information in metadata headers must be disclosed. We declined to do so, and we stand by that determination. SFPD produced the records in PDF format and did not disclose the metadata headers, and we have already determined that this is a proper way to respond to the request. Moreover, the information contained in these fields is highly technical and without engaging in an analysis that exceeds the requirements of the Public Records Act, the information is not “reasonably segregable,” further supporting SFPD’s method of responding to the request. See Gov’t Code § 6253(a).

“12. Respondents violated SFAC 67.26 and 67.27; and must provide values of email headers in the messages, which are public parts of records — Email header values were withheld in all emails. No justification was provided. Respondents failed to indicate that the header values had in fact been withheld. I ask that you determine one or more of the following headers are public parts of records and order their disclosure: . . . .”

To the extent this allegation concerns SFPD’s purported failure to justify not providing email header values, the issue is outside our jurisdiction. You similarly requested in other
petitions that we determine whether some or part of the information in metadata headers must be disclosed. We declined to do so, and we stand by that determination. SFPD produced the records in PDF format and did not disclose the metadata headers, and we have already determined that this is a proper way to respond to the request. Moreover, the information contained in these fields is highly technical and without engaging in an analysis that exceeds the requirements of the Public Records Act, the information is not “reasonably seggregable,” further supporting SFPD’s method of responding to the request. See Gov’t Code § 6253(a).

"13. Respondents violated SFAC 67.26 and 67.27; and must provide the identity of the sender and recipient of each text message — While much of the metadata was provided, sender or recipient identities were withheld in all emails. No justification was provided. Respondents failed to indicate that the identities had in fact been withheld. I believe all the records are from official cell phones, and so there is no privacy issue. Even if official cell phone numbers may be exempt, the text message records would indicate the name of who sent or received each message. Metadata would also indicate whether each message was sent by the custodian, or received by the custodian, regardless of whether the identity is shown."

We do not understand the issue you have raised with respect to the electronic communications you have attached to your supplemental petition. You contend the identities of the sender and recipient of these messages have been withheld. But the top of each page indicates an SFPD officer or employee (e.g., “CDR_MTA_T_Ewings_x”, Commander Ewings), and at least some of the messages indicate a sender (e.g., Nancy Stockwell). If you are seeking some of these messages in some other format that will indicate the recipient or sender, we suggest you contact SFPD to follow up.

"14. Respondents violated SFAC 67.26; and must justify all text message redactions with footnote or clear reference — While some of the redactions cite law, others just say ex. ‘XXXX’.

To the extent this allegation concerns SFPD’s purported failure to provide a justification for every text message redaction, the issue is outside our jurisdiction. To the extent this allegation may challenge text message redactions, SFPD properly redacted the information you have identified above. The information redacted on pages 16, 17, and 22 is private information properly redacted under Section 6254(c) of the Government Code. The information on page 29 was properly redacted as relating to a law enforcement investigation under Section 6254(f).

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

September 13, 2019

This is a follow up to request number P008260-071519:

Supervisor of Records,

Since I sent the initial SFPD petition from this email, I have received responsive text messages as well. Attached is an amendment adding more requests to our earlier petition, or alternatively, an additional petition (depending on how you wish to handle it), for the information withheld in those text records. Regardless, the requests are in addition to, and do not replace this morning's petition.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76435-93915115@requests.muckrock.com
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 76435
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
---

On Sept. 13, 2019:
Subject: Re: California Public Records Act Request #P008260-071519
Please see the attached redacted Text Messages. Due to the volume and required redactions, you will received additional emails on a rolling basis for the other requested information.
Regards,
Officer Robert Rueca
---

On Sept. 13, 2019:
Subject: RE: California Public Records Act Request #P008260-071519
** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

Thank you Officer Rueca. Please note I requested a statement regarding the existence or non-existence of each of the records I requested (per SFAC 67.21(c) ).
---

On Sept. 13, 2019:
Subject: Re: California Public Records Act Request #P008260-071519
Attached are Text Messages per your request. More emails are to come to fulfill your request on a rolling basis due to the volume and required redaction.
Officer Robert Rueca
---

On Sept. 13, 2019:
Subject: RE: California Public Records Act Request #P008260-071519
Supervisor of Records,

Attached is a new 67.21(d) petition against SFPD (dated 9/12, but sent 9/13).

Thanks,
Anonymous
---

On Sept. 13, 2019:
Subject: RE: California Public Records Act Request #P008260-071519
Task Force,

Attached is a new complaint. Please create a file and send it and the respondant's response to me. I will also file your Google Form.

Respondent agency: SFPD
Alleged violations: SFAC 67.21, 67.26, 67.27, Gov Code 6253 and 6253.9

Complainant: Anonymous (76435-93915115@requests.muckrock.com)

Thanks,
Anonymous

---

On July 2, 2019:
Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)
RE: Email and Electronic Communications Audit

To Whom It May Concern:

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.

Similar requests were recently made of the Board of Supervisors, Clerk, and Mayor's Office. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.
I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director
D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example).

Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Facebook Messenger ]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Telegram]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Slack]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Google Hangouts]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Signal]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

F. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [SMS/MMS/text messages]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

H.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Telegram], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

J.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Slack], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

K.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Google Hangouts], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

K. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Signal], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

L. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses
Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76435-93915115@requests.muckrock.com
Upload documents directly:

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 76435
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
RE: SF Sunshine Ordinance petition against SFPD, ref 76435/P008260-071519

To the Supervisor of Records and Sunshine Ordinance Task Force:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

This amends my petition/complaint on Sept. 13 vs SFPD. If you do not accept amendments, please treat this as a new petition/complaint, which is in addition to, and does not replace, my initial letter.

Since my initial letter, Respondents (Officer Robert Rueca) have provided responsive text messages (Exhibit A). They were provided as tab-separated text files with certain metadata, and I converted them to PDF to include as an exhibit.

Each additional requested finding and determination is numbered below for your convenience.

13. Respondents violated SFAC 67.26 and 67.27; and must provide the identity of the sender and recipient of each text message — While much of the metadata was provided, sender or recipient identities were withheld in all emails. No justification was provided. Respondents failed to indicate that the identities had in fact been withheld. I believe all the records are from official cell phones, and so there is no privacy issue. Even if official cell phone numbers may be exempt, the text message records would indicate the name of who sent or received each message. Metadata would also indicate whether each message was sent by the custodian, or received by the custodian, regardless of whether the identity is shown.

14. Respondents violated SFAC 67.26; and must justify all text message redactions with footnote or clear reference — While some of the redactions cite law, others just say ex. "XXXX".

Sincerely,

Anonymous
EXHIBIT A

S: SOB Alert - Media Interest - 3RD & WILLIAMS  Current Time: 14:57:06  Notification Status: Update  SFPD - Incident Type: Media Interest  SFPD - Secondary Incident Type:  SFPD - District of Occurrence: Co. C -- Bayview Station  SFPD - Incident Location: 3RD & WILLIAMS  SFPD - CAD Number: 191932064  SFPD - Case Number: 190504584  Date of the Incident: 07-12-2019 at 13:37:00  SFPD - Preliminary Info:: VEHICLE VS MUNI LRV. 2 COMPLAINTS OF PAIN FROM OCCUPANTS INSIDE VEHICLE, 1 BEING A CHILD, POSSIBLY (6 YR OLD) WITH BROKEN ANKLE.  Additional Information: MUNI NOTIFIED INSPECTOR RESPONDING. 3-PARTIES ALL PASSENGERS INSIDE VEHICLE, TRANSPORTED TO SFGH, DRIVER, ADULT MALE COMPLAINT OF PAIN TO BACK, 10 YEARS OLD PASSENGER COMPLAINT OF ANKLE PAIN, 5 YEAR OLD PASSENGER TRANSPORTED FOR MEDICAL EVALUATION. PRELIMINARY REPORTS OF NO PASSENGERS ON LRV-INCORRECT. SEVERAL PARTIES NOW REPORTING THEY WERE ONBOARD MUNI AT TIME OF COLLISION. OFFICERS CONTINUING INVESTIGATION Investigative Unit(s) Notified: BAYVIEW  Invest. Unit(s) Responding: BAYVIEW  BOS - Supervisorial District: District 10  SFPD - Command Post Location:  SFPD - Safe Avenue of Approach:  Message Sender: Nancie Stockwell  To view any attachments or photos, please, check your email.  Reply with YES to confirm receipt.

S: Media Interest - 3RD & WILLIAMS  Current Time: 15:26:19  Notification Status: Update  SFPD - Incident Type: Media Interest  SFPD - Secondary Incident Type:  SFPD - District of Occurrence: Co. C -- Bayview Station  SFPD - Incident Location: 3RD & WILLIAMS  SFPD - CAD Number: 191932064  SFPD - Case Number: 190504584  Date of the Incident: 07-12-2019 at 13:37:00  SFPD - Preliminary Info:: VEHICLE VS MUNI LRV. 2 COMPLAINTS OF PAIN FROM OCCUPANTS INSIDE VEHICLE, 1 BEING A CHILD, POSSIBLY (6 YR OLD) WITH BROKEN ANKLE.
VEHICLE, 1 BEING A CHILD, POSSIBLY (6 YR OLD) WITH BROKEN ANKLE. Additional Information: MUNI NOTIFIED INSPECTOR RESPONDING. 3-PARTIES ALL PASSENGERS INSIDE VEH, TRANSPORTED TO SFGH, DRIVER, ADULT MALE COMPLAINT OF PAIN TO BACK, 10 YEARS OLD PASSENGER COMPLAINT OF ANKLE PAIN, 5 YEAR OLD PASSENGER TRANSPORTED FOR MEDICAL EVALUATION. PRELIMINARY REPORTS OF NO PASSAGERS ON LRV—INCORRECT. SEVERAL PARTIES NOW REPORTING THEY WERE ONBOARD MUNI AT TIME OF COLLISION. OFFICERS CONTINUING INVESTIGATION Investigative Unit(s) Notified: BAYVIEW Invest. Unit(s) Responding: BAYVIEW BOS - Supervisorial District: District 10 SFPD - Command Post Location: SFPD - Safe Avenue of Approach: UPDATED - Message Sender: Sgt. Michael Wibunsin To view any attachments or photos, please, check your email. Reply with YES to confirm receipt."

2861740466 6454484440 7/12/19 22:53 AT&T Message 0 S: Media Interest - 630 Sansome St Current Time: 15:52:51 Notification Status: New SFPD - Incident Type: Media Interest SFPD - Secondary Incident Type: SFPD - District of Occurrence: Co. A -- Central Station SFPD - Incident Location: 630 Sansome St SFPD - CAD Number: 191932282 SFPD - Case Number: 000000000 Date of the Incident: 07-12-2019 at 14:30:00 SFPD - Preliminary Info: Per Cad and radio traffic, approx. 60-80 people taking the entire street, blocking NB traffic on Sansome St and 400 block of Washington St. Refused to stay on sidewalk. One protester arrested by Federal Agents. Muni rerouting. Additional Information: Investigative Unit(s) Notified: N/A Invest. Unit(s) Responding: N/A SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Sgt. Michael Wibunsin To view any attachments or photos, please, check your email. Reply with YES to confirm receipt."

2861740466 6455075842 7/13/19 0:20 AT&T Message 0 S: Media Interest - 630 Sansome St Current Time: 17:20:01 Notification Status: Close SFPD - Incident Type: Media Interest SFPD - Secondary Incident Type: SFPD - District of Occurrence: Co. A -- Central Station SFPD - Incident Location: 630 Sansome St SFPD - CAD Number: 191932282 SFPD - Case Number: 000000000 Date of the Incident: 07-12-2019 at 14:30:00 SFPD - Preliminary Info: Update: 400 has ended. No other incident besides one protester cited and released by federal agent. Per Cad and radio traffic, approx. 60-80 people taking the entire street, blocking NB traffic on Sansome St and 400 block of Washington St. Refused to stay on sidewalk. One protester arrested by Federal Agents. Muni rerouting. Additional Information: Investigative Unit(s) Notified: N/A Invest. Unit(s) Responding: N/A UPDATED -BOS - Supervisorial District: District 3 SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Sgt. Michael Wibunsin To view any attachments or photos, please, check your email. Reply with YES
to confirm receipt.

2861740466 6457446849 7/14/19 9:22 AT&T Message 0

\"S: SOB Alert - Traffic Collision w/Critical Injuries or Fatal - LINCOLN WAY & 7TH AVE Current Time: 02:22:04 Notification Status: New SFPD - Incident Type: Traffic Collision w/Critical Injuries or Fatal SFPD - Secondary Incident Type: Traffic Collision w/Critical Injuries or Fatal SFPD - District of Occurrence: Co. F -- Park Station SFPD - Incident Location: LINCOLN WAY & 7TH AVE SFPD - CAD Number: 191950155 SFPD - Case Number: 190508702 Date of the Incident: 07-14-2019 at 01:07:00 SFPD - Preliminary Info:: PEDESTRIAN RAN ACROSS STREET, DRIVER/RP ACCIDENTLY HIT PED. PED SUFFERED TBI, CRITICAL CONDITION. Additional Information: Investigative Unit(s) Notified: TCIU Invest. Unit(s) Responding: TBD BOS - Supervisorial District: N/A SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Edward Wong To view any attachments or photos, please, check your email. Reply with YES to confirm receipt.

2861740466 6457591753 7/14/19 11:29 AT&T Message 0

\"S: SOB Alert - Well Being Check - Multiple Overdose Victims - 240 COLUMBUS AVE Current Time: 04:29:24 Notification Status: New SFPD - Incident Type: Other (See Description Below) SFPD - Secondary Incident Type: Other (See Description Below) SFPD - District of Occurrence: Co. A -- Central Station SFPD - Incident Location: 240 COLUMBUS AVE SFPD - CAD Number: 191950469 SFPD - Case Number: 190509001 Date of the Incident: 07-14-2019 at 03:59:00 SFPD - Preliminary Info:: 3 MALES FOUND UNCONSCIOUS, POSSIBLE FENTANYL OVERDOSE. SFFD MEDICS ON SCENE. Additional Information: Investigative Unit(s) Notified: TBD Invest. Unit(s) Responding: TBD BOS - Supervisorial District: N/A SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Edward Wong To view any attachments or photos, please, check your email. Reply with YES to confirm receipt.

2861740466 6457610788 7/14/19 11:49 AT&T Message 0

\"S: SOB Alert - Well Being Check - Multiple Overdose Victims - 240 COLUMBUS AVE Current Time: 04:49:08 UPDATED Notification Status: Close SFPD - Incident Type: Other (See Description Below) SFPD - Secondary Incident Type: Other (See Description Below) SFPD - District of Occurrence: Co. A -- Central Station SFPD - Incident Location: 240 COLUMBUS AVE SFPD - CAD Number: 191950469 SFPD - Case Number: 190509001 Date of the Incident: 07-14-2019 at 03:59:00 SFPD - Preliminary Info:: 3 MALES FOUND UNCONSCIOUS, POSSIBLE FENTANYL OVERDOSE. SFFD MEDICS ON SCENE. UPDATED Additional Information: 2 VICTIMS REVIVED ON SCENE. 1 VICTIM REVIVED AT HOSPITAL. Investigative Unit(s) Notified: TBD Invest. Unit(s) Responding: TBD BOS - Supervisorial District: N/A SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Edward Wong To view any attachments or photos, please, check your email. Reply with YES to confirm receipt.

2861740466 6457635184 7/14/19 12:43 AT&T Message 0

\"S: SOB Alert - Traffic Collision w/Critical Injuries or Fatal - LINCOLN WAY & 7TH AVE Current Time: 02:22:04 Notification Status: New SFPD - Incident Type: Traffic Collision w/Critical Injuries or Fatal SFPD - Secondary Incident Type: Traffic Collision w/Critical Injuries or Fatal SFPD - District of Occurrence: Co. F -- Park Station SFPD - Incident Location: LINCOLN WAY & 7TH AVE SFPD - CAD Number: 191950155 SFPD - Case Number: 190508702 Date of the Incident: 07-14-2019 at 01:07:00 SFPD - Preliminary Info:: PEDESTRIAN RAN ACROSS STREET, DRIVER/RP ACCIDENTLY HIT PED. PED SUFFERED TBI, CRITICAL CONDITION. Additional Information: Investigative Unit(s) Notified: TCIU Invest. Unit(s) Responding: TBD BOS - Supervisorial District: N/A SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Edward Wong To view any attachments or photos, please, check your email. Reply with YES to confirm receipt.
Fatal – LINCOLN WAY & 7TH AVE Current Time: 05:43:35
UPDATED –Notification Status: Close SFPD – Incident Type: Traffic Collision w/Critical Injuries or Fatal SFPD – Secondary Incident Type: Traffic Collision w/Critical Injuries or Fatal SFPD – District of Occurrence: Co. F -- Park Station SFPD – Incident Location: LINCOLN WAY & 7TH AVE SFPD – CAD Number: 191950155 SFPD – Case Number: 190508702 Date of the Incident: 07-14-2019 at 01:07:00 SFPD – Preliminary Info: PEDESTRIAN RAN ACROSS STREET, DRIVER/RP ACCIDENTLY HIT PED. PED SUFFERED TBI, CRITICAL CONDITION. UPDATED –Additional Information: LAST UPDATE FROM OFFICER, PED IN STABLE CONDITION.
Investigative Unit(s) Notified: TCIU Invest. Unit(s) Responding: TBD SFPD – Command Post Location: SFPD – Safe Avenue of Approach: Message Sender: Edward Wong To view any attachments or photos, please, check your email. Reply with YES to confirm receipt.***
2861740466 6459932705 7/15/19 22:45 AT&T Message 0
2861740466 6459938092 7/15/19 22:54 AT&T Message 0
Message Sender: Andres Abarca
photos, please, check your email.
receipt."""

To view any attachments or
Reply with YES to confirm
I have a 130. Come up after to touch base?

I have a 2:00. I am free after that.

Copy

Copy

Free?

I will be in about 15

I will be in about 15

I'll head up then

Confirmed, no one from 1421 group has gotten any priority list

I will be in about 15

Confirmed, no one from 1421 group has gotten any priority list

S: Other (Suspicious Package) - Oracle Park (3rd St/Berry St)  Current Time: 15:53:58  UPDATED -Notification Status: Update  SFPD - Incident Type: Other (See Description Below)  SFPD - Secondary Incident Type:  SFPD - District of Occurrence: Co. B -- Southern Station  SFPD - Incident Location: Oracle Park (3rd St/Berry St)  SFPD - CAD Number: 191962631  SFPD - Case Number: TBD  Date of the Incident: 07-15-2019 at 15:42:00  SFPD - Preliminary Info:: Per Dispatch, Suspicious package taped to Giants Dugout Store door. REDACTED 6254(F) GC OPEN INV/ RECORD OF INTELLIGENCE . Southern Units enroute.  UPDATED -Additional Information: No merit to suspicious package REDACTED 6254(F) OPEN INV. Investigative Unit(s) Notified: 3B13D  Invest. Unit(s) Responding: 3B13D  UPDATED -BOS - Supervisorial District: District 6  SFPD - Command Post Location:  SFPD - Safe Avenue of Approach:

Message Sender: Andres Abarca  To view any attachments or photos, please, check your email.  Reply with YES to confirm receipt.
THREAD ID: 2852166274  
DATE: 7/15/19 22:54  
NETWORK: AT&T  
MESSAGE TYPE: Message 0  

**S: Other (Suspicious Package) - Oracle Park (3rd St/Berry St)**  
**CURRENT TIME:** 15:53:58  
**UPDATED:** Notification Status: Update  
**SFPD - Incident Type:** Other (See Description Below)**  
**SFPD - Secondary Incident Type:**  
**SFPD - District of Occurrence:** Co. B -- Southern Station  
**SFPD - Incident Location:** Oracle Park (3rd St/Berry St)  
**SFPD - CAD Number:** 191962631  
**SFPD - Case Number:** TBD  
**Date of the Incident:** 07-15-2019 at 15:42:00  
**SFPD - Preliminary Info:** Per Dispatch, Suspicious package taped to Giants Dugout Store door.  
**Redacted 6254 (f) Open Investigation / Intelligence Record. Southern Units enroute.**  
**UPDATED:** Additional Information: No merit to suspicious package. Redacted 6254(f) Open Inv. Investigative Unit(s) Notified: 3B13D Invest. Unit(s) Responding: 3B13D  
**SFPD - BOS - Supervisorial District:** District 6  
**SFPD - Safe Avenue of Approach:**  
**Message Sender:** Andres Abarca  
**To view any attachments or photos, please, check your email.**  
**Reply with YES to confirm receipt.""

---

**Yes""**

**Hey Mike SID will reach out to you tomorrow morning to get a signature for an XXXX for a XXXX Redacted 6254(f) Security Plan/Procedure. ""**

**Copy. ""**

**I came by your office just to say hi cuz I figured nobody visits you but you were not there""**

**Nothing at all I just came by to BS with you cuz you're one of the few normal people left in the whole Police Department""**

**Thanks appreciate it sorry I missed you!!!! I feel the same!!""**

**I just had a meeting in the building and was dropping by""**

**Hi Commander I know you're at the range right now there was an email sent asking if you can attend the 2 o'clock meeting today in place of Dc McEachern which is the By-weekly meeting with the ACs DC's executive director and SDU. It's in room 5175 at Phq""**

**Yes I'll be going to that I confirm with them""**

**Copy Commander And I printed out Dc calendar for the next two weeks and put it in your inbox""**
All reports, today's and the missing one from the 8th 98 to you via Lt Hamilton's email. The reports from 7/1 was sent to Commander Fong. We can send that to you as well. Thanks for your patience.

Thank you Joe. I only need the one for this week.

The July 1st was supposed to go to Commander Fong so that was good. Thank you.

Good morning Ann. I believe you are back today. As a reminder we have the Command staff qualification at the airport range this morning at 0900. Hope you had a great vacation.

In t bFrom Delgandio: Just FYI protest in front of Amazon. 525 Market St. about 100 people. Peaceful. Spoke with the organizer, no plans to march. Just plan on being here for the lunch hour then dispersing.

This is the note Lt Morales first said it was nothing. I asked about the note and he sent me this, it appears to be an 800 but they will do a report and make notifications.
Thread Id, Message Id, Date (UTC), Network, Message Type
Attachment Count, Body

2854114307, 6459506228, 7/15/19 19:29, AT&T, Message 0

"Chief... FYI ONLY.. I'm leaving at 2:30pm for a DMV appointment in Daly City. I'm applying for that REAL ID as my CDL expires on Aug 1, 2019.

2854114307, 6459600652, 7/15/19 19:49, AT&T, Message 0

"Got it. Hopefully you won't be waiting too long."

2854114307, 6459988492, 7/15/19 23:18, AT&T, Message 0

"I'm finally done with applying for my REAL ID.. sooo crazy here at the Daly City DMV!!! See you tomorrow Chief!! 🤣🤣"

2854114307, 6459988497, 7/15/19 23:18, AT&T, Message 0

"I'm finally done with applying for my REAL ID.. sooo crazy here at the Daly City DMV!!! See you tomorrow Chief!! 🤣🤣"

2855989828, 6459496351, 7/15/19 19:24, AT&T, Message 0

"I saw your target and knew we were in trouble. Good shooting! But beware, I'm on your heals.""

2855989828, 6459506242, 7/15/19 19:29, AT&T, Message 0

"LOL, thank you. With my eye sight these days the distance shooting is a challenge."

2855989828, 6459507264, 7/15/19 19:31, AT&T, Message 0

"Obviously a challenge you overcome.""

2856065950, 6459006418, 7/15/19 15:47, AT&T, Message 0

"FYI I went to the Lake by mistake. Going to the Airport now. I may be late ""

2863928440, 6459938034, 7/15/19 22:54, AT&T, Message 0

"S: Other (Suspicious Package) - Oracle Park (3rd St/Berry St)  Current Time: 15:53:58  UPDATED -Notification Status: Update REDACTED 6254(F) GC OPEN INVESTIGATION AND/OR RECORD OF INTELLIGENCE"

2876610504, 6460172256, 7/16/19 0:22, AT&T, Message 0

"Chief tomorrow we will be assisting Concord PD in serving an arrest and search warrant on a REDACTED 6254(F) GC OPEN INVESTIGATION AND/OR RECORD OF INTELLIGENCE"

2876610504, 6460172258, 7/16/19 0:22, AT&T, Message 0

"Chief tomorrow we will be assisting Concord PD in serving an arrest and search warrant on a REDACTED 6254(F) GC OPEN INVESTIGATION AND/OR RECORD OF INTELLIGENCE"

2876610504, 6460172257, 7/16/19 0:23, AT&T, Message 0

"Copy"

2876610504, 6460174676, 7/16/19 0:24, AT&T, Message 0

"Copy. Thanks"
Commander_ADMIN_OSullivan_x

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and Thursday to install"

2866170423 6459777775 7/15/19 21:13 AT&T Message 0

""""Thank you, please ensure Captain Yick at Central is informed of situation and advised of repair schedule. """

2866170423 6459777768 7/15/19 21:13 AT&T Message 0

""""Thank you, please ensure Captain Yick at Central is informed of situation and advised of repair schedule. """"
<table>
<thead>
<tr>
<th>ThreadId</th>
<th>MessageId</th>
<th>Date (UTC)</th>
<th>Network</th>
<th>Message Type</th>
<th>Body</th>
</tr>
</thead>
</table>
| 2856529870 | 6457996423    | 7/14/19 23:41  | AT&T   | Message 0    | """"Daryl have you heard from your Captains regarding the status of the foot race or the AIDS walk?""
| 2856529870 | 6457996439    | 7/14/19 23:44  | AT&T   | Message 0    | """"No I can check in with them. ""
| 2856529870 | 6458004937    | 7/14/19 23:53  | AT&T   | Message 0    | """"No reporter issues per A/Captain Pera. ""
| 2856529870 | 6458004953    | 7/14/19 23:54  | AT&T   | Message 0    | """"Reported""
| 2856529870 | 6458009435    | 7/14/19 23:56  | AT&T   | Message 0    | """"Copythanks""
| 2863079479  | 6459771456    | 7/15/19 21:04  | AT&T   | Message 0    | """"Funeral service in Bayview over. Repass in Taraval green as attendees just setting up""
| 2863079479  | 6460232690    | 7/16/19 0:42   | AT&T   | Message 0    | """"Chief. Funeral Repass is over. Code 4""
| 2863079479  | 6460273452    | 7/16/19 1:39   | AT&T   | Message 0    | """"Thx""
| 2914991675  | 6458004945    | 7/14/19 23:50  | AT&T   | Message 0    | """"No problems reported to the station. Unit will respond to area and check it out. I will update you once I hear back from them.""
| 2914991675  | 6458004943    | 7/14/19 23:51  | AT&T   | Message 0    | """"Copy thanks""
| 2914991675  | 6458025459    | 7/15/19 0:30   | AT&T   | Message 0    | """"No problems....GGP looks good. Numbers are the same as any other Sunday. """"
<table>
<thead>
<tr>
<th>ThreadId</th>
<th>MessageId</th>
<th>Date (UTC)</th>
<th>Network</th>
<th>AttachmentCount</th>
<th>Body</th>
</tr>
</thead>
</table>
| 2919077961 | 6456354285 | 7/13/19 20:00 | AT&T    | 0               | """"I have preliminary information that XXXXXX may have expired on a Jet Blue flight. Still waiting on confirmation""
| 2919077961 | 6456400728 | 7/13/19 20:36 | AT&T    | 0               | """"Who is that?""
| 2919077961 | 6456400736 | 7/13/19 20:36 | AT&T    | 0               | """"Who is that?""
| 2919077961 | 6456659351 | 7/14/19 0:18  | AT&T    | 0               | """"Retired member. He worked in the old investigations bureau as the Deputy Chief assistant""
| 2924079672 | 6458769437 | 7/15/19 14:34 | AT&T    | 0               | """"Good morning Commander. I am SP today. Lt. Daniels is the LWLP captain. Thank you.""
| 2924079672 | 6458769379 | 7/15/19 14:34 | AT&T    | 0               | """"Good morning Commander. I am SP today. Lt. Daniels is the LWLP captain. Thank you.""
| 2924079672 | 6459325782 | 7/15/19 18:24 | AT&T    | 0               | """"Copy""
| 2932418178 | 6456745704 | 7/14/19 0:33  | AT&T    | 0               | """"Be advised that retired member XXXX passed away on a Jet Blue flight while enroute to SFO. NFI""
| 2932418178 | 6456800399 | 7/14/19 0:40  | AT&T    | 0               | """"Copy thank you""
| 2932418178 | 6456839512 | 7/14/19 0:47  | AT&T    | 0               | """"Copy, thanks for letting us know."

---

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APPENDIX - Page 354
I saw your target and knew we were in trouble. Good shooting! But beware, I'm on your heels."

"LOL, thank you. With my eye sight these days the distance shooting is a challenge."

"Obviously a challenge you overcome."

"Be advised that retired member REDACTED PERSONNEL / PRIVACY passed away on a Jet Blue flight while enroute to SFO. NFI"

"Copy thanks Chief."

"S: Other (Suspicious Package) - Oracle Park (3rd St/Berry St) Current Time: 15:53:58 UPDATED -Notification Status: Update SFPD - Incident Type: Other (See Description Below) SFPD - Secondary Incident Type: SFPD - District of Occurrence: Co. B -- Southern Station SFPD - Incident Location: Oracle Park (3rd St/Berry St) SFPD - CAD Number: 191962631 SFPD - Case Number: TBD Date of the Incident: 07-15-2019 at 15:42:00 SFPD - Preliminary Info:: Per Dispatch, Suspicious package REDACTED 6254(F) GC OPEN INVESTIGATION/RECORD OF INTELLIGENCE. Southern Units enroute. UPDATED - Additional Information: No merit to suspicious package REDACTED 6254(F) OPEN INVESTIGATION RECORD OF INTELLIGENCE. Investigative Unit(s) Notified: 3B13D Invest. Unit(s) Responding: 3B13D UPDATED - BOS - Supervisory District: District 6 SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Andres Abarca To view any attachments or photos, please, check your email. Reply with YES to confirm receipt."

"I have preliminary information that REDACTED PERSONNEL MATTER / PRIVACY died on a Jet Blue flight. He is a retired member."

"I know XXXX well. Thx. Please let me know when confirmed."

"Leo Capovilla just confirmed the info"

"Thanks"

"Be advised that retired member REDACTED PRIVACY / PERSONNEL passed away on a Jet Blue flight while enroute to SFO. NFI"

"Copy thank you"
2932418178 6456839512 7/14/19 0:47 AT&T Message 0
""""Copy, thanks for letting us know. """"

2932418178 6456839497 7/14/19 0:50 AT&T Message 0
""""Copy. Thanks"""

2932418178 6457017721 7/14/19 1:20 AT&T Message 0
""""Copy. Thanks for the heads up """

2932418178 6457228367 7/14/19 5:53 AT&T Message 0
""""Thanks Mikail"""

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Thread ID Message ID Date (UTC) Network Message Type
Attachment Count Body
2854987823 6459932706 7/15/19 22:45 AT&T Message 0

"""" SFPD – Incident Location: Oracle Park (3rd St/Berry St)
SFPD – CAD Number: 191962631 SFPD – Case Number: TBD Date of the Incident:"

2854987823 6459932707 7/15/19 22:45 AT&T Message 0

""""S: SOB Alert – Other (Suspicious Package) – Oracle Park (3rd St/Berry St) Current Time: 15:45:43 Notification Status:
New SFPD – Incident Type: Other (See Description Below) SFPD – Secondary Incident Type:
SFPD – District of Occurrence: Co. B – Southern Station SFPD – Incident Location: Oracle Park (3rd St/Berry St) SFPD – CAD Number: 191962631 SFPD – Case Number: TBD Date of the Incident: 07-15-2019 at 15:42:00 SFPD – Preliminary Info:: Per Dispatch, Suspicious package taped to Giants Dugout Store door. REDACTED 6254 (F) OPEN INV / RECORD OF INTELLIGENCE. Southern Units enroute. Additional Information: Investigative Unit(s) Notified: 3B13D Invest. Unit(s) Responding: 3B13D BOS – Supervisory District: N/A SFPD – Command Post Location: SFPD – Safe Avenue of Approach: Message Sender: Andres Abarca To view any attachments or photos, please, check your email. Reply with YES to confirm receipt."""

2854987823 6459932629 7/15/19 22:45 AT&T Message 0

""""il. Reply with YES to confirm receipt."""

2854987823 6459938043 7/15/19 22:54 AT&T Message 0

""""S: Other (Suspicious Package) – Oracle Park (3rd St/Berry St) Current Time: 15:53:58 UPDATED –Notification Status: Update SFPD – Incident Type: Other (See Description Below) SFPD – Secondary Incident Type: SFPD – District of Occurrence: Co. B – Southern Station SFPD – Incident Location: Oracle Park (3rd St/Berry St) SFPD – CAD Number: 191962631 SFPD – Case Number: TBD Date of the Incident: 07-15-2019 at 15:42:00 SFPD – Preliminary Info:: Per Dispatch, Suspicious package taped to Giants Dugout Store door. REDACTED 6254(f) OPEN INVESTIGATION RECORD OF INTELLIGENCE. Southern Units enroute. UPDATED –Additional Information: No merit to suspicious package. REDACTED 6254 (f) GC OPEN INV Investigative Unit(s) Notified: 3B13D Invest. Unit(s) Responding: 3B13D UPDATED –BOS – Supervisory District: District 6 SFPD – Command Post Location: SFPD – Safe Avenue of Approach: Message Sender: Andres Abarca To view any attachments or photos, please, check your email. Reply with YES to confirm receipt."""

2854987823 6459937992 7/15/19 22:55 AT&T Message 0

""""Yes ""

2856248370 6460199084 7/16/19 0:28 AT&T Message 0

""""Help! I need DOJ contact""

2856248370 6460199214 7/16/19 0:28 AT&T Message 0

""""Please"""
"I do not have one but I can talk to our person tomorrow morning. Mannix sign off on your events stuff? I told her you and Mary need it done."

"I have heard nothing. Can you ask her pretty please."

"We are all 98 to airport range."
Deirdre Hussey

9/13/19, 4:17 PM

Thread ID Message ID Date (UTC) Network Message Type
Attachment Count Body
2867998123 6385755057 6/20/19 17:07 AT&T Message 0

""""Good luck today. """
2867998123 6386723262 6/20/19 21:16 AT&T Message 0

""""Still waiting! This is crazy town!!""
2867998123 6405632561 6/26/19 15:30 AT&T Message 0

""""My EA Maria Garcia sent you the SOB surveillance lists the
day before due date 1. Did you get it? ""
2867998123 6406352901 6/26/19 18:38 AT&T Message 0

""""Yes I just got both email and internal mail""
2867998123 6406352927 6/26/19 18:38 AT&T Message 0

""""Yes I just got both email and internal mail""
2867998123 6406373018 6/26/19 18:42 AT&T Message 0

""""Thanks ""
2915616505 6402169016 6/25/19 21:50 AT&T Message 0

""""Hey, I am told by the station Captain that Sup Brown plans
to complain to Mayor about police staffing in her district. Have you
heard anything? ""
2915616505 6402221028 6/25/19 22:03 AT&T Message 0

""""Kind of? Went I went in to harang them about her comments
in committee, shakirah mentioned that they feel like they keep pulling
foot beat officers out if the area, pushing Homeless persons from
downtown to D5. Mostly they feel like resources get pulled away from
where they should be. There's also that video of the car bumping a
bicyclist; remski said they called the station / captain and didn't
get a good response but that was yesterday and it was remski only""
2915616505 6402756961 6/25/19 23:52 AT&T Message 0

""""I am going to double check to see if we have pulled
officers -- as I think we have added,""
2915616505 6406379382 6/26/19 18:43 AT&T Message 0

""""We are in with Sean I'll call you soon""
2927540203 6386207724 6/20/19 19:03 AT&T Message 0

""""Chris Corgas, OEWD"""
ThreadID  MessageId  Date (UTC)  Network  AttachmentCount

Body
2919077961  6456354285  7/13/19 20:00  AT&T
0  """"I have preliminary information that XXXXXX may have expired on a Jet Blue flight. Still waiting on confirmation""
2919077961  6456400728  7/13/19 20:36  AT&T
0  """"Who is that?"
2919077961  6456400736  7/13/19 20:36  AT&T
0  """"Who is that?"
2919077961  6456659351  7/14/19 0:18  AT&T
0  """"Retired member. He worked in the old investigations bureau as the Deputy Chief assistant"
2924079672  6458769437  7/15/19 14:34  AT&T
0  """"Good morning Commander. I am SP today. Lt. Daniels is the LWLP captain. Thank you."
2924079672  6458769379  7/15/19 14:34  AT&T
0  """"Good morning Commander. I am SP today. Lt. Daniels is the LWLP captain. Thank you."
2924079672  6459325782  7/15/19 18:24  AT&T
0  """"Copy"
2932418178  6456745704  7/14/19 0:33  AT&T
0  """"Be advised that retired member XXXX passed away on a Jet Blue flight while enroute to SFO. NFI"
2932418178  6456800399  7/14/19 0:40  AT&T
0  """"Copy thank you"
2932418178  6456839512  7/14/19 0:47  AT&T
0  """"Copy, thanks for letting us know."
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<th>Body</th>
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</table>
| 2854944637 | 6459404047  | 7/15/19 18:54  | AT&T   | Message 0    | """"No need to send – you sent to me for our staffing analysis inputs. """"
| 2854944637 | 6459408411  | 7/15/19 18:54  | AT&T   | Message 0    | """"Ok no problem. Just sent anyway """
| 2854944637 | 6459408426  | 7/15/19 18:55  | AT&T   | Message 0    | """"Thanks! Again!!""
| 2854944637 | 6459408562  | 7/15/19 18:55  | AT&T   | Message 0    | """"Thanks! Again!!""
| 2858515257 | 6454020503  | 7/12/19 20:17  | AT&T   | Message 0    | """"I made a mistake on Chief's calendar today. Can you come at 3 pm instead? I don't know how I missed his meeting with public Defender at 2 pm. """
| 2858515257 | 6454288820  | 7/12/19 22:01  | AT&T   | Message 0    | """"He is ready""
| 2858515257 | 6454313910  | 7/12/19 22:06  | AT&T   | Message 0    | """"Coming sorry!""
| 2862319549 | 6450057249  | 7/11/19 16:43  | AT&T   | Message 0    | """"Have you begun?""
| 2862319549 | 6450057198  | 7/11/19 16:44  | AT&T   | Message 0    | """"Im in but it said please wait for your conference to begin""
| 2862319549 | 645403594   | 7/12/19 20:08  | AT&T   | Message 0    | """"Hi, commander. I asked Capt Ford to reach out to you to see how you did not receive the reschedule notice. """"
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<td>&quot;&quot;&quot;&quot;Hi, all! This is catherine. I'm texting in case you don't see your email - we are cancelling today's CRI weekly meeting. Sorry for the late notice and see you next week. &quot;&quot;&quot;&quot;</td>
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<td>6/25/19 21:24</td>
<td>AT&amp;T</td>
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</table>
just got off phone w David stevenson. he had questions about saek numbers that are being presented tonight specifically if there were any issues. i stated there were none that i was aware of but that i can only speak to processing of evidence. he seemed concerned that we report numbers from late December in this round. i tried to make it as simple as possible for him that he should really focus on the 120 days number not being exceeded. i am not confident he accepts that.

Copy. i'll talk to him about it. i'm going to present tonight and i have no issue with the report and the difference.

copy that, you still want me there correct??

yes. you don't get off that easy but i admire you for trying.

lol, c'mon i already cancelled beer night tonight w some of my buds.

just attempted to see Sgt Kisel, GFD. i will leave him a voice mail as soon as i get back to 606.

kiesel out til monday, spoke to Penny Si who said she and Kiesel spoke about the situation today. they are trying to determine if this is going to be a wc claim. they are awaiting a Dr note from REDACTED PERSONNEL RECORD 832.7 PC in order to make the proper determination. Penny is sending an email out to myself and Sgt Kiesel to memorialize what is happening and to prepare me for having to potentially fill out the form 439 or dp packet.

Copy.

just had a DNA crim resign. fortunately we had interviews scheduled for next week on another open req in DNA. so the hope is we can get another off that list. still takes at least 6 months to get them up to speed on our process and be of any use to productivity. Down 3 currently with a new hire scheduled starting the 22nd and an additional member on leave until Jan 20. i still am expecting DNA tat

Chief sorry did we have a meeting at 1300? 
Word for the day and our prayer. Lord, following your way is not an easy job. Give me the wisdom to stay on your path. Amen. John

GM- Yes I will come to public safety building

Yes good morning... Sounds good. See you then.

late, but on my way

It's Melissa- my email address is melissa_dawson@cand.uscourts.gov- looking forward to catching up soon!

So good seeing u today

😊
Is Steve Ford the NOBLE selection. 

No. Its wil williams. Nora has the letters. Chaplin also going with mea funds.

S: Other (Suspicious Package) – Oracle Park (3rd St/Berry St)

FTFY- Chief Scott needs to be back for a 10:45 last minute Appt. Can he be in the first group to shoot? 

You got it

Thank you Cap.

Id like to pick up some frozen treats from trader joes. Just checking with you to make sure im not doubling up on an item you have already.

Hi Thao. If you have a car. Could you give me a lift to trader joes to pick up some frozen treats for tonight. Greg
Robert Moser
9/13/19, 4:16 PM

Vaswani said there's no one at the Airport Range. Are you guys some place else first? Let me know, thanks.

So that I can let him know.

We are at the Coast Guard training station for a pre brief. We will be going to the Range in a few minutes.

Okay I'll let him know, thanks.

Chief.. you have an email from Janine Oliker. I'll wait for you to review. Then advise on direction if you'd like for me to forward it to Ben, Alicia, and Jonathan Y for review. Thanks...

Chief.. you have an email from Janine Oliker. I'll wait for you to review. Then advise on direction if you'd like for me to forward it to Ben, Alicia, and Jonathan Y for review. Thanks...

Reminder.... I'm off at 2:30pm for DMV appointment

Copy. David can come by now

Okily dokily

It was a zoo at DMV... 😁😁😁
"Good morning Ann. I believe you are back today. As a reminder we have the Command staff qualification at the airport range this morning at 0900. Hope you had a great vacation."

"Good morning Ann. I believe you are back today. As a reminder we have the Command staff qualification at the airport range this morning at 0900. Hope you had a great vacation."

"In t bFrom Delgandio: Just FYI protest in front of Amazon. 525 Market St. about 100 people. Peaceful. Spoke with the organizer, no plans to march. Just plan on being here for the lunch hour then dispersing."

"No merit o. The suspicious package at the Giants dugout. It was xxxxxxx."

"No merit o. The suspicious package at the Giants dugout. It was a xxxxxxx.

"This is the note Lt Morales first said it was nothing. I asked about the note and he sent me this, it appears to be an 800 but they will do a report and make notifications."

"This is the note that was left on the building in the Southern. It has a REDACTED 6254(f) GC Open Investigation and or record of intelligence. A report is being written as well as a notification in email which I will forward to you when I receive."

"Are you still traveling?"

"Are you still traveling?"

"Funeral service in Bayview over. Repass in Taraval green as attendees just setting up."

"Chief. Funeral Repass is over. Code 4."

"Thx."

"S: SOB Alert - Other (Suspicous Package) - Oracle Park (3rd St/Berry St) Current Time: 15:45:43 Notification Status: New REDACTED 6254(f) GC Open Investigation and or record of intelligence."

"S: Other (Suspicous Package) - Oracle Park (3rd St/Berry
St)      Current Time: 15:53:58      UPDATED -Notification Status:  
Update      REDACTED 6254(f) GC Open Investigation and or record of intelligence. "
2904921409   6459887946   7/15/19 22:00   AT&T      Message 0
""""""""""I am walking over to Gus'. Do u want anything?"
2904921409   6460144497   7/15/19 23:56   AT&T      Message 0
""""""""""No, but thanks"
2931914026   6458270431   7/15/19 7:37    AT&T      Message 0
""""""""""Who is Blake Loeb?"
2931914026   6458270433   7/15/19 7:37    AT&T      Message 0
""""""""""Who is Blake Loeb?"
"I'm trying to get my wife out of there. Helping her look for flights right now."

"Delta's have taken over Burben street."

"The demo at ICE was code four with no issues. I asked Bobby Yick to send officers by the building on Ransome. A few times tonight and tomorrow morning to determine if any demonstration on Kampmann activity is underway. This was declared by some a week of action against ICE. There is one additional protests scheduled for Friday afternoon. We have a step one squad available in the central."

"Great call."

"Chief good morning. Yesterday in the mission. The group of skateboarders held what they call a Hill bomb. In years past this has been an organized event. However, the organizers do not seek any permits nor communicate with the department regarding this event. To give us the opportunity to facilitate there were no incidents connected to the event that were reported to us. No police action was taken. The group size exceeded at least 250 people including a group that came out of Dolores park a spectator's. I spoke with Gaetano about it. It would have taken likely two platoons to open the roadway and shut down the event."

"There were no issues. Encampments are other signs of protest established overnight in front of the ICE building on Sansome street."

"The victim appears to be stable. They are taking his photograph so they can identify him. He is John Doe right now."
Sent via email (81242-04060798@requests.muckrock.com
72902-46637773@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records dated September 6, 2019, concerning a request to the Mayor’s Office for the Mayor’s calendar, and your October 7, 2019 petition also relating to a request for the Mayor’s calendar. We understand your September 6, 2019 petition to relate to an August 21, 2019 request to the Mayor’s Office for:

1. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor’s *prospective/expected* calendar or schedule, with all expected events/items, from August 26 to Sept 3, 2019 (inclusive). We are specifically requesting ALL calendar/scheduling items for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). If any of the Mayor’s staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook’s invite mechanism), those calendars are also included within the scope of this request. Furthermore, we request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public’s business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested.

2. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by...
the Ordinance, of the Mayor's *past* calendar or schedule, with all events/items, from August 5 to August 16, 2019 (inclusive). We are specifically requesting ALL calendar/scheduling items for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). If any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism), those calendars are also included within the scope of this request. Furthermore, we request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested.

In response to this request, the Mayor's Office produced responsive records on August 22, 2019 for Item 2 of the request, the calendar entries between August 5, 2019 and August 16, 2019. The Mayor's Office treated Item 1 as a standard public records request subject to the normal time deadlines rather than an immediate disclosure request, and later invoked an extension of time. On September 5, 2019, the Mayor's Office produced additional documents responsive to Item 2, for the time period between August 5 and August 16, 2019. The Mayor's Office applied a number of redactions to this production and identified for you the exemption applicable to each redaction. The Mayor's Office did not produce records responsive to Item 1 of the request, which sought the Mayor's prospective calendar for the period between August 26 and September 3, 2019, citing Section 6254(f) of the Government Code.

Your October 7, 2019 petition relates to a separate immediate disclosure request dated October 4, 2019, for the Mayor's prospective calendar for October 21 through October 28. The Mayor's Office withheld all records, citing Section 6254(f) of the Government Code.

We respond to the issues you have raised as follows:

In your September 6 petition, you request that we determine that the Mayor's Office violated the Sunshine Ordinance by not producing native files or metadata. Those issues are addressed in our response to the prior petition you submitted on the same topic, attached hereto as Exhibit A.

In your September 6 petition, you request a determination that the Mayor's Office violated the Sunshine Ordinance by declining to produce records in response to Item 1 concerning the Mayor's prospective calendar. You request a similar determination in your October 7 petition. The Mayor's Office properly declined to produce these records. Disclosure of the Mayor's prospective whereabouts raises obvious security concerns for her, and the California Supreme Court has endorsed the withholding of such records concerning a high-level government official. See Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991) (Governor not required to release daily calendar due to security concerns). In Times Mirror, the court noted that disclosure of the calendar "would constitute a potential threat to the Governor's safety, because the information . . . will enable the reader to know in advance and with relative precision when and where the Governor may be found . . ." Id. at 1346 (quotation marks omitted). While the court based its conclusion in that case on Government Code Section 6255, we conclude that Section
Letter to Anonymous
October 23, 2019
Page 3

6254(f), regarding security records, also provides a proper basis to withhold the records in question. The San Francisco Police Department ("SFPD") provides the Mayor’s security, and her prospective calendar may reflect input from the SFPD concerning security issues. And the prospective calendar is at times consulted by the SFPD in order to plan security measures regarding the Mayor. Additionally, the future calendar entries are protected under Evidence Code Section 1040 – the official information privilege – and are therefore exempt from disclosure under Government Code Section 6254(k). In light of security concerns, the Mayor’s Office holds the Mayor’s future calendar entries in confidence, and the necessity of preserving confidentiality to protect the Mayor’s wellbeing outweighs the need for public disclosure. See Evid. Code § 1040; County of Los Angeles v. Superior Court, 82 Cal. App. 4th 819, 834-35 (2000).

In your September 6 petition, you request a determination that the Mayor’s Office improperly withheld “recurrence” metadata. Our understanding is that for some of the calendar entries the Mayor’s Office produced, there is an indication that a particular appointment recurs due to an icon that appears on the printed page. We conclude that the Mayor’s Office did not improperly withhold information concerning recurrence of these events by producing the records in PDF format. As the court in Times Mirror recognized, disclosure of such information could allow an individual “intent on doing harm” to “use such information to discern patterns of activity.” Id. at 1346. Thus, the Mayor’s Office could have properly redacted any indication of recurrence under the basis discussed in the preceding paragraph, and it did not improperly withhold the details about the recurrences that you contend should be disclosed.

Finally, in your September 6 petition, you contest a number of redactions that the Mayor’s Office applied to the records on the basis of Section 6254(f), particularly information at the top of each calendar entry, some of such redactions follow the acronym “SID.” As mentioned, the Mayor has a security detail staffed by SFPD officers. That detail is part of SFPD’s Special Investigation Division, or SID. We understand that the information redacted in each of the instances you have cited in your petition relates to the Mayor’s security detail. Thus, the Mayor’s Office properly redacted it under Section 6254(f).

For the foregoing reasons, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your May 8, 2019 request to the Mayor’s Office for the following:

- an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor’s calendar, with all items, from April 28 to May 4, 2019 (inclusive).

In response to this request, the Mayor’s Office produced the Mayor’s calendar entries in PDF format from the time period at issue. The Mayor’s Office explained that it provided the records in PDF format for ease of transferability and to protect the security of the original record, citing Government Code Section 6253.9.

Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” You contend that the Mayor’s Office improperly withheld headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images from its response to your request.

We understand that the responsive calendar entries include no email addresses, attachments, appendices, exhibits, or inline images, and thus the Mayor’s Office did not improperly withhold this information.

With regard to metadata, which we understand would include headers and timestamps, we conclude that the Mayor’s Office properly withheld this information.

First, you contend that the Mayor’s Office should provide this information by producing the calendar entries in the “original electronic format.” But you also request that the calendar entries be exported to “.ics, iCalendar, or vCard formats.” The Public Records Act does not require the Mayor’s Office to produce records in a format that it does not store them unless the Mayor’s Office has used the records in the requested format or provided them in the requested format to another agency. Gov’t Code § 6253.9. We understand that the Mayor’s Office does not hold the records in any of these formats, and it has not used any of these formats or provided...
the records in these formats to any agency. By contrast, the Mayor’s Office does store calendar entries in PDF format, and it has used that format to provide the records in the past.

Second, the Mayor’s Office has determined that disclosure of the metadata associated with the original electronic files – whether by producing it in native format or disclosing the metadata in some other format – may jeopardize or compromise the security of the City’s computer system. Thus the Mayor’s Office may decline to produce the metadata under Government Code Section 6253.9(f). Also, the Mayor’s Office has determined that metadata contained in original electronic files may include unique identifiers for individual computer terminals and computer servers and associated security certificates and similar information. This information is highly sensitive, as disclosing it could allow a hacker to penetrate the City’s computer system, “spoof” emails and insert themselves into confidential and/or privileged discussions, or send unauthorized emails on behalf of city officials. Therefore the information may be withheld under Government Code section 6254.19. Given this security risk, the information may also be withheld because there is a substantial need for confidentiality that outweighs any interest the public may have in accessing this information. See Cal. Evid. Code § 1040; Gov’t Code § 6254(k).

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
October 7, 2019

This is a follow up to a previous request:

Supervisor of Records,

This is a new 67.21(d) petition. I as always expect a 10-day-or-earlier response, and there's no complex IT analysis required here.

I made an IDR on Oct 4 to the Mayor for among other things: "an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive)."

On Oct. 7, the Mayor's Office withheld all information whatsoever about future meeting entries from October 21 to 28, 2019.

They haven't even provided redacted information and have instead withheld in entirety all information.
(This has nothing to do with any metadata, headers, formats, etc.)

The Mayor's contention that regular political and policy meeting entries are as a whole "records of... security procedures... of any state or local police agency" under Gov Code 6254(f) is completely inappropriate. No where does it say that records that "necessarily provide 'security procedures' information" (Heckel letter Oct. 7) are exempt - such a broad reading would exempt nearly all information about the Mayor since knowing where the Mayor was in the past also "provide[s]" information about her security detail. Heckel has notably elided the "*records of*... security procedures" prefix of his legal citation. Of course, the CA Supreme Court and Constitution require that we interpret laws that limit disclosure narrowly, and the Mayor's interpretation of 6254(f) is absurdly broad. Shall we make a state secret the Mayor's official physical business address because it would allow us to know that she has security protecting her at City Hall? This is nonsense.

These future meeting entries are not /in their entirety/ security procedures, and instead the non-exempt portions of these records tell us very important things about the priorities, communications, political and lobbying contacts of the Mayor, and that information is completely public. Which is of course why the Mayor hides and obfuscates it. I have no interest in the security detail of the Mayor and they could merely redact that information. I suspect the vast majority of meetings have in fact absolutely no such security detail information given the non-Prop G calendars the Mayor has previously turned over.

The evidence of request and response is in the email thread at the bottom of this complaint e-mail.

Please provide all determinations and associated orders. There is no provision for you to refuse to provide a determination after I have made a 67.21(d) petition, regardless of what the Mayor does or does not do after this point.
** Note that all of your responses (including disclosed records) may be automatically and instantly available to
the public on the MuckRock.com service used to issue this request (though I am not a MuckRock
representative). Redact your responses correctly - once you send them to us there is no going back. **

Thanks,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81242-04060798@requests.muckrock.com
Upload documents directly:

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 81242
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock
by the above in order to better track, share, and manage public records requests. Also note that improperly
addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests
might be returned as undeliverable.

---

On Oct. 7, 2019:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure
Request
Task Force,

A new 67.21(e) petition/complaint is below. Please provide me a file number, and cc-me on the request for
response to the Mayor.

Respondents: Office of Mayor, London Breed, Hank Heckel

Complainant: Anonymous (81242-04060798@requests.muckrock.com)

Alleged Violations: SFAC 67.21, 67.26, 67.25

Original Request Date: Oct. 4, 2019

Complaint:

I made an IDR on Oct 4 to the Mayor for among other things: "an electronic copy of the Mayor's
*prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019
On Oct. 7, the Mayor's Office withheld all information whatsoever about future meeting entries from October 21 to 28, 2019. They haven't even provided redacted information and have instead withheld in entirety all information. (This has nothing to do with any metadata, headers, formats, etc.)

The Mayor's contention that regular political and policy meeting entries are as a whole "records of... security procedures,... of any state or local police agency" under Gov Code 6254(f) is completely inappropriate. No where does it say that records that "necessarily provide 'security procedures' information" (Heckel letter Oct. 7) are exempt - such a broad reading would exempt nearly all information about the Mayor since knowing where the Mayor was in the past also "provide[s]" information about her security detail. Heckel has notably elided the "*records of*... security procedures” prefix of his legal citation. Of course, the CA Supreme Court and Constitution require that we interpret laws that limit disclosure narrowly, and the Mayor's interpretation of 6254(f) is absurdly broad. Shall we make a state secret the Mayor's official physical business address because it would allow us to know that she has security protecting her at City Hall? This is nonsense.

These future meeting entries are not /in their entirety/ security procedures, and instead the non-exempt portions of these records tell us very important things about the priorities, communications, political and lobbying contacts of the Mayor, and that information is completely public. Which is of course why the Mayor hides and obfuscates it. I have no interest in the security detail of the Mayor and they could merely redact that information. I suspect the vast majority of meetings have in fact absolutely no such security detail information given the non-Prop G calendars the Mayor has previously turned over.

The evidence of request and response is in the email thread at the bottom of this complaint e-mail.

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

Thanks,

Anonymous

---

On Oct. 7, 2019:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

I will of course appeal this. I have no interest in the security detail of the Mayor and you could merely redact that information. I suspect the vast majority of meetings have in fact absolutely no such information given the non-Prop G calendars you have already turned over in the past.

I understand that you are an attorney, even if not the attorney for the Mayor -- your contention that regular political and policy meeting entities are as a whole "records of... security procedures,... of any state or local police agency" is completely inappropriate. No where does it say that records that "necessarily provide 'security procedures' information" are exempt - such a broad reading would exempt nearly all information about the
Mayor since knowing where the Mayor was in the past also "provide[s]" information about her security detail. You have notably elided the "records of... security procedures" prefix of your citation.

These future meeting entries are not /in their entirety/ security procedures, and instead the non-exempt portions of these records tell us very important things about the priorities, communications, political and lobbying contacts of the Mayor, and that information is completely public.

Sincerely,
Anonymous

---

On Oct. 7, 2019:
Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request
Dear Anonymous,

This responds in part to your request below received by the Office of the Mayor on October 4, 2019. Regarding Item 1, marked as an immediate disclosure request, the records you have sought regarding the Mayor's "prospective/expected" calendar or schedule for the dates of October 21 to October 28 are currently exempt from disclosure, at least pursuant to Cal. Gov. Code 6254(f). Pursuant to that section and contrary to your argument below, future events and meetings of the Mayor that are not public, necessarily provide "security procedures" information of a "local police agency" given the security assigned to the Mayor for such events and meetings.

Under that provision and a rule of reason analysis, it jeopardizes the safety and security of such meetings to reveal their details in advance. A meeting that has been publicly announced is available for disclosure. Similarly past meetings are recorded in the Prop G calendar and other scheduling documents, as you have seen from our other productions.

Please let me know if you have any questions.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

October 4, 2019

Office of the Mayor,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 4, 2019. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.
Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for *prior* calendar records, Mr. Heckel appeared to argue that all future meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is implausible that there would be no prospective scheduling information for upcoming events the Mayor must attend to, even though Prop G requires no such calendar be kept. All calendars, whether Prop G or not, that your agency prepared, owned, used, or retained re: the public's business are public records -- as was also ruled at SOTF 19047 (see also, Sup. of Records response of Sept. 6).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of the Mayor's future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for the Mayor's Office. The Mayor's Office is not "the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency" so the first clause re: security procedures does not apply. Furthermore a calendar cannot be "investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes." This would an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the Mayor may potentially be lawfully withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

All records must be provided in rolling fashion.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:

1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

2. REGULAR DISCLOSURE: If the Mayor or any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's
business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In
order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT
specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any fees. If you determine certain records would
require fees, please instead provide the required notice of which of those records are available and non-exempt
for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81242-04060798@requests.muckrock.com
Upload documents directly:
in%2Fnext%3D%2F252FAgency_login%2F252FOffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immedi
ate-disclosure-request-81242%252F253Demail%252Dmayorsunshinerequests%252540sfgov.org&url_auth_token=AAAxJKbo2Vj
5U7JilkNXflXyg%3A1iGSEg%3AKb2-HWrfbaQTXiKTZHpbY2gY3Yc
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 81242
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock
by the above in order to better track, share, and manage public records requests. Also note that improperly
addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests
might be returned as undeliverable.

---

On Oct. 4, 2019:
Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure
Request
Office of the Mayor,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to
the public on the MuckRock.com service used to issue this request (though I am not a MuckRock
representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made
on October 4, 2019. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if
exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for *prior* calendar records, Mr. Heckel appeared to argue that all future meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is implausible that there would be no prospective scheduling information for upcoming events the Mayor must attend to, even though Prop G requires no such calendar be kept. All calendars, whether Prop G or not, that your agency prepared, owned, used, or retained re: the public's business are public records -- as was also ruled at SOTF 19047 (see also, Sup. of Records response of Sept. 6).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of the Mayor’s future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for the Mayor’s Office. The Mayor’s Office is not “the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency” so the first clause re: security procedures does not apply. Furthermore a calendar cannot be “investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.” This would an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the Mayor may potentially be lawfully withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

All records must be provided in rolling fashion.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:
1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

2. REGULAR DISCLOSURE: If the Mayor or any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).
3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81242-04060798@requests.muckrock.com
Upload documents directly:

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 81242
411A Highland Ave
Somerville, MA 02144-2516

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Sent via email (81411-90616367@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your October 8, 2019 request to the City Attorney’s Office for the City Attorney’s calendar from September 30, 2019, to October 7, 2019.

Under the Sunshine Ordinance, it is the responsibility of the Supervisor of Records to determine whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – in the words of the Ordinance, to determine “whether the record requested, or any part of the record requested, is public.” Admin. Code § 67.21(d). That is the extent of our jurisdiction. Our failure to address any issue alleged in your petition but outside our jurisdiction does not in any instance imply a negative judgment regarding the handling of your public records request by the City Attorney’s Office.

First, you contend that the City Attorney’s response did not disclose the place of each meeting under Section 67.29-5(a) of the Administrative Code. This allegation does not involve the department’s decision to withhold or redact a part of a record, and it is outside the scope of the jurisdiction of the Supervisor of Records.

Second, you contend the City Attorney’s Office withheld “additional non-Prop G scheduling information” without stating that such information was withheld or providing a basis to withhold it. The City Attorney only maintains one calendar, and the City Attorney produced the requested entries from that calendar to you in response to your request. The calendar does not include information such as the identity of particular clients or the particular topics discussed, due to the attorney-client privilege and work product privilege. And to the extent you contend this request called for other documents or emails concerning the scheduling of meetings, the City Attorney’s Office responded to you on October 18, 2019, indicating that it had no responsive records. Because the City Attorney’s Office did not withhold or redact any documents responsive to your request, there is nothing for the Supervisor of Records to determine.
Finally, you contend that the City Attorney’s Office improperly withheld “individual meeting items.” The calendar items maintained for the City Attorney’s calendar contain no additional information beyond what was disclosed to you. Again, because the City Attorney’s Office did not withhold or redact any documents responsive to your request, there is nothing for the Supervisor of Records to determine.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

Bradley A. Russi  
Deputy City Attorney
San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102  

October 15, 2019  

This is a follow up to a previous request:

Sup. of Records,

This is a SFAC 67.21(d) petition regarding specific issues re: the City Attorney's past calendar items. Please issue a determination in writing.

No non-PDF formats or metadata not commonly visible in Outlook was requested here, so you do not need to consider those issues. This petition regards solely (1b) of our request (copied below); the other parts are pending response from the City Atty and may be petitioned later.

First, Herrera's sole responsive calendar record (attached) does not even meet Prop G 67.29-5 calendar requirements for the City Attorney. Mr. Herrera must disclose, as a public record, and you must "determine" to be a public record or part thereof, "the time and place of each meeting or event attended by that official, either in person or by teleconference or other electronic means" (67.29-5(a)). The attached files shows there are no "place[s] of each meeting". Wherever he has kept that information, he must disclose it, whether in this view or not. While the City Atty may argue a 67.29-5(e) exemption (but has not done so), for Herrera that exemption may solely apply to 67.29-5(b) and (c), NOT (a). While he may not have to identify City employees, he must indicate the location of the meetings. And, at the very least, the Oct. 1 Salesforce meeting was surely not in his own office.

Second, surely Mr. Herrera has additional non-Prop G scheduling information (we requested all of it) so he can actually conduct his regular business and know who is at these meetings. The City Atty has not stated any withholdings, nor any justifications for withholding in. If you wish to redact privileged portions of that, that is fine, but right now we have nothing. SOTF 19047 on Oct. 2 already found that the Mayor's non-Prop G calendars are public, and your own Sup. of Records response on Sept. 6 found similarly (https://cdn.muckrock.com/foia_files/2019/09/06/2019-09-06_Ltr_to_Muckrock.pdf), though you failed to grant the petition in that case. Please determine to be public all non-Prop G records in this request.
Third, individual meeting items were not provided. Each such item is a record, and is a public record, and we requested each of them. We specifically stated we did not want a summary view. Please determine to be public each of the records merely summarized in the sole record they provided.

"1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records."

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81411-90616367@requests.muckrock.com
Upload documents directly: https://accounts.muckrock.com/accounts/login/?url_auth_token=AAuFJxL7h5lqcA9nX1lo0xas0Y%3A1iKUBG%3Asx2OHVxMJMTQ0n2hG0- _umcT0tE&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2FLogin%2F%3Fnext%3D%252Facounts%252FAgency_Login%252Fsan-francisco-city-attorney-797%252FFuture-Calendars-and-Meetings-
immediate-disclosure-request-81411%252Femail%253Dsupervisor.records%252540sfcityatty.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

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MuckRock News
DEPT MR 81411
411A Highland Ave
Somerville, MA 02144-2516

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On Oct. 15, 2019:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request
Yes, 1b is complete.

Thanks,
On Oct. 15, 2019:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request
Perfect, thanks. Is 1b complete? We asked for non-Prop G calendars as well.

---

On Oct. 15, 2019:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request
Dear requester,

Please see attached document responsive to your request numbered 1b below. We are working on the remainder of your requests, and will respond to those as soon as possible.

Please send replies to cityattorney@sfcityatty.org

Sincerely,

[Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

---

On Oct. 9, 2019:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request
What department are you consulting?

They are your *own* department's calendars.
You are the attorneys that everyone else in the City consults, and usually uses to claim that kind of extension. And I didn't ask for any special formats or custom metadata, so Dept of Tech. would also not make any sense.

I also recall that in Case 19044 your agency testified that your own IT staff redacted records.

Provide immediately the calendar meetings in 1a and 1b.
I will contest this untimely production of 1a and 1b in addition to any other failures of production.
Also, I will be continue to argue it is a 10-day, not 14-day, extension under 67.25.

Sincerely,
Anonymous

---

On Oct. 9, 2019:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request
Dear Requester,

I am writing in behalf of the City Attorney’s Office in response to your immediate disclosure requests numbered 1a and 1b in your below request. Please note we hereby invoke an extension of no more than 14 days to consult with another department regarding the records (See Cal. Gov’t Code §6253(c)(3)). We will endeavor to process your request as quickly as possible and anticipate responding no later than the close of business October 23, 2019.

Please send replies to cityattorney@sfcityatty.org

Sincerely,
Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

---

On Oct. 8, 2019:
Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request
Office of City Attorney,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 8, 2019 re: your department head's calendars. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for *prior* calendar records, Mr. Heckel appeared to argue that all future meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is
implausible that there would be no prospective scheduling information for upcoming events your department head must attend to, even though Prop G/67.29-5 requires no such calendar be kept.

All calendars, whether Prop G/67.29-5 or not, that your agency prepared, owned, used, or retained re: the public's business are public records (see SOTF 19047; Sup. of Records response of Sept. 6; and Good Government Guide).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of a future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for your office, which is not “the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency” so the first clause re: security procedures does not apply. Furthermore a calendar cannot be “investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.” This would an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the department head may potentially be lawfully withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

All records must be provided in rolling fashion.

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Please provide:

1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records

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3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the department head, their senior-most deputy, their chief of staff (or equivalent, and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

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I look forward to your immediate disclosure.

Sincerely,
Anonymous

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October 1, 2019
Tuesday

7 AM

8
Review Advice/Staff Consultation

9

10
Speak at Salesforce Event Panel Discussion

11

12 PM
Review Advice/Staff Consultation

1

2

3

4

5

6

Notes
## October 2, 2019

**Wednesday**

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<td>Review Advice/Staff Consultation</td>
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<td>MTG w/ Kate Lazarus and Asim Bhansali re: introductory meeting</td>
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**Notes**

**WEDNESDAY**

2

**Notes**
### October 3, 2019

**Thursday**

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Notes: 20th Annual SOR Report
APPENDIX - Page 396
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**October 5, 2019**
Saturday

### October 2019

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### November 2019

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**Notes**

**October 7, 2019**

**Monday**
Sent via email (81412-71801448@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records dated October 23, 2019, concerning a request to the San Francisco Police Department (“SFPD”) for the Chief of Police’s calendar. Specifically, you requested:

1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head’s *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled “Prop G” or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records

1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head’s calendar or schedule, with all events/items, from Sep 30 to Oct 7, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled “Prop G” or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested
(though you are welcome to provide them if it can be provided immediately). 
Do NOT physically print and re-scan records.

2. REGULAR DISCLOSURE: If the department head or any of the department head's staff uses any invitation/guestlist tracking systems on behalf of the department head (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2, for the date range in #1. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the department head, their senior-most deputy, their chief of staff (or equivalent, and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

On October 23, 2019, SFPD produced the Chief’s calendar for September 30-October 7. On October 29, 2019 and on November 5, 2019, SFPD provide further responses. SFPD produced additional items from the Outlook calendar, applied redactions, and identified the basis for such redactions. With regard to your request for prospective calendar entries, SFPD declined to disclose such documents due to the potential security risk disclosure would pose to the Chief of Police, on the basis of Section 6254(f) of the Government Code and Section 1040 of the Evidence Code.

We determine that SFPD properly responded to your request. If you contest specific redactions, please identify the redactions you believe were improperly applied and provide a basis for why you believe such information is public. We find that SFPD properly declined to produce the prospective calendar entries to protect the Chief’s security. See Gov’t Code §§ 6254(f), 6254(k); Evid. Code § 1040; Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991).

For the foregoing reasons, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
October 23, 2019

This is a follow up to request number P009438-101619:

REF# SFPD P009438-101619 - New SFAC 67.21(d) petition

Supervisor of Records,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

SFPD is withholding calendar entries under Prop G, but Prop G simply cannot exempt any records that already exist but don't fall under Prop G (Please consult your own Supervisor of Records' petition response of Sept. 6, and the SOTF ruling against the Mayor in SOTF 19047 Anonymous v Mayor London Breed, et al. regarding these issues.).

Attached is the request, response, and responsive records.

Sec 67.29-5 does not exempt any records that are owned, retained, prepared, or used, by the agency. SFPD has no legal authority to delay production of any record, even a Prop G calendar, for any time. All calendar records owned, retained, prepared, or used by the agency must be disclosed, unless exempt. Sec 67.29-5 is not even written as an exemption section - only the exemptions in the CPRA can even apply, the Sunshine Ordinance can only ban exemptions it is not even allowed to create new exemptions.

I want a written determination under 67.21(d) no matter what happens after filing of this petition. I want all Prop G (future or past) and all non-Prop G calendars responsive to my request turned over immediately as public records, except with specific redactions and justifications. The format/metadata of these records is not currently at issue in this petition.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81412-71801448@requests.muckrock.com
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 81412
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Oct. 23, 2019:
Subject: RE: California Public Records Act Request #P009438-101619
REF# P009438-101619

Sec 67.29-5 does not exempt any records that are owned, retained, prepared, or used, by your agency. You have no legal authority to delay production of record for any time. Please consult the Supervisor of Records' petition response of Sept. 6, and the SOTF ruling against the Mayor in SOTF 19047 Anonymous v Mayor London Breed, et al. regarding these issues.

I will immediately appeal your response.

---

On Oct. 23, 2019:
Subject: Public Records Request :: P009438-101619
Attachments:
P9438 - 2019.10.23 sfpd response.pdf
(Please click on link to view)

---
October 23, 2019 Via email 81412-71801448@requests.muckrock.com
Anonymous
Somer, MA 02144-2516
RE: Public Records Request, dated October 16, 2019, Reference # P009438-101619
Dear Anonymous:
In response to your request, please see attached documents.
Thank you.
Sincerely,
Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division
To monitor the progress or update this request please log into the SFPD Public Records Center.

---

On Oct. 16, 2019:
Subject: RE: California Public Records Act Request: Calendars and Meetings - Immediate Disclosure Request
Why does this say you received the email Oct 15?

---

On Oct. 16, 2019:
Subject: Public Records Request :: P009438-101619
Attachments:
P9438 - 2019.10.16 sfpd response.pdf
October 16, 2019 Via email 81412-71801448@requests.muckrock.com
Anonymous
Somer, MA 02144-2516
RE: Public Records Request, dated October 16, 2019, Reference # P009438-101619
Dear Anonymous:
In response to your request, please see attached document.
Thank you.
Sincerely,
Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division
To monitor the progress or update this request please log into the SFPD Public Records Center.
--- Please respond above this line ---

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

---

On Oct. 8, 2019:
Subject: California Public Records Act Request: Calendars and Meetings - Immediate Disclosure Request SFPD,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 8, 2019 re: your department head's calendars. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.
All calendars, whether Prop G/67.29-5 or not, that your agency prepared, owned, used, or retained re: the public's business are public records (see SOTF 19047; Sup. of Records response of Sept. 6; and Good Government Guide).

All records must be provided in rolling fashion. If you use a web portal, you must make all records open without login or terms and conditions; or you may provide records as attachments.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:

1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records.

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3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the department head, their senior-most deputy, their chief of staff (or equivalent, and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request,
particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81412-71801448@requests.muckrock.com
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 81412
411A Highland Ave
Somerville, MA 02144-2516

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SAN FRANCISCO POLICE DEPARTMENT
CHIEF WILLIAM SCOTT
HIGHLIGHTS FOR MONDAY, SEPTEMBER 30

0900 hours  MEETING: City Department Human Resources
             Re: Personnel Issue
             Location: PHQ, CHIEF’S OFFICE CONF. ROOM

1000 hours  MEETING: Staff
             Re: Personnel Issue
             Location: PHQ, CHIEF’S OFFICE CONF. ROOM

1130 hours  MEETING: Community Group
             Wealth & Disparities in the Black Community
             Phelicia Jones, Jean Bridges
             Location: PHQ, FIRST FLOOR ROOM #1025

1300 hours  MEETING: Staff
             Re: Operations Briefing
             Location: PHQ, CHIEF’S OFFICE

1400 hours  MEETING: Staff
             Re: Policy Briefing
             Location: PHQ, CHIEF’S OFFICE

1530 hours  ATTEND: Meeting with SF Travel
             Invited by Mayor’s Office
             Location: CITY HALL, MAYOR’S OFFICE

1800 hours  ATTEND: Youth Town Hall and Youth Summit
             Location: CORNERSTONE BAPTIST CHURCH
             3RD STREET AND GILLMAN
SAN FRANCISCO POLICE DEPARTMENT
CHIEF WILLIAM SCOTT
HIGHLIGHT FOR TUESDAY, OCTOBER 1

0900 hours    TRAINING: Leadership Development
               Cohort Working Group (ALL DAY)
               Location: PRESIDIO, 1299 STOREY AVENUE
0900 hours  MEETING: Staff  
Re: Personnel Issue  
Location: PHQ, CHIEF’S OFFICE CONF. ROOM  

1000 hours  MEETING: Staff  
Re: Projects Update  
Location: PHQ, CHIEF’S OFFICE  

1100 hours  MEETING: Staff  
Re: Crime Trends Briefing  
Location: PHQ, CHIEF’S OFFICE CONF. ROOM  

1300 hours  MEETING: Allied Universal Event Services  
Doug Morse  
Re: Cadet Hiring Program  
Location: PHQ, CHIEF’S OFFICE CONF. ROOM  

1400 hours  EVENT: Pink Patch Project Kick Off Event  
Location: IN FRONT OF PHQ  

1500 hours  MEETING: Staff  
Re: Personal Development  
Location: PHQ, CHIEF’S OFFICE  

1600 hours  MEETING: Sean Elsbernd  
Re: Chief of Staff Briefing  
Location: CITY HALL, ROOM 200  

1630 hours  MEETING: Mayor London Breed  
Re: Mayoral Briefing  
Location: CITY HALL, ROOM 200
1730 hours   ATTEND: Police Commission Meeting
Location:     CITY HALL, ROOM 400
SAN FRANCISCO POLICE DEPARTMENT
CHIEF WILLIAM SCOTT
HIGHLIGHTS FOR THURSDAY, OCTOBER 3

0930 hours  ATTEND: Event Preparedness Briefing
Re: 2019 Citywide Fleet Week
Location:  1011 TURK STREET

1030 hours  ATTEND: Press Event
RE: Fleet Week
Location:  1011 TURK STREET

1115 hours  ATTEND: HSOC Principals Policy Group
Location:  CITY HALL, ROOM 201

1400 hours  ATTEND: Event
Re: Chief Toney Chaplin’s Swearing-In Ceremony
Location:  HAYWARD CITY HALL ROTUNDA
           777 B STREET, HAYWARD
0800 hours  MEETING: Commissioner Robert Hirsch
Re: Weekly Briefing
Location:  CONFERENCE CALL

1030 hours  MEETING: Center for Policing Equity
Re: Discussion of National Justice Database Project
Ms. Krista Dunn
Location:  CONFERENCE CALL

1330 hours  ATTEND: Staff Discussion
Re: Collaborative Review Initiative Weekly Meeting
Location:  PHQ, 5th Floor

1500 hours  MEETING: Employee Group
Re: Monthly Discussion
Location:  PHQ, CHIEF’S OFFICE CONF. ROOM

1600 hours  MEETING: Staff
Re: Weekly Briefing
Location:  PHQ, CHIEF’S OFFICE

1630 hours  MEETING: Staff
Re: Community Engagement Updates
Location:  PHQ, CHIEF’S OFFICE
1130 hours  ATTEND: Community Event
Potrero Hill Community Awareness Resources Entity (CARE) Barbecue
Location:  IN THE CLEAR AREA BEHIND
107 DAKOTA STREET

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NO PUBLIC EVENTS FOR SUNDAY, OCTOBER 6
SAN FRANCISCO POLICE DEPARTMENT
CHIEF WILLIAM SCOTT
HIGHLIGHTS FOR MONDAY, OCTOBER 7

0900 hours    ATTEND: Full-Scale Exercise
RE: 2019 SF Fleet Week DSCA Disaster Debris
and Route Reopening
Location:   PIER 27, EMBARCADERO SF

1030 hours    ATTEND: Mayor’s Press Event
Re: Fleet Week Kick-Off
Location:   PIER 27, EMBARCADERO SF

1230 hours    MEETING: Staff
RE: Personnel Issue
Location:   PHQ, CHIEF’S OFFICE CONF. ROOM

1330 hours    MEETING: Staff
RE: Command Staff Briefing
Location:   PHQ, CHIEF’S OFFICE

1400 hours    MEETING: Staff
RE: Operations
Location:   PHQ, CHIEF’S OFFICE

1500 hours    MEETING: Labor Group
Re: Monthly Briefing
Location:   PHQ, CHIEF’S OFFICE CONF. ROOM

1600 hours    MEETING: Staff
Re: Personnel Issue
Location:   PHQ, CHIEF’S OFFICE CONF. ROOM
1800 hours  ATTEND: Community Meeting
Community Awareness Resources Entity (CARE)
Location:  CARE OFFICE, 107 DAKOTA STREET
October 23, 2019

Via email 81412-71801448@requests.muckrock.com

Anonymous
Somerville, MA 02144-2516

RE: Public Records Request, dated October 8, 2019, Reference # P009438-101619

Dear Anonymous:

The San Francisco Police Department (SFPD), Legal Division received your Public Records Act request on October 15, 2019.

You requested, "Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back."

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On the same date, SFPD informed you that your request was not simple, routine, or otherwise readily answerable and it was considered a standard public records request that allows SFPD up to 10 days to respond.

Responsive records are included in this correspondence. Please note that certain information has been withheld in these materials under the following:

Govt. Code Sec. 6254(c) – personal information on the basis of privacy.

Admin Code 67.29-5(b) – attendees who fall under this section have been withheld including labor/employee groups and organizations, as well as members of the public who wished to remain anonymous.

Per Admin Code 67.29-5(e) – names of Department members are not provided when all attendees at the meeting are in the official’s City department.

As for your request for the calendar for date range October 21 – 28, these records are not being provided per Admin Code 67.29-5(a). “Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date.” The SFPD will provide you with an update by October 29.

Thank you for your courtesy in this regard.

Sincerely,

Lt. R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division
SFPD,

**Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly – once you send them to us there is no going back.**

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 8, 2019 re: your department head’s calendars. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

All calendars, whether Prop G/67.29-5 or not, that your agency prepared, owned, used, or retained re: the public's business are public records (see SOTF 19047; Sup. of Records response of Sept. 6; and Good Government Guide).

All records must be provided in rolling fashion. If you use a web portal, you must make all records open without login or terms and conditions; or you may provide records as attachments.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:
1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and
redact them. Do not cutoff information like long text that does not fit on the screen – that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records.

1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen – that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records.

2. REGULAR DISCLOSURE: If the department head or any of the department head's staff uses any invitation/guestlist tracking systems on behalf of the department head (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2, for the date range in #1. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the department head, their senior-most deputy, their chief of staff (or equivalent, and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any
fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous
December 6, 2019

Sent via email (79182-05441065@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your public records requests to the City Attorney’s Office and the Department of Technology. You requested from both the City Attorney’s Office and the Department of Technology:

regular disclosure timeline: internal memos/directives/orders/emails/changelogs of your 2018 and 2019 updates to the catalog, or any other writings evidencing your agency’s compliance with Gov Code 6270.5(f): ‘The local agency shall complete and post the catalog required by this section by July 1, 2016, and thereafter shall update the catalog annually’

The City Attorney’s Office indicated in its response to this request that it withheld documents on the basis of the attorney-client privilege and/or the attorney work product doctrine. We have reviewed the documents withheld and find that the City Attorney’s Office properly declined to produce such documents on the basis of the attorney-client privilege and/or attorney work product doctrine. See Gov’t Code §§ 6254(k), 6276.04; Evid. Code § 954; Code of Civil Pro. § 2018.030. These privileges apply to communications between staff and attorneys within the office concerning compliance with Government Code Section 6270.5(f).

With regard to your request to the Department of Technology, you ask us to “determine in writing whether DT properly has no responsive records.” The department has not indicated that it was withholding any records on the basis of an exemption, and it is not within the jurisdiction of the Supervisor of Records to evaluate the adequacy of a department’s search for records. As a result, there is nothing for us to determine.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102  

October 29, 2019  

This is a follow up to request number 19-3663:  

RE: NEW 67.21(d) petition  

Supervisor of Records,  

By this 67.21(d) petition, I am appealing against both the City Atty and the Dept of Tech.  
I understand you lack jurisdiction over CPRA Gov Code 6270.5, so that portion of these requests will be taken up at the SOTF only.  
The portion to appeal to you is as follows.  

PART 1: On August 21st I requested from City Atty:  
"2. regular disclosure timeline: internal memos/directives/emails/changelogs of your 2018 and 2019 updates to the catalog, or any other writings evidencing your agency's compliance with Gov Code 6270.5(f): "The local agency shall complete and post the catalog required by this section by July 1, 2016, and **thereafter shall update the catalog annually**." (emphasis mine)"

On Sept 3rd the City Atty withheld all responsive documents:  
"Finally, we decline to produce documents responsive to the second part of your request as they are exempt from disclosure under the attorney-client privilege (Cal. Gov’t Code § 6276.04; Cal. Evid. Code § 954) and work product privilege. (Cal. Gov’t Code § 6276.04; Cal. Code of Civil Pro. § 2018.030)."

They repeated the total withholding on Oct. 21 after I followed up. I also explained that the privileges they sought to use could not protect work that is neither confidential legal advice to a client, nor work product *of an attorney* pertaining to the attorney's interpretations and impressions of the law (as opposed to mere statement of facts, which would not be protected by work product privilege). I also do not believe there is a client here at all, since this is the city attorney's own catalog of records.  

After an SOTF hearing on Oct 22, on Oct 28, City Atty provided some emails, and Excel and PDF documents, and continued to withhold other documents per the above privileges. Those newly provided documents do *not* appear to be written by attorneys and thus their earlier claimed privileges were inappropriate.
Due to their now-admitted failure to provide all documents initially, I would like you to determine in writing whether every remaining document withheld properly meets the legal exemption of the A-C or W-P privileges.

PART 2: On Aug 28 I requested from DT:
"2. regular disclosure timeline: internal memos/directives/orders/emails/changelogs of your 2018 and 2019 updates to the enterprise system catalog, or any other writings evidencing your agency's compliance with Gov Code 6270.5(f): "The local agency shall complete and post the catalog required by this section by July 1, 2016, and **thereafter shall update the catalog annually**." (emphasis mine)"

DT failed to initially respond to this request at all.

On Oct 23, after an Oct 15 SOTF hearing, DT responded:
"The Department of Technology has searched for responsive records and we do not have any records that are responsive to the request. The inventory of enterprise systems was created in July 1, 2016 and the Department has not implemented any new enterprise systems which would require updating the City listing.

I would like you to determine in writing whether DT properly has no responsive records. Note that they claim they have no new enterprise systems, but my request asks not only for the updates themselves (which may indeed be nil), but also the "internal memos/directives/orders/emails" discussing them, which may still exist (and would likely prove out that there are no updates to be made).

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 79182-05441065@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2Fnext%3D%2F252Faccounts%2Fagency_login%2Fsan-francisco-city-attorney-797%252Fsfb-272-enterprise-systems-immediate-disclosure-request-79182%252Femail%252Dsupervisor.records%2540sfcityatty.org&url_auth_token=AAAuFDulp5q6S04NYkWLTeePY9NQ%3A1iPJTd%3Auf3EvZfG0mJw5FnZOnFmUDkwJdM
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 79182
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Oct. 29, 2019:
Subject: RE: California Public Records Act Request #19-3663
FILE 19095

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thanks for the newly disclosed records - please reply with them on this thread.

--Anonymous

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On Oct. 25, 2019:
Subject: [External Message Added] City and County of San Francisco public records request #19-3663
City and County of San Francisco

************************************************************************

Hi there

A message was sent to you regarding record request #19-3663:

In reference to Sunshine #19094

The Department of Technology is responding to the following:

* People have a right not to use NextRequest logins because they enforce Terms/Conditions beyond those required by the CPRA (see ex. Gov Code 6253.3). Other agencies like DPW already appear to do no-login, fully public, publication on NextRequest.

- Please know that Requestors may submit an email Public Records Request (PRR) to the Department of Technology and the Department of Technology can reply in email if that is preferred. You do not need to use NextRequest to receive documents if you do not want to use NextRequest. We can provide in email. Our practice is to use NextRequest because it has the history of the communication. We can provide records either via NextRequest or by email. We can also make the responsive records public in NextRequest if the requestor informs of this need.

* DT also failed to respond on Oct 15 or in the case record to the central allegation (legal argument) in this complaint, which is a violation of the CPRA, Gov Code 6270.5, which requires listing all enterprise systems. I believe, under SOTF rules, I win by default if DT fails to prove its case, and I have heard no argument at all.

- After receiving your complaint to the SOTF on September 3, 2019, DT wasted no time in searching for your emailed records request. It was found on September 4 and was completed on September 5, 2019 with the requested PDF record set.
* DT employee appeared to state on Oct 15 that my Aug 28 IDR email did not state it was an Immediate Disclosure Request in the subject. Please recheck your records. I have verified that both the subject and body of my email certainly say Immediate Disclosure Request. The Subject was "RE: California Public Records Act Request: SB 272 Enterprise Systems - Immediate Disclosure Request." The body says "This is an IMMEDIATE DISCLOSURE REQUEST under the Sunshine Ordinance,..." Does DT agree that my Aug 28 request did correctly state that it was an IDR?

- DT received your complaint on September 3. We searched for the record request which was found on September 4 and DT responded on September 5. The subject line of the email request does state it was an Immediate Disclosure Request. Immediate Disclosure Request are responded to within 24 hours. In this case because the Subject Line of the email contained “RE:” our automated system did not recognize the request as a service request and did not create a ticket. There are process reasons why the automated system does not create a ticket for RE: email subject lines. As soon as we learned there was a records request we immediately searched for the email and responded as quickly as possible.

* DT employee also appeared to state on Oct 15 that my email was not properly routed to your records queue because it had a subject with "RE: " (aka an email reply). However your dept previously statedon Sept. 6 "We had difficulty finding your email because it contained special characters that were picked up by our email filters as potential malware and it was not delivered to the service desk email account." Which is the correct explanation? Why was I publicly given a reason about 'special characters' and 'potential malware'?

- Both explanations are correct. When DT learned that the request had been sent to the Service Desk contact email account, this email box was searched. The records request was not in the mailbox and the first explanation for such a condition is that the automated malware detection software blocked the email from the mailbox due to special characters or malware in the email. DT searched the blocked email archives to find the request. When DT could not find the email in the blocked emails, DT looked at the integration between the Service Desk email account and the automated ServiceNow ticketing system. Emails sent with “Re:” do not auto-generate a service desk ticket to avoid duplicates. The records request had an “Re” in the title and the system rejected the email.

* On August 28, my email stated two requests, an IDR and a non-IDR. I do not believe DT has ever responded to the non-IDR request. Do you agree? I don't see a statement that there are no responsive records, that there are responsive records but they were withheld (with reasons), or any released records. I believe such a response was required under SFAC 67.21, and was due long ago. DT did not comment about this at the Oct 15 hearing.

- DT apologizes for the oversight because the Immediate Request was the focus of our response and DT created and specially formatted the PDF for the response. Thank you for bringing this to our attention and we responded immediately.
On Oct. 25, 2019:
Subject: Your City and County of San Francisco public records request #19-3663 has been published.
City and County of San Francisco

Hi there

Record request #19-3663 has been published and is now available for public view.

---

On Oct. 25, 2019:
Subject: Your City and County of San Francisco public records request #19-3663 has been closed.
City and County of San Francisco

Hi there

Record request #19-3663 has been closed. The closure reason supplied was:

This concludes your public records request.

---

On Oct. 23, 2019:
Subject: [External Message Added] City and County of San Francisco public records request #19-3663
City and County of San Francisco

Hi there
A message was sent to you regarding record request #19-3663:

The Department of Technology is responding to #2 in this request:

* IMMEDIATE DISCLOSURE: the catalog of all of the City Attorney's and the Dept of Technology's enterprise systems, as defined by SB 272 / Gov Code 6270.5 – PDF record provided September 5.

* regular disclosure timeline: internal memos/directives/orders/emails/changelogs of your 2018 and 2019 updates to the enterprise system catalog, or any other writings evidencing your agency's compliance with Gov Code 6270.5(f): "The local agency shall complete and post the catalog required by this section by July 1, 2016, and **thereafter shall update the catalog annually**." (emphasis mine)

We apologize for not responding to the second portion of your request. This was an oversight and we appreciate you bringing this to our attention (email from arecordsrequestor@pm.me, October 18, 2019, Subject: Sunshine #19094 – DT, offer of compromise, please resolve factual inconsistencies. Arecordsrequestor wrote: I do not believe DT has ever responded to the non-IDR request. Do you agree? I don't see a statement that there are no responsive records, that there are responsive records but they were withheld (with reasons), or any released records. I believe such a response was required under SFAC 67.21, and was due long ago. DT did not comment about this at the Oct 15 hearing.

The Department of Technology has searched for responsive records and we do not have any records that are responsive to the request. The inventory of enterprise systems was created in July 1, 2016 and the Department has not implemented any new enterprise systems which would require updating the City listing. https://data.sfgov.org/City-Management-and-Ethics/Inventory-of-citywide-enterprise-systems-of-record/ebux-gcnq.

Questions about your request? Reply to this email or sign in to contact staff at City and County of San Francisco. Technical support: See our help page

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On Aug. 21, 2019:
Subject: California Public Records Act Request: SB 272 Enterprise Systems - Immediate Disclosure Request

Good afternoon,

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before end of business August 21, 2019 directed to agency: " San Francisco City Attorney ".

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

I request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

1. IMMEDIATE DISCLOSURE: your catalog of all of your department's enterprise systems, as defined by SB 272 / Gov Code 6270.5
2. regular disclosure timeline: internal memos/directives/orders/emails/changelogs of your 2018 and 2019 updates to the catalog, or any other writings evidencing your agency's compliance with Gov Code 6270.5(f):
"The local agency shall complete and post the catalog required by this section by July 1, 2016, and **thereafter shall update the catalog annually**." (emphasis mine)

PDFs, archived webpages (but not merely a URL), and spreadsheets are all acceptable formats under Admin Code 67.21(l).

Gov Code 6270.5 reads in relevant part: "6270.5. (a) In implementing this chapter, each local agency, except a local educational agency, shall create a catalog of enterprise systems. The catalog shall be made publicly available upon request in the office of the person or officer designated by the agency’s legislative body. The catalog shall be posted in a prominent location on the local agency’s Internet Web site, if the agency has an Internet Web site. The catalog shall disclose a list of the enterprise systems utilized by the agency and, for each system, shall also disclose all of the following: ..."

Since Gov Code 6270.5 requires you to have this catalog, and to have already published it to your website, you should be able to produce it immediately. I am explicitly requesting a copy be sent to me, not just a URL, as I want a specific version I can use as evidence in any appeals/complaint process I pursue.

If the catalog fails to accurately reflect the requirements of 6270.5, I may pursue corrective action, including with the SOTF (Gov Code 6270.5 is incorporated by reference into the Sunshine Ordinance via SF Admin Code 67.21(k)).

My brief perusal of at least one version of the SB 272 catalog for SF (https://data.sfgov.org/widgets/ebux-gcnq) shows that many city agencies' catalogs appear to be incomplete.

If your department currently is a respondent before the SOTF in one of my cases re: electronic records, I also intend to use this information to demonstrate why certain electronic formats should be available to the public within the meaning of Gov Code 67.21(l).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 79182-05441065@requests.muckrock.com
Upload documents directly: https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2FFlogin%2F%3Fnext%3D%252F$account%252Fagency-login%252Fsan-francisco-city-attorney-797%252Fsbs-272-enterprise-systems-immediate-disclosure-request-79182%252F%253Femail%253Dsupervisor.records%2540sfcityatty.org&url_auth_token=AAAuFDulp5q6S04NYkWLTtePY9NQ%3A1iPjTg%3Auf3EvZfg0mJw5FnZOnFmUDkwJdM
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 79182
411A Highland Ave
Somerville, MA 02144-2516
PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
Sent via email (80239-52834911@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records received on November 12, 2019, and supplemented on December 3, 2019, concerning your September 11, 2019 request to the San Francisco Police Commission ("Commission"), for various communications concerning former Public Defender Jeff Adachi and related topics. The Commission has provided multiple responses to your request. We respond to the remaining issues raised in your petition as follows:

**Item 1 – Redactions and Withholdings**

1.2 Document 56a properly withheld based on the attorney-client privilege and attorney work product doctrine. Gov’t Code §§ 6254(k), 6276.04; Evid. Code § 954; Code of Civil Pro. § 2018.030.


Document 70b properly withheld as a peace officer personnel record. Gov’t Code § 6254(c), (k); Penal Code §§ 832.7, 832.8.

Document 70c properly withheld as a peace officer personnel record. Gov’t Code § 6254(c), (k); Penal Code §§ 832.7, 832.8.

1.3 Document 56d properly withheld on the basis of the attorney-client privilege and attorney work product doctrine. Gov’t Code §§ 6254(k), 6276.04; Evid. Code § 954; Code of Civil Pro. § 2018.030. It was also properly withheld as a peace officer personnel record. Gov’t Code § 6254(c), (k); Penal Code §§ 832.7, 832.8. The redaction of the title of the document was proper as a peace officer personnel record. Gov’t Code § 6254(c), (k); Penal Code §§ 832.7, 832.8.

Documents 75b, 75c, and 75d properly withheld as peace officer personnel records. Gov’t Code § 6254(c), (k); Penal Code §§ 832.7, 832.8.

1.4 Document 75e properly withheld as a peace officer personnel record. Gov’t Code § 6254(c), (k); Penal Code §§ 832.7, 832.8.
1.5 This allegation does not concern the withholding or redaction of a record on the basis of an exemption and it is therefore beyond the jurisdiction of the Supervisor of Records.

1.11 Redactions proper on the basis of personal privacy. Gov’t Code § 6254(c).

1.13 Redactions proper on the basis of personal privacy. Gov’t Code §§ 6254(c); 6254.3(b)(1).

1.18 Redactions proper on the basis of personal privacy. Gov’t Code §§ 6254(c); 6254.3(b)(1).

1.19 Redactions proper on the basis of personal privacy. Gov’t Code §§ 6254(c); 6254.3(b)(1).

1.21 Document 56c properly redacted as a peace officer personnel record. Gov’t Code § 6254(c), (k); Penal Code §§ 832.7, 832.8.

1.23 Document 66 properly redacted on the basis of personal privacy. Gov’t Code § 6254(c).

Document 67 properly redacted on the basis of personal privacy. Gov’t Code § 6254(c).

Document 69 properly redacted on the basis of personal privacy. Gov’t Code § 6254(c).

Document 72 properly redacted on the basis of personal privacy. Gov’t Code § 6254(c).

1.24 Document 70a properly redacted as a peace officer personnel record. Gov’t Code § 6254(c), (k); Penal Code §§ 832.7, 832.8.

1.25 We do not understand the nature of your complaint. The version of the document we have seen includes redactions of the names of three attachments. These redactions were proper as peace officer personnel records. Gov’t Code § 6254(c), (k); Penal Code §§ 832.7, 832.8.

1.26 Document 75a properly redacted as a peace officer personnel record. Gov’t Code § 6254(c), (k); Penal Code §§ 832.7, 832.8.

1.31 We do not understand the nature of the dispute. The redactions to Document 109 were proper on the basis of personal privacy. Gov’t Code § 6254(c).

Item 2 – Unjustified Withholding

You appear to contend that there are redactions for which the Commission has not provided a basis. If you would like us to consider such redactions, please identify which ones remain outstanding.
Item 3 – Incomplete Response

The Commission has now affirmed that it did not withhold records.

Item 4 – Format of Production

This issue is beyond the jurisdiction of the Supervisor of Records.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
November 9, 2019

This is a follow up to request number P008994-091119:

Supervisor of Records,

Attached is a new 67.21(d) petition for written determinations. The subject matter is Adachi/Carmody records of the police commission.

Please provide a complete determination within 10 days. You met the 10 day limit for CBS's General Counsel for similar records with a lengthy legal analysis - there is no reason regular people like me should not get the same timely and thorough response, as these records, like CBS's, are of great and urgent public interest.

** NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back. **

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80239-52834911@requests.muckrock.com
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 80239
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly
addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Nov. 9, 2019:
Subject: RE: California Public Records Act Request #P008994-091119
SOTF,

Attached is a new complaint (NOT related to metadata). Your form will also be submitted. Please provide me a file number and the respondents' response

Subject: Adachi/Carmody Incident Records
Agency: Police Commission
Allegations: SFAC 67.21(b,k), 67.26, 67.27, CPRA Gov Code 6253(b,c), 6254.3(b)(1) for failing to respond in a complete manner to a records request (67.21(b)), withholding more than the minimum (67.26), failing to justify withholding (67.27), failing to provide copies of records (GC 6253(b)), unlawful withholding of personal email addresses of public employees used to conduct public business (GC 6254.3(b)(1))
Complainant: Anonymous (80239-528349111@requests.muckrock.com)

**NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back.**

Sincerely,
Anonymous

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On Nov. 8, 2019:
Subject: RE: California Public Records Act Request #P008994-091119
**NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back.**

Your ref# P008994-091119

Police Commission and Sgt. Campbell,

I am finally getting a chance to review these records in preparation for administrative and judicial appeals, but I found something odd. You have provided in a handful of cases what appear to be the same communication in two different copies of records, one for some reason with more redactions than the other. I will also be including this issue in my complaints which will be sent shortly.

For example, on Sept. 19 you disclosed in full a public record of an email from Demafeliz, Kristine (POL), Sent: Thursday, July 18, 2019 2:36 PM, To: Campbell, Jayme (POL), Subject: Police & Community FYI: SF
Arts Commission/View Films Screened at Tribute to Late SF Public Defender Jeff Adachi @ San Francisco Black Film Festival 2019.

But on Sept 23 you disclosed a different copy of a public record of that same email, where you redacted what appear to be Demafeliz's city-owned phone and fax number. Why redact it in one copy but not others? This inconsistency has occurred in various "Campbell - Responsive" records.

What legal basis do you have to redact information in one copy of a record when the City did not feel it legal to redact the same info in another copy of the same communication?

Sincerely,
Anonymous

---

On Oct. 4, 2019:
Subject: Public Records Request :: P008994-091119

---

On Oct. 4, 2019:
Subject: California Public Records Act Request #P008994-09119 - Closure Release
October 04, 2019

Via email 80239-52834911@requests.muckrock.com

Anonymous
San Francisco, CA

RE: Public Records Request, dated September 11, 2019, Reference # P008994-091119

Dear Anonymous:

The San Francisco Police Commission (Commission) received your Public Records Act request, dated September 11, 2019.

You requested, "To Whom It May Concern:

** NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative) . Once you send them to us, there is no going back. **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the below records from the SF Police Commission. Parts A and Bare an immediate disclosure request, the rest are regular timeline.

Please send all of your replies to both the address you received this request from and also please ' BCC ' the following address: arecords.requestor+aca20192335@protonmail.com. I will not use any third-party records website - please just email all records.
We remind you of your obligations to provide electronic records in any format we request them in, if that format at is the original format, available to you, OR easily generated. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, images, etc. are best. However, if you choose (against our wishes) to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content (hyperlinks, formatting, images, attachments, etc.) of the original email record, which also contains many detailed headers beyond the generally used From / To / Subject / Sent / etc. For the chat apps, a screenshot or print-out is acceptable, but it must retain all attachments, timestamps, images, etc which must be provided separately if screenshots cannot capture that info.

Original records are generally in color - do not convert them to black and white and thus destroy information.

As used below "communications" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example). "Sent" and "received" include every form of communication or transmissions - including but not limited to "to," "from," "cc," "be," 11 mailing lists, etc. and also include posting or receiving messages in social media (like tweets or wall posts). "Account" refers to *every* account, not just a primary or public-facing account.

If you use PDF, you must use text PDFs (which are easily generated). Please don't use image/scanned PDFs to make it harder to analyze the records. If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from SF agencies.

You must justify all withholding. Please ensure your justification is tied specifically to each and every redaction, not a general redaction. If you withhold or redact records, do not destroy the originals - I intend to petition the Sup. of Records, SOTF, and/or Superior Court for all with holdings/redactions.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

Keywords provided should be searched in all parts of the record: subject, body, to/from/etc., headers, metadata, attachments, and so on.

I expect a determination of "no responsive records," "all records disclosed," "all records withheld" (with justification), or "some records disclosed, some withheld" (with justification) for each and every individual request of the 300 total requests made below.

I look forward to your prompt disclosure.

A. IMMEDIATE DISCLOSURE REQUEST: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, events, or posts SENT OR RECEIVED by each of the following ON THEIR CITY-OWNED GOVT EMAIL OR CALENDAR ACCOUNTS, containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019
B. IMMEDIATE DISCLOSURE REQUEST: an electronic copy (i.e. scan if only physical copies exist), in the original electronic format, with all headers, metadata, timestamps, attachments, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all memoranda, notebooks, papers, orders, warrants, arrest reports, evidence inventories, notes, post-its, court orders, subpoenas, mailings, invoices and other writing of the following, containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" created between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
4. Thomas Mazzucco
5. John Hamasaki
6. Cindy Elias
7. DionJay Brookter
8. Sgt. Jayme Campbell

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED account in [Facebook Messenger], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
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5. John Hamasaki
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1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
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E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED account in [Facebook (i.e. Facebook pages, posts, etc.)], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch
2. Damail Taylor
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1. Robert Hirsch
2. Damail Taylor
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1. Robert Hirsch
2. Damail Taylor
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emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED account in [Signal], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
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1. Robert Hirsch
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2. Damail Taylor
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1. Robert Hirsch
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20th Annual SOR Report
APPENDIX - Page 441
1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
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7. DionJay Brookter
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1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
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1. Robert Hirsch
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3. Petra DeJesus
4. Thomas Mazzucco
5. John Hamasaki
6. Cindy Elias
Responsive records are available via the San Francisco Public Records Center and attached to this email. Click on the link below to view your request.


Responsive Records Include:

* Commissioner Brookter
* Commissioner DeJesus
* Commissioner Mazzucco

With this release, your request is now closed. If you have any questions, please contact the Police Commission Office at 415-837-7070.

Sincerely,

Sergeant Jayme Campbell
Officer in Charge
Police Commission

---

On Sept. 25, 2019:
Subject: RE: California Public Records Act Request #P008994-091119
That's quite odd - thank you though.

---

On Sept. 11, 2019:
Subject: California Public Records Act Request: Adachi Communications Audit (SF Police Commission) - Immediate Disclosure Request
RE: Adachi Communications Audit - 2019-09-11

To Whom It May Concern:

** NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back. **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the attached items from SFPD and the Police Commission. Part A and B are an immediate disclosure request, the rest are regular timeline.

This request is NOT the same as the one sent earlier to SFPD Media Relations. Both need to be processed.

Sincerely,
Anonymous
Filed via MuckRock.com
E-mail (Preferred): 80239-52834911@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAA1hoft9NNEp8OnK6_3Ds3BnTQ%3A11iT
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 80239
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
Anonymous

vs


Sunshine Ordinance petition and complaint

November 8, 2019

SOTF - it is believed you have jurisdiction over all parts of this complaint under SFAC 67.21(e) and 67.30

Supervisor of Records - although your jurisdiction is narrower, in this case it is believed you have jurisdiction over all parts of this petition under SFAC 67.21(d)

- Allegations:
  - SFAC 67.21(b), 67.21(k), CPRA Gov Code 6253(c) - failure to respond in a complete manner to a records request
  - 67.26 - withholding more than the minimum exempt records or portions of records
  - 67.27 - failure to justify withholding
  - 67.21(k), CPRA Gov Code 6253(b) - failure to provide exact copies of records
  - 67.21(k), CPRA Gov Code 6254.3(b)(1) - withholding of personal email addresses of public employees used to conduct public business

- Complainant: Anonymous (80239-52834911@requests.muckrock.com)

- Respondent Depts: Police Commission

- Respondent Individuals:
  - President Robert Hirsch (department head; custodian of his govt records and personal property)
  - Damail Taylor, Petra DeJesus, Thomas Mazzucco, John Hamasaki, Cindy Elias, DionJay Brookter (custodians of their govt records and personal property)
  - Sgt. Jayme Campbell (actual person providing records)

- Email Metadata is not at issue in this complaint - but may be filed later as a separate complaint.

- I am not a representative of MuckRock News; I am merely an anonymous user of MuckRock.com’s FOIA service.

This complaint arises out of request(s) made by me to Respondents (appendix B):

- Sept. 11, 2019 - for various records re: the Adachi and Carmody incidents from each named individual

Examples of violations are provided as record numbers with reference to Appendix A where responsive records are listed.
Please issue a written determination that all or some of the records not yet produced in response to these requests are public, and that the respondents violated one or more of the following.

1. **Violations of 67.26, 67.27, 67.21(k), Gov Code 6254.3(b)(1) - improper and unjustified withholding**

Please determine the below are public records or parts of records and order them disclosed, and find associated violations. I cannot know all possible redactions, so I list examples and ask the City to turn over all parts of records of the same type. The allegations below are not about metadata; they are normally visible parts of the record intentionally redacted or cropped out in the image or PDF. No justifications were provided.

1.1. “Hamasaki - Responsive 18” and “Hamasaki - Responsive 19” clearly exist but have been withheld in entirety without justification.

1.2. Records 56a, 56b, 57b, 57c, 70b, 70c (see Appendix A for record numbering) entirely blacked out - these records must be provided, and only specific exempt parts may be blacked out. Remember: Public interest balancing exemption is prohibited and the draft exemption is much narrowed in SF.

1.3. Records 56d, 58c, 58d, 67b, 67g, 67h, 75b, 75c, 75d fully withheld, including their names (but 56d’s name is also at the bottom unredacted in pg 1 of Record 56)

1.4. Records 58e, 67i, 67c, 75e fully withheld (but names provided).

1.5. Records 1 and 2 withheld at the top of the record the name of the other party in the communication. See Record 3 for how these types of records should be properly produced. No justification for cropping off that part of the record was provided (the name of the recipient of the text, which is visible on the face of the record).

1.6. Record 5, redaction 1 (all redactions numbered from top of page down), unknown what is being redacted

1.7. Record 6, all redactions of business physical addresses

1.8. Record 7, all redactions of names and email addresses

1.9. Record 9, all redactions appear to be city/govt phone numbers, not personal phone numbers

1.10. Record 18, redaction 1 - city email address (it was disclosed in Record 89)

1.11. Record 20, all redactions are disputed. Most of the message content is redacted.

1.12. Record 21, pg 1, redaction 1 - Name of recipient withheld

1.13. Record 23, pg 2, redaction 2 - Mayor Breed’s email address cannot be withheld (if personal, see Gov Code 6254.3(b)(1))

1.14. Record 24

1.14.1. Pg 1, redactions 2, 3, 4, 6, 7 and other similar instances of redacted persons names, City emails, and personal emails of City persons using them for business purpose (see Gov Code 6254.3(b)(1))

1.14.2. Pg 4, redaction 1

1.15. Record 25, pg 1, redaction 1

1.16. Record 29, pg 3, redaction 1 - A commissioner's last name
1.17. Record 32, pg 1, redactions 1, 6, and 7 - Full names (not just email addresses)
1.18. Record 34, pg 2, redactions 3 (see #1.14 above) and 4 (full name)
1.19. Record 37, all redactions are disputed. Most of the message content is redacted.
1.20. Record 48, pg 1, redaction 2, city email address
1.21. Record 56c, pg 3, redaction 1 - description of closed session meeting
1.22. Record 57, pg 1, redactions 1, 2, 3, 4, 5
1.23. Record 62, 63, 66, 67, 69, 72 - all redactions (email recipients)
1.24. Record 70a, all redactions - description of closed session meeting
1.25. Record 75, all email contents deleted for unknown reason (not redacted, just deleted)
1.26. Record 75a, all redactions - description of closed session meeting
1.27. Record 83, pg 1, redaction 1 - email recipient
1.28. Record 90, all redactions
1.29. Record 95, all redactions (see Gov Code 6254.3(b)(1))
1.30. Record 96, all redactions, (see Gov Code 6254.3(b)(1)) and also some is business info not personal
1.31. Two copies of Records 98 and 100-111 were provided, one with redactions and one without. It is unknown whether the City is asserting any redactions as no justifications were given nor any explanation for the two sets of copies of these records. Since the information has been disclosed as a public record in one set, it should also be disclosed in the other set.

2. Violations of 67.26, 67.27 - unjustified withholding

Hundreds of redactions were made in the records provided. No justifications of any redactions were provided in any form. Therefore all of the redactions are unlawful withholdings under SF Admin Code 67.26 which requires that redactions be made with clear reference to justification and SFAC 67.27 requiring that those justifications cite exemption statutes or case law. I ask that therefore all redactions be determined public parts of records and disclosed.

The redactions appear quite haphazard - often identical information disclosed in one Commissioner’s copy of an email is redacted in another Commissioner’s. This is irrational - either the information is exempt or non-exempt.

3. Violations of 67.21(b,k), Gov Code 6253(c) - incomplete response

Furthermore, various requests were made for different custodians and different types of records, including City of San Jose personal property searches. Under CPRA Gov Code 6253(c), Respondents are required to inform me whether they or not they had responsive records and whether or not any records were withheld (as opposed to redacted). Respondents have failed to do either. I do not know whether any documents have been withheld. I ask that therefore all withheld documents be determined public records and disclosed.

4. Violations of 67.21(b,k), Gov Code 6253(b) - failure to provide copies of records

I allege that copies of records 4 to 73, and 75 to 113, which are all emails, were never actually provided.

For unknown reasons, for those records, the custodians forwarded the original email (which is the responsive record) to other people, and those other people converted the forwarded email to PDF.

This is not about the metadata in the emails or native formats. This is about the fact they forwarded old emails, creating a new record, and then converted the new forwarded record into a PDF, instead of just copying the actual email into a PDF (as the City usually does).

For some reason, record 74 was in fact provided correctly which proves the Police Commission does know how to produce these records, in PDF format, with redactions.

Respondents must provide exact copies (even in PDF format) of the original responsive emails, not forward them which creates entirely new emails.

Appendix A

Records disclosed as of this complaint:

3 jpegs of text messages:
1. Hirsch - Responsive 28.jpg
2. Hirsch - Responsive 27.jpg
3. Brookter - Responsive 1.jpg

110 email PDFs; with embedded attachment files that require Adobe Acrobat to open the attachments (not all attachments listed):
4. Taylor - Responsive 25.pdf
5. Taylor - Responsive 24_Redacted.pdf
6. Taylor - Responsive 23_Redacted.pdf
7. Taylor - Responsive 22_Redacted.pdf
   a. 2.27.19 Public Defender Adachi Memorial Service.pdf
   a. 2.27.19 Public Defender Adachi Memorial Service.pdf
   a. 2.27.19 Public Defender Adachi Memorial Service.pdf
11. Taylor - Responsive 18_Redacted.pdf
12. Taylor - Responsive 17_Redacted.pdf
15. Taylor - Responsive 14.pdf
17. Taylor - Responsive 12.pdf
18. Taylor - Responsive 11_Redacted.pdf
19. Taylor - Responsive 10_Redacted.pdf
20. Taylor - Responsive 9_Redacted.pdf
22. Taylor - Responsive 7_Redacted.pdf
23. Taylor - Responsive 6_Redacted.pdf
24. Taylor - Responsive 5_Redacted.pdf

Appendix B - My Request
RE: Adachi Communications Audit – Immediate Disclosure Request

To Whom It May Concern:

** NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back. **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the below records from the SF Police Commission. Parts A and B are an immediate disclosure request, the rest are regular timeline.

Please send all of your replies to both the address you received this request from and also please ‘BCC’ the following address: arecords.requestor+aca20192335@protonmail.com. I will not use any third-party records website - please just email all records.

We remind you of your obligations to provide electronic records in any format we request them in, if that format is the original format, available to you, OR easily generated. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, images, etc. are best. However, if you choose (against our wishes) to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content (hyperlinks, formatting, images, attachments, etc.) of the original email record, which also contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable, but it must retain all attachments, timestamps, images, etc which must be provided separately if screenshots cannot capture that info.

Original records are generally in color - do not convert them to black and white and thus destroy informa-
As used below "communications" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example). "Sent" and "received" include every form of communication or transmissions - including but not limited to "to," "from," "cc," "bcc," mailing lists, etc. and also include posting or receiving messages in social media (like tweets or wall posts). "Account" refers to *every* account, not just a primary or public-facing account.

If you use PDF, you must use text pdfs (which are easily generated). Please don’t use image/scanned PDFs to make it harder to analyze the records. If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from SF agencies.

You must justify all withholding. Please ensure your justification is tied specifically to each and every redaction, not a general redaction. If you withhold or redact records, do not destroy the originals - I intend to petition the Sup. of Records, SOTF, and/or Superior Court for all withholdings/redactions.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

Keywords provided should be searched in all parts of the record: subject, body, to/from/etc., headers, metadata, attachments, and so on.

I expect a determination of "no responsive records," "all records disclosed," "all records withheld" (with justification), or "some records disclosed, some withheld" (with justification) for each and every individual request of the 300 total requests made below.

I look forward to your prompt disclosure.

A. IMMEDIATE DISCLOSURE REQUEST: an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, events, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED GOVT EMAIL OR CALENDAR ACCOUNTS, containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
4. Thomas Mazzucco
5. John Hamasaki
6. Cindy Elias
7. DionJay Brookter
8. Sgt. Jayme Campbell
B. IMMEDIATE DISCLOSURE REQUEST: an electronic copy (i.e. scan if only physical copies exist), in
the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits,
and inline images, except those explicitly exempted by the Ordinance, of all memoranda, notebooks, papers,
orders, warrants, arrest reports, evidence inventories, notes, post-its, court orders, subpoenas, mailings,
invoices and other writing of the following, containing any of the following (case insensitive): "adachi" OR
"public defender" OR "carmody" OR "North Bay News" created between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
4. Thomas Mazzucco
5. John Hamasaki
6. Cindy Elias
7. DionJay Brookter
8. Sgt. Jayme Campbell

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments,
appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages,
emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED
account in [ Facebook Messenger ], containing any of the following (case insensitive): "adachi" OR "public
defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
4. Thomas Mazzucco
5. John Hamasaki
6. Cindy Elias
7. DionJay Brookter
8. Sgt. Jayme Campbell

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments,
appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages,
emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED
accounts in [ Telegram ], containing any of the following (case insensitive): "adachi" OR "public defender"
OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
4. Thomas Mazzucco
5. John Hamasaki
6. Cindy Elias
7. DionJay Brookter
8. Sgt. Jayme Campbell

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments,
appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages,
emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED
account in [ Facebook (i.e. Facebook pages, posts, etc.) ], containing any of the following (case insensitive):
"adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10,
2019

1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
4. Thomas Mazzucco
5. John Hamasaki
6. Cindy Elias
7. DionJay Brookter
8. Sgt. Jayme Campbell

F. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED account in [ Slack ], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
4. Thomas Mazzucco
5. John Hamasaki
6. Cindy Elias
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8. Sgt. Jayme Campbell

G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED account in [ Google Hangouts ], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
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1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
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I. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED account in [ SMS/MMS/text/chat messages, using any app not explicitly mentioned in this request ], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch
2. Damail Taylor
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1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
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K. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED account in [ Instagram ], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
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1. Robert Hirsch
2. Damail Taylor
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1. Robert Hirsch
2. Damail Taylor
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1. Robert Hirsch
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6 of 11
RE: Adachi Communications Audit

1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
4. Thomas Mazzucco
5. John Hamasaki
6. Cindy Elias
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1. Robert Hirsch
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RE: Adachi Communications Audit

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1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
4. Thomas Mazzucco
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RE: Adachi Communications Audit

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1. Robert Hirsch
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3. Petra DeJesus
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8. Sgt. Jayme Campbell

KK. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR PERSONAL account (per City of San Jose v Superior Court (2017)) in [Instagram], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

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7. DionJay Brookter
8. Sgt. Jayme Campbell

LL. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR PERSONAL account (per City of San Jose v Superior Court (2017)) in [WeChat], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch
2. Damail Taylor
3. Petra DeJesus
4. Thomas Mazzucco
5. John Hamasaki
6. Cindy Elias
7. DionJay Brookter
8. Sgt. Jayme Campbell

MM. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR
PERSONAL account (per City of San Jose v Superior Court (2017)) in [Skype], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch  
2. Damail Taylor  
3. Petra DeJesus  
4. Thomas Mazzucco  
5. John Hamasaki  
6. Cindy Elias  
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8. Sgt. Jayme Campbell

NN. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR PERSONAL account (per City of San Jose v Superior Court (2017)) in [Twitter], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch  
2. Damail Taylor  
3. Petra DeJesus  
4. Thomas Mazzucco  
5. John Hamasaki  
6. Cindy Elias  
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OO. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR PERSONAL account (per City of San Jose v Superior Court (2017)) in [iMessage/Face-Time], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Jan. 1, 2019 and Sept 10, 2019

1. Robert Hirsch  
2. Damail Taylor  
3. Petra DeJesus  
4. Thomas Mazzucco  
5. John Hamasaki  
6. Cindy Elias  
7. DionJay Brookter  
8. Sgt. Jayme Campbell
FAMSF has produced the responsive records that it has. We consider the petition closed. Thank you.

Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
www.sfcityattorney.org

Fine Arts Museums Of San Francisco  
PRA Office  
de Young Museum  
50 Hagiwara Tea Garden Drive  
San Francisco, CA 94118

July 28, 2020

This is a follow up to a previous request:

Thanks - FAMSF hasn't produced records regarding FAMSF/City employees using IT systems run by FAMF/COFAM. An agent of FAMSF represented at a public SOTF hearing on Sept. 4 that the City agency uses domains, email and document servers, owned and operated by these private entities (see https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=95&clip_id=33934, audio discussion starting at 4hr 15min 01sec.). These records must exist.

FAMSF appers to believe these are not public records because they may be retained on a private non profits servers, even though they would be used by city employees.

Filed via MuckRock.com  
E-mail (Preferred): 79999-25916958@requests.muckrock.com  
Upload documents directly: https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fn%253D%25252Faccounts%2525252Fagency_login%2525252Ffine-arts-museums-of-san-francisco-18604%2525252Fimmediate-disclosure-request-famsfcofamfilmfamf-relationship-79999%25252F%25252Femail%2525252F79999-25916958@requests.muckrock.com&url_auth_token=AABjffu5Sw_fPj3j9m3gl-ek3s%3A1kW4%3AubnSgyR_uanYIYcJ0mRR5ldMc8l

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):  
MuckRock News  
DEPT MR 79999  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On July 28, 2020:  
To Whom It May Concern -

I understand that the Fine Arts Museums has now fully responded to the requests at issue in this petition. If you contest their assertion of an exemption to redact or withhold a record, please let us know. Thank you.

Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
www.sfcityattorney.org

---
To Whom It May Concern –
I understand that the Fine Arts Museums has now fully responded to the requests at issue in this petition. If you contest their assertion of an exemption to redact or withhold a record, please let us know you. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94110
www.sfcityattorney.org

---

On Nov. 13, 2019:
Subject: SOTF - Notice of Appearance to Determine Jurisdiction - (Complaint Committee); November 19, 2019
Good Morning:

Notice is hereby given that the Complaint Committee (Committee) of the Sunshine Ordinance Task Force shall hold hearings on complaints listed below to determine if the Task Force has jurisdiction pursuant to Administrative Code (Sunshine Ordinance), Section 67.21(e). A hearing to review the merits of the complaint will be scheduled on a future date.

The Complainant and Respondent are NOT REQUIRED to attend the November 19, 2019, Committee meeting but may attend to provide testimony related to the above listed determinations only.

Date: November 19, 2019
Location: City Hall, Room 408
Time: 5:30 p.m.
Fine Arts Museums Of San Francisco  
PRA Office  
de Young Museum  
50 Hagiwara Tea Garden Drive  
San Francisco, CA 94118  

November 13, 2019  

This is a follow up to a previous request:  

Supervisor of Records,  

I am resending this email originally sent on Oct. 29. Please acknowledge receipt so we know this is working.  

======  
This is a new 67.21(d) petition for all the remaining issues against FAMSF.  
There are specific callouts for the Supervisor of Records since some issues you have already ruled on before or are not in your jurisdiction.  

--Anonymous  

On Nov. 13, 2019:  
Subject: SOTF - Notice of Appearance to Determine Jurisdiction - (Complaint Committee); November 19, 2019  
Good Morning:  
Notice is hereby given that the Complaint Committee (Committee) of the Sunshine Ordinance Task Force shall hold hearings on complaints listed below to determine if the Task Force has jurisdiction pursuant to Administrative Code (Sunshine Ordinance), Section 67.21(e). A hearing to review the merits of the complaint will be scheduled on a future date.  
The Complainant and Respondent are NOT REQUIRED to attend the November 19, 2019, Committee meeting but may attend to provide testimony related to the above listed determinations only.  

Date: November 19, 2019  
Location: City Hall, Room 408  
Time: 5:30 p.m.  

Complaints:  

File No. 19112: Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to justify withholding of records and failing to maintain a Proposition G calendar.  

File No. 19113: Complaint filed by Anonymous against Jason Moment, Thomas Campbell and the Fine Arts Museum for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(c)(k), 67.29-7(a)(c), 67.25, 67.26, 67.27, CPRA Government Code 6270.5-5, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to assist, failure to retain records, failing to record third party transactions, withholding and failure to justify withholding, failure to respond to a public records request in a timely and/or complete manner.
File No. 19115: Complaint filed by Ann Treboux against the City Attorney's Office and Margaret Baumgartner for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.25 by failing to respond to an Immediate Disclosure Request for public records in a timely and/or complete manner.

File No. 19116: Complaint filed by Tom Hartz against the Public Library for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.25 by failing to respond to an Immediate Disclosure Request for public records in a timely and/or complete manner.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

http://www.sfbos.org/index.aspx?page=104> Click here to complete a Board of Supervisors Customer Service Satisfaction form.


Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

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On Oct. 30, 2019:
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19113

Good Morning:

Jason Moment, Thomas Campbell and the Fine Arts Museum have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:
1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:

Complaint Attached.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

http://www.sfbos.org/index.aspx?page=104> Click here to complete a Board of Supervisors Customer Service Satisfaction form.


Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

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On Oct. 29, 2019:

RE: New 67.21(e) complaint
SOTF,

Attached is a new complaint:
Anonymous v FAMSF, FAMSF Board of Trustees, Jason Moment, Thomas Campbell

No metadata issues here.

I will fill out your form as well.

Sincerely,
Anonymous (79999-25916958@requests.muckrock.com)

---

On Oct. 29, 2019:
This is a new 67.21(d) petition for all the remaining issues against FAMSF.
There are specific callouts for the Supervisor of Records since some issues you have already ruled on before or are not in your jurisdiction.
--Anonymous

---

On Oct. 18, 2019:
Yes I understand - I would have to take the retention issue up with SOTF.

Thanks!

---

On Sept. 7, 2019:
Subject: California Public Records Act Request: Immediate Disclosure Request - FAMSF/COFAM/FAMF Relationship
To Whom It May Concern:

** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

Pursuant to the Sunshine Ordinance and CPRA, I hereby request the following records as 6 Immediate Disclosure Requests from your agency, from COFAM, and from FAMF:
1. all legal/contractual relationships between your agency (or the City as a whole) and Corporation of the Fine Arts Museums of San Francisco (COFAM)
2. all legal/contractual relationships between your agency (or the City as a whole) and Fine Arts Museums Foundation (FAMF)
3. all records of how city employees use IT systems owned or operated by FAMF and/or COFAM
4. all records of how city employees retain records owned, used, or prepared by the city agency, but stored on IT systems owned or operated by FAMF and/or COFAM
5. the last 10 emails from , and the last 10 emails to, Diane B. Wilsey, President, on their official AND personal email (under City of San Jose v Superior Court (2017)) re: the public's business
6. the last 10 emails from , and the last 10 emails to, Belva Davis, Vice President, on their official AND personal email (under City of San Jose v Superior Court (2017)) re: the public's business

We remind you of your obligations to provide electronic records in any format we request them in, as long that format is available to you OR easy to generate (Admin Code 67.21(l)). Therefore, emails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

If you choose to convert documents, for example, to PDF or printed format (even though we have specifically requested .eml or .msg formats), to easily redact them, you must still ensure that you have preserved the full content of the original conversation record, which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc.

If you send PDFs, please use only text/search PDFs, not images.

If on the City Attorney's advice or for other reasons, you redact portions of the metadata/headers, please specifically justify each such redaction with a legal citation (statute, ordinance, or case law).

If you provide PDFs or printed conversations or give us only a few of the headers or exclude attachments/images, and therefore withhold the other headers/attachments without proper justification, you may be in violation of SF Admin Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision in court, before the Supervisor of Records, and/or the Sunshine Ordinance Task Force. I have various cases proceeding before the SOTF and Sup. of Records, and intend to vigorously enforce the public's right to record disclosure.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required (free) notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Remember you must inform us whether there are are no responsive records, some fully disclosed records, some fully withheld records, or some partially disclosed/partially withheld/redacted records for each of the individual requests.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 79999-25916958@requests.muckrock.com
Upload documents directly: https://accounts.muckrock.com/accounts/login/?url_auth_token=AABjIFuSW_fplr30m3gL-
ek3y3A4iV0ZT3AzApMkVzhfIVXcQ9H1atW-
ZhXTzM&next=https://www.muckrock.com%2Faccounts%2Flogin%2F%3D%252Ffaccounts%252Fagency_login%252Ffine-
arts-museums-of-san-francisco-18604%252Fimmediate-disclosure-request-famscofamfanf-relationship-
79999%252F%253Demail%253Dsupervisor.records%252540sfcityatty.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 79999
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
I am withdrawing the following Sup. of Records petitions (but not the others that remain outstanding):

- 2019-11-20 from 80368-97597279@requests.muckrock.com - agency has now provided the records (we will dispute at SOTF their failure to follow Sunshine procedures, but that is not in your jurisdiction)
- 2019-11-14 from 76435-93915115@requests.muckrock.com - agency has provided some of the records (we will dispute at SOTF their failure to follow Sunshine procedures, but that is not in your jurisdiction)

We do not waive any of our rights before SOTF, a court of competent jurisdiction, nor do we believe that the City followed the CPRA/Sunshine Ordinance in these requests.

If you have any questions, please let me know.

**NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.**

Sincerely,

Anonymous
San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

November 14, 2019

This is a follow up to request number P008260-071519:

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thank you for the hyperlinks. However I will remind you that the CPRA requires you to produce exact copies of records when practicable.

SFPD's production of "Fw_ Executive Directive Update Request _Redacted" shows they are in fact quite aware of how to properly produce PDFs of emails, with redactions, with hyperlinks, and with embedded attachments. It is indeed practicable to produce these copies and is what I expect and will proceed at SOTF to receive (in addition to our other complaints).

I've included my earlier reply to the Sup. of Records below, though I assume they are already in contact with you:

Supervisor of Records,

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thank you for your response. There is no Exhibit A, but I will assume it is the same Exhibit A in your other responses. We do not concede any, and will contest all, of your arguments at SOTF and/or Court when the time comes.

However, some of the issues remain pending even under your analysis. You may consider this another 67.21(d) petition for a written determination whether any part of the records described below are public.

Re #4, 8, 9, 12 - If these records were simply produced properly even in PDF format, most of these issues would be solved, as PDFs can easily handle hyperlinks, color, images and formatting. I know the City knows how to produce proper PDFs of emails since most agencies do it, even the Police Commission itself. Unfortunately SFPD did not actually convert to PDF - they printed these electronic records on physical paper.
and scanned them back in, which destroys much of the information. For example, take a look at pg 27 of the record identified by SFPD as "Cdr_Inv_inbox1" - it is completely unintelligible due to the fact it is printed and scanned, and thus is not an exact copy of even the "screen" visible portion of the email. Disclosing all email copies as converted directly to PDF is completely practicable and must be done to produce additional public parts of the records, including but not limited to the unintelligible images on that pg 27.

Re #4 - You did not respond to the issue re: Cmdr Fong's records. His emails were not even provided, even in the supplemental production (see SFPD supplemental records "Cdr_GG_Fong_out1" and "Cdr_GG_Fong_in1"). Instead each responsive email was forwarded, creating a new record that does not have the same content as the original record. A copy of that forwarded email was then provided to us. This is not an "exact copy" of the responsive records as required under the CPRA for at least the following reasons:
(1) the forwarded email is a distinct record with a date *after* our request date,
(2) they are between Fong and Andraychak, but not between the original parties,
(3) they include additional descriptive comments by Fong in their body, and
(4) forwarding does not preserve all parts of the original email.
Please disclose a copy of the Fong responsive records, which at this point are still therefore being withheld. We know copies of emails are "practicable" as opposed to copies of forwards of emails, since other custodians provided them (subject to the other caveats throughout the petition).

Re #9, You have asked that I identify the hyperlinks further: I would like every hyperlink in each of the emails that were responsive to this request. They are public parts of these records, and I do not need to list them one by one. You, not I, are required to determine if *any part* of the records are public since of course *I cannot even know* which apparently underlined text may or may not be a hyperlink in the original record. I requested these emails in the original request, and the hyperlinks are parts of the responsive emails. Hyperlink URLs are generally typed in manually by the author of the email thus there can be no doubt that these are "writings" and thus a public record, regardless of the City's legal strategy against metadata. For example, to make a hyperlink you would generally highlight some part of the text, click a menu item to add a hyperlink, and then type in the link URL. I am not asking for the web pages at the other end of the link, just the link URL itself (the content of the target webpages are not responsive records per my request). If the City just uses proper PDFs this problem should be solved.

Re #4 & 12 - You have argued that the PDF format is an acceptable reason to exclude metadata. However, we recently learned the City *does* produce PDF email public records with metadata in a fully redactable PDF form. So it is possible for SFPD to produce in the PDF format but still produce at least some public metadata. See for example Police Commission records request P008994-091119 for responsive PDF emails with fully accessible email addresses, hyperlinks, email headers, and other metadata. The City must produce directly converted PDFs of the emails which may at least include some additional metadata (including government email addresses).

Re #11 & 12 - you have miscited Gov Code 6253(a) because you have excluded the context of the limitation re: reasonable segregation. Your cited clause limits inspection (in person, during business hours), not copying, of records to reasonable segregable portions. As you know, inspection and receiving a copy are distinct rights the public has with respect to records under the CPRA. Furthermore, the Sunshine Ordinance (SFAC 67.26) requires minimal withholding, not reasonable segregation, regardless. I requested only copies.

Re #13 - Below is an example of a portion of the text message record "Cdr_Pete_Walsh_Risk_Management" (from pg 8 of the supplement).
Any normal user view of a text message would show who sent each of these messages. Was it Walsh or the other party? Who is the other party(ies)? This problem applies to all of the produced text messages. We have the identity of one party, but not the other parties, and we don't know which party sent which of the messages. We need these public part of a record for all disclosed text messages.

20th Annual SOR Report
APPENDIX - Page 479
Example:
ThreadId MessageId Date (UTC) Network Message Type Attachment Count Body
2855834247 6459701350 7/15/19 20:24 AT&T Message 0
""""""I have a 130. Come up after to touch base?"
""""""2855834247 6459701483 7/15/19 20:26 AT&T Message 0
""""""I have a 2:00. I am free after that"
""""""2855834247 6459701427 7/15/19 20:26 AT&T Message 0
""""""Copy"
""""""2855834247 6459701425 7/15/19 20:26 AT&T Message 0
""""""Copy"
""""""2855834247 6459883599 7/15/19 21:51 AT&T Message 0
""""""Free?"

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76435-93915115@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAlhoft9NNe8OnK6_3Ds3BnTQ%3A1iv

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 76435
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---

On Nov. 14, 2019:
Subject: PRA P008260-071519
Greetings,

Links and URLs from Chief Scott's emails are below. Please advise if there was something else you needed/were looking for.

Monday, July 15, 2019 Francisco Da Costa
On Nov. 13, 2019:
Subject: RE: California Public Records Act Request #P008260-071519
Supervisor of Records,

**NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **
Thank you for your response. There is no Exhibit A, but I will assume it is the same Exhibit A in your other responses. We do not concede any, and will contest all, of your arguments at SOTF and/or Court when the time comes.

However, some of the issues remain pending even under your analysis. You may consider this another 67.21(d) petition for a written determination whether any part of the records described below are public.

Re #4, 8, 9, 12 - If these records were simply produced properly even in PDF format, most of these issues would be solved, as PDFs can easily handle hyperlinks, color, images and formatting. I know the City knows how to produce proper PDFs of emails since most agencies do it, even the Police Commission itself. Unfortunately SFPD did not actually convert to PDF - they printed these electronic records on physical paper and scanned them back in, which destroys much of the information. For example, take a look at pg 27 of the record identified by SFPD as "Cdr_Inv_inbox1" - it is completely unintelligible due to the fact it is printed and scanned, and thus is not an exact copy of even the "screen" visible portion of the email. Disclosing all email copies as converted directly to PDF is completely practicable and must be done to produce additional public parts of the records, including but not limited to the unintelligible images on that pg 27.

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Please disclose a copy of the Fong responsive records, which at this point are still therefore being withheld. We know copies of emails are "practicable" as opposed to copies of forwards of emails, since other custodians provided them (subject to the other caveats throughout the petition).

Re #9, You have asked that I identify the hyperlinks further: I would like every hyperlink in each of the emails that were responsive to this request. They are public parts of these records, and I do not need to list them one by one. You, not I, are required to determine if *any part* of the records are public since of course *I cannot even know* which apparently underlined text may or may not be a hyperlink in the original record. I requested these emails in the original request, and the hyperlinks are parts of the responsive emails. Hyperlink URLs are generally typed in manually by the author of the email thus there can be no doubt that these are "writings" and thus a public record, regardless of the City's legal strategy against metadata. For example, to make a hyperlink you would generally highlight some part of the text, click a menu item to add a hyperlink, and then type in the link URL. I am not asking for the web pages at the other end of the link, just the link URL itself (the content of the target webpages are not responsive records per my request). If the City just uses proper PDFs this problem should be solved.

Re #4 & 12 - You have argued that the PDF format is an acceptable reason to exclude metadata. However, we recently learned the City *does* produce PDF email public records with metadata in a fully redactable PDF form. So it is possible for SFPD to produce in the PDF format but still produce at least some public metadata. See for example Police Commission records request P008994-091119 for responsive PDF emails with fully accessible email addresses, hyperlinks, email headers, and other metadata. The City must produce directly converted PDFs of the emails which may at least include some additional metadata (including government email addresses).
Re #11 & 12 - you have miscited Gov Code 6253(a) because you have excluded the context of the limitation re: reasonable segregation. Your cited clause limits inspection (in person, during business hours), not copying, of records to reasonable segregable portions. As you know, inspection and receiving a copy are distinct rights the public has with respect to records under the CPRA. Furthermore, the Sunshine Ordinance (SFAC 67.26) requires minimal withholding, not reasonable segregation, regardless. I requested only copies.

Re #13 - Below is an example of a portion of the text message record "Cdr_Pete_Walsh_Risk_Management" (from pg 8 of the supplement).
Any normal user view of a text message would show who sent each of these messages. Was it Walsh or the other party? Who is the other party(ies)? This problem applies to all of the produced text messages. We have the identity of one party, but not the other parties, and we don't know which party sent which of the messages. We need these public part of a record for all disclosed text messages.

Example:
ThreadId MessageId Date (UTC) Network Message Type AttachmentCount Body
2855834247 6459701350 7/15/19 20:24 AT&T Message 0 """"I have a 130. Come up after to touch base?""
2855834247 6459701483 7/15/19 20:26 AT&T Message 0 """"I have a 2:00. I am free after that ""
2855834247 6459701427 7/15/19 20:26 AT&T Message 0 """"Copy""
2855834247 6459701425 7/15/19 20:26 AT&T Message 0 """"Copy""
2855834247 6459883599 7/15/19 21:51 AT&T Message 0 """"Free?""

Sincerely,
Anonymous

---

On Nov. 12, 2019:
Subject: RE: California Public Records Act Request #P008260-071519
Please see the attached response to your petition.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

---

On Nov. 2, 2019:
Subject: P008260-071519 DA Air Ali
Please see attached docs. There are no draft emails..

Michael Andraychak #457
On Oct. 26, 2019:
Subject: P008280-071519
Attached are emails for Dir Pub Affairs/Policy Hussey

Michael Andraychak #457

Sergeant of Police
Officer in Charge - Media Relations Unit
San Francisco Police Department
1245 - 3rd Street, 6th Floor
San Francisco, CA 94158
(415) 837-7395
Regular Days Off: Fri, Sat, Sun

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

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On July 2, 2019:
Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)
RE: Email and Electronic Communications Audit

To Whom It May Concern:

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.

Similar requests were recently made of the Board of Supervisors, Clerk, and Mayor's Office. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example).
Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Facebook Messenger ]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent
10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Telegram ]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Slack ]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Google Hangouts ]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [ Signal ]:
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

F. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [SMS/MMS/text messages):
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

H. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Telegram], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such
conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

I.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Slack], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

J.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Google Hangouts], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director
K.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Signal], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

L.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.
1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76435-93915115@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAihof9NNEp8OnK6_3Dx3BntQ%3A1iV
NWF%3 AJSYybzvZ_NEsTYZzV568O37EahzZw&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%3Ff%3Fnext%3D%25D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-
367%252Femail-and-electronic-communications-audit-sfpd-
76435%252F%253Femail%253Dmichael.andraychak%252540sfgov.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 76435
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
Sent via email (80695-54486849@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your September 20, 2019 request to the City Attorney’s Office for communications concerning former Public Defender Jeff Adachi and related topics.

Your petition seeks a determination that metadata and email headers as well as native email files are public. For the reasons stated in the determination attached hereto as Exhibit A, we find that the City Attorney’s Office is not required to produce metadata and native email files.

Next, you contend that the City Attorney’s Office improperly withheld responsive documents held by Deputy City Attorney Alicia Cabrera. We have confirmed that this is not the case.

Finally, you contest various redactions the City Attorney’s Office applied to its production. The City Attorney’s Office responded to each of your allegations in its response to your identical petition to the Sunshine Ordinance Task Force attached hereto as Exhibit B. We conclude that the City Attorney’s Office has properly withheld the redacted information that has not been disclosed to you on the bases asserted in its response to your request and in Exhibit B.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
August 26, 2019

Sent via email (72056-97339218@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your April 20, 2019 request to the City Attorney’s Office for the following:

A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id: 20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id: <20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id: 20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id: <20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id: <DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id: DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees

As an alternative to producing the records in original electronic format, your request asked that the metadata from these emails be copied into a PDF. The City Attorney’s Office produced PDF
copies of the emails and the metadata but redacted portions of the metadata. We conclude that the City Attorney’s Office responded appropriately to this request.

Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” You contend that the City Attorney’s Office improperly redacted information from the metadata in its response to your request.

State law does not provide authoritative guidance on whether metadata is subject to disclosure under the Public Records Act. Assuming that it is subject to disclosure, there are proper grounds to redact it. Disclosure of the metadata associated with the original electronic files – whether by producing it in original electronic format or disclosing the metadata in some other format – may jeopardize or compromise the security of the City’s computer system, and the City Attorney’s Office may decline to produce the native files and additional metadata under Government Code Section 6253.9(f). See Gov’t Code § 6254(f) (“Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.”)

If native files are produced, metadata disclosed with those files may include unique identifiers for individual computer terminals and computer servers and associated security certificates and similar information. This information is highly sensitive, as disclosing it could allow a hacker to penetrate the City’s computer system, “spoof” emails and insert themselves into confidential and/or privileged discussions, or send unauthorized emails on behalf of city officials. Therefore, this information may also be withheld under Government Code Section 6254.19, which allows information security records to be withheld if disclosure “would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.” Finally, given this security risk, the information may also be withheld because there is a substantial need for confidentiality that outweighs any interest the public may have in accessing this information. See Cal. Evid. Code § 1040; Gov’t Code § 6254(k).

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
VIA ELECTRONIC MAIL

Honorable Members of the Sunshine Ordinance Task Force
c/o: Clerk of the Board of Supervisors
Attn: Victor Young, Administrator
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102
victor.young@sfgov.org

Re: Sunshine Ordinance Task Force Complaint No. 19120
Anonymous (MuckRock News) v. Office of the City Attorney

Dear Honorable Task Force Members:

We write in response to the complaint filed by the anonymous person affiliated with MuckRock News, concerning our office’s response to his public records request concerning Jeff Adachi and related topics.

The requester sent the request by email minutes before the end of the business day on Friday, September 20, at 4:37 p.m. The request asked 16 employees across the office to produce records containing any of four keywords pertaining to the recently deceased Public Defender, Jeff Adachi. The request had 30 subparts, each covering a different type of record (e.g., emails, social media messages/posts, memoranda, notebooks, papers, orders, warrants, arrest reports, evidence inventories, notes, post-its, court orders, subpoenas, mailings, and invoices).

The email also sought a statement under Administrative Code Section 67.21(c) concerning the existence, quantity, form, and nature of these records.

As we began processing the request, we came to realize that certain keywords would likely yield a massive amount of records, so we asked the requester if he was willing to clarify or narrow the request. On Friday, September 27, we received an email from the requester stating he would delete one keyword (at our request) and add a new one in its place. We provided the Section 67.21(c) statement the next business day, Monday, September 30. Thereafter we produced over two thousand pages of documents. We heard nothing further regarding the response until we received this complaint. The complaint is based on three allegations, which we address in turn.

1. **Timeliness of and adequacy of the Section 67.21(c) statement**

   The complaint first alleges that the Section 67.21(c) statement was untimely. The requester sent the original request to the City Attorney’s inbox late on Friday, September 20, and while we check the inbox regularly, we were not able to review the request until the morning of the next business day (Monday, September 23). In any event, as stated above, on September 27, we
received a modification of one of the four keywords from the requester. The request remained for a single Section 67.21(c) statement for all records that contained any of the four identified keywords (the three which had not changed, and the one which had). We needed an extra day to take into account the modification of that keyword before we could respond, both to include the new keyword and because a statement that included information on the now-deleted keyword would have been inaccurate. We were able to complete this task by Monday, September 30, the next business day.

The complaint next alleges that our Section 67.21(c) request was incomplete, because we did not specify the number of responsive records that are exempt from disclosure under the attorney-client privilege. The literal text of Section 67.21(c) states that a response should encompass records “whether or not the contents of those records are exempt from disclosure,” but the Sunshine Ordinance does not, and cannot, abrogate the attorney-client privilege or attorney work product privilege. See St. Croix v. Superior Court (2014) 228 Cal.App.4th 434 (regarding attorney-client privilege). And the attorney-client privilege covers not just the specific substantive content of our advice, but also the circumstances of when and how frequently a client department seeks our advice and when and how frequently we provide advice.

The California Supreme Court has explained that the attorney-client privilege occupies a “special place” in the law, and that it even applies to information that may on its face appear “more general,” if that information comes “close enough” to communications made for the purpose of seeking or providing legal advice. Los Angeles County Bd. of Supervisors v. Superior Court (2016) 2 Cal.5th 282, 292, 297. In the Los Angeles County case, the Supreme Court reaffirmed that the attorney-client privilege attaches to information in billing records that “inform[s] the client of the nature or amount of work occurring in connection with a pending legal issue.” Id. (emphasis added). Disclosing the number of privileged records reflects the “nature or amount of work” in the same way that a billing record would. See also id. at 294 (“[T]he privilege concerns not only the manner in which information is transmitted, but the nature of the communication.”).

This case illustrates that principle, both as to attorney-client communications and attorney work product, both of which are privileged under the law. The keywords submitted by the requester indicated a specific subject matter, namely Jeff Adachi’s death. Exposing the amount of work we were doing on that matter at any given time through a document count raises the same concern as asking for real-time billing records, which the Los Angeles County case said would violate the privilege. Requiring the disclosure of the number of privileged records would discourage frank discussion on the subject within our Office, and likewise discourage communication between our Office and client departments on the subject. Id. Clients would be reluctant to contact us if they or we had to report how many times they had asked questions concerning specific keywords. Our office would have to censor itself from sending “too many” emails to client departments or from writing “too many” legal memoranda, lest the document count convey an impression to the public that we perceive there to be a legal risk.

Accordingly, in accordance with the Los Angeles County case, the information withheld in response to the Section 67.21(c) was privileged and was not required to be disclosed as part of the Section 67.21(c) statement.

The complaint responds that the quantity of privileged communications must be non-privileged, because the St. Croix opinion mentioned that 24 privileged records were at issue in that case. St. Croix did not involve a Section 67.21(c) request. The opinion refers to the number of documents only as “background,” and does not actually hold that the quantity of documents concerning a particular topic is not privileged.
2. Completeness of the document production

The complaint alleges, based on the title of one of the electronic files we produced, that the production did not include any documents from a certain employee. The requester did not raise this issue with us before filing this petition. Regardless, the claim has no merit. The production does include that employee’s documents.

3. Redactions to the document production.

The final allegation concerns specific items that our office redacted. These issues also could have been raised with us first, before filing a complaint. Requesters always have the option to contact us with questions rather than file a complaint – a simple clarification suffices to resolve many of the questions raised here. Our responses to the requester’s questions are as follows:

3-1. The complaint asks the Task Force to issue a general pronouncement on how the attorney-client privilege and work product privilege would apply to abstract situations. This is unnecessary, as the basic principles governing these privileges are simple and well-established. The requester is incorrect to claim that these privileges can never apply to records not written by an attorney (3-1a), or to the gathering of facts by an attorney (3-1b). A record may be privileged if it was prepared at the direction of an attorney, and the gathering of facts by an attorney fits squarely under the definition of attorney work product. See, e.g., Cal. Code Civ. Proc. § 2018.030. With respect to waiver (3-1c, 3-1d), we would generally agree that the privilege may be waived if the waiver was authorized by the person who holds the privilege, and was not inadvertent. We have followed these rules.

3-2 We redacted this information thinking it was a personal phone number. On further review, the first line is actually a dial-in number for a conference call: 1/888-757-0729. We cannot provide the information in the second line, since it is a password that was issued for the personal use of the invited attendees.

3-3 The email address was redacted in error and is "thomasburke@dwt.com". Please note: The identical document appears without redactions on p. 178.

3-4 The redacted information is Mr. Carmody’s private email account. We do not agree that the name was hidden: the body of the email (directly below the redaction) begins with the words, “Dear Mr. Carmody.”

3-5 We redacted this information thinking it was a private phone number. On further review, the number is not private. The number is 415.276.6552. Please note: The identical email appears without redactions on p. 92.

3-6 See response to 3-4.

3-7 The top line is the email address of Thomas Burke: thomasburke@dwt.com. The next two lines are Bryan Carmody’s private email account, which is confidential; and the last line is Joseph Obidi’s email address: Joseph.A.Obidi@sfgov.org. Please note: The identical emails appear without redactions in numerous places, e.g., pp. 226, 228, 230, 234.
3-8 The redacted portions of this document reflect the report by a complainant and an ongoing investigation. Redactions are warranted where disclosing a complainant’s identity could expose a person to retaliation or compromise an ongoing investigation. See generally Cal. Evid. Code § 1040, 1041. We apologize for neglecting to mention these provisions in our original cover letter.

3-9 See response to 3-8.

3-10 The pages were cut off due to a technical error that we were unaware of. We have since provided the requester with an updated version of this document.

3-11 The incident number appears unredacted on the immediately preceding and following pages. The remaining redactions for personal emails and license plate numbers are appropriate.


3-13 We did not withhold any information. Immediately following the hyperlink is a parenthetical, stating that the video is “also linked below”. The full URL then appears below in two places, on pp. 484-485.

3-14 As stated in the document, this is a Dropbox link that was active for only 10 days.

3-15 The request did not seek the documents referenced in the complaint. Now that the requester has asked for them, we have provided them to the requester.

3-16 The information is attorney-client privileged.

3-17 We did not redact this document. We received it with redactions and do not have a unredacted copy.
CITY AND COUNTY OF SAN FRANCISCO

Letter to Sunshine Ordinance Task Force, Page 5
November 26, 2019

3-18 See response to 3-15.

3-19 Putting aside the requester’s claim that a deceased person loses all privacy rights, redactions of a home address are necessary to protect the privacy of living persons who reside at that home address. As for the medical records, they are confidential under California Civil Code Sections 56.05(k) and 56.10(b)(8). We apologize for neglecting to mention these Civil Code provisions in the cover letter.

3-20 The information is withheld under Evidence Code 1040 and the privacy records cited in the original cover letter.

We trust that this addresses the requester’s questions, and would submit that our office acted in good faith and has complied with its obligations. Any deficiencies were not substantive, were minor when viewed in the context of the entire 2,000+ page production, and in the handful of instances involving an incorrect redaction there were usually unredacted copies of the identical document already available to the requester.

We would also urge the Task Force to keep in mind the tremendous burdens that this requester had been placing on our office at the time. We produced more than 2,000 pages in response to this one request. While this request was pending, we were also responding to many other requests from this same requester, and ultimately had to invoke the rule of reason as a guide to the timing of our responses. We are willing to provide a more detailed summary of all the then-pending requests if that would be helpful for the Task Force.

For the foregoing reasons, we respectfully request that the complaint be dismissed.

DENNIS J. HERRERA
City Attorney

for John Coté
Press Secretary, Communications Director
San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102  

November 13, 2019  

This is a follow up to a previous request:  

Supervisor of Records,  

This is a new SFAC 67.21(d) petition against the City Attorney's office re: Adachi/Carmody records.  

The records or parts to be determined, in writing, to be public are:  
1. All metadata and email headers and native formats of the original emails.  
2. All records listed in Allegation #2 in the attached SOTF complaint.  
3. All redactions/withholdings listed in Allegation #3 (and suballegations) in the attached SOTF complaint.  

The attached SOTF complaint is incorporated into this petition.  

Sincerely,  
Anonymous  

Filed via MuckRock.com  
E-mail (Preferred): 80695-54486849@requests.muckrock.com  
Upload documents directly:  
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts2Flogin%2F3Fnext%2D3F%2D2Faccounts%2D2Fagency_login%2D2Fsan-francisco-city-attorney-797%2D2Fadachi-communications-audit-sf-city-atty-and-6721c-request-80695%2D2Femail%2D2D supervisor.records%2D252540sfcityatty.org&url_auth_token=AAAuFDulp5q6S04NYkWLTePY9NQ%3A1iV6c2%3AXwFLHziShuMn7I9alkb80jS60Uc  
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.  

For mailed responses, please address (see note):  
MuckRock News  
DEPT MR 80695
On Nov. 12, 2019:
Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request
Hello,

Yes, the below request is complete.

Thanks,
Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

---

On Nov. 10, 2019:
Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request ** NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back. **

Hi,

Is this request complete?

Sincerely,
Anonymous
---

On Oct. 22, 2019:
Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request
Attached please find our supplemental response to the below request, which includes emails grouped with the correct attachments.
On Oct. 18, 2019:
Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request

** NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back. **

Thank you for the records! I have a good amount to analyze in this response, and I look forward to the missing attachments. Please do email those if they fit.

RE: Rule of reason:
While I have submitted multiple requests to your office, the total number of documents your office has produced in the last month is not very many (outside of this Adachi production). See for example the Sunshine Task Force order in Case 18049 directing FAMSF dept. to produce 7000 documents within one month. I do not believe I am anywhere close to such a number of documents (summed across all my City Atty requests per month) that they have previously found reasonable to produce per month. I also do not believe the rule of reason compounds across requests.

Furthermore, while you may be able to use the rule of reason to slow the pace of rolling document production (though I do not concede that), I do not believe it permits you to miss the IDR, 10-day, or 14-day extension deadlines for the response itself (regardless of when the document is provided). I do intend to contest any purported use of rule of reason to delay responses.

Finally, I would also like to remind you that I have a right to remain anonymous both within and across requests, that there are many users of MuckRock.com's FOIA service, that I am not the only individual person who may be sending requests to you using this service, and that you may be mis-applying the rule of reason against other requesters without a basis to do so. (As an analogy consider assuming all anonymous users of hotmail.com are the same requestor). Regardless, if you accidentally mis-apply this rule to other persons, some other requester may complain.

Sincerely,
Anonymous

---
On Oct. 18, 2019:
Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request
Hello,

Unfortunately, the production is too large to send via email. The FTP website is our standard way of producing documents that are too voluminous to send by email. In terms of whether our response is complete – we are realizing that the attachments to some of the emails in the production were inadvertently left off due to a technical error. We are working on this and expect to send you the missing attachments next week.

In addition, we want to provide an update on your other document requests. In the past few weeks you have submitted many requests to our office, many of them very complex and often with multiple subparts and requests for follow-up, and in some cases you have sought documents in particular file formats that makes the requests even more time consuming to respond to. To date we have addressed all of your requests in accordance with the standard deadlines, but continuing to set other work aside for this purpose is not possible. Accordingly, we will need to invoke the rule of reason at this time. We will devote a reasonable amount of time to your requests, in the order we receive them, and of course we will aim to meet the regular deadlines where that is reasonably possible. If there are specific requests outstanding that you want us to prioritize over others, please let us know.

[Odaya Buta]  
Legal Assistant  
Office of City Attorney Dennis Herrera  
(415) 554-5960 Direct  
odaya.buta@sfcityatty.org  
www.sfcityattorney.org  
Find us on: Facebook<https://www.facebook.com/sfcityattorney/>  
Twitter<https://twitter.com/SFCityAttorney>  
Instagram<https://www.instagram.com/sfcityattorney/>  

This message and any attachments are solely for the intended recipient and may include privileged or confidential information. If you have received this communication in error, please notify the sender immediately, and permanently delete this message and any attachments.

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On Sept. 20, 2019:
Subject: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request
RE: Adachi Communications Audit - 2019-09-20

To Whom It May Concern:

**NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back.**

I request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the attached items from City Attorney's office. 7-day 67.21(c) statements are requested for each request as well.
Similar requests have been of the Mayor, SFPD, SF Police Commission, etc.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80695-54486849@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fadachi-communications-audit-sf-city-atty-and-6721c-request-80695%252Femail%252540sfcityatty.org&url_auth_token=AAuFDulp5q6S04NYkWLTePY9NQ%3A1iV6c2%A2Xw fungusShuMn7I9alb0jS60Uc

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 80695
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
IN THE SAN FRANCISCO
SUNSHINE ORDINANCE TASK FORCE

Anonymous
v.
City Attorney Dennis Herrera, Moira Walsh, Jana Clark, Wayne Snodgrass, Andrew Shen, Joshua White, Brad Russi, David Ries, Alicia Cabrera, Paul Zarefsky, Buck Delventhal, Scott Minty, Joy Perez, Jon Givner, Elizabeth Coolbrith, Odaya Buta, and the Office of the City Attorney

Sunshine Ordinance Petition and Complaint
Nov. 13, 2019

SOTF No.

COMPLAINT

I allege Respondents failed to respond to a request for public records in a timely or complete manner, failed to assist, withheld more than the minimally exempt portion of a public record, and failed to justify withholdings with clear reference to exemption statute or case law. This complaint does not contain metadata allegations; that will be filed separately.

FACTS OF THE CASE

I made a public records request from 80695-54486849@requests.muckrock.com under the CPRA and Sunshine Ordinance on September 20, 2019, requesting records between February 15, 2019 and September 20, 2019 regarding "adachi" OR "public defender" OR "carmody" OR "North Bay News" from each of Respondents Herrera, Walsh, Clark, Shen, White, Russi, Ries, Cabrera, Zarefsky, Delventhal, Minty, Perez, Givner (listed by name), and certain department-wide accounts of the Office of the City Attorney. I also made a request under SF Admin Code 67.21(c) for a statement of existence, quantity, nature, and form of responsive records (regardless of exemption). See Appendix A for the request.

Respondent Coolbrith acknowledged the request on Sept. 26, and requested I narrow the request. After numerous back and forths during that day, I agreed to eliminate the keyword “public defender” and replaced it with “shield law.” There are therefore 3 sets of keyword requests dated Sept. 20 for "adachi" OR "carmody" OR "North Bay News", and 1 set of requests dated Sept. 26 for “shield law.” On Sept. 30, an SF Admin Code 67.21(c) statement (which I allege is incomplete) was provided by Coolbrith. On Oct. 3, Coolbrith issued an extension until Oct. 17. On Oct. 17, Respondent Buta provided an initial batch of records called “Records sent on 10.17.2019 for 09.23.2019 Muckrock PRA request.pdf”. On
Oct. 18, Buta purported to invoke the rule of reason due to other requests they believe I submitted to their office, which I disputed on the same day. On Oct. 22, Coolbrith provided a supplemental response “Corrected Attachments.pdf”. On Nov. 12, without any further disclosure, Coolbrith confirmed the prior responses as of Oct. 22 were purportedly complete. See Appendix B for the email record.

ALLEGATIONS

1. Violations of SF Admin Code 67.21(c) - failure to assist in a timely or complete manner
I made a request for a statement under SF Admin Code 67.21(c) on Sept. 20. The statement was provided on Sept. 30. Because 67.21(c) dictates a seven day deadline for this statement, this was untimely.

I also allege that the statement is incomplete and violates 67.21(c), which reads in relevant part:

A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records ...

In Respondents’ statement they state that an unspecified number of records are being withheld. Respondents rely on St. Croix v Grossman where the Court of Appeal found that the attorney-client privilege implied by the City Charter overrides the contrary provisions of SF Admin Code 67.21(i). Respondents extend this argument to override SFAC 67.21(c)’s requirement to provide statements of quantity even for exempt records. This is incorrect. The St. Croix opinion explicitly states the quantity of privileged exempt documents (emphasis mine): “St. Croix provided more than 120 documents, but, citing the attorney-client privilege (see Evid.Code, §§ 952, 954), withheld 24 written communications between the commission and the San Francisco City Attorney’s Office.” Respondents must provide the quantity of privileged documents. Clearly the Court of Appeal does not deem the quantity of privileged documents to itself to be privileged information.

2. Violations of SF Admin Code 67.21(b) - incomplete response
The records collection provided have the title “09.23.2019 Docs produced as a response for PRA request 09.23.19 (without Alicia docs).pdf” (sic). It is assumed “Alicia” refers to

---

1 It is not known whether this Oct. 18 invocation of the rule of reason was against this request or the other requests purportedly from me. The invocation does not appear to have affected this request so it may be moot. My allegations are not necessarily based on an improper invocation of the rule of reason, since the Respondents’ timeliness violations occurred before Oct. 18.
Respondent Alicia Cabrera. Cabrera’s documents must be provided. Please order that at least some of Cabrera’s documents or some parts thereof are public.

3. Violations of SF Admin Code 67.26, 67.27 - more than minimal withholding, failure to cite justification for withholding with clear reference to statute or case law

The primary Oct. 17 response has the following justification of exemption:

Please note that we have redacted personal information due to privacy reasons. See Cal Const., Article I, section 1; Cal. Government Code Section 6254(c), (k); Admin. Code Section 67.1(g). For similar reasons, we have also redacted certain health-related information (e.g. medical records), pursuant to 42 U.S.C §1320(d) et seq. and 45 C.F.R. 160.03. In addition, we have also withheld records covered by attorney-client privilege (Cal. Gov't Code § 6276.04; Cal. Evid. Code § 954) and attorney work product (Cal. Gov't Code § 6276.04; Cal. Code of Civil Pro. § 2018.030).

While this may meet Respondents’ requirement under SFAC 67.27 to cite exemption statutes, it does not meet the requirements of SFAC 67.26 where each such citation must be tied to each redaction with a “clear reference.” It is unknown which redaction is associated with which justification. Furthermore, there are various redactions that are apparently not privacy or health related so those redactions are not covered by the justification above and thus also constitute violations of SFAC 67.27.

Please order that the following records or parts of records in the primary response are public:

3-1. Some or all records claimed to be privileged. Respondents Herrera, Coolbrith, and Office of the City Attorney previously incorrectly asserted attorney-client and work-product privilege over certain records in 19095 Anonymous v. Herrera, et al. and did not provide the (not genuinely privileged) records until complaints were proceeding so I have no reason to believe they have correctly asserted privilege this time either. Specifically, at least the following types of records cannot be so privileged and should be deemed public:

3-1-a. Records not written by an attorney, and not written by a client asking for legal advice
3-1-b. Records written by an attorney, but without any client being involved and without any legal interpretation (such as objective gathering of facts)
3-1-c. Records for which privilege has been waived by inclusion of any party on the thread who is neither a client nor an employee of the City Attorney’s office (such as, but not limited to, Carmody or his attorneys, or any other journalist, or any other records requestor)
3-1-d. Records for which exemption was previously waived by production to any other record requestor
REQUEST FOR RELIEF

Please find that the Respondents violated SF Admin Code sections 67.21(b), 67.21(c), 67.26, and 67.27, determine that some or all of the records or portions thereof withheld or not yet disclosed are public, and issue all appropriate orders.

Respectfully submitted,

ANONYMOUS
Complainant/Petitioner
RE: Adachi Communications Audit

To Whom It May Concern:

** NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back. **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) each of the below records from the City Attorney’s office.

Furthermore, this is also a 7-day, SFAC 67.21(c) request for a statement of existence, quantity, nature, and form of responsive records (regardless of exemption) for each request made below (per custodian listed). You must provide these statements even if the records or any portion are exempt from disclosure. You cannot also merely assume all records are attorney-client or work-product privileged – you must actually perform the search since some records might not be privileged, and in order to provide me the quantity under 67.21(c). I suspect the quantity may be 0 in the vast majority of requests, but you must still state so. Note also that not all of a particular record may be privileged and the Ordinance requires you to only withhold exempt portions.

We remind you of your obligations to provide electronic records in any format we request them in, if that format is the “original” format, “available” to you, OR “easily generated.” Therefore, when we ask for “original electronic format” in each request below, we mean e-mails exported in the original format OR in the .eml OR .msg formats (your choice), with all non-exempt headers, metadata, formatting, attachments, images, etc. For the chat apps, a screenshot or print-out is acceptable, but it must retain all attachments, timestamps, images, etc. which must be provided separately if screenshots cannot capture that info.

However, if you choose (against our express wishes, and in violation of SFAC 67.21(l) and/or Gov Code 6253(b)) to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content (hyperlinks, formatting, images, attachments, etc.) of the original email record, which also contains many detailed headers beyond the generally used From/To/Subject/Sent/etc.

Original records are generally in color - do not convert them to black and white and thus destroy information.
As used below "communications" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example). Such records are common in “secret” chat apps. "Sent" and "received" include every form of communication or transmissions - including but not limited to "to," "from," "cc," "bcc," mailing lists, group chats, etc. and also include posting or receiving messages in social media (like tweets or wall posts). "Account" refers to every account, not just a primary or public-facing account.

If you use PDF, you must use text pdfs (which are easily generated). Please don’t use image/scanned PDFs to make it harder to analyze the records.

If you provide PDFs instead of native formats, only give a few of the headers, withhold attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us.

You must justify all withholding. Please ensure your justification is tied specifically to each and every redaction, not a general reason. One possibility is footnotes as contemplated by SFAC 67.26/27, but Adobe Acrobat also has a standard redaction tool to show redaction codes. If you withhold or redact records, do not destroy the originals - I intend to petition the Sup. of Records, SOTF, and/or Superior Court for all withholdings/redactions.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

Keywords provided should be searched in all parts of the record: subject, body, to/from/etc., headers, metadata, attachments, and so on.

You must provide all records on public accounts where requested below if the record is “about the conduct of public business” (City of San Jose v Superior Court (2017)). The fact that a custodian may not intend to use their personal accounts to do “work” is not relevant – if the topic is the public business, you must disclose. Given the City’s involvement in the Adachi-Carmody incident, all such mentions we request would in fact be about the public business.

I look forward to your 7-day 67.21(c) statements, and a prompt disclosure for all else.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, events, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED GOVT EMAIL OR CALENDAR ACCOUNTS, containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Feb. 15, 2019 and Sept 20, 2019: (i) Dennis Herrera, (ii) Moira Walsh, (iii) Jana Clark, (iv) Lisa Powell, (v) Wayne Snodgrass, (vi) Andrew Shen, (vii) Joshua White, (viii) Brad Russi, (ix) David Ries, (x) Alicia Cabrera, (xi) Paul Zarefsky, (xii) Buck Delventhal.
B. an electronic copy (i.e. scan if only physical copies exist), in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all memoranda, notebooks, papers, orders, warrants, arrest reports, evidence inventories, notes, post-its, court orders, subpoenas, mailings, invoices and other writing of the following, containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" created between Feb. 15, 2019 and Sept 20, 2019: (i) Dennis Herrera, (ii) Moira Walsh, (iii) Jana Clark, (iv) Lisa Powell, (v) Wayne Snodgrass, (vi) Andrew Shen, (vii) Joshua White, (viii) Brad Russi, (ix) David Ries, (x) Alicia Cabrera, (xi) Paul Zarefsky, (xii) Buck Delventhal, (xiii) Scott Minty, (xiv) Joy Perez, (xv) Jon Givner, (xvi) office accounts (accounts that represent the office, and not an individual, like twitter @SFCityAttorney or cityattorney@sfcityatty.org)

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RE: Adachi Communications Audit

dinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED account in [ WhatsApp ], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Feb. 15, 2019 and Sept 20, 2019: (i) Dennis Herrera, (ii) Moira Walsh, (iii) Jana Clark, (iv) Lisa Powell, (v) Wayne Snodgrass, (vi) Andrew Shen, (vii) Joshua White, (viii) Brad Russi, (ix) David Ries, (x) Alicia Cabrera, (xi) Paul Zarefsky, (xii) Buck Delventhal, (xiii) Scott Minty, (xiv) Joy Perez, (xv) Jon Givner, (xvi) office accounts (accounts that represent the office, and not an individual, like twitter @SFCityAttorney or cityattorney@sfcityatty.org)

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RE: Adachi Communications Audit


O. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR CITY-OWNED account in [iMessage/Face-Time], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Feb. 15, 2019 and Sept 20, 2019: (i) Dennis Herrera, (ii) Moira Walsh, (iii) Jana Clark, (iv) Lisa Powell, (v) Wayne Snodgrass, (vi) Andrew Shen, (vii) Joshua White, (viii) Brad Russi, (ix) David Ries, (x) Alicia Cabrera, (xi) Paul Zarefsky, (xii) Buck Delventhal, (xiii) Scott Minty, (xiv) Joy Perez, (xv) Jon Givner, (xvi) office accounts (accounts that represent the office, and not an individual, like twitter @SFCityAttorney or cityattorney@sfcityatty.org)

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BB. an electronic copy (or scan if only physical copies exist), in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all personal (per City of San Jose v Superior Court (2017)) memoranda, notebooks, papers, orders, note, post-its, and other writing of the following, containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" created between Feb. 15, 2019 and Sept 20, 2019: (i) Dennis Herrera, (ii) Moira Walsh, (iii) Jana Clark, (iv) Lisa Powell, (v) Wayne Snodgrass, (vi) Andrew Shen, (vii) Joshua White, (viii) Brad Russi, (ix) David Ries, (x) Alicia Cabrera, (xi) Paul Zarefsky, (xii) Buck Delventhal, (xiii) Scott Minty, (xiv) Joy Perez, (xv) Jon Givner, (xvi) office accounts (accounts that represent the office, and not an individual, like twitter @SFCityAttorney or cityattorney@sfcityatty.org)

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NN. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR PERSONAL account (per City of San Jose v Superior Court (2017)) in [Twitter], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Feb. 15, 2019 and Sept 20, 2019: (i) Dennis Herrera, (ii) Moira Walsh, (iii) Jana Clark, (iv) Lisa Powell, (v) Wayne Snodgrass, (vi) Andrew Shen, (vii) Joshua White, (viii) Brad Russi, (ix) David Ries, (x) Alicia Cabrera, (xi) Paul Zarefsky, (xii) Buck Delventhal, (xiii) Scott Minty, (xiv) Joy Perez, (xv) Jon Givner, (xvi) office accounts (accounts that represent the office, and not an individual, like twitter @SFCityAttorney or cityattorney@sfcityatty.org)

OO. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of all messages, emails, communications, or posts SENT or RECEIVED by each of the following ON THEIR PERSONAL account (per City of San Jose v Superior Court (2017)) in [20th Annual SOR Report APPENDIX - Page 519]
iMessage/Face-Time], containing any of the following (case insensitive): "adachi" OR "public defender" OR "carmody" OR "North Bay News" between Feb. 15, 2019 and Sept 20, 2019: (i) Dennis Herrera, (ii) Moira Walsh, (iii) Jana Clark, (iv) Lisa Powell, (v) Wayne Snodgrass, (vi) Andrew Shen, (vii) Joshua White, (viii) Brad Russi, (ix) David Ries, (x) Alicia Cabrera, (xi) Paul Zarefsky, (xii) Buck Delventhal, (xiii) Scott Minty, (xiv) Joy Perez, (xv) Jon Givner, (xvi) office accounts (accounts that represent the office, and not an individual, like twitter @SFCityAttorney or cityattorney@sfcityatty.org)
RE: Adachi Communications Audit - 2019-09-20

To Whom It May Concern:

** NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back. **

I request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the attached items from City Attorney's office. 7-day 67.21(c) statements are requested for each request as well.

Similar requests have been of the Mayor, SFPD, SF Police Commission, etc.

Sincerely,
Anonymous

---

From: San Francisco City Attorney
Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request

Dear requester,

We received your request for documents from certain employees with the following keywords: "adachi," "public defender," "carmody," OR "north bay news". We would like to see if you would be willing to narrow or limit this request. In particular, the term "public defender" could potentially trigger a very large amount of information as our office is counsel to the office of the public defender, and much of this information may in any event be privileged. Is it possible to omit this keyword from our searches? Alternatively, are you able to identify a specific subject matter that we can focus on - it appears you are interested in the events surrounding carmody and Mr. Adachi's death. Given that you are apparently interested in conducting an "audit" of our communications with the public defender's office, another option might be to limit the request to communications to or from that office, or records and communications about that office, rather than all records and communications without regard to topic that happen to mention that office or where Mr. Adachi happened to be a co-recipient. Please let us know if you are willing to consider any of these options. Thank you.

Please send replies to cityattorney@sfcityatty.org

Sincerely,

Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org
**NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back.**

Good morning,

I am willing to defer, but not cancel, the "public defender" search & production until after production of the remainder of the requests, if and only if your Office is willing to preserve and refrain from destroying (including but not limited to through any automatic process that enforces retention policies) potentially responsive records to that portion of my requests, as the CPRA requires production of records in existence at the time of the request.

Sincerely,

Anonymous

---

From: Anonymous Person  09/26/2019

**NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back.**

And if your Office is willing to do so, please state as such in writing (email).

---

From: San Francisco City Attorney  09/26/2019

Thanks for your quick response. We can try to preserve all documents, but we want to make clear that we cannot, as a practical matter, guarantee that no documents containing the words "public defender" will ever be deleted. That would require us to first identify all the documents that contain that term, and the breadth and burden of that search is what prompted our email to you to begin with. If you can identify a specific
subject matter and a reasonable timeframe for how long you want us to preserve documents for, that would help. For example, it sounds like you are interested in the events surrounding Mr. Adachi's death and Mr. Carmody. If that is what you want, and you can let us know by when you anticipate renewing your request, we can preserve documents as to that subject matter until at least that date. We certainly would not be deleting documents for the purpose of evading your requests. Please let us know if this is acceptable.

Please send replies to cityattorney@sfcityatty.org

Sincerely,

[Elizabeth A. Coolbrith]
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

~WRD000
Download

image01
Download

image03
Download

From: Anonymous Person 09/26/2019

Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request

** NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back. **

Good afternoon,

My offer is to defer the 'public defender' search (not the others), until after you produce the others, and to make it concrete, let's say also no later than Nov. 1 - the earlier of which would trigger the request being live once again, if you can preserve the records until then.

My concern is not really that your would intentionally delete specific messages on govt property, but instead that:
1) your computer retention systems may automatically delete all emails and similar older than N days, or
2) your employees/officials may delete responsive records on their personal accounts given the intense controversy around this incident.

I assume of course that, as an attorney's office, you also have systems for legal holds to prevent such deletion on govt systems.
So, can you ensure your retention systems would not delete records automatically, and issue a direction to
your employees not to delete records (official or on personal property) responsive to my request? That way they would be on notice. Those two things would be sufficient for me.

Sincerely,

Anonymous

---

From: San Francisco City Attorney 09/26/2019

Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request

We were hoping you might eliminate "public defender" entirely. If you are certain that you want a search for that term and are merely putting it off until November 1, it may not really address our concern, and we may as well just do it now. But we'd ask again if you can limit the request to "public defender" documents concerning a specific subject matter of your choosing. If that is possible, please let us know.

Thanks,

Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org
Find us on: Facebook<https://www.facebook.com/sfcityattorney/>
Twitter<https://twitter.com/SFCityAttorney> Instagram<https://www.instagram.com/sfcityattorney/>

---

From: Anonymous Person 09/26/2019

Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request

** NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back. **

You may adjust the queries as follows:
1. "adachi" OR
2. "carmody" OR
3. "North Bay News" OR
4. "shield law"

The request date for #1-3 remains Sept. 20; and #4 is dated Sept. 26. All other caveats of my Sept. 20 request apply to #4 as well.
"public defender" is eliminated from the Sept. 20 request to the City Attorney. Of course, I have the right in the future to re-request any keyword.

Thanks,

Anonymous

From: San Francisco City Attorney 09/30/2019
Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request

We have determined that we have approximately 90 non-privileged emails from the accounts specified in your request mentioning the requested terms, in response to category A. In addition, we determined we have approximately 55 non-privileged documents responsive to category B. We have withheld some responsive records from our inventory in both of these categories based on the attorney-client privilege (Cal. Gov't Code § 6276.04; Cal. Evid. Code § 954) and attorney work product privilege (Cal. Gov't Code § 6276.04; Cal. Code of Civil Pro. § 2018.030). We have no responsive documents for categories C-OO.

Please send replies to cityattorney@sfcityatty.org

Sincerely,

Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

From: Anonymous Person 09/30/2019
Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request

** NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back. **

Thank you for that determination.
1. Does this include the replacement of "public domain" keyword with "shield law"?
2. Please provide the quantity of documents you are claiming privilege over in A and B. 67.21(c) requires you to provide quantity even if documents are withheld. Please do so. (Furthermore, the quantity is not something you can claim privilege over, since such information would be disclosed in, for example, a privilege log in court, and therefore you would not be able to use St. Croix to assert 67.21(c)'s requirement to provide a quantity of privileged documents is contrary to the City Charter.)
Please disclose all documents going forward in a rolling fashion.

Thanks,
Anonymous

---

From: San Francisco City Attorney 10/01/2019
Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request

This did indeed include “shield law” in lieu of “public defender.” We disagree with your position that we must list privileged documents in our 67.21(c) statement. The St. Croix decision confirms that the Sunshine Ordinance does not compel disclosure of information that falls within the scope of the attorney-client privilege. Requiring us to divulge information about the extent to which we have communicated with our clients about specific topics would violate the privilege.

Please send replies to cityattorney@sfcityatty.org

Sincerely,
Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org
Find us on: Facebook Twitter Instagram

---

From: San Francisco City Attorney 10/03/2019
Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request

I am writing on behalf of the City Attorney's Office in response to your request for records below. Please note that we are invoking an extension of time under Government Code section 6253(c) due to the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records. We will endeavor to process your request as quickly as possible and anticipate responding no later than the close of business October 17, 2019. If you have any questions in the meantime, please contact us at the information below.

Please send replies to cityattorney@sfcityatty.org

Sincerely,

Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
Hello,

I am writing on behalf of the City Attorney's Office in response to your below records request. Below is an FTP link with login credentials, to download the responsive records, which will expire in seven days. Please note that we have redacted personal information due to privacy reasons. See Cal Const., Article I, section 1; Cal. Government Code Section 6254(c), (k); Admin. Code Section 67.1(g). For similar reasons, we have also redacted certain health-related information (e.g. medical records), pursuant to 42 U.S.C §1320(d) et seq. and 45 C.F.R. 160.03. In addition, we have also withheld records covered by attorney-client privilege (Cal. Gov't Code § 6276.04; Cal. Evid. Code § 954) and attorney work product (Cal. Gov't Code § 6276.04; Cal. Code of Civil Pro. § 2018.030).

Your credentials:

Username: UVLOJXSOKM

Password: nrLLJM4E

Download URL:

https://sfftp.sfgov.org

The login above will expire on 10/24/2019 12:00:00 AM

Please send replies to cityattorney@sfcityatty.org

Sincerely,

Odaya Buta

Legal Assistant

Office of City Attorney Dennis Herrera

(415) 554-5960 Direct
**NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back.**

Wonderful! - please email these over as attachments or publish them on your website without login.

Does this complete your response?

Hello,

Unfortunately, the production is too large to send via email. The FTP website is our standard way of producing documents that are too voluminous to send by email. In terms of whether our response is complete – we are realizing that the attachments to some of the emails in the production were inadvertently left off due to a technical error. We are working on this and expect to send you the missing attachments next week.
In addition, we want to provide an update on your other document requests. In the past few weeks you have submitted many requests to our office, many of them very complex and often with multiple subparts and requests for follow-up, and in some cases you have sought documents in particular file formats that makes the requests even more time consuming to respond to. To date we have addressed all of your requests in accordance with the standard deadlines, but continuing to set other work aside for this purpose is not possible. Accordingly, we will need to invoke the rule of reason at this time. We will devote a reasonable amount of time to your requests, in the order we receive them, and of course we will aim to meet the regular deadlines where that is reasonably possible. If there are specific requests outstanding that you want us to prioritize over others, please let us know.

[Odaya Buta
Legal Assistant
Office of City Attorney Dennis Herrera
(415) 554-5960 Direct
odaya.buta@sfcityatty.org
Find us on: Facebook<https://www.facebook.com/sfcityattorney/>
Twitter<https://twitter.com/SFCityAttorney> Instagram<https://www.instagram.com/sfcityattorney/>

This message and any attachments are solely for the intended recipient and may include privileged or confidential information. If you have received this communication in error, please notify the sender immediately, and permanently delete this message and any attachments.
deadlines for the response itself (regardless of when the document is provided). I do intend to contest any purported use of rule of reason to delay responses.

Finally, I would also like to remind you that I have a right to remain anonymous both within and across requests, that there are many users of MuckRock.com's FOIA service, that I am not the only individual person who may be sending requests to you using this service, and that you may be mis-applying the rule of reason against other requesters without a basis to do so. (As an analogy consider assuming all anonymous users of hotmail.com are the same requestor). Regardless, if you accidentally mis-apply this rule to other persons, some other requester may complain.

Sincerely,
Anonymous

From: San Francisco City Attorney 10/22/2019
Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request

Attached please find our supplemental response to the below request, which includes emails grouped with the correct attachments.

Please send replies to cityattorney@sfcityatty.org

Sincerely,

Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

Corrected Attachments

Download

image002

Download

image004

Download

image001

Download

From: Anonymous Person 11/10/2019
Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request

** NOTE: Please redact all responses correctly! This is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on
the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there is no going back. **

Hi,

Is this request complete?

Sincerely,
Anonymous

---

From: San Francisco City Attorney 11/12/2019

Subject: RE: California Public Records Act Request: Adachi Communications Audit (SF City Atty) and 67.21(c) request

Hello,

Yes, the below request is complete.

Thanks,

[show image002.jpg@01D5994D.AD06C050]Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org
Find us on: Facebook<https://www.facebook.com/sfcityattorney/>
Twitter<https://twitter.com/SFCityAttorney> Instagram<https://www.instagram.com/sfcityattorney/>
We stand by our prior determination on this petition, attached for your convenience.

Best,

Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
www.sfcityattorney.org

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

November 20, 2019

This is a follow up to a previous request:

Supervisor of Records,

Thank you for your reply.

There are a few contentions I have with your response (even under your assumption of what records the agency does or does not have, which I do not necessarily concede and will argue against at SOTF). You may consider this a successive 67.21(d) petition to receive your written determination re: the public parts of records below:

1) You indicated that the particular topics discussed may be exempt under A-C and W-P privileges. However at least one meeting was with external parties (Oct. 1, Salesforce panel) and cannot be privileged in any way. In addition you indicated that the agency has no other records showing calendar information. However clearly the City Attorney does have a record of the location of these meetings, including the external Salesforce meeting;
but for some reason Coolbrith has provided me answers to "questions" she believes I have asked (I do not believe I asked any questions), instead of just disclosing the records showing that location information. The records with the locations should be determined to be a public record.

2) You indicated that Herrera's refusal to provide the individual calendar entries does not withhold any additional information from me. That is not true. As you may know from your own use of Outlook, the individual entry view shows an exact start and end time for each meeting (hour:minute). We know the City's individual Outlook meeting view, as converted to PDF (without any metadata), shows these exact start and end times as the Mayor's office has started producing such individual calendar entries in response to SOTF 19047. That info is not visible from the summary view they have provided. Meeting times are required to be kept and disclosed, and they are a public part of a record. On the summary view, since not all meetings start on the hour or half hour lines, the exact times cannot be known from the summary view. Furthermore at least one meeting shows a recurrence symbol - the recurrence information was entered in by a human being, and is thus certainly a "writing," and unlike the Mayor. This too would be visible on the individual record. Please note that we also contest Herrera's use of GC6254(f)/EC1040 to exempt future meeting information. However, even if you agree with Herrera on that exemption, the Outlook recurrence fields (which again were entered by a human) shows information including the date the recurrence began (i.e. past information), even if they redact the repetition information. Surely the recurrence start date cannot be confidential, and is thus a public part of a record.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81411-90616367@requests.muckrock.com
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 81411
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---

On Nov. 19, 2019:
Subject: FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - Complaint No. 19108
Dear Anonymous:

Attached please find the response you requested. It was just received by my office.
Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724


Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

---

On Nov. 19, 2019:  
Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request  
Please see the attached response to your petition.

Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
www.sfcityattorney.org

---

On Nov. 14, 2019:  
Subject: SOTF - Request for Postponement for file no. 19108 scheduled for November 26.  
Dear Anonymous:

I just received a request for a postponement for file no. 19108, scheduled to be heard on Tuesday, November 26 and outlined below, due to a scheduled vacation. As I told the Complainant, the decision is yours on whether or not to continue the matter. With that said, are you agreeable to that request?

File No. 19108: Complaint filed by Anonymous against City Attorney Dennis Herrera, Elizabeth Coolbrith and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25, 67.27, 67.29-5, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing respond to a public records request in a timely manner and/or complete manner. Failing to justify withholding of records and failing to maintain a Proposition G Calendar.
Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724


Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

---

On Oct. 29, 2019:  
Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request  
Dear requester,

We disagree with your position concerning 6254(f). In any event, please see the attached document, which contains a redaction based on attorney-client privilege.

Sincerely,

[cid:image003.jpg@01D58E5D.64FC59A0]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
www.sfcityattorney.org  
Find us on: Facebook<https://www.facebook.com/sfcityattorney/>  
Twitter<https://twitter.com/SFCityAttorney> Instagram<https://www.instagram.com/sfcityattorney/>

---

On Oct. 24, 2019:  
Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request  
Ms. Coolbrith,
SOTF Order 18075 vs the District Attorney states that "future schedule/calendars are public records and should be provided in a redacted format."
See: https://sfgov.org/sunshine/sites/default/files/SOTF_Order_18075.pdf

I ask you again to provide these records, redacted according to the law, with justifications for each and every redaction.

Sincerely,
Anonymous

---

On Oct. 8, 2019:
Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request
Office of City Attorney,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 8, 2019 re: your department head's calendars. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for *prior* calendar records, Mr. Heckel appeared to argue that all future meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is implausible that there would be no prospective scheduling information for upcoming events your department head must attend to, even though Prop G/67.29-5 requires no such calendar be kept.

All calendars, whether Prop G/67.29-5 or not, that your agency prepared, owned, used, or retained re: the public's business are public records (see SOTF 19047; Sup. of Records response of Sept. 6; and Good Government Guide).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of a future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for your office, which is not “the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency” so the first clause re: security procedures does not apply. Furthermore a calendar cannot be “investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.” This would an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the department head may potentially be lawfully withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

All records must be provided in rolling fashion.
Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:

1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records.

1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records.

2. REGULAR DISCLOSURE: If the department head or any of the department head's staff uses any invitation/guestlist tracking systems on behalf of the department head (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2, for the date range in #1. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the department head, their senior-most deputy, their chief of staff (or equivalent, and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.
I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81411-90616367@requests.muckrock.com
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 81411
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
Sent via email (81411-90616367@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your October 8, 2019 request to the City Attorney’s Office for the City Attorney’s calendar from September 30, 2019, to October 7, 2019.

Under the Sunshine Ordinance, it is the responsibility of the Supervisor of Records to determine whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – in the words of the Ordinance, to determine “whether the record requested, or any part of the record requested, is public.” Admin. Code § 67.21(d). That is the extent of our jurisdiction. Our failure to address any issue alleged in your petition but outside our jurisdiction does not in any instance imply a negative judgment regarding the handling of your public records request by the City Attorney’s Office.

First, you contend that the City Attorney’s response did not disclose the place of each meeting under Section 67.29-5(a) of the Administrative Code. This allegation does not involve the department’s decision to withhold or redact a part of a record, and it is outside the scope of the jurisdiction of the Supervisor of Records.

Second, you contend the City Attorney’s Office withheld “additional non-Prop G scheduling information” without stating that such information was withheld or providing a basis to withhold it. The City Attorney only maintains one calendar, and the City Attorney produced the requested entries from that calendar to you in response to your request. The calendar does not include information such as the identity of particular clients or the particular topics discussed, due to the attorney-client privilege and work product privilege. And to the extent you contend this request called for other documents or emails concerning the scheduling of meetings, the City Attorney’s Office responded to you on October 18, 2019, indicating that it had no responsive records. Because the City Attorney’s Office did not withhold or redact any documents responsive to your request, there is nothing for the Supervisor of Records to determine.
Finally, you contend that the City Attorney’s Office improperly withheld “individual meeting items.” The calendar items maintained for the City Attorney’s calendar contain no additional information beyond what was disclosed to you. Again, because the City Attorney’s Office did not withhold or redact any documents responsive to your request, there is nothing for the Supervisor of Records to determine.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Monday, December 16, 2019 12:07 PM
To: Supervisor Records; CityAttorney
Subject: Withdrawal of Certain Sup of Records Petitions
Attachments: signature.asc

I am withdrawing the following Sup. of Records petitions (but not the others that remain outstanding):

- 2019-11-20 from 80368-97597279@requests.muckrock.com - agency has now provided the records (we will dispute at SOTF their failure to follow Sunshine procedures, but that is not in your jurisdiction)
- 2019-11-14 from 76435-93915115@requests.muckrock.com - agency has provided some of the records (we will dispute at SOTF their failure to follow Sunshine procedures, but that is not in your jurisdiction)

We do not waive any of our rights before SOTF, a court of competent jurisdiction, nor do we believe that the City followed the CPRA/Sunshine Ordinance in these requests.

If you have any questions, please let me know.

NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,

Anonymous
San Francisco Controller's Office  
PRA Office  
Room 316  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102  

November 20, 2019  

This is a follow up to a previous request:  

Supervisor of Records,  

This is a new 67.21(d) petition regarding the Controller's Nov 20 response to (solely) parts #5 and #6 of our Sept 13 records request. Please determine in writing that some or all of the following records or some parts thereof are public (references are to Controller's responsive record collection "MuckRock_80368-97597279" which you may get from the Controller):  

1. All attachments for the provided emails. For example: 3 listed on pg 1, 7 on pg 2, 1 on pg 4, 1 on pg 5, 7 on pg 8, 1 on pg 10. The request specifically requested all attachments.  
2. Dozens of redactions throughout the responses. Since no clear reference (or any reference at all) to statutory or case law justifications were provided, I challenge all the redactions as unlawful, and all should be public parts of records.  
3. Exact copies of the emails and their attachments. The Controller was requested to provide documents in specified electronic formats. They printed and scanned these documents, thus failing to provide an exact copy of the records, which are public records. No legal justification has been provided.  
4. Any documents thus far fully withheld. We do not know if any documents were withheld or not, and no justifications were provided.  

The original request is copied below. Parts 1-4 and 7-9 of the request are not being appealed in this petition, but we reserve the right to appeal them at another time.  

Sincerely,  
Anonymous  

On Sept. 13, 2019:  
Subject: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)  
RE: Immediate Disclosure Request - City/COFAM/FAMF Relationship  

To Whom It May Concern:
I would like to get to the bottom of the intriguing relationship between the City, COFAM and FAMF.

Pursuant to the Sunshine Ordinance and CPRA, I hereby request the following records as 9 distinct Immediate Disclosure Request(s) from the San Francisco Controller's Office - note that you must turn over any records that your agency prepares, owns, uses or retains, even if they are about a different city agency or not from the city at all. Note also that you may argue some of them are not immediately answerable but must still immediately answer the ones that are. Many of these records involve the city agency Fine Arts Museums of San Francisco (FAMSF) - but I want all records, whether for FAMSF or otherwise. Where "City" is used below it means: the City as a legal entity, and any of its boards, departments, trusts, commissions, and so forth, and its commissioners, trustees, other officers and employees. Where "COFAM" and "FAMF" are used, it includes each legal entity and its boards, trustees, subsidiaries, other officers, and employees.

1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM

I would like to remind you that you need to indicate for each request above, whether you did or did not have responsive records (separate from whether or not you withheld them).

I request under SFAC 67.21(c) a statement regarding the existence/non-existence, form, quantity, and nature of records responsive to each of the 9 requests, regardless of whether they are exempt from disclosure. This statement must be provided within 7 days and there are no extensions.

Remember any record retained, owned, used, or prepared by your office must be included. If a city employee possesses a COFAM or FAMF document, you must disclose it. If COFAM or FAMF are holding records that were prepared or used by your office, you must disclose it.

We remind you of your obligations to provide electronic records in any format we request them in, as long that format is available to you OR easy to generate (SFAC 67.21(l)). Therefore, emails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. All other documents may be provided as text .PDFs.
If you choose to convert documents, for example, to PDF or printed format (even though we have specifically emails in .eml or .msg formats), to easily redact them, you must still ensure that you have preserved a full copy of the original conversation record, which contains formatting, images, colors, attachments, and many detailed headers beyond the generally used From/To/Subject/Sent/etc.
If you send PDFs, please use only text/search PDFs, not image/scanned PDFs. You must make exact copies of records under the CPRA - do not exclude color, formatting, images, or any other content that may be lost by printing and scanning records incorrectly.

You also must justify each and every withholding or redaction with particularity. Use footnotes or inline markings for example, and justify each such redaction with a legal citation (statute, ordinance, or case law). If you withhold metadata/headers, even if you don't visually redact them, you are still withholding and must justify it.

If you provide the wrong format or withhold non-exempt parts of records, you may be in violation of SF Admin Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision in court, before the Supervisor of Records, and/or the Sunshine Ordinance Task Force.

In all cases, please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required (free) notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80368-97597279@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AABkCAyh6oIMQAfU-Xq1ND0v1c3AiXeXS%3AlzR9Yyak4imZGqfzZabChb7-IM4&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-controllers-office-558%252Fimmediate-disclosure-request-citycofamfamf-relationship-controller-80368%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 80368
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Nov. 20, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
Thank you for your Nov 20 response to #5 and #6 of our Sept 13 records request.

A few issues:
- Which attachments did you provide or withhold? For example: 3 listed on pg 1, 7 on pg 2, 1 on pg 4, 1 on pg 5, 7 on pg 8, 1 on pg 10. The request specifically requested all attachments.
- There are dozens of redactions throughout your responses. You are required by law (SFAC 67.26) to provide a clear reference to a justification for each and every redaction or full document withheld, and (SFAC 67.27) you must use a statute or case law dictating exemption.
- You were requested to provide documents in specified electronic format. Why have you printed and scanned these documents, thus failing to provide an exact copy of the records? No legal justification has been provided.

I intend to appeal these issues and the timeliness of your response to SOTF, the Supervisor of Records and/or Superior Court.

Sincerely,
Anonymous
---

On Nov. 20, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

Hi,

We have completed items 5 & 6. We apologize for the delay. Please find the attachments. If you have any questions, please let us know.

This concludes your public records request. To expedite your future requests, please submit your request through our public records portal<https://sfcontroller.org/contact-us-3>.

Best,
The Office of the Controller
[cid:image003.png@01D59FB5.0476A900]

From: CON, Controller (CON) <controller.con@sfgov.org>
Sent: Friday, October 18, 2019 2:05 PM
To: 80368-97597279@requests.muckrock.com; CON, Controller (CON) <controller.con@sfgov.org>
Cc: CON, Controller (CON) <controller.con@sfgov.org>
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

Hi,

We are following up on your request for items 5 and 6. We are processing this item and we will have a response to you next week.
Best,

The Office of the Controller

From: 80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com> <80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com>>
Sent: Friday, October 4, 2019 6:09 PM
To: CON, Controller (CON) <controller.con@sfgov.org<mailto:controller.con@sfgov.org>>
Cc: CON, Controller (CON) <controller.con@sfgov.org<mailto:controller.con@sfgov.org>>
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

San Francisco Controller's Office
PRA Office
Room 316
1 Doctor Carlton B Goodlett Place
SF, CA 94102

October 4, 2019

This is a follow up to a previous request:

Thank you, however I do not believe you have completed these 2 requests:
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)

Contrary to your prior concern, I do not need you to search all CCSF employees' records - I only need you to search those in your department. But remember, if your department or its employees "prepared, used, owned, or retained" a communication between some *other* City employee and COFAM or FAMF, you must still turn it over. For example if your employee has a forwarded email between a FAMSF employee and COFAM, you must disclose it.

I will also proceed against FAMSF and the City Attorney directly - however: that does not absolve your agency of its own responsibilities under the CPRA and Sunshine Ordinance.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com>
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AABkCAyh6oIMQAfU-Xq1NDoOv1c%3A1iGY7%3A43IKSDYp0FNgq5uKE5fysjo3kKA&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-controllers-office-558%252Fimmediate-disclosure-request-citycofamfamf-relationship-controller-
On Oct. 4, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
To Whom it May Concern:

Thank you for your public records request. The Controller's Office has conducted a diligent search for any records responsive to your request that it possesses. Please see this link for an audit report from October 2016. The Controller's Office has previously provided the payment transaction records for both COFAM and FAMF and does not have any additional contractual/legal/MOU records re COFAM and/or FAMF. If such information exists, it would be at the departmental level or with the City Attorney. To submit a public records request with the Fine Arts Museum of San Francisco, please find the contact information here; for the City Attorney, please email

This concludes your public records request.

Best,

The Office of the Controller

From: 80368-97597279@requests.muckrock.com
Sent: Thursday, September 26, 2019 5:33 PM
To: CON, Controller (CON)
Cc: CON, Controller (CON)
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.
San Francisco Controller's Office
PRA Office
Room 316
1 Doctor Carlton B Goodlett Place
SF, CA 94102

September 26, 2019

This is a follow up to a previous request:

Thank you for the documents. However, certain of your responses are improper, so I will give you a chance to correct them, but please do so immediately and not in 10 days, otherwise I will have to file a complaint.

Please read carefully the definition of a public record in the CPRA. You are required to disclose non-exempt records if your agency retains, uses, prepares, or owns the record; it does not matter whether your office is a party to the document. Therefore the following responses are insufficient:

> 1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
   * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and COFAM.
> 2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
   * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and FAMF.
> 9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM
   * The Controller's Office has no agency policy or memorandum between the Controller's Office and FAMF or COFAM.

You were not asked for agreements or policies between your office and FAMF/COFAM, you were asked for those between the *City* and FAMF/COFAM. If your office retained, owned, used, or prepared any such agreement or other document, you must turn it over, even if for example a different city agency is named in the document. For example, its quite possible your office has a copy of agreements or policies between FAMSF and FAMF/COFAM, and if so, you must disclose them.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com>
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AABkCAyh6oIMQAfU-Xq1NDoOv1c%3A1iDeBh%3AoTvaM6_GbMEvAZo1mYWZsuTk4&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Fflogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-controllers-office-558%252Fimmediate-disclosure-request-citycofamfamf-relationship-controller-80368%252F%253Femail%252540sfgov.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 80368
On Sept. 26, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
Hello and thank you for your request to the City and County of San Francisco Controller's Office. Please see below for responses to your nine questions.

1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
   * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and COFAM.
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
   * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and FAMF.
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
   * See Attachment A for the last 5 years of payments. There is no record of transactions involving COFAM between your requested dates. We have provided the last five years of payments for your reference.
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
   * See Attachment B for the last 5 years of payments. There is no record of transactions involving FAMF between your requested dates. We have provided the last five years of payments for your reference.
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
   * This request is extremely broad given that some 30k employees work for CCSF. To expeditiously handle this request, would it be possible to narrow this request to specific departments or individuals?
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
   * This request is extremely broad given that some 30k employees work for CCSF. To expeditiously handle this request, would it be possible to narrow this request to specific departments or individuals?
7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
   * See Attachment A for the last 5 years of payments. There is no record of transactions involving COFAM between your requested dates. We have provided the last five years of payments for your reference.
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
   * See Attachment B for the last 5 years of payments. There is no record of transactions involving FAMF between your requested dates. We have provided the last five years of payments for your reference.
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM
   * The Controller's Office has no agency policy or memorandum between the Controller's Office and FAMF or COFAM.

Best,
On Sept. 17, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
Hello:

This confirms receipt of your public records request. We are currently researching the matter and we will be in touch.

Best,

The Office of the Controller

On Sept. 13, 2019:
Subject: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
RE: Immediate Disclosure Request - City/COFAM/FAMF Relationship

To Whom It May Concern:

** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

I would like to get to the bottom of the intriguing relationship between the City, COFAM and FAMF.

Pursuant to the Sunshine Ordinance and CPRA, I hereby request the following records as 9 distinct Immediate Disclosure Request(s) from the San Francisco Controller's Office - note that you must turn over any records that your agency prepares, owns, uses or retains, even if they are about a different city agency or not from the city at all. Note also that you may argue some of them are not immediately answerable but must still immediately answer the ones that are. Many of these records involve the city agency Fine Arts Museums of San Francisco (FAMSF) - but I want all records, whether for FAMSF or otherwise. Where "City" is used below it means: the City as a legal entity, and any of its boards, departments, trusts, commissions, and so forth, and its commissioners, trustees, other officers and employees. Where "COFAM" and "FAMF" are used, it includes each legal entity and its boards, trustees, subsidiaries, other officers, and employees.

1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their
original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM

I would like to remind you that you need to indicate for each request above, whether you did or did not have responsive records (separate from whether or not you withheld them).

I request under SFAC 67.21(c) a statement regarding the existence/non-existence, form, quantity, and nature of records responsive to each of the 9 requests, regardless of whether they are exempt from disclosure. This statement must be provided within 7 days and there are no extensions.

Remember any record retained, owned, used, or prepared by your office must be included. If a city employee possesses a COFAM or FAMF document, you must disclose it. If COFAM or FAMF are holding records that were prepared or used by your office, you must disclose it.

We remind you of your obligations to provide electronic records in any format we request them in, as long that format is available to you OR easy to generate (SFAC 67.21(l)). Therefore, emails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. All other documents may be provided as text .PDFs.

If you choose to convert documents, for example, to PDF or printed format (even though we have specifically emails in .eml or .msg formats), to easily redact them, you must still ensure that you have preserved a full copy of the original conversation record, which contains formatting, images, colors, attachments, and many detailed headers beyond the generally used From/To/Subject/Sent/etc.
If you send PDFs, please use only text/search PDFs, not image/scanned PDFs. You must make exact copies of records under the CPRA - do not exclude color, formatting, images, or any other content that may be lost by printing and scanning records incorrectly.

You also must justify each and every withholding or redaction with particularity. Use footnotes or inline markings for example, and justify each such redaction with a legal citation (statute, ordinance, or case law). If you withhold metadata/headers, even if you don't visually redact them, you are still withholding and must justify it.

If you provide the wrong format or withhold non-exempt parts of records, you may be in violation of SF Admin Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision in court, before the Supervisor of Records, and/or the Sunshine Ordinance Task Force.

In all cases, please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required (free) notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80368-97597279@requests.muckrock.com<mailto:80368-
97597279@requests.muckrock.com>
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AABkCAyh6oIMQAfU-Xq1ND0v1c%3A1iDeBh%3AoTvaM6_GbMEvAZo1mYW29uTsKn4&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Femail%3Dcontroller.con%2540sfgov.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 80368
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requestor's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---

On Sept. 26, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

Thank you for the documents. However, certain of your responses are improper, so I will give you a chance to correct them, but please do so immediately and not in 10 days, otherwise I will have to file a complaint.

Please read carefully the definition of a public record in the CPRA. You are required to disclose non-exempt records if your agency retains, uses, prepares, or owns the record; it does not matter whether your office is a party to the document. Therefore the following responses are insufficient:

> 1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
* There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and COFAM.
> 2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
* There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and FAMF.
> 9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM
* The Controller's Office has no agency policy or memorandum between the Controller's Office and FAMF or COFAM.

You were not asked for agreements or policies between your office and FAMF/COFAM, you were asked for those between the *City* and FAMF/COFAM. If your office retained, owned, used, or prepared any such agreement or other document, you must turn it over, even if for example a different city agency is named in the document. For example, its quite possible your office has a copy of agreements or policies between FAMSF and FAMF/COFAM, and if so, you must disclose them.

Thanks,
Anonymous
On Sept. 26, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
Hello and thank you for your request to the City and County of San Francisco Controller's Office. Please see below for responses to your nine questions.

1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
   * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and COFAM.
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
   * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and FAMF.
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
   * See Attachment A for the last 5 years of payments. There is no record of transactions involving COFAM between your requested dates. We have provided the last five years of payments for your reference.
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
   * See Attachment B for the last 5 years of payments. There is no record of transactions involving FAMF between your requested dates. We have provided the last five years of payments for your reference.
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
   * This request is extremely broad given that some 30k employees work for CCSF. To expeditiously handle this request, would it be possible to narrow this request to specific departments or individuals?
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
   * This request is extremely broad given that some 30k employees work for CCSF. To expeditiously handle this request, would it be possible to narrow this request to specific departments or individuals?
7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
   * See Attachment A for the last 5 years of payments. There is no record of transactions involving COFAM between your requested dates. We have provided the last five years of payments for your reference.
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
   * See Attachment B for the last 5 years of payments. There is no record of transactions involving FAMF between your requested dates. We have provided the last five years of payments for your reference.
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM
   * The Controller's Office has no agency policy or memorandum between the Controller's Office and FAMF or COFAM.

Best,

The Office of the Controller
[cid:image002.png@01D5748D.6EB9AA90]

---

On Sept. 17, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF

20th Annual SOR Report
APPENDIX - Page 554
Hello:

This confirms receipt of your public records request. We are currently researching the matter and we will be in touch.

Best,

The Office of the Controller
[cid:image002.png@01D56D3C.73311700]

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On Sept. 13, 2019:
Subject: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

RE: Immediate Disclosure Request - City/COFAM/FAMF Relationship

To Whom It May Concern:

** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

I would like to get to the bottom of the intriguing relationship between the City, COFAM and FAMF.

Pursuant to the Sunshine Ordinance and CPRA, I hereby request the following records as 9 distinct Immediate Disclosure Request(s) from the San Francisco Controller's Office - note that you must turn over any records that your agency prepares, owns, uses or retains, even if they are about a different city agency or not from the city at all. Note also that you may argue some of them are not immediately answerable but must still immediately answer the ones that are. Many of these records involve the city agency Fine Arts Museums of San Francisco (FAMSF) - but I want all records, whether for FAMSF or otherwise. Where "City" is used below it means: the City as a legal entity, and any of its boards, departments, trusts, commissions, and so forth, and its commissioners, trustees, other officers and employees. Where "COFAM" and "FAMF" are used, it includes each legal entity and its boards, trustees, subsidiaries, other officers, and employees.

1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that
were not executed, between Jan. 1, 2018 and present
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM

I would like to remind you that you need to indicate for each request above, whether you did or did not have
responsive records (separate from whether or not you withheld them).

I request under SFAC 67.21(c) a statement regarding the existence/non-existence, form, quantity, and nature of
records responsive to each of the 9 requests, regardless of whether they are exempt from disclosure. This
statement must be provided within 7 days and there are no extensions.

Remember any record retained, owned, used, or prepared by your office must be included. If a city employee
possesses a COFAM or FAMF document, you must disclose it. If COFAM or FAMF are holding records that
were prepared or used by your office, you must disclose it.

We remind you of your obligations to provide electronic records in any format we request them in, as long that
format is available to you OR easy to generate (SFAC 67.21(l)). Therefore, emails exported in the .eml or .msg
format with all non-exempt headers, metadata, attachments, etc. are best. All other documents may be provided
as text .PDFs.

If you choose to convert documents, for example, to PDF or printed format (even though we have specifically
emails in .eml or .msg formats), to easily redact them, you must still ensure that you have preserved a full copy
of the original conversation record, which contains formatting, images, colors, attachments, and many detailed
headers beyond the generally used From/To/Subject/Sent/etc.
If you send PDFs, please use only text/search PDFs, not image/scanned PDFs. You must make exact copies of
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printing and scanning records incorrectly.

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justify it.

If you provide the wrong format or withhold non-exempt parts of records, you may be in violation of SF Admin
Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision in
court, before the Supervisor of Records, and/or the Sunshine Ordinance Task Force.

In all cases, please provide only those copies of records available without any fees. If you determine certain
records would require fees, please instead provide the required (free) notice of which of those records are
available and non-exempt for inspection in-person if we so choose.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80368-97597279@requests.muckrock.com<mailto:80368-
97597279@requests.muckrock.com>
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AABkCAyh6oIMQAfU-
Xq1ND0v1c%3A1iGYZ7%3A43lKSDYP0FNgq5uKE5fysjo3kKA&next=https%3A%2F%2Fwww.muckroc
k.com%2Faccounts%2FLogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-
controllers-office-558%252Fimmediate-disclosure-request-citycofamfamf-relationship-controller-
On Oct. 24, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

Hi,

Our team is still processing your request. We appreciate your patience and we hope to complete your request shortly. We will circle back again soon to give an update / complete.

Best,

The Office of the Controller
[cid:image001.png@01D58A80.23058930]

From: CON, Controller (CON) <controller.con@sfgov.org>
Sent: Friday, October 18, 2019 2:05 PM
To: 80368-97597279@requests.muckrock.com; CON, Controller (CON) <controller.con@sfgov.org>
Cc: CON, Controller (CON) <controller.con@sfgov.org>
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

Hi,

We are following up on your request for items 5 and 6. We are processing this item and we will have a response to you next week.

Best,

The Office of the Controller
[cid:image003.png@01D58A80.22F69510]
This is a follow up to a previous request:

Thank you, however I do not believe you have completed these 2 requests:

5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)

Contrary to your prior concern, I do not need you to search all CCSF employees' records - I only need you to search those in your department. But remember, if your department or its employees "prepared, used, owned, or retained" a communication between some *other* City employee and COFAM or FAMF, you must still turn it over. For example if your employee has a forwarded email between a FAMSF employee and COFAM, you must disclose it.

I will also proceed against FAMSF and the City Attorney directly - however: that does not absolve your agency of its own responsibilities under the CPRA and Sunshine Ordinance.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com>
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 80368
PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---

On Oct. 4, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
To Whom it May Concern:

Thank you for your public records request. The Controller's Office has conducted a diligent search for any records responsive to your request that it possesses. Please see this link<http://sfcontroller.org/sites/default/files/Documents/Auditing/Fine%20Arts%20Museums%20Audit%20Report%20%2810.27.16%29_0.pdf> for an audit report from October 2016. The Controller's Office has previously provided the payment transaction records for both COFAM and FAMF and does not have any additional contractual/legal/MOU records re COFAM and/or FAMF. If such information exists, it would be at the departmental level or with the City Attorney. To submit a public records request with the Fine Arts Museum of San Francisco, please find the contact information here<https://www.famsf.org/about/board-of-trustees/meetings-and-agendas>; for the City Attorney, please email cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org%3cmailto:cityattorney@sfcityatty.org>>.

This concludes your public records request.

Best,

The Office of the Controller

[cid:image002.png@01D57AD5.71B29790]

From: 80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com> <80368-97597279@requests.muckrock.com><80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com>>
Sent: Thursday, September 26, 2019 5:33 PM
To: CON, Controller (CON) <controller.con@sfgov.org<mailto:controller.con@sfgov.org>>
Cc: CON, Controller (CON) <controller.con@sfgov.org<mailto:controller.con@sfgov.org>>
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Controller's Office
PRA Office
Room 316
1 Doctor Carlton B Goodlett Place
SF, CA 94102

September 26, 2019
This is a follow up to a previous request:

Thank you for the documents. However, certain of your responses are improper, so I will give you a chance to correct them, but please do so immediately and not in 10 days, otherwise I will have to file a complaint.

Please read carefully the definition of a public record in the CPRA. You are required to disclose non-exempt records if your agency retains, uses, prepares, or owns the record; it does not matter whether your office is a party to the document. Therefore the following responses are insufficient:

> 1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
  * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and COFAM.
> 2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
  * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and FAMF.
> 9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM
  * The Controller's Office has no agency policy or memorandum between the Controller's Office and FAMF or COFAM.

You were not asked for agreements or policies between your office and FAMF/COFAM, you were asked for those between the *City* and FAMF/COFAM. If your office retained, owned, used, or prepared any such agreement or other document, you must turn it over, even if for example a different city agency is named in the document. For example, its quite possible your office has a copy of agreements or policies between FAMSF and FAMF/COFAM, and if so, you must disclose them.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com>
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 80368
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---
On Sept. 26, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
Hello and thank you for your request to the City and County of San Francisco Controller's Office. Please see below for responses to your nine questions.

1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
   * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and COFAM.
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
   * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and FAMF.
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
   * See Attachment A for the last 5 years of payments. There is no record of transactions involving COFAM between your requested dates. We have provided the last five years of payments for your reference.
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
   * See Attachment B for the last 5 years of payments. There is no record of transactions involving FAMF between your requested dates. We have provided the last five years of payments for your reference.
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
   * This request is extremely broad given that some 30k employees work for CCSF. To expeditiously handle this request, would it be possible to narrow this request to specific departments or individuals?
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
   * This request is extremely broad given that some 30k employees work for CCSF. To expeditiously handle this request, would it be possible to narrow this request to specific departments or individuals?
7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
   * See Attachment A for the last 5 years of payments. There is no record of transactions involving COFAM between your requested dates. We have provided the last five years of payments for your reference.
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
   * See Attachment B for the last 5 years of payments. There is no record of transactions involving FAMF between your requested dates. We have provided the last five years of payments for your reference.
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM
   * The Controller's Office has no agency policy or memorandum between the Controller's Office and FAMF or COFAM.
Best,

The Office of the Controller
[cid:image002.png@01D5748D.6EB9AA90]
---

On Sept. 17, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
Hello:
This confirms receipt of your public records request. We are currently researching the matter and we will be in touch.

Best,

The Office of the Controller

On Sept. 13, 2019:

Subject: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

RE: Immediate Disclosure Request - City/COFAM/FAMF Relationship

To Whom It May Concern:

** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

I would like to get to the bottom of the intriguing relationship between the City, COFAM and FAMF.

Pursuant to the Sunshine Ordinance and CPRA, I hereby request the following records as 9 distinct Immediate Disclosure Request(s) from the San Francisco Controller's Office - note that you must turn over any records that your agency prepares, owns, uses or retains, even if they are about a different city agency or not from the city at all. Note also that you may argue some of them are not immediately answerable but must still immediately answer the ones that are. Many of these records involve the city agency Fine Arts Museums of San Francisco (FAMSF) - but I want all records, whether for FAMSF or otherwise. Where "City" is used below it means: the City as a legal entity, and any of its boards, departments, trusts, commissions, and so forth, and its commissioners, trustees, other officers and employees. Where "COFAM" and "FAMF" are used, it includes each legal entity and its boards, trustees, subsidiaries, other officers, and employees.

1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM
I would like to remind you that you need to indicate for each request above, whether you did or did not have responsive records (separate from whether or not you withheld them).

I request under SFAC 67.21(c) a statement regarding the existence/non-existence, form, quantity, and nature of records responsive to each of the 9 requests, regardless of whether they are exempt from disclosure. This statement must be provided within 7 days and there are no extensions.

Remember any record retained, owned, used, or prepared by your office must be included. If a city employee possesses a COFAM or FAMF document, you must disclose it. If COFAM or FAMF are holding records that were prepared or used by your office, you must disclose it.

We remind you of your obligations to provide electronic records in any format we request them in, as long that format is available to you OR easy to generate (SFAC 67.21(l)). Therefore, emails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. All other documents may be provided as text .PDFs.

If you choose to convert documents, for example, to PDF or printed format (even though we have specifically emails in .eml or .msg formats), to easily redact them, you must still ensure that you have preserved a full copy of the original conversation record, which contains formatting, images, colors, attachments, and many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you send PDFs, please use only text/search PDFs, not image/scanned PDFs. You must make exact copies of records under the CPRA - do not exclude color, formatting, images, or any other content that may be lost by printing and scanning records incorrectly.

You also must justify each and every withholding or redaction with particularity. Use footnotes or inline markings for example, and justify each such redaction with a legal citation (statute, ordinance, or case law). If you withhold metadata/headers, even if you don't visually redact them, you are still withholding and must justify it.

If you provide the wrong format or withhold non-exempt parts of records, you may be in violation of SF Admin Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision in court, before the Supervisor of Records, and/or the Sunshine Ordinance Task Force.

In all cases, please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required (free) notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com>
Upload documents directly:

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.
For mailed responses, please address (see note):
MuckRock News
DEPT MR 80368
411A Highland Ave
Somerville, MA 02144-2516

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---

On Sept. 26, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

Thank you for the documents. However, certain of your responses are improper, so I will give you a chance to correct them, but please do so immediately and not in 10 days, otherwise I will have to file a complaint.

Please read carefully the definition of a public record in the CPRA. You are required to disclose non-exempt records if your agency retains, uses, prepares, or owns the record; it does not matter whether your office is a party to the document. Therefore the following responses are insufficient:

> 1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
  * There are no contracts/MOU/legal agreements between the San Francisco Controller's Office and COFAM.
> 2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
  * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and FAMF.
> 9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM
  * The Controller's Office has no agency policy or memorandum between the Controller's Office and FAMF or COFAM.

You were not asked for agreements or policies between your office and FAMF/COFAM, you were asked for those between the *City* and FAMF/COFAM. If your office retained, owned, used, or prepared any such agreement or other document, you must turn it over, even if for example a different city agency is named in the document. For example, its quite possible your office has a copy of agreements or policies between FAMSF and FAMF/COFAM, and if so, you must disclose them.

Thanks,
Anonymous

---

On Sept. 26, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

Hello and thank you for your request to the City and County of San Francisco Controller's Office. Please see below for responses to your nine questions.
1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
   * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and COFAM.
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
   * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and FAMF.
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
   * See Attachment A for the last 5 years of payments. There is no record of transactions involving COFAM between your requested dates. We have provided the last five years of payments for your reference.
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
   * See Attachment B for the last 5 years of payments. There is no record of transactions involving FAMF between your requested dates. We have provided the last five years of payments for your reference.
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
   * This request is extremely broad given that some 30k employees work for CCSF. To expeditiously handle this request, would it be possible to narrow this request to specific departments or individuals?
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
   * This request is extremely broad given that some 30k employees work for CCSF. To expeditiously handle this request, would it be possible to narrow this request to specific departments or individuals?
7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
   * See Attachment A for the last 5 years of payments. There is no record of transactions involving COFAM between your requested dates. We have provided the last five years of payments for your reference.
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
   * See Attachment B for the last 5 years of payments. There is no record of transactions involving FAMF between your requested dates. We have provided the last five years of payments for your reference.
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM
   * The Controller's Office has no agency policy or memorandum between the Controller's Office and FAMF or COFAM.

Best,

The Office of the Controller
[cid:image002.png@01D5748D.6EB9AA90]

---

On Sept. 17, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

Hello:

This confirms receipt of your public records request. We are currently researching the matter and we will be in touch.

Best,
On Sept. 13, 2019:
Subject: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
RE: Immediate Disclosure Request - City/COFAM/FAMF Relationship

To Whom It May Concern:

** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

I would like to get to the bottom of the intriguing relationship between the City, COFAM and FAMF.

Pursuant to the Sunshine Ordinance and CPRA, I hereby request the following records as 9 distinct Immediate Disclosure Request(s) from the San Francisco Controller's Office - note that you must turn over any records that your agency prepares, owns, uses or retains, even if they are about a different city agency or not from the city at all. Note also that you may argue some of them are not immediately answerable but must still immediately answer the ones that are. Many of these records involve the city agency Fine Arts Museums of San Francisco (FAMSF) - but I want all records, whether for FAMSF or otherwise. Where "City" is used below it means: the City as a legal entity, and any of its boards, departments, trusts, commissions, and so forth, and its commissioners, trustees, other officers and employees. Where "COFAM" and "FAMF" are used, it includes each legal entity and its boards, trustees, subsidiaries, other officers, and employees.

1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM

I would like to remind you that you need to indicate for each request above, whether you did or did not have responsive records (separate from whether or not you withheld them).
I request under SFAC 67.21(c) a statement regarding the existence/non-existence, form, quantity, and nature of records responsive to each of the 9 requests, regardless of whether they are exempt from disclosure. This statement must be provided within 7 days and there are no extensions.

Remember any record retained, owned, used, or prepared by your office must be included. If a city employee possesses a COFAM or FAMF document, you must disclose it. If COFAM or FAMF are holding records that were prepared or used by your office, you must disclose it.

We remind you of your obligations to provide electronic records in any format we request them in, as long that format is available to you OR easy to generate (SFAC 67.21(l)). Therefore, emails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. All other documents may be provided as text .PDFs.

If you choose to convert documents, for example, to PDF or printed format (even though we have specifically emails in .eml or .msg formats), to easily redact them, you must still ensure that you have preserved a full copy of the original conversation record, which contains formatting, images, colors, attachments, and many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you send PDFs, please use only text/search PDFs, not image/scanned PDFs. You must make exact copies of records under the CPRA - do not exclude color, formatting, images, or any other content that may be lost by printing and scanning records incorrectly.

You also must justify each and every withholding or redaction with particularity. Use footnotes or inline markings for example, and justify each such redaction with a legal citation (statute, ordinance, or case law). If you withhold metadata/headers, even if you don't visually redact them, you are still withholding and must justify it.

If you provide the wrong format or withhold non-exempt parts of records, you may be in violation of SF Admin Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision in court, before the Supervisor of Records, and/or the Sunshine Ordinance Task Force.

In all cases, please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required (free) notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com>
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AABkCAyh6oIMQAfU-Xq1NDoOv1e%3A1iGYZ7%3A43lKSDYp0FNq5uKE5fyso3kKA&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-controllers-office-558%252Fimmediate-disclosure-request-citycofamfamf-relationship-controller-80368%252F%253Femail%252540sfgov.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 80368
411A Highland Ave
Somerville, MA 02144-2516

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On Oct. 18, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

Hi,

We are following up on your request for items 5 and 6. We are processing this item and we will have a response to you next week.

Best,

The Office of the Controller

From: 80368-97597279@requests.muckrock.com <80368-97597279@requests.muckrock.com>
Sent: Friday, October 4, 2019 6:09 PM
To: CON, Controller (CON) <controller.con@sfgov.org>
Cc: CON, Controller (CON) <controller.con@sfgov.org>
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

San Francisco Controller's Office
PRA Office
Room 316
1 Doctor Carlton B Goodlett Place
SF, CA 94102

October 4, 2019

This is a follow up to a previous request:

Thank you, however I do not believe you have completed these 2 requests:
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
Contrary to your prior concern, I do not need you to search all CCSF employees' records - I only need you to search those in your department. But remember, if your department or its employees "prepared, used, owned, or retained" a communication between some *other* City employee and COFAM or FAMF, you must still turn it over. For example if your employee has a forwarded email between a FAMSF employee and COFAM, you must disclose it.

I will also proceed against FAMSF and the City Attorney directly - however: that does not absolve your agency of its own responsibilities under the CPRA and Sunshine Ordinance.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com>
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AABkCAyh6oIMQAfU-Xq1NDo0v1c%3A1iGYZ7%3A431KSDYp0FNq5uKE5fysjo3kKA&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252F558%252Fimmediate-disclosure-request-citycofamfamf-relationship-controller-80368%252F%253Femail%253Dcontroller.con%252540sfgov.org
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MuckRock News
DEPT MR 80368
411A Highland Ave
Somerville, MA 02144-2516

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---

On Oct. 4, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
To Whom it May Concern:

Thank you for your public records request. The Controller's Office has conducted a diligent search for any records responsive to your request that it possesses. Please see this link<http://sfcontroller.org/sites/default/files/Documents/Auditing/Fine%20Arts%20Museums%20Audit%20Report%20%2810.27.16%29.pdf> for an audit report from October 2016. The Controller's Office has previously provided the payment transaction records for both COFAM and FAMF and does not have any additional contractual/legal/MOU records re COFAM and/or FAMF. If such information exists, it would be at the departmental level or with the City Attorney. To submit a public records request with the Fine Arts Museum of San Francisco, please find the contact information here<https://www.famsf.org/about/board-of-trustees/meetings-and-agendas>; for the City Attorney, please email
This concludes your public records request.

Best,

The Office of the Controller

From: 80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com> <80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com>>
Sent: Thursday, September 26, 2019 5:33 PM
To: CON, Controller (CON) <controller.con@sfgov.org<mailto:controller.con@sfgov.org>>
Cc: CON, Controller (CON) <controller.con@sfgov.org<mailto:controller.con@sfgov.org>>
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Controller's Office
PRA Office
Room 316
1 Doctor Carlton B Goodlett Place
SF, CA 94102

September 26, 2019

This is a follow up to a previous request:

Thank you for the documents. However, certain of your responses are improper, so I will give you a chance to correct them, but please do so immediately and not in 10 days, otherwise I will have to file a complaint.

Please read carefully the definition of a public record in the CPRA. You are required to disclose non-exempt records if your agency retains, uses, prepares, or owns the record; it does not matter whether your office is a party to the document. Therefore the following responses are insufficient:

> 1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
  * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and COFAM.
> 2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
  * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and FAMF.
> 9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM
  * The Controller's Office has no agency policy or memorandum between the Controller's Office and FAMF or COFAM.

You were not asked for agreements or policies between your office and FAMF/COFAM, you were asked for those between the *City* and FAMF/COFAM. If your office retained, owned, used, or prepared any such agreement or other document, you must turn it over, even if for example a different city agency is named in the
document. For example, its quite possible your office has a copy of agreements or policies between FAMSF and FAMF/COFAM, and if so, you must disclose them.

Thanks,
Anonymous

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Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AABkCAyh6oIMQAfU-Xq1ND0v1c%A1iDeBh%3AoTvaM6_GbMEvAZo1mYW29uTsKn4&next=https%3A%2F%2Fwww.muckrock.com%2Facounts%2Flogin%2F%3D%252Faccounts%252Fagency_login%252Fsan-francisco-controllers-office-558%252Fimmediate-disclosure-request-citycofamfamf-relationship-controller-80368%252F%253Femail%252540sfgov.org
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DEPT MR 80368
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Somerville, MA 02144-2516

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---

On Sept. 26, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
Hello and thank you for your request to the City and County of San Francisco Controller's Office. Please see below for responses to your nine questions.

1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
   * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and COFAM.
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
   * There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and FAMF.
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
   * See Attachment A for the last 5 years of payments. There is no record of transactions involving COFAM between your requested dates. We have provided the last five years of payments for your reference.
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
   * See Attachment B for the last 5 years of payments. There is no record of transactions involving FAMF between your requested dates. We have provided the last five years of payments for your reference.
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails,
invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
* This request is extremely broad given that some 30k employees work for CCSF. To expeditiously handle this request, would it be possible to narrow this request to specific departments or individuals?
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
* This request is extremely broad given that some 30k employees work for CCSF. To expeditiously handle this request, would it be possible to narrow this request to specific departments or individuals?
7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
* See Attachment A for the last 5 years of payments. There is no record of transactions involving COFAM between your requested dates. We have provided the last five years of payments for your reference.
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
* See Attachment B for the last 5 years of payments. There is no record of transactions involving FAMF between your requested dates. We have provided the last five years of payments for your reference.
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM
* The Controller's Office has no agency policy or memorandum between the Controller's Office and FAMF or COFAM.

Best,
The Office of the Controller

---

On Sept. 17, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
Hello:

This confirms receipt of your public records request. We are currently researching the matter and we will be in touch.
Best,
The Office of the Controller

---

On Sept. 13, 2019:
Subject: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
RE: Immediate Disclosure Request - City/COFAM/FAMF Relationship
To Whom It May Concern:

** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

I would like to get to the bottom of the intriguing relationship between the City, COFAM and FAMF.
Pursuant to the Sunshine Ordinance and CPRA, I hereby request the following records as 9 distinct Immediate Disclosure Request(s) from the San Francisco Controller's Office - note that you must turn over any records that your agency prepares, owns, uses or retains, even if they are about a different city agency or not from the city at all. Note also that you may argue some of them are not immediately answerable but must still immediately answer the ones that are. Many of these records involve the city agency Fine Arts Museums of San Francisco (FAMSF) - but I want all records, whether for FAMSF or otherwise. Where "City" is used below it means: the City as a legal entity, and any of its boards, departments, trusts, commissions, and so forth, and its commissioners, trustees, other officers and employees. Where "COFAM" and "FAMF" are used, it includes each legal entity and its boards, trustees, subsidiaries, other officers, and employees.

1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
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7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM

I would like to remind you that you need to indicate for each request above, whether you did or did not have responsive records (separate from whether or not you withheld them).

I request under SFAC 67.21(c) a statement regarding the existence/non-existence, form, quantity, and nature of records responsive to each of the 9 requests, regardless of whether they are exempt from disclosure. This statement must be provided within 7 days and there are no extensions.

Remember any record retained, owned, used, or prepared by your office must be included. If a city employee possesses a COFAM or FAMF document, you must disclose it. If COFAM or FAMF are holding records that were prepared or used by your office, you must disclose it.

We remind you of your obligations to provide electronic records in any format we request them in, as long that format is available to you OR easy to generate (SFAC 67.21(l)). Therefore, emails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. All other documents may be provided as text .PDFs.

If you choose to convert documents, for example, to PDF or printed format (even though we have specifically emails in .eml or .msg formats), to easily redact them, you must still ensure that you have preserved a full copy of the original conversation record, which contains formatting, images, colors, attachments, and many detailed headers beyond the generally used From/To/Subject/Sent/etc.

If you send PDFs, please use only text/search PDFs, not image/scanned PDFs. You must make exact copies of	
records under the CPRA - do not exclude color, formatting, images, or any other content that may be lost by printing and scanning records incorrectly.

You also must justify each and every withholding or redaction with particularity. Use footnotes or inline markings for example, and justify each such redaction with a legal citation (statute, ordinance, or case law). If you withhold metadata/headers, even if you don't visually redact them, you are still withholding and must justify it.

If you provide the wrong format or withhold non-exempt parts of records, you may be in violation of SF Admin Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision in court, before the Supervisor of Records, and/or the Sunshine Ordinance Task Force.

In all cases, please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required (free) notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Thanks,
Anonymous

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E-mail (Preferred): 80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com>
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AABkCAyh6oIMQAfU-Xq1NDoOv1c%3AiDeBh%3AoTvaM6_GbMEvAZo1mYW29uTsKn4&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%F3next%3D%252Faccounts%252Fagency_login%252Fsan-francisco-controllers-office-558%252Fimmediate-disclosure-request-citycofamfamf-relationship-controller-80368%252Femail%252Dcontroller.con%252540sfgov.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 80368
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

[Image removed by sender.]

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On Sept. 26, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
Thank you for the documents. However, certain of your responses are improper, so I will give you a chance to correct them, but please do so immediately and not in 10 days, otherwise I will have to file a complaint.
Please read carefully the definition of a public record in the CPRA. You are required to disclose non-exempt records if your agency retains, uses, prepares, or owns the record; it does not matter whether your office is a party to the document. Therefore the following responses are insufficient:

> 1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
* There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and COFAM.  
> 2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
* There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and FAMF.  
> 9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM
* The Controller's Office has no agency policy or memorandum between the Controller's Office and FAMF or COFAM.

You were not asked for agreements or policies between your office and FAMF/COFAM, you were asked for those between the *City* and FAMF/COFAM. If your office retained, owned, used, or prepared any such agreement or other document, you must turn it over, even if for example a different city agency is named in the document. For example, its quite possible your office has a copy of agreements or policies between FAMSF and FAMF/COFAM, and if so, you must disclose them.

Thanks,
Anonymous

---

On Sept. 26, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
Hello and thank you for your request to the City and County of San Francisco Controller's Office. Please see below for responses to your nine questions.

1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
* There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and COFAM.  
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
* There are no contracts/MOUs/legal agreements between the San Francisco Controller's Office and FAMF.  
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
* See Attachment A for the last 5 years of payments. There is no record of transactions involving COFAM between your requested dates. We have provided the last five years of payments for your reference.
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
* See Attachment B for the last 5 years of payments. There is no record of transactions involving FAMF between your requested dates. We have provided the last five years of payments for your reference.
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
* This request is extremely broad given that some 30k employees work for CCSF. To expeditiously handle this request, would it be possible to narrow this request to specific departments or individuals?
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
   * This request is extremely broad given that some 30k employees work for CCSF. To expeditiously handle this
     request, would it be possible to narrow this request to specific departments or individuals?
7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that
   were not executed, between Jan. 1, 2018 and present
   * See Attachment A for the last 5 years of payments. There is no record of transactions involving COFAM between
     your requested dates. We have provided the last five years of payments for your reference.
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that
   were not executed, between Jan. 1, 2018 and present
   * See Attachment B for the last 5 years of payments. There is no record of transactions involving FAMF between
     your requested dates. We have provided the last five years of payments for your reference.
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM
   * The Controller's Office has no agency policy or memorandum between the Controller's Office and FAMF or
     COFAM.
Best,

The Office of the Controller
[cid:image002.png@01D5748D.6EB9AA90]
---

On Sept. 17, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
Hello:

This confirms receipt of your public records request. We are currently researching the matter and we will be in touch.
Best,

The Office of the Controller
[cid:image002.png@01D56D3C.73311700]
---

On Sept. 13, 2019:
Subject: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
RE: Immediate Disclosure Request - City/COFAM/FAMF Relationship

To Whom It May Concern:

** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

I would like to get to the bottom of the intriguing relationship between the City, COFAM and FAMF.

Pursuant to the Sunshine Ordinance and CPRA, I hereby request the following records as 9 distinct Immediate Disclosure Request(s) from the San Francisco Controller's Office - note that you must turn over any records that your agency prepares, owns, uses or retains, even if they are about a different city agency or not from the city at all. Note also that you may argue some of them are not immediately answerable but must still immediately
answer the ones that are. Many of these records involve the city agency Fine Arts Museums of San Francisco (FAMSF) - but I want all records, whether for FAMSF or otherwise. Where "City" is used below it means: the City as a legal entity, and any of its boards, departments, trusts, commissions, and so forth, and its commissioners, trustees, other officers and employees. Where "COFAM" and "FAMF" are used, it includes each legal entity and its boards, trustees, subsidiaries, other officers, and employees.

1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM

I would like to remind you that you need to indicate for each request above, whether you did or did not have responsive records (separate from whether or not you withheld them).

I request under SFAC 67.21(c) a statement regarding the existence/non-existence, form, quantity, and nature of records responsive to each of the 9 requests, regardless of whether they are exempt from disclosure. This statement must be provided within 7 days and there are no extensions.

Remember any record retained, owned, used, or prepared by your office must be included. If a city employee possesses a COFAM or FAMF document, you must disclose it. If COFAM or FAMF are holding records that were prepared or used by your office, you must disclose it.

We remind you of your obligations to provide electronic records in any format we request them in, as long that format is available to you OR easy to generate (SFAC 67.21(l)). Therefore, emails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. All other documents may be provided as text .PDFs.

If you choose to convert documents, for example, to PDF or printed format (even though we have specifically emails in .eml or .msg formats), to easily redact them, you must still ensure that you have preserved a full copy of the original conversation record, which contains formatting, images, colors, attachments, and many detailed headers beyond the generally used From/To/Subject/Sent/etc.
If you send PDFs, please use only text/search PDFs, not image/scanned PDFs. You must make exact copies of records under the CPRA - do not exclude color, formatting, images, or any other content that may be lost by printing and scanning records incorrectly.

You also must justify each and every withholding or redaction with particularity. Use footnotes or inline markings for example, and justify each such redaction with a legal citation (statute, ordinance, or case law). If
you withhold metadata/headers, even if you don't visually redact them, you are still withholding and must justify it.

If you provide the wrong format or withhold non-exempt parts of records, you may be in violation of SF Admin Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision in court, before the Supervisor of Records, and/or the Sunshine Ordinance Task Force.

In all cases, please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required (free) notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80368-97597279@requests.muckrock.com<mailto:80368-97597279@requests.muckrock.com>
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AABkCAyh6oIMQAfU-Xq1ND0Ov1e%3A1iGYZ7%3A43IKSDYp0FNq5uKE5fysjo3kKA&next=https%3A%2F%2Fwww.muckrock.com%2Faaccounts%2Flogin%2F%3Fnext%3D%252F%252Faccounts%252Fagency_login%252Fsan-francisco-controllers-office-558%252Fimmediate-disclosure-request-citycofamfamf-relationship-controller-80368%252F%25253Femail%25253Dcontroller.con%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 80368
411A Highland Ave
Somerville, MA 02144-2516

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---

On Oct. 4, 2019:
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
Thank you, however I do not believe you have completed these 2 requests:
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
Contrary to your prior concern, I do not need you to search all CCSF employees' records - I only need you to search those in your department. But remember, if your department or its employees "prepared, used, owned, or retained" a communication between some *other* City employee and COFAM or FAMF, you must still turn it over. For example if your employee has a forwarded email between a FAMSF employee and COFAM, you must disclose it.

I will also proceed against FAMSF and the City Attorney directly - however: that does not absolve your agency of its own responsibilities under the CPRA and Sunshine Ordinance.

Thanks,
Anonymous

---

On Sept. 13, 2019:
Subject: California Public Records Act Request: Immediate Disclosure Request - City/COFAM/FAMF Relationship (Controller)
RE: Immediate Disclosure Request - City/COFAM/FAMF Relationship

To Whom It May Concern:

** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

I would like to get to the bottom of the intriguing relationship between the City, COFAM and FAMF.

Pursuant to the Sunshine Ordinance and CPRA, I hereby request the following records as 9 distinct Immediate Disclosure Request(s) from the San Francisco Controller's Office - note that you must turn over any records that your agency prepares, owns, uses or retains, even if they are about a different city agency or not from the city at all. Note also that you may argue some of them are not immediately answerable but must still immediately answer the ones that are. Many of these records involve the city agency Fine Arts Museums of San Francisco (FAMSF) - but I want all records, whether for FAMSF or otherwise. Where "City" is used below it means: the City as a legal entity, and any of its boards, departments, trusts, commissions, and so forth, and its commissioners, trustees, other officers and employees. Where "COFAM" and "FAMF" are used, it includes each legal entity and its boards, trustees, subsidiaries, other officers, and employees.

1. all past/present legal/contractual/MOU relationships between the City and Corporation of the Fine Arts Museums of San Francisco (COFAM), including any drafts in your possession that were not executed
2. all past/present legal/contractual/MOU relationships between the City and Fine Arts Museums Foundation (FAMF), including any drafts in your possession that were not executed
3. all accounting records/line items reflecting a transaction to, from, or involving COFAM, from Jan 1 2018 to present
4. all accounting records/line items reflecting a transaction to, from, or involving FAMF, from Jan 1 2018 to present
5. all correspondence* (asterisk means including all attachments, exhibits, memos, metadata, headers, emails, invoices, payments, checks, physical mail/notes, text, SMS, MMS, or any chat app messages, and in their original electronic format or scan of physical documents) between City and COFAM between Jan. 1, 2018 and present
6. all correspondence* between City and FAMF between Jan. 1, 2018 and Sept. 12 2019 (inclusive)
7. every invoice, payment, or check between the City and COFAM, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
8. every invoice, payment, or check between the City and FAMF, including any drafts in your possession that were not executed, between Jan. 1, 2018 and present
9. every agency policy or memorandum discussing the relationship between the City, and FAMF or COFAM

I would like to remind you that you need to indicate for each request above, whether you did or did not have responsive records (separate from whether or not you withheld them).

I request under SFAC 67.21(c) a statement regarding the existence/non-existence, form, quantity, and nature of records responsive to each of the 9 requests, regardless of whether they are exempt from disclosure. This statement must be provided within 7 days and there are no extensions.

Remember any record retained, owned, used, or prepared by your office must be included. If a city employee possesses a COFAM or FAMF document, you must disclose it. If COFAM or FAMF are holding records that were prepared or used by your office, you must disclose it.

We remind you of your obligations to provide electronic records in any format we request them in, as long that format is available to you OR easy to generate (SFAC 67.21(l)). Therefore, emails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. All other documents may be provided as text .PDFs.

If you choose to convert documents, for example, to PDF or printed format (even though we have specifically emails in .eml or .msg formats), to easily redact them, you must still ensure that you have preserved a full copy of the original conversation record, which contains formatting, images, colors, attachments, and many detailed headers beyond the generally used From/To/Subject/Sent/etc.
If you send PDFs, please use only text/search PDFs, not image/scanned PDFs. You must make exact copies of records under the CPRA - do not exclude color, formatting, images, or any other content that may be lost by printing and scanning records incorrectly.

You also must justify each and every withholding or redaction with particularity. Use footnotes or inline markings for example, and justify each such redaction with a legal citation (statute, ordinance, or case law). If you withhold metadata/headers, even if you don't visually redact them, you are still withholding and must justify it.

If you provide the wrong format or withhold non-exempt parts of records, you may be in violation of SF Admin Code 67.21, 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision in court, before the Supervisor of Records, and/or the Sunshine Ordinance Task Force.

In all cases, please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required (free) notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 80368-97597279@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AABkCAyh6oIMQAfU-Xq1ND0v1c%3A1iXeXS%3A1zR9Yyak4lmZGqfZabChb7-
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Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your request to the San Francisco Police Department (“SFPD”) dated October 4, 2019, seeking certain police misconduct records. You requested all records SFPD had produced under SB1421. SFPD produced thousands of pages of documents and video footage with thousands of redactions on a number of bases. The department provided you a list of the legal exemptions it relied on. Your petition contests every redaction that SFPD made. Due to the extremely burdensome nature of your request and your petition, the fact that you have submitted at least 40 petitions to this office, and the local state of emergency that the Mayor declared on February 25, 2020, we have taken an extended period of time to review this petition and respond. Rather than review, summarize and address every redaction that you contest, covering thousands of pages, we are responding generally to your petition and find that SFPD properly redacted the records on the following bases:

1. Confidentiality of peace officer personnel records (Government Code § 6254(k), Penal Code §§ 832.7, 832.8);
2. Privacy (Government Code § 6254(c), California Constitution Art. I, Sec. 1);
3. Investigative files of a local law enforcement agency (Government Code § 6254(f); Administrative Code § 67.24(d));
4. Identity of informer privilege (Government Code § 6254(k), Evidence Code § 1041);
5. Official information privilege (Government Code § 6254(k), Evidence Code § 1040); and
6. Criminal offender record information and information derived from the California Law Enforcement Telecommunication System (Government Code § 6254(k), Penal Code §§ 11105, 11145, 13100 et seq.); and

We decline to address your technological complaints about the way SFPD produced footage from body cameras, including the information you believe they withheld based on the file format or compression. With regard to the blurred images, we understand that SFPD
generally obscures portions of body camera footage, like faces, based on privacy, and we find that is generally proper.

Finally, we agree that the identity of individuals who made public records requests is not private and should be produced if it has not been already. Home addresses, personal email addresses, and personal phone numbers may be withheld based on privacy.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Russi, Brad (CAT)

From: 81227-34819567@requests.muckrock.com
Sent: Tuesday, November 26, 2019 9:50 AM
To: Supervisor Records
Subject: RE: California Public Records Act Request #P009436-101619

San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

November 26, 2019

This is a follow up to request number P009436-101619:

Supervisor of Records,

Immediately after I informed SFPD of our earlier petition today, they supplemented their response with general lists of exemptions. Since there is still no clear reference as to which redactions are associated with which exemptions, we still challenge them all.

Attached is a revised 67.21(d) petition reflecting the new circumstances.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81227-34819567@requests.muckrock.com
Upload documents directly: https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2Fnext%3D%252Faccounts%2Fagency_login%2Fsan-francisco-police-department%2F367%252Fpolice-misconduct-audit-sfpd-immediate-disclosure-request-and-6721c-request-81227%252F253Femail%252Dsupervisor.records%252F25240sfcityatty.org&url_auth_token=AAAlhqR2FqwIRG0aqpbkhSFkpyl%3AAlizeyj%3AQSqwrjuOSgX1Ci-1AxjncRe630
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 81227
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly
addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---

On Nov. 26, 2019:
Subject: Public Records Request :: P009436-101619
Attachments:
PRA_9555_-_Marino_10-29-19.pdf
PRA_6455_-_120286592_response_11-06-19.pdf

--- Please respond above this line ---
Anonymous  
DEPT MR 81227 411A Highland Ave  
Somerville, MA 02144-2516  

RE: S.B. 1421 Public Records Request, dated October 16, 2019, Reference # P009436-101619

Dear Anonymous:

In response to your request, please see attached document(s).

Sincerely,

Lieutenant R. Andrew Cox #287  
Officer in Charge  
Risk Management - Legal Division  

To monitor the progress or update this request please log into the SFPD Public Records Center.  

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

---

On Nov. 26, 2019:

Subject: Public Records Request :: P009436-101619

Attachments:

(https://u8387795.ct.sendgrid.net/wf-click?upn=Ow1Kccips0IsnXbuEgm-2FN-2B3KuyZ5YHnulXVUp6SBUj6Zl2gPWQsh2hjE0IdlwH66ZMXJDGxlkhWqlkMGR18K8Y4-2BoObP4HI0zB8wvSoDxxl4DMNqocoNuU-2BDNqP9hLt_g-YCle-2FsBaxpVrnuwThVZTLrJHg6avRfAZPcxChOOXzzFxE-2Fb9ftNjHqoyaXKS20Edtvy-2FPH-2B1I1GwzLgFC-2FQgThNGysuhTCQvcc5F6-2B03mngvGVFeF0AKlCJYBeCFx5HpjR0Ki3m3i1NeFs1uOjDG6c02R-2BRY8GcLFWsCnhJwR-2FnGPMbkUwHnU5wF7h18m15xN-2FRbumLv9dp4ehOQSd7dBcHQLdxFvXvXQCUXuoXqtZ5QdVcp9kAXmGuhden9rizGy1pEtFNWmlpUYXeRvG-2Bdct8BRP-2BN5-2FCA-2BcxfZkxWO5CvjfjzEdbabXiU8LZUfH1cmNzhZlJKfJCN6b8jY8K5k9E4jweJPzcdg8mlqif1Tp-2FDnSdlITVwxDBzIL-2BCMG0-2BJAI1i1jJetyhVhg-3D-3D)

(https://u8387795.ct.sendgrid.net/wf-click?upn=Ow1Kccips0IsnXbuEgm-2FN-2B3KuyZ5YHnulXVUp6SBUj6Zl2gPWQsh2hjE0IdlwH66ZMXJDGxlkhWqlkMGR18K8Y4-2BoObP4HI0zB8wvSoDxxl4DMNqocoNuU-2BDNqP9hLt_g-YCle-2FsBaxpVrnuwThVZTLrJHg6avRfAZPcxChOOXzzFxE-2Fb9ftNjHqoyaXKS20Edtvy-2FPH-2B1I1GwzLgFC-2FQgThNGysuhTCQvcc5F6-2B03mngvGVFeF0AKlCJYBeCFx5HpjR0Ki3m3i1NeFs1uOjDG6c02R-2BRY8GcLFWsCnhJwR-2FnGPMbkUwHnU5wF7h18m15xN-2FRbumLv9dp4ehOQSd7dBcHQLdxFvXvXQCUXuoXqtZ5QdVcp9kAXmGuhden9rizGy1pEtFNWmlpUYXeRvG-2Bdct8BRP-2BN5-2FCA-2BcxfZkxWO5CvjfjzEdbabXiU8LZUfH1cmNzhZlJKfJCN6b8jY8K5k9E4jweJPzcdg8mlqif1Tp-2FDnSdlITVwxDBzIL-2BCMG0-2BJAI1i1jJetyhVhg-3D-3D)
November 26, 2019
Via email 81227-34819567@requests.muckrock.com

Anonymous
DEPT MR 81227 411A Highland Ave
Somerville, MA 02144-2515

RE: S.B. 1421 Public Records Request, dated October 16, 2019, Reference # P009436-101619

Dear Anonymous:
In response to your request, please see attached document(s).

Sincerely,
Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division
To monitor the progress or update this request please log into the SFPD Public Records Center.

On Nov. 26, 2019:
Subject: RE: California Public Records Act Request #P009436-101619
The attached Sup. of Records petition has been filed.

On Nov. 26, 2019:
Subject: RE: California Public Records Act Request #P009436-101619
Supervisor of Records,

On Nov. 20 you received an SFAC 67.21(d) petition from this email address re: an Oct. 4 request from us to SFPD for certain police misconduct records. At the time I alleged that SFPD was simply refusing to provide us any records; that is no longer the case, and we have received on Nov. 25 the beginning of a rolling records response. We now allege instead that public records or parts of records are being improperly withheld.

You may consider the Nov. 20 petition from this email address withdrawn, and consider this a new SFAC 67.21(d) petition for a written determination that all or some of the following parts of records are public and for all associated orders to disclose. We will continue to pursue before the SOTF, instead of before you, an SFAC 67.25 violation for SFPD’s refusal to (prior to our complaint) provide rolling responses.

Please see the attached new petition.

Sincerely,
Anonymous

On Nov. 25, 2019:
Subject: Public Records Request :: P009436-101619
Attachments:
November 25, 2019
Via email 81227-34819567@requests.muckrock.com

Anonymous
DEPT MR 81227 411A Highland Ave
Somerville, MA 02144-2516

RE: S.B. 1421 Public Records Request, dated October 16, 2019, Reference # P009436-101619

Dear Anonymous:

In response to your request, please see attached document(s).

Sincerely,
Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division

To monitor the progress or update this request please log into the SFPD Public Records Center.

--- Please respond above this line ---

November 25, 2019
Via email 81227-34819567@requests.muckrock.com

Anonymous
DEPT MR 81227 411A Highland Ave
Somerville, MA 02144-2516

RE: S.B. 1421 Public Records Request, dated October 16, 2019, Reference # P009436-101619

Dear Anonymous:

In response to your request, please see attached document(s).

Sincerely,
Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division

To monitor the progress or update this request please log into the SFPD Public Records Center.

--- Please respond above this line ---

November 25, 2019
Via email 81227-34819567@requests.muckrock.com

Anonymous
DEPT MR 81227 411A Highland Ave
Somerville, MA 02144-2516

RE: S.B. 1421 Public Records Request, dated October 16, 2019, Reference # P009436-101619

Dear Anonymous:

In response to your request, please see attached document(s).

Sincerely,
Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division

To monitor the progress or update this request please log into the SFPD Public Records Center.
On Oct. 4, 2019:
Subject: California Public Records Act Request: Police Misconduct Audit (SFPD) - Immediate Disclosure
Request and 67.21(c) request
RE: Police Misconduct Audit (SFPD)

To Whom It May Concern:

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly because once you send them to us, there is no going back. **

This is an Oct. 4, 2019 Immediate Disclosure request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) for the following items from SFPD. This is an also a SF Admin Code 67.21(c) request for 6 statements (one for each numbered request below) for the quantity (including even records you claim are exempt), form, and nature of records responsive to each request below -- which must be provided in 7 days with no extensions are permitted.

I have a right to receive records by email (67.21(b)) and moreover I cannot be required to use your web portal which imposes Terms of Service conditions beyond the CPRA's requirements. Please email (attachments) all responsive records.

We remind you of your obligation to provide electronic records in the format we request them if that format is easily generated (SFAC 67.21(l)). Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are our choice. Other Documents may be provided in text (not scanned) PDF format.
However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For chat apps, a screenshot or print-out is acceptable.

If you use PDF, you must use properly redacted searchable or text pdfs. Don't use image PDFs to make it harder to analyze the records. Do not print out records and then re-scan them to PDF - simply redact them in Adobe Acrobat if needed for example. If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us.

You must justify all withholding. All justifications must be made with particularity (every redaction must be specifically referenced to a justification).

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

Every violation of the Sunshine Ordinance will be appealed --- please follow the Ordinance exactly as I am auditing your agency's public records regimen.
I look forward to your immediate disclosure.

1. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(A)(i)-(ii) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

2. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(B)(i)-(ii) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

3. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(C) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

4. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(A)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

5. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(B)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

6. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(C) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81227-34819567@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%253D%2Fagency_login%2Fsan-francisco-police-department-367%252Fpolice-misconduct-audit-sfpd-immediate-disclosure-request-and-6721c-request-81227%252F%253Demail%2525Dsupervisor.records%2525Dsfcityatty.org&url_auth_token=AAAIhqR2FqwIRG0aqpbkhSFkpyI%3A1iZeyj%3AQSQwrvjuOSgX1Ci-1AxjncRc630
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 81227
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
September 8, 2020

Sent via email (81412-71801448@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records dated November 28, 2019, concerning a request to the San Francisco Police Department (“SFPD”) for the Chief of Police’s calendar. Specifically, you requested:

1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records

1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested
(though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records.

2. REGULAR DISCLOSURE: If the department head or any of the department head's staff uses any invitation/guestlist tracking systems on behalf of the department head (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2, for the date range in #1. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the department head, their senior-most deputy, their chief of staff (or equivalent, and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

On October 23, 2019, SFPD produced the Chief’s calendar for September 30-October 7. On October 29, 2019 and on November 5, 2019, SFPD provide further responses. SFPD produced additional items from the Outlook calendar, applied redactions, and identified the basis for such redactions. With regard to your request for prospective calendar entries, SFPD declined to disclose such documents due to the potential security risk disclosure would pose to the Chief of Police, on the basis of Section 6254(f) of the Government Code and Section 1040 of the Evidence Code. You submitted a petition to the Supervisor of Records regarding the Department’s response on October 23, 2019, and on November 26, 2019, we issued a determination finding the Department’s response proper.

You submitted the petition at issue on November 28, 2019, contesting various redactions the Department applied to the calendar. SFPD produced a revised calendar on March 27, 2020. After reviewing the redactions in the revised production, we determine that SFPD did not improperly withhold information. SFPD properly redacted information on the following bases:

- Concerning personnel matters under Government Code Sec. 6254(c), 6254(k), and Penal Code Secs. 832.7 and 832.8;
- Security procedures or files of a local law enforcement agency and information concerning investigations under Government Code Sec. 6254(f);
- Privacy under Government Code Sec. 6254(c);
- Official information privilege under Government Code Sec. 6254(k), Evidence Code Sec. 1040;

Very truly yours,

DENNIS J. HERRERA  
City Attorney

Bradley A. Russi  
Deputy City Attorney
Russi, Brad (CAT)

From: 81412-71801448@requests.muckrock.com on behalf of ‘81412-71801448@requests.muckrock.com’ <81412-71801448@requests.muckrock.com>
Sent: Thursday, November 28, 2019 8:11 PM
To: Supervisor Records
Subject: RE: California Public Records Act Request #P009438-101619
Attachments: Supplement1-Nov28-19112-81412-SFPD-Calendars-F.pdf

San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

November 28, 2019

This is a follow up to request number P009438-101619:

Supervisor of Records,

Thank you for your response. We will continue to challenge the City's withholding of future calendar meetings at SOTF.

However, this is also a new SFAC 67.21(d) petition for a written determination of whether or not the 17 specific examples of unlawful redactions and withholdings in Part D (pg 2) of the attached SOTF complaint (incorporated herein) are public records or parts of records.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81412-71801448@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAlhqR2FqwIRG0aqpbkhSFkpyI%3A1iaXcU%3AGdLSDV71_iW_YLoSP6vPj8V9HI&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Fllogin%2F%3Fnex%2D252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Fcalendars-and-meetings-immediate-disclosure-request-81412%252F%253DsEmail%253Dsaccount.precords%252540sfcityatty.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 8142
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly
addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Nov. 26, 2019:
Subject: RE: California Public Records Act Request #P009438-101619
Please see the attached response to your petition.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102
www.sfcityattorney.org

---

On Nov. 14, 2019:
Subject: SOTF - Complaint Committee 11/19/19 Meeting - Agenda and Packet Online
Good Afternoon:

The agenda and packet for the Complaint Committee 11/19/19 - 5:30 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/complaint111919_agenda.pdf

The packet material is linked to each item listed on the agenda mark with an "attachment". Click anywhere on the title of the item to open the link to the pdf of the packet material in question.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724


Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and
its committees—may appear on the Board of Supervisors website or in other public documents that members of
the public may inspect or copy.

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On Nov. 13, 2019:
Subject: SOTF - Notice of Appearance to Determine Jurisdiction - (Complaint Committee); November 19, 2019

Good Morning:

Notice is hereby given that the Complaint Committee (Committee) of the Sunshine Ordinance Task Force shall
hold hearings on complaints listed below to determine if the Task Force has jurisdiction pursuant to
Administrative Code (Sunshine Ordinance), Section 67.21(e). A hearing to review the merits of the complaint
will be scheduled on a future date.

The Complainant and Respondent are NOT REQUIRED to attend the November 19, 2019, Committee meeting
but may attend to provide testimony related to the above listed determinations only.

Date: November 19, 2019

Location: City Hall, Room 408

Time: 5:30 p.m.

Complaints:

File No. 19112: Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the
Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26,
67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to
justify withholding of records and failing to maintain a Proposition G calendar.

File No. 19113: Complaint filed by Anonymous against Jason Moment, Thomas Campbell and the Fine Arts
Museum for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(c)(k), 67.29-7(a)(c),
67.25, 67.26, 67.27, CPRA Government Code 6270.5-5, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to assist, failure to retain records, failing to record third party transactions, withholding and failure to justify withholding, failure to respond to a public records request in a timely and/or complete manner.

File No. 19115: Complaint filed by Ann Treboux against the City Attorney's Office and Margaret Baumgartner
for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.25 by failing to respond to an
Immediate Disclosure Request for public records in a timely and/or complete manner.

File No. 19116: Complaint filed by Tom Hartz against the Public Library for allegedly violating Administrative
Code, (Sunshine Ordinance) Sections 67.25 by failing to respond to an Immediate Disclosure Request for public
records in a timely and/or complete manner.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724
Click here to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

---

On Nov. 13, 2019:
Subject: SOTF File no. 19112 Anonymous v. Police Department
Dear Anonymous:

I cannot open your email and exhibits using the following link located in the Please Describe Alleged Violation section of your New Response Complaint Form. Please provide pdfs of your description and documents. I would like to schedule it for a committee hearing as long as it does not relate to metadata. Thank you.
See email with attachment exhibits from 81412-71801448@requests.muckrock.com

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

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---
On Nov. 9, 2019:
Subject: RE: California Public Records Act Request #P009438-101619
RE:#P009438-101619 and SOTF 19112

Lt. Cox,

I apologize, I'm sending a corrected follow up to your supplemental response in Case 19112. All of the respondents would need to agree (Chief Scott included).

If Chief Scott agrees in writing that:
(1) all of Scott's and SFPD calendar records, whether Prop G (67.29-5) or non-Prop G, are public records and must be disclosed unless explicitly exempt and
(2) disclosure of Scott's Prop G (67.29-5) calendars, if they exist at the time of the request, cannot be delayed for 3 business days until after the date of the calendar,
then I will forward that written statement to the SOTF to be entered into the public file, and I will also ask that complaint 19112 be closed without further proceedings.

If Chief Scott and SFPD is unwilling or unable to state as such in writing, I will have to proceed to have SOTF make a formal finding in case 19112 that SFPD and Chief Scott violated the Sunshine Ordinance in its initial response prior to filing my complaint by withholding certain calendar records without justification.

To be clear, my intent is to have on-the-record statements either by the agency or SOTF about these calendars being public. The City has previously fought me for months on this, and I eventually won. With the SOTF's Order in Case 19047 (https://sfgov.org/sunshine/sites/default/files/SOTF_ORDER_19047.pdf) against the Mayor, I intend to either have all other City agencies voluntarily comply, or bring cases against each of them for formal orders.

Thanks,
Anonymous
---

On Oct. 8, 2019:
Subject: California Public Records Act Request: Calendars and Meetings - Immediate Disclosure Request
SFPD,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 8, 2019 re: your department head's calendars. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

All calendars, whether Prop G/67.29-5 or not, that your agency prepared, owned, used, or retained re: the public's business are public records (see SOTF 19047; Sup. of Records response of Sept. 6; and Good Government Guide).

All records must be provided in rolling fashion. If you use a web portal, you must make all records open without login or terms and conditions; or you may provide records as attachments.
Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:

1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records.

1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records.

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3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the department head, their senior-most deputy, their chief of staff (or equivalent, and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.
I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81412-71801448@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhqR2FqwIRG0aqpbkhSFkpyI%3A1iaXcU%3AGdLSDV7I_iW_YLoSPL6vPj8V9HIl&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnex%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Fcalendars-and-meetings-immediate-disclosure-request-81412%252F%252Femail%252Dsupervisor.records%252D0sfcityatty.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

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MuckRock News
DEPT MR 81412
411A Highland Ave
Somerville, MA 02144-2516

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SUPPLEMENT #1 TO COMPLAINT

On Oct 23, I alleged Respondents violated SFAC 67.21, 67.26, and 67.27 in failing to respond correctly to an Oct. 8 IDR for Chief Scott’s calendar records. SOTF noticed Respondents on or around Oct. 30, and on Nov. 5, Respondents responded to SOTF. Due to further disclosures by the Respondent, I further supplement my complaint below.

AMENDED ALLEGATIONS

This supplements, and does not replace, allegations in the Oct. 23 complaint.

A. All allegations re: failure to provide future calendar dates are maintained. I continue to dispute all blanket exemptions of meetings in the future. Future meetings were originally withheld using Admin Code 67.29-5(a), which is not an exemption at all. (SFAC 67.26, 67.27). If a calendar exists at the time of a request, it is a public record, and needs to be exempt in whole or in part under a CPRA mandatory or permissive provision. Remember the Sunshine Ordinance cannot create additional exemptions, it can only limit those of the CPRA.

B. Respondent admits a timeliness violation in paragraph 2 of their Nov. 5 response to the Task Force: “The SFPD takes responsibility for not providing a response to the requestor within the required time frame.” The Task Force should find a timeliness violation without further argument.

C. In response to my complaint, Respondents provided in redacted form the non-Prop G calendars previously withheld in their entirety. Respondent claims a misunderstanding, but my initial request was clear: both Prop G and non-Prop G calendars were demanded, and it made specific reference to SOTF 19047 and the Sup. of Records letter of Sept. 6 regarding non-Prop G calendars. The non-Prop G (Outlook) calendar entries were previously withheld in their entirety, and were clearly public with only specific redactions, thus Respondents violated SFAC 67.26 for non-minimal withholding and/or SFAC 67.21 for providing an incomplete response. See SOTF 19047, and Sup. of Records letter of Sept 6.
In addition, they have also (after the filing of the complaint) provided lists of justifications (with clear reference to most, but not all, redactions). The following are examples of improper redactions or withholdings, in most cases where the law cited does not actually exempt the information withheld (SFAC 67.26/67.27), which should all be determined public parts of records and ordered disclosed. Furthermore, if you find that the information is exempt BUT Respondents used a false justification, that would still be a SFAC 67.26/67.27 violation, but you would not need to order it disclosed.

1. Once formerly-future dates had passed, entries were withheld/redacted using Admin Code 67.29-5(b) and Admin Code 67.29-5(e), which are not exemptions at all. Whatever records are being withheld under these must be produced.

Page numbers below refer to [linked] Nov. 5 production entitled “P9438 - responsive 3.pdf”. Purported exemption reasons are taken from p. 1, of that document.

2. Pg. 39-41 - GC6254(f) - these redactions are completely wrong. I have received a copy of a similar record from the Mayor’s Office/Sean Elsbernd as well, with far fewer redactions. On that basis, I assert that a portion of this redacted record is unlawfully withheld. I suspect a large portion of the redacted portion of record looks like Exhibit A, which is an excerpt from Elsbernd’s similar, public record.

3. pp.12-13, GC6254(c) - Sept 30, 2019 - 3:30pm - names of employees at RSA and SF Travel

4. Pg. 17 - GC6254(c) has no relevance to this redaction mark

5. Pg. 18, 19 - GC6254(c) cannot exempt Chief Scott’s government email address

6. Pg. 25 - GC6254(f) - how is the title of this meeting a security procedure, intelligence or investigation information? “Law enforcement sensitive” is not the actual exemption in the law.

7. Pg. 27 - GC6254(c) and 6254(f) - there are multiple redactions on this page. Which redaction has which justification? Also, I challenge the redactions - this is a business trying to sell or work with SFPD on something, not a personal issue - it should be released.

8. Pg. 36-37 - GC6254(c) and 6254(f) - there are multiple redactions on this page. Which redaction has which justification?

9. Pg. 36 - 9am redacted without any justification

10. Pg. 57 - community barbeque information redacted as 6254(f) law enforcement sensitive. Is this a security procedure, investigation, or intelligence information?

11. Pg. 63-71 - all redactions challenged. Names and email addresses of government employees are not secret. Names of businesses and employees doing business with the city are not secret. Descriptions of Fleet Week are not secret.

12. Pg. 78-79 - GC6254(c), GC6254(f), PC 832.7. there are multiple redactions on this page. Which redaction has which justification? All redactions challenged. Various email bodies are inside this meeting entry, all government employee names/email addresses, and the topics of discussion should be unredacted.

13. Pg. 94-96 - GC6254(c) and 6254(f) - there are multiple redactions on this page. Which redaction has which justification? Regardless, Govt email addresses should be provided for AGZoneMeeting and Genesis Coronado. Govt office phone number for Coronado must also be provided. The full Agenda of this meeting between public officials should also be provided - 2 lines were redacted.
14. Pg. 102 - GC6254(c) - this is a public official (Commissioner Taylor) apparently using their personal email address for government business. See Govt Code 6254.3(b)(1) for special provisions re: disclosure of such email address.

15. Pg. 113 - Individual record entries for each of the three 10am meetings were withheld without justification. If these records were deleted by SFPD after I made my request but before they produced records for me, we will further allege an incomplete response, which can no longer be cured. Whether Chief Scott participated in a meeting is irrelevant to whether a public record exists. The record clearly exists since it is on his summary view and must be disclosed.

16. Pg. 118 - this 4pm meeting has no justifications for any redactions. All the redactions are unlawful and must be disclosed.

17. Pg. 124 - Individual record entries for each of the 10am, 1pm, and 3pm meetings were withheld without justification. If these records were deleted by SFPD after I made my request but before they produced records for me, we will further allege an incomplete response, which can no longer be cured. Whether Chief Scott participated in a meeting is irrelevant to whether a public record exists. The record clearly exists since it is on his summary view and must be disclosed.

PROPOSED COMPROMISE

I will withdraw\(^1\) the allegation of 67.21 violation of this complaint 19112, if Respondent Chief Scott agrees in a letter signed by him, to myself and the SOTF, and copied to the Police Commission, published\(^2\) in the public record, on behalf of himself and the SFPD that:

(1) all of Scott's and SFPD's calendar records, for dates in the future and/or past, whether Prop G (SFAC 67.29-5) or non-Prop G, are public records and must be disclosed if such records exist at the time of a records request, except for redactions for explicitly exempt information, and

(2) disclosure of Scott's Prop G (SFAC 67.29-5) calendars cannot be delayed for 3 business days until after the date of the calendar entry, if such records already exist at the time of a records request.

The letter must be from and signed by Chief Scott himself as it is his calendars at issue. Unfortunately, the 67.26/67.27 allegations remain because some of the records produced have been redacted using exemptions that do not apply to the information redacted (see Part D above). However, if the above letter is provided and Respondents fix the redactions in Part D to my satisfaction, I can withdraw the entire complaint.

Respectfully submitted,
ANONYMOUS
Complainant/Petitioner

\(^1\) I do not agree to waive any other rights including in future or other complaints before SOTF, or any other rights whatsoever, including but not limited to before the Supervisor of Records or a court of law.

\(^2\) Subject to online publication in the Commission’s agenda documents and in the SOTF’s agenda documents.
ATTACHMENT 1

Original URLs published by Respondents:

Nov. 5:
P9438 - 2019.11.05 sfpd response.pdf
P9438 - responsive 3.pdf

Oct. 29:
P9438 - 2019.10.29 sfpd response.pdf

Anonymous v. Scott, et al. (re: Calendars)
20th Annual SOR Report
APPENDIX - Page 613
EXHIBIT A
Excerpt of unredacted calendar entry from Sean Elsbernd public record released on Nov. 27. Note the unredacted recurrence and text; compare to pp 39-41 of SFPD Nov. 5 production.

<table>
<thead>
<tr>
<th>Fay, Abigail (MYR)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject:</strong> HSOC Principals Policy Group</td>
</tr>
<tr>
<td><strong>Location:</strong> City Hall, Room 201</td>
</tr>
<tr>
<td><strong>Start:</strong> Thu 10/31/2019 11:45 AM</td>
</tr>
<tr>
<td><strong>End:</strong> Thu 10/31/2019 12:30 PM</td>
</tr>
<tr>
<td><strong>Recurrence:</strong> Weekly</td>
</tr>
<tr>
<td><strong>Recurrence Pattern:</strong> Occurs on Thursday every other week from 11:45 AM to 12:30 PM effective 11/29/2018 until 12/19/2019.</td>
</tr>
<tr>
<td><strong>Meeting Status:</strong> Accepted</td>
</tr>
<tr>
<td><strong>Organizer:</strong> Carroll, Maryellen (DEM)</td>
</tr>
<tr>
<td><strong>Required Attendees:</strong> Elsbernd, Sean (MYR); Wagner, Greg (DPH); Pam Tyson - DEM (<a href="mailto:pamela.tyson@sfgov.org">pamela.tyson@sfgov.org</a>); Thomas, Kenya (DPH); Kelly, Naomi (ADM); Scott, William (POL); Simpliciano, Sophia (MTA); Rydstrom, Todd (CON); Rosenfield, Ben (CON); Nurim, Mohammed (DPW); Nicholson, Jeanine (FIR); DeGuzman, Faye (DPH); Marcaida, Michelle (MYR); Hennessy, Vicki (SHF); Executive, DEM (DEM); Forbes, Elaine (PRT); Alfaro, Nancy (ADM); Kositsky, Jeff (HOM); Carr, Rowena (POL); Lane, Maura (CON); Maguire, Tom (MTA); Saenz, Johanna (SHF) (<a href="mailto:johanna.saenz@sfgov.org">johanna.saenz@sfgov.org</a>); Leu, Lihmeei (ADM); Hervey, Myisha (DPW); Ma, Annie (HOM)</td>
</tr>
<tr>
<td><strong>Optional Attendees:</strong> Carter, Tom (PRT); Reilly, Joseph (PRT)</td>
</tr>
</tbody>
</table>

HSOC Principals,

This calendar invitation is for the HSOC Principals Policy Group. This smaller group is intended to provide space for candid conversation between principals regarding HSOC. If you are unable to attend, please send a designated representative in your place that is able to speak on behalf of your agency. Otherwise, this meeting will remain principals only.

Thank you,
Mary Ellen

**HSOC Principals Policy Group Meetings (2018 – December 2019)**
Thursday November 29, 2018
Thursday December 13, 2018
Thursday December 27, 2018
Thursday January 10, 2019
Thursday January 24, 2019
Thursday February 7, 2019
Thursday February 21, 2019
Thursday March 7, 2019
Thursday March 21, 2019
Thursday April 4, 2019
Thursday April 18, 2019
Thursday May 2, 2019
Thursday May 16, 2019
Thursday May 30, 2019
Thursday, June 13, 2019
Thursday, June 27, 2019
Thursday, July 11, 2019
Thursday, July 25, 2019
Thursday, August 8, 2019
Thursday, August 22, 2019
Thursday, September 5, 2019
Thursday, September 19, 2019
Thursday, October 3, 2019
Thursday, October 17, 2019
Thursday, October 31, 2019
Thursday, November 14, 2019
Thursday, November 28, 2019 – CANCELLED DUE TO THANKSGIVING HOLIDAY
Thursday, December 12, 2019
Thursday, December 26, 2019 – CANCELLED DUE TO CHRISTMAS HOLIDAY
We disagree with your interpretation of the *Times Mirror* case and our prior determination. We stand by that determination, attached for your convenience.

Best,

**Bradley Russi**  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
[www.sfcityattorney.org](http://www.sfcityattorney.org)

---

**From:** 81242-04060798@requests.muckrock.com  
**Sent:** Friday, November 29, 2019 1:41 AM  
**To:** Supervisor Records <supervisor.records@SFCITYATTY.ORG>  
**Subject:** RE: California Public Records Act Request #19103

November 29, 2019

This is a follow up to request number 19103:

Supervisor of Records,

On Oct. 23, 2019 you incorrectly denied my Oct. 7 petition for, inter alia, all parts of the then-future Oct. 21-28 Mayor's calendar entries responsive to an Oct. 4 IDR. This is a new 67.21(d) petition for the same.

Please read my full attached analysis. It is summarized below.

You have misconstrued and misapplied Times Mirror Co vs Superior Court (1991). The Supreme Court explicitly relies solely on GC 6255 to exempt the Governor's past calendar, and thus it has no applicability to an SF public official's future calendar. One, there is absolutely no mention of GC 6254(f) in that case. And, as you well know, GC 6255 is prohibited in the City of SF, based on SFAC 67.24(g,i). You cannot use this case. I have attached the case if you wish to read it again.

You have a responsibility to determine whether any part of the requested records were public. We know now through other follow-ups that the requested records contained at least the following words or similar:  

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20th Annual SOR Report  
APPENDIX - Page 617
None of these meeting subject lines were "security procedures" of the SFPD; they weren't security procedures on Oct. 4 nor on Oct. 7. They should all have been disclosed on Oct. 7, even if they redacted the locations and times in the individual meeting view.

Therefore, I want my 67.21(d) written determination that the subjects/titles/descriptions/bodies of Mayor's future calendar entries are public parts of records.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81242-04060798@requests.muckrock.com
Upload documents directly:
in%2F%3Fnext%3D%252Faccounts%2Fagencies%2Fagency_login%2Foffice-of-the-mayor-3891%252Ffuture-
calendars-and-meetings-immediate-disclosure-request-81242%252F%253Demail%253Dsupervisor.records%252540sfcityatty.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 81242
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Nov. 26, 2019:
Subject: SOTF - Compliance and Amendments Committee hearing; November 26,2019; 4:30 PM
Dear Anonymous:

This is to confirm that you will appear for today's Compliance and Amendments Committee hearing starting at 4:30 PM. Please call 877-402-9753 and use participant code 5547726 at 4:00 pm so that I can be assured that you are heard. File no. 19103 will be heard first and file no. 19108 will be heard immediately following.

Thanks.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724


Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

---

On Nov. 26, 2019:
Subject: RE: SOTF - Notice of Appearance - Compliance and Amendments Committee; November 26, 2019 4:30 p.m.
Good morning,

Just confirming the Shane K. Anderies will appear at City Hall for this afternoon’s meeting.

Nicole S. Mitchell, Paralegal
Anderies & Gomes LLP
601 Montgomery Street, Suite 888
San Francisco, CA 94111
T: (415) 217-8802 ext. 8806
F: (415) 217-8803
www.andgolaw.com<https://url.serverdata.net/?aA77lDQP094XaBBbcAO87sDhTKKSg1jez-e1yo68mypM~>

---

On Nov. 26, 2019:
Subject: RE: SOTF - Notice of Appearance - Compliance and Amendments Committee; November 26, 2019 4:30 p.m.
Hello,

Confirming that I will be present for the hearing later today. See you at City Hall.

Michael Petrelis
Public Advocate

---

On Nov. 26, 2019:
Subject: RE: SOTF - Notice of Appearance - Compliance and Amendments Committee; November 26, 2019 4:30 p.m.
Hello,

Confirming that I will be present for the hearing later today. See you at City Hall.
On Nov. 25, 2019:
Subject: SOTF - Compliance and Amendments Committee hearing; 11/26/19; 4:30 PM, Room 408
Dear Anonymous:

The following is the information you will need to participate in tomorrow's Compliance and Amendments Committee Hearing (tel. no. 877-402-9753 and participant code 554-7726). Please phone me at 4:00 PM so that I can make certain that you can hear the hearing. I have cc'd City Hall Media Services for their information. Thank you.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724


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---

On Oct. 4, 2019:
Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request
Office of the Mayor,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 4, 2019. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.
Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for *prior* calendar records, Mr. Heckel appeared to argue that all future meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is implausible that there would be no prospective scheduling information for upcoming events the Mayor must attend to, even though Prop G requires no such calendar be kept. All calendars, whether Prop G or not, that your agency prepared, owned, used, or retained re: the public's business are public records -- as was also ruled at SOTF 19047 (see also, Sup. of Records response of Sept. 6).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of the Mayor’s future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for the Mayor’s Office. The Mayor’s Office is not “the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency” so the first clause re: security procedures does not apply. Furthermore a calendar cannot be “investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.” This would an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the Mayor may potentially be lawfully withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

All records must be provided in rolling fashion.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:
1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

2. REGULAR DISCLOSURE: If the Mayor or any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's
business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81242-04060798@requests.muckrock.com
Upload documents directly:
in%2F%3Fnex%3D%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-immediate-disclosure-request-81242%252F%253Demail%252Dsupervisor.records%252540sfcityatty.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 81242
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
Sent via email (81242-04060798@requests.muckrock.com
72902-46637773@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records dated September 6, 2019, concerning a request to the Mayor’s Office for the Mayor’s calendar, and your October 7, 2019 petition also relating to a request for the Mayor’s calendar. We understand your September 6, 2019 petition to relate to an August 21, 2019 request to the Mayor’s Office for:

1. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor’s *prospective/expected* calendar or schedule, with all expected events/items, from August 26 to Sept 3, 2019 (inclusive). We are specifically requesting ALL calendar/scheduling items for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). If any of the Mayor’s staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook’s invite mechanism), those calendars are also included within the scope of this request. Furthermore, we request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public’s business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested.

2. an electronic copy, (in the original electronic format, or alternatively in a format specified as "A" below, for all items held electronically, and a scanned copy for any physical papers), with all calendar item headers, email addresses, invitations (including but not limited to indications of who sent the invite and when), acceptances/declinations by guests, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by
the Ordinance, of the Mayor’s *past* calendar or schedule, with all events/items, from August 5 to August 16, 2019 (inclusive). We are specifically requesting ALL calendar/scheduling items for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled “Prop G” or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). If any of the Mayor’s staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook’s invite mechanism), those calendars are also included within the scope of this request. Furthermore, we request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to this request present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public’s business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested.

In response to this request, the Mayor’s Office produced responsive records on August 22, 2019 for Item 2 of the request, the calendar entries between August 5, 2019 and August 16, 2019. The Mayor’s Office treated Item 1 as a standard public records request subject to the normal time deadlines rather than an immediate disclosure request, and later invoked an extension of time. On September 5, 2019, the Mayor’s Office produced additional documents responsive to Item 2, for the time period between August 5 and August 16, 2019. The Mayor’s Office applied a number of redactions to this production and identified for you the exemption applicable to each redaction. The Mayor’s Office did not produce records responsive to Item 1 of the request, which sought the Mayor’s prospective calendar for the period between August 26 and September 3, 2019, citing Section 6254(f) of the Government Code.

Your October 7, 2019 petition relates to a separate immediate disclosure request dated October 4, 2019, for the Mayor’s prospective calendar for October 21 through October 28. The Mayor’s Office withheld all records, citing Section 6254(f) of the Government Code.

We respond to the issues you have raised as follows:

In your September 6 petition, you request that we determine that the Mayor’s Office violated the Sunshine Ordinance by not producing native files or metadata. Those issues are addressed in our response to the prior petition you submitted on the same topic, attached hereto as Exhibit A.

In your September 6 petition, you request a determination that the Mayor’s Office violated the Sunshine Ordinance by declining to produce records in response to Item 1 concerning the Mayor’s prospective calendar. You request a similar determination in your October 7 petition. The Mayor’s Office properly declined to produce these records. Disclosure of the Mayor’s prospective whereabouts raises obvious security concerns for her, and the California Supreme Court has endorsed the withholding of such records concerning a high-level government official. See Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991) (Governor not required to release daily calendar due to security concerns). In Times Mirror, the court noted that disclosure of the calendar “would constitute a potential threat to the Governor’s safety, because the information . . . will enable the reader to know in advance and with relative precision when and where the Governor may be found . . .” Id. at 1346 (quotation marks omitted). While the court based its conclusion in that case on Government Code Section 6255, we conclude that Section
Letter to Anonymous  
October 23, 2019  
Page 3

6254(f), regarding security records, also provides a proper basis to withhold the records in question. The San Francisco Police Department ("SFPD") provides the Mayor’s security, and her prospective calendar may reflect input from the SFPD concerning security issues. And the prospective calendar is at times consulted by the SFPD in order to plan security measures regarding the Mayor. Additionally, the future calendar entries are protected under Evidence Code Section 1040 – the official information privilege – and are therefore exempt from disclosure under Government Code Section 6254(k). In light of security concerns, the Mayor’s Office holds the Mayor’s future calendar entries in confidence, and the necessity of preserving confidentiality to protect the Mayor’s wellbeing outweighs the need for public disclosure. See Evid. Code § 1040; County of Los Angeles v. Superior Court, 82 Cal. App. 4th 819, 834-35 (2000).

In your September 6 petition, you request a determination that the Mayor’s Office improperly withheld “recurrence” metadata. Our understanding is that for some of the calendar entries the Mayor’s Office produced, there is an indication that a particular appointment recurs due to an icon that appears on the printed page. We conclude that the Mayor’s Office did not improperly withhold information concerning recurrence of these events by producing the records in PDF format. As the court in Times Mirror recognized, disclosure of such information could allow an individual “intent on doing harm” to “use such information to discern patterns of activity.” Id. at 1346. Thus, the Mayor’s Office could have properly redacted any indication of recurrence under the basis discussed in the preceding paragraph, and it did not improperly withhold the details about the recurrences that you contend should be disclosed.

Finally, in your September 6 petition, you contest a number of redactions that the Mayor’s Office applied to the records on the basis of Section 6254(f), particularly information at the top of each calendar entry, some of such redactions follow the acronym “SID.” As mentioned, the Mayor has a security detail staffed by SFPD officers. That detail is part of SFPD’s Special Investigation Division, or SID. We understand that the information redacted in each of the instances you have cited in your petition relates to the Mayor’s security detail. Thus, the Mayor’s Office properly redacted it under Section 6254(f).

For the foregoing reasons, your petition is denied.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

Bradley A. Russi  
Deputy City Attorney
August 26, 2019

Sent via email (72902-46637773@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning your May 8, 2019 request to the Mayor’s Office for the following:

an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor’s calendar, with all items, from April 28 to May 4, 2019 (inclusive.

In response to this request, the Mayor’s Office produced the Mayor’s calendar entries in PDF format from the time period at issue. The Mayor’s Office explained that it provided the records in PDF format for ease of transferability and to protect the security of the original record, citing Government Code Section 6253.9.

Under the Sunshine Ordinance (Section 67.21(d) of the Administrative Code), the Supervisor of Records is responsible for determining whether a City department has withheld a record, or any part of a record, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” You contend that the Mayor’s Office improperly withheld headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images from its response to your request.

We understand that the responsive calendar entries include no email addresses, attachments, appendices, exhibits, or inline images, and thus the Mayor’s Office did not improperly withhold this information.

With regard to metadata, which we understand would include headers and timestamps, we conclude that the Mayor’s Office properly withheld this information.

First, you contend that the Mayor’s Office should provide this information by producing the calendar entries in the “original electronic format.” But you also request that the calendar entries be exported to “.ics, iCalendar, or vCard formats.” The Public Records Act does not require the Mayor’s Office to produce records in a format that it does not store them unless the Mayor’s Office has used the records in the requested format or provided them in the requested format to another agency. Gov’t Code § 6253.9. We understand that the Mayor’s Office does not hold the records in any of these formats, and it has not used any of these formats or provided
Second, the Mayor’s Office has determined that disclosure of the metadata associated with the original electronic files – whether by producing it in native format or disclosing the metadata in some other format – may jeopardize or compromise the security of the City’s computer system. Thus the Mayor’s Office may decline to produce the metadata under Government Code Section 6253.9(f). Also, the Mayor’s Office has determined that metadata contained in original electronic files may include unique identifiers for individual computer terminals and computer servers and associated security certificates and similar information. This information is highly sensitive, as disclosing it could allow a hacker to penetrate the City’s computer system, “spoof” emails and insert themselves into confidential and/or privileged discussions, or send unauthorized emails on behalf of city officials. Therefore the information may be withheld under Government Code section 6254.19. Given this security risk, the information may also be withheld because there is a substantial need for confidentiality that outweighs any interest the public may have in accessing this information. See Cal. Evid. Code § 1040; Gov’t Code § 6254(k).

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
November 29, 2019

This is a follow up to request number 19103:

Supervisor of Records,

On Oct. 23, 2019 you incorrectly denied my Oct. 7 petition for, inter alia, all parts of the then-future Oct. 21-28 Mayor's calendar entries responsive to an Oct. 4 IDR. This is a new 67.21(d) petition for the same.

Please read my full attached analysis. It is summarized below.

You have misconstrued and misapplied Times Mirror Co vs Superior Court (1991). The Supreme Court explicitly relies solely on GC 6255 to exempt the Governor's past calendar, and thus it has no applicability to an SF public official's future calendar. One, there is absolutely no mention of GC 6254(f) in that case. And, as you well know, GC 6255 is prohibited in the City of SF, based on SFAC 67.24(g,i). You cannot use this case. I have attached the case if you wish to read it again.

You have a responsibility to determine whether any part of the requested records were public. We know now through other follow-ups that the requested records contained at least the following words or similar:

None of these meeting subject lines were "security procedures" of the SFPD; they weren't security procedures on Oct. 4 nor on Oct. 7. They should all have been disclosed on Oct. 7, even if they redacted the locations and times in the individual meeting view.

Therefore, I want my 67.21(d) written determination that the subjects/titles/descriptions/bodies of Mayor's future calendar entries are public parts of records.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81242-04060798@requests.muckrock.com
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 81242
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Nov. 26, 2019:
Subject: SOTF - Compliance and Amendments Committee hearing; November 26, 2019; 4:30 PM
Dear Anonymous:

This is to confirm that you will appear for today's Compliance and Amendments Committee hearing starting at 4:30 PM. Please call 877-402-9753 and use participant code 5547726 at 4:00 pm so that I can be assured that you are heard. File no. 19103 will be heard first and file no. 19108 will be heard immediately following.

Thanks.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724


Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

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On Nov. 26, 2019:
Subject: RE: SOTF - Notice of Appearance - Compliance and Amendments Committee; November 26, 2019
4:30 p.m.
Good morning,

Just confirming the Shane K. Anderies will appear at City Hall for this afternoon’s meeting.

Nicole S. Mitchell, Paralegal
Anderies & Gomes LLP
601 Montgomery Street, Suite 888
San Francisco, CA 94111
T: (415) 217-8802 ext. 8806
F: (415) 217-8803
www.andgolaw.com

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On Nov. 26, 2019:
Subject: RE: SOTF - Notice of Appearance - Compliance and Amendments Committee; November 26, 2019
4:30 p.m.
Hello,

Confirming that I will be present for the hearing later today. See you at City Hall.

Michael Petrelis
Public Advocate
---

On Nov. 26, 2019:
Subject: RE: SOTF - Notice of Appearance - Compliance and Amendments Committee; November 26, 2019
4:30 p.m.
Hello,

Confirming that I will be present for the hearing later today. See you at City Hall.

Michael Petrelis
Public Advocate
---

On Nov. 25, 2019:
Subject: SOTF - Compliance and Amendments Committee hearing; 11/26/19; 4:30 PM, Room 408
Dear Anonymous:

The following is the information you will need to participate in tomorrow's Compliance and Amendments Committee Hearing (tel. no. 877-402-9753 and participant code 554-7726). Please phone me at 4:00 PM so that I can make certain that you can hear the hearing. I have cc'd City Hall Media Services for their information.
Thank you.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724
Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

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On Oct. 4, 2019:
Subject: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclosure Request
Office of the Mayor,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 4, 2019. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for *prior* calendar records, Mr. Heckel appeared to argue that all future meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is implausible that there would be no prospective scheduling information for upcoming events the Mayor must attend to, even though Prop G requires no such calendar be kept. All calendars, whether Prop G or not, that your agency prepared, owned, used, or retained re: the public's business are public records -- as was also ruled at SOTF 19047 (see also, Sup. of Records response of Sept. 6).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of the Mayor’s future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for the Mayor’s Office. The Mayor’s Office is not “the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency” so the first clause re: security procedures does not apply. Furthermore a calendar cannot be “investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.” This would an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the Mayor may potentially be lawfully
withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

All records must be provided in rolling fashion.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:
1. IMMEDIATE DISCLOSURE: an electronic copy of the Mayor's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the Mayor, whether the Mayor herself possesses them or her staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to print each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately).

2. REGULAR DISCLOSURE: If the Mayor or any of the Mayor's staff uses any invitation/guestlist tracking systems on behalf of the Mayor (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the Mayor, her chief of staff (and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81242-04060798@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAxJKbo2Vje5U7JiIkNXfIYyg%3A1iaclg
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 81242
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
SOTF 19103 - Supplemental documentation, and for DCA analysis

Sent: Friday, November 29, 2019 1:16 AM

To: SOTF, (BOS) sof@sfgov.org

CC: Leger, Cheryl (BOS) cheryl.leger@sfgov.org, sof@brucwolfe.net sof@brucwolfe.net

Ms. Leger- Please enter this email with inline images and PDF attachment into the SOTF 19103 public file.

SOTF,

I believe the Chair asked the Task Force's DCAs to do further analysis of SOTF 19103 re: *Times Mirror Co vs Superior Court (1991)*, however I think there was some confusion at the committee hearing. I will also present this add'l info at the full task force hearing. I would request that the SOTF DCAs consider this in their analysis.

Part 1

The *Times Mirror Co vs Superior Court (1991)* case cited by the Supervisor of Records and Mr. Heckel in his letter to the SOTF in response to this complaint has been mis-construed.

Mr. Heckel's response letter stated (emphasis mine):

"That case related to a public records request for the Governor's daily calendar and **upheld exemptions from disclosure for calendar entries concerning future meetings of such executive government officials**, because information regarding the time, place and details of such meetings could jeopardize the security protections necessarily afforded to such officials."

This is an incorrect statement. *Times Mirror* never considered the "future meetings" of "executive government officials" - it solely considered a request for the Governor's past calendars. I challenge Respondents to show a citation within the case exempting future meetings OR applying the case to anyone other than the Governor. Furthermore, it never considered security procedures of police agencies, it was solely considering the safety of the Governor themselves AND the Governor's deliberative process privilege, which is precisely why it uses the balancing test (see below), and not 6254(f).

Part 2

*Times Mirror*'s conclusion that the Governor's **past** calendars are exempt is as follows (pg. 12, Conclusion):

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Accordingly, we are persuaded, on the instant record, that the public interest served by not disclosing the Governor's appointment calendars and schedules clearly and substantially outweighs the public interest in their disclosure. (§ 6255.)

This conclusion of the Supreme Court relies solely on Govt Code 6255 (the public interest balancing test). The Task Force and Respondents are prohibited from exempting information based on Govt Code 6255 (SFAC 67.24(g,i)). I cannot find any reference to Govt Code 6254(f), the exemption Respondents wish to use, anywhere in this case. Neither the Task Force, nor Respondents, may thus cite this case under the Sunshine Ordinance as a valid exemption case law. Even worse, part of the balancing test used by the Court (pg. 8-10) weighed the importance of the Governor's deliberative process as a balancing factor against disclosure - SFAC 67.24(h) also prohibits the deliberative process privilege exemption.

Part 3
The Respondents did not cite Times Mirror in their justification to the withholding to the Oct 4 IDR. Instead the Respondents cited Times Mirror in its response to the Task Force. Their response to us on Oct. 7 was solely GC 6254(f) and a "rule of reason analysis." Regardless, we know now at least part of the Oct. 21-28 calendar entries of the Mayor which were previously withheld in its entirety under Govt Code 6254(f). See the excerpt image below.

Are the words "Senior Staff Check In," "Bi-Weekly Meeting with Ken Rich," "Press Time," "Ed Reiskin (Staff: Andres Power)," "Weekly Meeting with Police," "Jeff Cretan," or "Kanishka Cheng re: Commissions" all "security procedures" of a "local police agency"?
Of course they are not - and the Task Force therefore must find the Respondents in violation of SFAC 67.26 by not minimizing withholding of future calendar/meeting entries.

NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.

Sincerely,

Anonymous complainant in SOTF 19103
Times Mirror Co. v. Superior Court (State of California) (1991)

TIMES MIRROR COMPANY, Petitioner, v. THE SUPERIOR COURT OF SACRAMENTO COUNTY, Respondent; THE STATE OF CALIFORNIA et al., Real Parties in Interest.

(Superior Court of Sacramento County, No. 505002, Fred K. Morrison, Judge.)

(OPinion by Arabian, J., with Lucas, C. J., Panelli, and Baxter, JJ., concurring. Separate dissenting opinions by Mosk, J., with Broussard, J., concurring, and by Kennard, J., with Broussard, J., concurring.)

COUNSEL

Gibson, Dunn & Crutcher, Stephen J. Burns, Rex S. Heinke, Ragnhild Reif, Kelli L. Sager and Karen N. Fredericksen for Petitioner.

Pillsbury, Madison & Sutro, Edward P. Davis, Jr., Kevin M. Fong and Judy Alexander as Amici Curiae on behalf of Petitioner.

No appearance for Respondent.


De Witt W. Clinton, County Counsel (Los Angeles), and David L. Muir, Deputy County Counsel, as Amici Curiae on behalf of Real Parties in Interest.

OPINION

ARABIAN, J.

This case arises out of a dilemma inherent in the very nature of a free and open society. An informed and enlightened electorate is essential to a representative democracy. Yet even democratic governments [53 Cal. 3d 1329] require some degree of confidentiality to ensure, among other things, a candid exchange of ideas and opinions among responsible officials. This tension invariably leads to conflict, and conflict invariably leads to the courthouse.

The question before us is whether, under the California Public Records Act (Gov. Code, § 6250 et seq.; hereafter the Act), fn. 1 the Governor of the State of California (Governor) properly refused a request to disclose his daily, weekly and monthly appointment calendars and schedules. For the reasons set forth below, we conclude that the records were properly withheld.

Factual and Procedural Background
In August 1988, a reporter for the Los Angeles Times (Times) wrote the Governor requesting, under the Act, copies of his "appointment schedules, calendars, notebooks and any other documents that would list [the Governor's] daily activities as governor from [his] inauguration in 1983 to the present." The Governor's legal affairs secretary responded that the information requested was exempt from disclosure under section 6254, subdivision (l) as "correspondence of and to the Governor or employees of the Governor's office ...." fn. 2

After its request to reconsider this decision was denied, the Times filed suit seeking injunctive and declaratory relief to obtain disclosure of the materials requested. In opposition, the Governor claimed that the records came within the correspondence exemption of section 6254, subdivision (l), as well as the public interest exemption of section 6255, which applies when the public interest in nondisclosure "clearly outweighs" the public interest in disclosure. fn. 3 Specifically, the Governor claimed that release of his appointment calendars and schedules would (1) create a risk to his personal security, and (2) inhibit the free and candid exchange of ideas necessary to the decisionmaking process.

In support of his opposition, the Governor submitted several declarations explaining the process by which his appointment calendars and schedules [53 Cal. 3d 1330] are created, the function they serve, and the implications of their public disclosure. Susan Pederson, the Governor's scheduling secretary, explained that after reviewing requests for meetings and invitations, she drafts a "scheduling memorandum" which is then reviewed with four senior staff members of the Governor's office. A final scheduling memorandum and a "tentative month-long calendar" are then prepared in consultation with the Governor; the calendar "is a schematic representation of engagements and meetings discussed in the scheduling memorandum." Thereafter, a finished month-long calendar is produced which identifies the Governor's "major time commitments for public appearances and private meetings." Copies of this calendar are given to the Governor, a "limited number" of members of the Governor's office, the Director of Finance, the Governor's security director and those responsible for the Governor's transportation.

Each week the scheduling secretary also formulates a schedule for the two upcoming weeks, which incorporates information from the monthly calendar as well as more recently approved appointments and appearances. The schedule for the first week is designated "final," and that for the second is designated "advance." Lastly, a complete daily schedule is prepared on the afternoon or evening prior to each working day; the daily schedule "accounts for all the Governor's time from his departure from home in the morning until his departure from the office in the evening." The two-week and daily schedules are distributed to the same persons as the monthly calendar. According to Ms. Pederson, all persons receiving the monthly, two-week and daily schedules "do so with the understanding that they are to treat the schedule[s] and any accompanying material as confidential, and destroy the schedule once they have completed their use of it." fn. 4 Ms. Pederson did not indicate in her declaration whether or to what extent copies of the final calendars and schedules are normally retained by herself, the Governor or anyone else in the Governor's office fn. 5

The level of detail set forth in the daily and two-week schedules is exhaustive. Each reflects, for example, "the timing and details of the Governor's arrivals and departures everywhere he goes in the course of his day [53 Cal. 3d 1331] ... whether and when family members and traveling companions will be with him, the particular aircraft or other means of transportation to be used, names of pilots and drivers, airport gate departures, specific hotel accommodations, [and] automobile and other ground arrangements." Thus, according to Ms. Pederson, the schedules and calendars necessarily reflect the daily "patterns and habits of the Governor," including the occasions "when he is likely to be alone."

Dennis Williams, the director of security for the Governor, also submitted a declaration. According to Mr. Williams, disclosure of the Governor's schedule "at any time in advance of the period to which
they pertain would seriously impair the ability of [his] office to assure the Governor's security, and would constitute a potential threat to the Governor's safety, because the information they contain will enable the reader to know in advance and with relative precision when and where the Governor may be found, those persons who will be with him, and when he will be alone." Even disclosure of outdated schedules would pose a security risk, in Mr. Williams's opinion, because they would "enable the reader to discern characteristic habits and activity patterns followed by the Governor, from which opportunities for access to the Governor's person may be surmised."

The Governor also submitted a declaration in support of his opposition to the Times complaint. In it he asserted that disclosure of his calendars and schedules would "be detrimental to the substantial public interest now served by protection of the confidential decisionmaking processes of [his] office ...." He explained that he had always considered his schedules and calendars to be confidential and had required his advisors to treat them as such, "because of the essential character of many of the meetings and appointments reflected in these papers, because of the decision making reflected in ... these papers, and because of concerns pertaining to security."

Elaborating upon the potentially adverse consequences of disclosure on the decisionmaking process, the Governor noted that his office requires him to meet with people of wide-ranging views on a multiplicity of subjects. Because of the frequent sensitivity of the subjects under discussion, "it is necessary," he stated, "that the meetings themselves be fundamentally private, so that those present may feel free to express their candid opinions to me and so that I can be assured of the candor of their expressions ...." Routine disclosure of the identities of the persons with whom the Governor meets, he asserted, would inhibit the deliberative process, in some instances by discouraging persons from attending meetings, in others by leading to unwarranted inferences about the subject under discussion. Furthermore, the Governor argued, although the calendars and schedules contain "facts" [53 Cal. 3d 1332] rather than opinions or advice, they necessarily reflect the Governor's "deliberative judgment" as to those persons, issues or events he considers to be of sufficient significance to occupy his time, and those he does not. Thus, the Governor claimed that disclosure of his calendars and schedules could substantially impair the quality of his decisions and the decisionmaking process of his office.

The Times's motion for injunctive and declaratory relief was heard on November 22, 1988. Following the hearing, the trial court denied the Times's motion for injunctive relief as well as its request for an in camera review, finding that the records were exempt from disclosure for each of the reasons urged by the Governor. However, the Court of Appeal reversed, holding that the records did not constitute correspondence under the Act; that disclosure would not implicate the deliberative process of government "because information relating to the content of meetings is not sought"; and that any security risk to the Governor, however slight, could not be evaluated without examining the documents themselves. Accordingly, the Court of Appeal remanded to the superior court "for an in camera review, segregation of any information posing a legitimate security risk, and disclosure of all nonexempt material."

Because we agree with the trial court that the public interest in not disclosing the records clearly outweighs the public interest in disclosure (§ 6255), we shall reverse the judgment of the Court of Appeal.

Discussion

A. Scope of Review

Before turning to the merits, we address a threshold issue concerning the applicable scope of review. [1a] Relying on section 6259, subdivision (c) and Freedom Newspapers, Inc. v. Superior Court

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Prior to 1984, review of a trial court order either directing disclosure of a public record or refusing disclosure was by appeal. In 1984, however, the Legislature substituted a writ procedure for the appellate process by amending section 6259 to provide as follows: "In an action filed on or after January 1, 1985, an order of the court, either directing disclosure by a public official or supporting the decision of the public official refusing disclosure, is not a final judgment or order within the meaning of Section 904.1 of the Code of Civil Procedure from which an appeal may be taken, but shall be immediately reviewable by petition to the appellate court for the issuance of the extraordinary writ of review as defined in Section 1067 of the Code of Civil Procedure." (§ 6259, subd. (c); Stats. 1984, ch. 802, § 1, pp. 2804-2805.)fn. 6 Section 1067 of the Code of Civil Procedure states: "The writ of certiorari may be denominated the writ of review."

In Freedom Newspapers, Inc. v. Superior Court, supra, 186 Cal. App. 3d 1102, the Court of Appeal considered the scope of review available under a writ of review filed pursuant to section 6259, subdivision (c). In that case, a newspaper had filed a public-records request for certain information concerning fees paid to court-appointed lawyers and investigators in an ongoing murder case. The trial court denied the request, holding that the public interest in nondisclosure—the defendant's right to a fair trial-outweighed any public interest in disclosure.

The Court of Appeal affirmed, despite the majority's view that the ruling was erroneous. Citing the seminal cases of Abelleira v. District Court of Appeal (1941) 17 Cal. 2d 280, 288 [109 P.2d 942, 132 A.L.R. 715], and Auto Equity Sales, Inc. v. Superior Court (1962) 57 Cal. 2d 450, 454 [20 Cal. Rptr. 321, 369 P.2d 937], the court noted that the granting of a writ of review or certiorari is generally confined to circumstances in which the trial court has exceeded its jurisdiction, either in the fundamental sense that it lacks power over the person or subject matter of the litigation, or in the broader sense that its act exceeds the defined power of the court, whether that power be defined by the Constitution, a statute, or a court-developed rule under the doctrine of stare decisis. By that standard, the Court of Appeal concluded, [53 Cal. 3d 1334] the trial court had not exceeded its jurisdiction as no statute, constitutional provision or clearly controlling precedent based on the Act compelled a contrary result. (Freedom Newspapers, supra, 186 Cal.App.3d at p. 1109.)

The Court of Appeal in this matter purported to distinguish Freedom Newspapers on the ground that the trial court's decision in the latter case was merely "arguably incorrect," while the lower court's ruling here was "fundamentally erroneous" under settled law. The distinction is not persuasive. As discussed in the following section, the question of access to the Governor's personal calendars and schedules is a difficult and unsettled legal issue; whatever its substantive merits, nothing in the record suggests that the trial court's decision constituted an act in excess of jurisdiction. (Abelleira v. District Court of Appeal, supra, 17 Cal.2d at p. 288.)

Nevertheless, we are not persuaded that our scope of review is as limited as the Governor urges or as the Freedom Newspapers court concluded. Both assume that by use of the term "writ of review" the Legislature clearly and unambiguously intended to preclude review of lower court orders on the merits. That assumption is unwarranted. Apart from providing for issuance of the extraordinary writ of review as defined in section 1067 of the Code of Civil Procedure, which merely states that "writ of review" may be used as an alternative to writ of certiorari, section 6259, subdivision (c) is silent as to the scope of review to be accorded orders under the Act.
To be sure, the writ of review is traditionally limited to acts in excess of jurisdiction. (Abelleira v. District Court of Appeal, supra, 17 Cal. 2d 228.) However, the legislative history of the 1984 amendment to section 6259, subdivision (c) reveals that the exclusive purpose of the amendment was to speed appellate review, not to limit its scope. The bill which contained the amendment, Senate Bill No. 2222, 1983-1984 Regular Session, was sponsored by a news organization, the California Newspaper Publishers' Association. It was inspired by a case in which a newspaper had successfully sued in the superior court to obtain government records, but was forced to wait several years while the case was on appeal, by which time the story was no longer newsworthy.

The perceived evil at which the bill was aimed, according to a Senate Judiciary Committee analysis, was "delays of the appeal process, [by means of which] public officials are frustrating the intent of the laws for disclosure ...." "The sponsors of this bill," the analysis continued, "seek to correct an injustice they perceive due to ... the potential for ... public agencies to delay the disclosure of public documents." Accordingly, the amendment's goal was "to prohibit public agencies from delaying the disclosure of public records by appealing a trial court decision and using continuances in order to frustrate the intent of the Public Records Act." (Sen. Com. on Judiciary, Analysis of Sen. Bill No. 2222 (1983-1984 Reg. Sess.).)

The synopsis of the bill prepared for the Assembly Committee on the Judiciary was to the same effect: "The bill is intended to expedite appellate review of judicial rulings relating to the withholding of public records by providing for the review to be by petition for issuance of a writ rather than by appeal." Although the Assembly analysis noted that writ review might occasionally result in a summary denial rather than an adjudication on the merits, there is no indication that the Legislature intended to preclude review on the merits altogether in every case. (Assem. Com. on Judiciary, Analysis of Sen. Bill No. 2222 (1983-1984 Reg. Sess.) Aug. 6, 1984.)

Moreover, we believe such an interpretation to be more fully in accord with the Act's express purpose of broadening the public's access to public records. (CBS, Inc. v. Block (1986) 42 Cal. 3d 646, 651 [230 Cal. Rptr. 362, 725 P.2d 470].) There is no indication that the Legislature, in amending section 6259, intended sub silentio to shelter trial court orders, particularly those denying disclosure of public records, from appellate oversight. Nor, in light of our responsibility to avoid absurd results (County of Sacramento v. Hickman, supra, 66 Cal.2d at p. 849, fn. 6), can we believe that the Legislature could have intended the chaos which might otherwise result from a construction of the statute disallowing review on the merits of conflicting decisions in the trial courts.

Finally, we note that effective January 1, 1991, the Legislature has provided that orders under the Act "shall be immediately reviewable by petition to the appellate court for issuance of an extraordinary writ." (§ 6259, subd. (c); Stats. 1990, ch. 908, § 2.) The amendment also added two new provisions: (1) the petition for extraordinary writ must be filed within ten days after receipt of notice of the trial court order, and (2) no stay of the trial court order shall be permitted "unless the petitioning party demonstrates it will otherwise sustain irreparable damage and probable success on the merits." (Ibid.)

The effect of the 1990 amendment providing for review by "extraordinary writ," including presumably writ of mandate, is, of course, to make it plain that review of orders subject to the amendment is not confined to acts in excess of jurisdiction. The analysis of the bill prepared for the Assembly Committee on the Judiciary indicates that the recent amendment was a response to Freedom Newspapers, Inc. v. Superior Court, supra, 186 Cal. App. 3d 1102, and was intended to overrule that decision by "clarifying" that the purpose of writ review is to speed appellate review, not to preclude revi on the merits. As the analysis explains, "[T]he courts [(an apparent reference to Freedom Newspapers)] ... have narrowly interpreted [the 1984 amendment] to review questions of jurisdiction and not broader as intended by the original statute. This bill expands the extraordinary writ by clarifying that courts..."

Thus, while logic and history support a broad interpretation, we need not ultimately determine the meaning of the 1984 amendment; its replacement makes plain the Legislature's intent that trial court orders under the Act shall be reviewable on their merits. As a practical matter, therefore, declining to reach the substantive issues presented here would only delay their resolution to a future day; judicial economy and the significance of the questions presented militate in favor of a decision sooner rather than later. Therefore, as we have in the past, we shall conduct an independent review of the trial court's ruling; factual findings made by the trial court will be upheld if based on substantial evidence. (CBS, Inc. v. Block, supra, 42 Cal.3d at pp. 650-651.)

B. Disclosure of the Records

We turn to the merits of the Times's request for disclosure of the Governor's appointment calendars and schedules from his inaugural to the date of the request, a period of approximately five years. As noted earlier, the Governor claimed that the records were exempt from disclosure on three separate grounds: the correspondence exemption set forth in section 6254, subdivision (1); the deliberative process privilege, as subsumed under the "public interest" exception of section 6255; and the threat to the Governor's personal security, also pursuant to section 6255.

1. The Correspondence Exemption

Section 6254, subdivision (1) exempts from operation of the Act "correspondence of and to the Governor or employees of the Governor's office." Black's Law Dictionary defines "correspondence" as constituting, inter alia, the "[i]nterchange of written communications." (Black's Law Dict. (5th ed. 1979) p. 311.) Seizing on this broad definition, the Governor argues that his calendars and schedules constitute "written communications" between his scheduling secretary, his senior staff and himself, and thus fall within the scope of the exemption.

The Court of Appeal rejected the contention, however, ruling that Webster's definition of correspondence as "communication by letters" (Webster's New Collegiate Dict. (9th ed. 1984) p. 293) was more in conformity with the "ordinary import of the language" of the statute and the underlying legislative intent. (People ex rel. Younger v. Superior Court (1976) 16 Cal. 3d 30, 43 [127 Cal. Rptr. 122, 544 P.2d 1322].)

The Court of Appeal was correct. Prior to 1975, the Act exempted from disclosure all records "[i]n the custody of or maintained by the Governor or employees of the Governor's office ...." (Stats. 1970, ch. 1295, § 1.5, p. 2397.) In 1975, this exemption was amended to limit the exemption to correspondence of or to the Governor and his staff. (Stats. 1975, ch. 1246, § 3, p. 3209.) "Where changes have been introduced to a statute by amendment it must be assumed the changes have a purpose ...." (Louisiana-Pacific Corp. v. Humboldt Bay Mun. Water Dist. (1982) 137 Cal. App. 3d 152, 159 [186 Cal. Rptr. 833].)

The Governor's suggested definition of correspondence as "written communications" is so broad as to encompass nearly every document generated by the Governor's office, effectively reinstating the original exemption and rendering the 1975 amendment a nullity. Refining the definition, as the Governor suggests, to written communications "directed to an identifiable person or person for the purpose of establishing contact with the recipient," accomplishes little. Even under this definition, the exception would swallow the rule.

Therefore, we conclude that for purposes of the Act, the correspondence exemption must be confined to communications by letter. The Governor's appointment calendars and schedules plainly do not
meet this definition, and therefore are not exempt from disclosure under section 6254, subdivision (l).

2. The Public Interest Exemption

[4a] The Governor also asserts that his personal calendars and schedules are exempt from disclosure under section 6255, the so-called "public [53 Cal. 3d 1338] interest" exemption. An understanding of the claim requires a brief discussion of the purposes and structure of the Act and the exceptions thereto.

The Act replaced a hodgepodge of statutes and court decisions relating to disclosure of public records. (American Civil Liberties Union Foundation v. Deukmejian (1982) 32 Cal. 3d 440, 447 [186 Cal. Rptr. 235, 651 P.2d 822]; Shaffer et al., A Look at the California Records Act and Its Exemptions (1974) 4 Golden Gate L.Rev. 203, 210-213.) Its preamble declares "that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (§ 6250; American Civil Liberties Union Foundation v. Deukmejian, supra, 32 Cal.3d at p. 447.) In this and other respects the Act was modeled on its federal predecessor, the Freedom of Information Act (5 U.S.C. § 552 et seq.; hereafter FOIA), which was "broadly conceived" (EPA v. Mink (1973) 410 U.S. 73, 80 [35 L. Ed. 2d 119, 128, 93 S.Ct. 827]) to require "full agency disclosure unless information is [statutorily] exempted ...." (Federal Open Market Committee v. Merrill (1979) 443 U.S. 340, 351 [61 L. Ed. 2d 587, 598, 99 S. Ct. 2800].) The legislative history and judicial construction of the FOIA thus "serve to illuminate the interpretation of its California counterpart." (American Civil Liberties Union Foundation v. Deukmejian, supra, 32 Cal.3d at p. 447; CBS, Inc. v. Block, supra, 42 Cal.3d at p. 651.)

The Act sets forth numerous categories of records exempt from compelled disclosure. (§ 6254.) [5] In addition, section 6255 establishes a "catchall" exemption that permits the government agency to withhold a record if it can demonstrate that "on the facts of a particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record."

The Act does not specifically identify the public interests that might legitimately be "served by not making the record public" under section 6255. The nature of those interests, however, may be fairly inferred, at least in part, from the specific exemptions contained in section 6254. As one commentator has observed: "[S]ection 6255 was designed to act as a catchall for those individual records similar in nature to the categories of records exempted by section 6254, but which the Legislature determined, in balancing the competing interests, would not justify disclosure as a general rule .... [T]he provisions of section 6254 will provide appropriate indicia as to the nature of the public interest in nondisclosure and will thus aid the courts in determining the disclosability of a document under section 6255." (Note, The California Public Records Act: The Public's Right of Access to Governmental Information (1976) 7 Pacific L.J. 105, 119-120, italics added; see also American Civil Liberties Union Foundation v. Deukmejian, supra, 32 Cal.3d at p. 462 (conc. and dis. opn. of Bird, C. J.) ["The specific [53 Cal. 3d 1339] exemptions of section 6254 are of considerable aid in ascertaining the Legislature's conception of 'the public interest served by not making [a] record public ....']

While the specific exemptions set forth in section 6254 may be helpful in identifying certain interests to be protected under section 6255, they are not exclusive. Nothing in the text or the history of section 6255 limits its scope to specific categories of information or established exemptions or privileges. Each request for records must be "considered on the facts of the particular case" in light of the competing "public interests." (§ 6255.)

[4b] With these broad principles in mind, we turn to the question whether, on the facts presented, the public interest in nondisclosure of the Governor's appointment calendars and schedules "clearly outweighs" the public interest in disclosure of the records. (§ 6255.)
a. The Deliberative Process Privilege

(1) The Public Interest in Nondisclosure

Although not covered by the specific exemption for "preliminary drafts, notes, or ... memoranda" set forth in section 6254, subdivision (a),fn. 8 the Governor nevertheless contends that disclosure of his appointment schedules and calendars would jeopardize the decisionmaking or "deliberative process" which this exemption was designed to protect.fn. 9 More specifically, he argues that disclosure of the records in question, which identify where, when and with whom he has met, would inhibit access to the broad spectrum of persons and viewpoints which he requires to govern effectively.

While state precedents relating to the deliberative process or "executive" privilege are relatively scarce, federal cases are abundant.fn. 10 The FOIA [53 Cal. 3d 1340] equivalent to section 6254, subdivision (a) is contained in exemption 5 (5 U.S.C. § 552(b)(5)).fn. 11 As the United States Supreme Court has explained: "That Congress had the Government's executive privilege specifically in mind in adopting Exemption 5 is clear .... The cases uniformly rest the privilege on the policy of protecting the 'decision making processes of government agencies' ...." (NLRB v. Sears, Roebuck & Co. (1975) 421 U.S. 132, 150 [44 L. Ed. 2d 29, 47, 95 S. Ct. 1504].)

In adopting exemption 5, Congress's main concern, made plain in a Senate Report, was that "frank discussion of legal or policy matters" might be inhibited if "subjected to public scrutiny," and that "efficiency of Government would be greatly hampered" if, with respect to such matters, government agencies were "forced 'to operate in a fishbowl.' " (EPA v. Mink, supra, 410 U.S. at p. 87 [35 L.Ed.2d at p. 132], quoting from Sen.Rep. No. 813, 89th Cong., 1st Sess., p. 9; NLRB v. Sears, Roebuck & Co., supra, 421 U.S. at p. 150 [44 L.Ed.2d at p. 47].) As the high court has observed in an analogous context: "Human experience teaches that those [53 Cal. 3d 1341] who expect public dissemination of their remarks may well temper candor with a concern for appearances ... to the detriment of the decisionmaking process." (United States v. Nixon, supra, 418 U.S. at p. 705 [41 L.Ed.2d at p. 1062].)

To prevent injury to the quality of executive decisions, the courts have been particularly vigilant to protect communications to the decisionmaker before the decision is made. "Accordingly, the ... courts have uniformly drawn a distinction between predecisional communications, which are privileged [citations]; and communications made after the decision and designed to explain it, which are not." (NLRB v. Sears, Roebuck & Co., supra, 421 U.S. at pp. 151-152 [44 L.Ed.2d at p. 48].) As Professor Cox in his seminal article on executive privilege has explained, protecting the predecisional deliberative process gives the chief executive "the freedom 'to think out loud,' which enables him to test ideas and debate policy and personalities uninhibited by the danger that his tentative but rejected thoughts will become subjects of public discussion. Usually the information is sought with respect to past decisions; the need is even stronger if the demand comes while policy is still being developed." (Cox, Executive Privilege (1974) 122 U.Pa.L.Rev. 1383, 1410.)

In determining whether a document falls within the parameters of exemption 5, the federal courts have also recognized "that it requires different treatment for materials reflecting deliberative or policy-making processes on the one hand, and purely factual, investigative matters on the other." (EPA v. Mink, supra, 410 U.S. at p. 89 [35 L.Ed.2d at p. 133].) The courts have readily acknowledged, however, that the fact/opinion dichotomy may be misleading, and have refused to apply it in a mechanical or unthinking manner. The privilege, as one appeals court has written, "is intended to protect the deliberative process of government and not just deliberative material." (Mead Data Cent., Inc. v. U.S. Dept. of Air Force (D.C. Cir. 1977) 566 F.2d 242, 256 [184 App.D.C. 350], italics added; accord, National Wildlife Federation v. U.S. Forest Serv. (9th Cir. 1988) 861 F.2d 1114, 1118-119.) Accordingly, in some circumstances "the disclosure of even purely factual material may so expose the deliberative process ... that it must be deemed exempted by [5 United States Code] section 552(b)(5)." (Mead Data

In short, the courts' focus in exemption 5 cases is less on the nature of the records sought and more on the effect of the records' release. [6] The key question in every case is "whether the disclosure of materials would expose an agency's decisionmaking process in such a way as to discourage candid discussion within the agency and thereby undermine the agency's ability to perform its functions." (Dudman Communications v. Dept. of Air Force, supra, 815 F.2d at p. 1568.) Even if the content of a document is purely factual, it is nonetheless exempt from public scrutiny if it is "actually ... related to the process by which policies are formulated" (Jordan v. United States Dept. of Justice (D.C. Cir. 1978) 591 F.2d 753, 774 [192 App.D.C. 144]) or "inextricably intertwined with "policy-making processes." (Ryan v. Department of Justice, supra, 617 F.2d at p. 790; Soucie v. David (D.C. Cir. 1971) 448 F.2d 1067, 1078 [145 App.D.C. 144].)

Although the precise question presented here—whether the Governor may properly invoke the deliberative process privilege with respect to his appointment calendars and schedules—has not heretofore been adjudicated, any number of decisions offer useful points of comparison.举例来说，说明了看似一目了然的区分事实和意见在某些情况下变得模糊。例如，在蒙特罗化学公司诉特纳案中，尽管提交的文件中只包含事实性内容，法院仍然认为适用保密程序。这些文件反映了作者对记录中事实的评估判断；原告试图在管理者的决定之前发现他视为重要或不重要的事实。因此，法院认为："[t]o probe the summaries of record evidence," the court concluded, "would be the same as probing the decision-making process itself." (Ibid. at p. 68; see also Lead Industries Ass'n v. Occup. S. & H. Admin., supra, 610 F.2d at p. 85 ["Disclosing factual segments from the [agencies'] summaries would reveal the deliberative process of summarization itself by demonstrating which facts in the massive rule-making record were considered significant by the decisionmaker and those assisting her."]; Washington Research Proj., Inc. v. Department of H., E. & W. (D.C. Cir. 1974) 504 F.2d 238, 250-251 [164 App.D.C. 169] ["[T]he judgmental element arises through the necessity to select and emphasize certain facts at the expense of others."]); Farmworkers Legal Services v. U.S. Dept. of Labor (E.D.N.C. 1986) 639 F. Supp. 1368, 1373 ["Because the list sought here is composed of selective fact, it ... could reveal the deliberative process."]).

The parallel here is evident. Disclosing the identity of persons with whom the Governor has met and consulted is the functional equivalent of revealing the substance or direction of the Governor's judgment and mental processes; such information would indicate which interests or individuals he deemed to be of significance with respect to critical issues of the moment. The intrusion into the deliberative process is patent.

Brockway v. Department of the Air Force (8th Cir. 1975) 518 F.2d 1184 illuminates another pertinent facet of the issue before us. The father of an Air Force pilot sought disclosure of certain witnesses'
statements concerning an airplane crash in which his son was killed. Although the information was factual rather than advisory in nature, the court nevertheless held that confidentiality was necessary to prevent "inhibition of the free flow of information" to the Air Force. (Id. at p. 1193, quoting Note, The Freedom of Information Act and the Exemption for Intra-Agency Memoranda (1976) 86 Harv.L.Rev. 1047, 1052-1053.) "[W]ithout the assurances of confidentiality," the court concluded, the "flow of information to the Air Force" might be sharply curtailed, and the deliberative processes and efficiency of the agency greatly hindered. (518 F.2d at pp. 1193-1194.)

The reasoning of the federal court applies with equal force here. If the law required disclosure of a private meeting between the Governor and a politically unpopular or controversial group, that meeting might never occur. Compelled disclosure could thus devalue or eliminate altogether a particular viewpoint from the Governor's consideration. Even routine meetings between the Governor and other lawmakers, lobbyists or citizens' groups might be inhibited if the meetings were regularly revealed to the public and the participants routinely subjected to probing questions and scrutiny by the press.

In sum, while the raw material in the Governor's appointment calendars and schedules is factual, its essence is deliberative. Accordingly, we are persuaded that the public interest in withholding disclosure of the Governor's appointment calendars and schedules is considerable.fn. 13

(2) Balancing the Interests

[7] Having so concluded, however, the lingering question nevertheless remains whether the public interest in nondisclosure "clearly outweighs" the public interest in disclosure. (§ 6255.) On the facts presented, we are persuaded that it does.

The Times asserts that, "in a democratic society, the public is entitled to know how [the Governor] performs his duties, including the identity of persons with whom he meets in the performance of his duties as Governor." Although the Times makes no effort to elaborate on this statement, its meaning is abundantly clear. In politics, access is power in its purest form. Entrance to the executive office is the passport to influence in the decisions of government. The public's interest extends not only to the individual they elect as Governor, but to the individuals their Governor selects as advisors.

One could readily imagine additional public benefits accruing from disclosure of the Governor's private itinerary, as well. It could be argued, for example, that the prospect of publicity would expand rather than contract the number and variety of persons meeting with the Governor. Disclosure might also reveal whether the Governor was, in fact, receiving a broad range of opinions, and ultimately whether the state's highest elected officer was attending diligently to the public business.

Moreover, in response to the assertion that disclosure could chill the flow of information to the executive office, one might argue, as the Court of Appeal concluded, that the Governor's advisors should be made of "sterner stuff"; we need not assume that the Governor, or those otherwise inclined to confer with the Governor, would be deterred by the mere specter of publicity.

The answer to these arguments is not that they lack substance, but pragmatism. The deliberative process privilege is grounded in the unromantic reality of politics; it rests on the understanding that if the public and the Governor were entitled to precisely the same information, neither would likely receive it. Politics is an ecumenical affair; it embraces persons and groups of every conceivable interest: public and private; popular and unpopular; Republican and Democratic and every partisan stripe in between; left, right and center. To disclose every private meeting or association of the Governor and expect the decisionmaking process to function effectively, is to deny human nature and
contrary to common sense and experience. (See United States v. Nixon, supra, 418 U.S. at p. 705 [41 L.Ed.2d at p. 1062].)

Furthermore, whatever merit disclosure might otherwise warrant in principle is simply crushed under the massive weight of the Times's request in this case: the newspaper seeks almost five years of the Governor's calendars and schedules, covering undoubtedly thousands of meetings, conferences and engagements of every conceivable nature. We are not persuaded that any identifiable public interest supports such a wholesale production of documents.

Accordingly, on the present record, we conclude that the public interest in nondisclosure clearly outweighs the public interest in disclosure. (§ 6255.)

Lest there be any misunderstanding, however, we caution that our holding does not render inviolate the Governor's calendars and schedules or other records of the Governor's office. There may be cases where the public interest in certain specific information contained in one or more of the Governor's calendars is more compelling, the specific request more focused, and the extent of the requested disclosure more limited; then, the court might properly conclude that the public interest in nondisclosure does not clearly outweigh the public interest in disclosure, whatever the incidental impact on the deliberative process. Plainly, that is not the case here.fn. 14

b. The Governor's Security Interest

Our conclusion that the trial court properly denied the Times's request under the public interest exemption (§ 6255) finds additional support in the evidence relating to the potential threat to the Governor's physical security.

As noted earlier, the Governor's daily and weekly schedules set forth in exhaustive detail the particulars of the Governor's meetings and travel: time and location of arrivals and departures; traveling companions; hotel accommodations; and ground transportation. The revelation of such information, the Governor's security director reasonably asserts, "would seriously impair [his] ... ability to assure the Governor's security, and would constitute a potential threat to the Governor's safety, because the information ... will enable the reader to know in advance and with relative precision when and where the Governor may be found, those persons who will be with him, and when he will be alone." Confining disclosure to outdated calendars and schedules might mitigate but would not altogether eliminate the threat; it is plausible to believe that an individual intent on doing harm could use such information to discern activity patterns of the Governor and identify areas of particular vulnerability.

The Times argues that the Governor has, in effect, waived any security interest by voluntarily releasing "public schedules" for each coming week. The contention lacks merit. The "public schedules" set forth in the record reveal little more than the time and place of the Governor's scheduled public speaking engagements; they contain none of the specific details characteristic of his personal calendars and schedules.

Nor are we persuaded that the trial court erred, as the Times contends, in refusing to order an in camera review of the requested records to segregate information which might pose a legitimate security risk from other material, such as outdated schedules and calendars, which purportedly would not. [53 Cal. 3d 1347] As noted, the trial court could properly find, based on the declarations, that an individual intent on doing harm to the Governor might be able to reconstruct the Governor's daily habits and patterns using outdated schedules.fn. 15

Conclusion
"Give every man thy ear, but few thy voice," Shakespeare’s Polonius advised. Those in policymaking positions of government would do well to abide the admonition. Access to a broad array of opinions and the freedom to seek all points of view, to exchange ideas, and to discuss policies in confidence, are essential to effective governance in a representative democracy. Accordingly, we are persuaded, on the instant record, that the public interest served by not disclosing the Governor’s appointment calendars and schedules clearly and substantially outweighs the public interest in their disclosure. (§ 6255.)

The judgment of the Court of Appeal is reversed.


MOSK, J.,

Dissenting.

The dissent of Justice Kennard is irrefutable, and I agree completely with her opinion on the law. I write separately only on the issue of public policy.

Secrecy has always been deemed anathema to democratic government. Time and again justices of the Supreme Court have deplored secrecy in government. Justice Frankfurter declared that, "Secrecy is not congenial to truth seeking." (Anti-Fascist Committee v. McGrath (1951) 341 U.S. 123, 171 [95 L. Ed. 817, 854, 71 S. Ct. 624].) Justice Stevens wrote that, "Neither our elected nor our appointed representatives may abridge the free flow of information simply to protect their own activities from public scrutiny." (Press-Enterprise Co. v. Superior Court (1986) 478 U.S. 1, 19 [92 L. Ed. 2d 1, 17, 106 S. Ct. 2735].) Justice Douglas quoted Henry Steele Commager, the noted historian: "The generation that made the nation thought secrecy in government one of the instruments of Old World tyranny and committed [53 Cal. 3d 1348] itself to the principle that a democracy cannot function unless the people are permitted to keep what their government is up to.' " (EPA v. Mink (1973) 410 U.S. 73, 105 [35 L. Ed. 2d 119, 142, 93 S. Ct. 827].) Justice Douglas also quoted James Madison: "A popular government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives." (Id. at p. 110 [35 L.Ed.2d at p. 145].) Justice Brennan wrote that secrecy "can only breed ignorance and distrust" and that, conversely "free and robust reporting, criticism, and debate can contribute to public understanding ... as well as improve the quality of that system by subjecting it to the cleansing effects of exposure and public accountability." (Nebraska Press Assn. v. Stuart (1976) 427 U.S. 539, 587 [49 L. Ed. 2d 683, 714, 96 S. Ct. 2791].) Justice Blackmun declared that information is necessary "to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed." (John Doe Agency v. John Doe Corp. (1989) 493 U.S. 146, 152 [107 L. Ed. 2d 462, 471, 110 S. Ct. 471, 475].)

Countless similar observations by justices and commentators could be cited. In short, the lessons of history tell us over and over that secrecy in government, except as provided by law, causes lack of public confidence and various other ills. We would do well to heed the words of Justice Brandeis: "sunlight is said to be the best of disinfectants."

Secrecy is inconsistent with the duty of public officials to keep the public informed of their activities, including the identity of those persons who have access to them. That this is not an unreasonable requirement is made clear on the national scene.

It is common knowledge that the schedule of the President of the United States is released to broadcast and print media by his press secretary every day, in advance of events. In contrast, the daily
schedule of the Governor is shrouded in secrecy both before and long after the events have transpired, indeed permanently. It is difficult to rationalize justification for the Governor of this state being more furtive in his scheduling than the President of the United States. Certainly the problems of the state are not more significant, more potentially devastating, than those involving the nation's security and welfare with which the President is concerned.

It is true that the national media are requested not to release the President's schedule in advance of events. But, having been advised of the events and appointments, they are free to publish the information immediately [53 Cal. 3d 1349] afterwards. Here the petitioner does not seek the Governor's schedule in advance, but only after the events and appointments have transpired.

Though the majority do not tell us, one must wonder whether under their theory this secrecy in scheduling applies not merely to the Governor but to the entire executive branch of our state government, to secretaries, cabinet officers, chairpersons of boards and commissions. And if it is a prerogative of the executive branch, does it also apply to county executives and local mayors? If we are not to be discriminatory, the secrecy pit is bottomless.

The majority, in their footnote 14, observe that the Commission on Judicial Performance conducts its investigations in confidence, pursuant to a constitutional provision. They make my point: if there is to be governmental secrecy it must be pursuant to law. There is no statutory or constitutional provision specifically granting the right of secrecy to the Governor.

The conclusion is inescapable, as Justice Kennard declares in her discussion of the applicable law, that the judgment of the Court of Appeal should be affirmed.

Broussard, J., concurred.

KENNARD, J.

I dissent.

To support its holding that a governor's appointment calendars and schedules are exempt from disclosure, the majority relies primarily on the deliberative process privilege. Because the requested documents reveal the identity of those with whom a governor has met, the majority reasons that their disclosure would reveal "the substance or direction of the Governor's judgment and mental processes" (maj. opn., ante, p. 1343) or "devalue or eliminate altogether a particular viewpoint from the Governor's consideration" (maj. opn. ante, p. 1344) and thereby "chill the flow of information to the executive office" (maj. opn. ante, p. 1345). I am not persuaded.

The documents at issue disclose only the fact of meetings, not the contents of communications. With rare exceptions, the deliberative process is not compromised by disclosing merely the identity of the participants in policy discussions. Even assuming that the documents at issue contain some material protected by the deliberative process privilege, the government has not made the detailed and specific showing required to establish such a claim, and such protected matter, if it exists, could be easily segregated [53 Cal. 3d 1350] from the bulk of the requested public records.fn. 1 I conclude also that concerns about a governor's security do not warrant complete exemption of the requested records.

I

The California Public Records Act (Gov. Code, § 6250 et seq.; hereafter the Act)fn. 2 was modeled on the federal Freedom of Information Act (5 U.S.C. § 552; hereafter the FOIA). The purpose of both the Act and the FOIA is to require that public business be conducted "under the hard light of full public scrutiny" (Tennessean Newspapers, Inc. v. Federal Housing Admin. (6th Cir. 1972) 464 F.2d 657,
660), and thereby "to permit the public to decide for itself whether government action is proper" (Washington Post Co. v. U.S. Dept. of Health, etc. (D.C. Cir. 1982) 690 F.2d 252, 264, italics in original). The Act declares that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (§ 6250.) For both the FOIA and the Act, "disclosure, not secrecy, is the dominant objective." (Dept. of Air Force v. Rose (1976) 425 U.S. 352, 361 [48 L. Ed. 2d 11, 21, 96 S. Ct. 1592].)

Because the FOIA provided a model for the Act, and because they have a common purpose, the Act and its federal counterpart "should receive a parallel construction." (American Civil Liberties Union Foundation v. Deukmejian (1982) 32 Cal. 3d 440, 451 [186 Cal. Rptr. 235, 651 P.2d 822].) Therefore, federal decisions under the FOIA may be used to construe the Act. (Braun v. City of Taft (1984) 154 Cal. App. 3d 332, 342 [201 Cal. Rptr. 654]; San Gabriel Tribune v. Superior Court (1983) 143 Cal. App. 3d 762, 772, 777 [192 Cal. Rptr. 415].)

It is undisputed that the Act protects the deliberative processes of government agencies and officials, but it is not clear whether it does so through subdivisions (a) or (k) of section 6254 (see maj. opn., ante, p. 1339, fns. 8 & [53 Cal. 3d 1351] 9), through section 6255, or through all of these. (See 53 Ops.Cal.Atty.Gen. 136 (1970).) The majority proceeds on the assumption that the Act protects the deliberative process through section 6255.fn. 3 Although it would seem that the deliberative process privilege is more properly located in subdivision (a) of section 6254 (see Citizens for a Better Environment v. Department of Food & Agriculture (1985) 171 Cal. App. 3d 704, 712 [217 Cal.Rptr. 504]), I will likewise assume, for purposes of this case only, that it may properly be asserted under section 6255.

The role of the deliberative process privilege under the FOIA has been well defined. The privilege is included within the ambit of what is commonly referred to in FOIA cases as exemption 5.fn. 4 (See EPA v. Mink, supra, 410 U.S. 73, 85-86 [35 L. Ed. 2d 119, 131-132].) Because the deliberative process privilege has been the subject of intense and careful scrutiny in the context of the FOIA, consideration of the cases and commentaries construing the federal legislation is crucial to a proper resolution of the issue presented here.

The deliberative process privilege protects an agency's internal working papers consisting of advice, recommendations, opinions, and other material reflecting deliberative or policymaking processes. (Wu v. National Endowment for Humanities (5th Cir. 1972) 460 F.2d 1030, 1034; Soucie v. David (D.C. Cir. 1971) 448 F.2d 1067, 1077 [145 App.D.C. 144].) Like all exemptions under both the FOIA and the Act (see United States Dept. of Justice v. Julian, supra, 486 U.S. 1, 8 [100 L. Ed. 2d 1, 11]; New York Times Co. v. Superior Court (1990) 218 Cal. App. 3d 1579, 1585 [268 Cal.Rptr. 21]), it is to be narrowly construed.

The privilege has three policy bases: "First, it protects creative debate and candid consideration of alternatives within an agency, and, thereby, [53 Cal. 3d 1352] improves the quality of agency policy decisions. Second, it protects the public from the confusion that would result from premature exposure to discussions occurring before the policies affecting it had actually been settled upon. And third, it protects the integrity of the decision-making process itself by confirming that 'officials should be judged by what they decided[,] not for matters they considered before making up their minds.' " (Jordan v. United States Dept. of Justice (D.C. Cir. 1978) 591 F.2d 753, 772-773 [192 App.D.C. 144], fns. omitted.) The ultimate purpose of the deliberative process privilege is "to prevent injury to the quality of agency decisions." (NLRB v. Sears, Roebuck & Co. (1975) 421 U.S. 132, 151 [44 L. Ed. 2d 29, 47, 95 S. Ct. 1504].)

To qualify for exemption under the deliberative process privilege, a document or a portion of a document must be both predecisional and deliberative. (NLRB v. Sears, Roebuck & Co., supra, 421
U.S. 132, 151-154 [44 L. Ed. 2d 29, 47-49]; Mead Data Cent., Inc. v. U. S. Dept. of Air Force (D.C. Cir. 1977) 566 F.2d 242, 257 [184 App.D.C. 350].) To establish that a document is predecisional, an agency must identify an agency decision or policy to which the document contributed (Senate of Puerto Rico v. U. S. Dept. of Justice (D.C. Cir. 1987) 823 F.2d 574, 585 [262 App.D.C. 166]), or at least must show "that the document is in fact part of some deliberative process" (1 Braverman & Chetwynd, Information Law (1985) § 9-4.3.1, p. 364, italics in original; NLRB v. Sears, Roebuck & Co., supra, 421 U.S. at p. 151, fn. 18 [44 L.Ed.2d at p. 48]).

In this case, the government has satisfied neither of these foundational requirements for invoking the deliberative process privilege.

First, the government has not shown that the documents are predecisional. It has not identified particular policies or decisions that resulted from particular meetings mentioned in the calendars and schedules or otherwise shown that the meetings were each part of some deliberative process. Indeed, it seems likely that many of the meetings were ceremonial occasions unrelated to any policy or decision, and that others consisted of explanation of policies already formulated or the formulation of plans and strategies for their implementation. The deliberative process privilege can have no application to such postdecisional or nondecisional meetings.

Second, the government has not shown that the documents are deliberative. To qualify as deliberative, a document generally must consist of opinions or recommendations. Purely factual material may be withheld only if it is "inextricably intertwined with policy-making processes" (Soucie v. David, supra, 448 F.2d 1067, 1077-1078, fn. omitted), if it would expose the deliberative process by the manner in which the factual material is organized or presented (Ryan v. Department of Justice (D.C. Cir. 1980) 617 F.2d 781, 790 [199 App.D.C. 199]), or if it would compromise the agency's ability to gather information in the future (Brockway v. Department of Air Force (8th Cir. 1975) 518 F.2d 1184, 1191-1192).

The majority relies on an analogy between agency summaries of factual material, which are exempt from disclosure if they reveal the deliberative process by the manner in which material is summarized, and appointment calendars showing the persons with whom a high government official has met. The majority encapsulates this reasoning in the following sentence: "Disclosing the identity of persons with whom the Governor has met and consulted is the functional equivalent of revealing the substance and direction of the Governor's judgment and mental processes; such information would indicate which interests or individuals he deemed to be of significance with respect to critical issues of the moment." (Maj. opn., ante, p. 1343.)

The analogy is inapt. The selection of a fact for inclusion in a summary indicates clearly and directly that the person making the summary considers it important to the decision. But information that a governor has met or will meet with an individual on a particular date has no such unambiguous significance. Although disclosure of appointment calendars and schedules does provide glimpses into the inner workings of the governor's office, and thereby serves a substantial public interest, these glimpses are so indirect that they will injure the decisional process only in rare instances.

Consider first a list of the occasions on which a governor has met or will meet with members of his or her personal staff or with the heads of executive branch agencies. Without information as to both the topics discussed and the advice or opinions offered, such a list would reveal nothing about the status of the governor's thinking about "critical issues of the moment." Although information that a governor seldom or never meets with an agency director could signify that the governor has little confidence in the individual's advice (it could also indicate a preference for communication by telephone or written memorandum), it would disclose nothing about the substance of the governor's thinking on any issue and so would pose no threat of injury to the deliberative process.
Consider next a list of occasions on which a governor has met with persons outside state government. Although the list would not disclose the topics discussed or the advice or opinions expressed, these could sometimes be inferred if the persons with whom the governor met had publicly advocated particular positions on issues that required a decision by the governor. Even in these cases, however, information that the Governor met with an [53 Cal. 3d 1354] advocate for a particular position reveals little about how the governor is inclined to decide the issue. Governors do not meet only with advocates whose views they are inclined to favor. A governor may wish to test a tentative decision or inclination against the arguments of those advocating a different course, or the governor may choose to hear the opposing arguments as a matter of courtesy, political expediency, or public relations. And if a governor has met with representatives of all points of view, what can this possibly reveal about “the substance and direction of the governor's judgment” as to the question at issue? Thus, information that a governor has met with an individual does not reveal the Governor’s judgment about the merits of the position the individual is advocating, and so poses no discernible threat of injury to the deliberative process.

On the other hand, there is a very substantial public interest in disclosure of the occasions on which a governor has met with persons outside government who seek to influence the governor's decisions on critical issues. This interest is reflected in the many decisions under the FOIA holding that the deliberative process privilege does not protect communications by interested parties seeking to influence government decisions. (Van Bourg, Allen, Weinberg & Roger v. N.L.R.B. (9th Cir. 1985) 751 F.2d 982, 985; County of Madison, N. Y. v. U. S. Dept. of Justice (1st Cir. 1981) 641 F.2d 1036, 1040-1042; Mead Data Cent., Inc. v. U. S. Dept. of Air Force, supra, 566 F.2d 242, 257-258; NAACP Legal Defense Fund v. U. S. Dept. of Justice (D.D.C. 1985) 612 F. Supp. 1143, 1146-1147; see also Weaver & Jones, The Deliberative Process Privilege (1989) 54 Mo.L.Rev. 279, 300; Project: Government Information and the Rights of Citizens (1975) 73 Mich.L.Rev. 971, 1071; Note, The Freedom of Information Act: A Seven- year Assessment (1974) 74 Colum.L.Rev. 895, 942; Note, The Freedom of Information Act and the Exemption for Intra-agency Memoranda (1973) 86 Harv.L.Rev. 1047, 1065.) The public interest in monitoring the activities of those who seek to gain private advantage by influencing government decisions is also reflected in the detailed regulatory system enacted to control the practice of lobbying. (§ 86100 et seq.)

Although the majority defends its holding with citation to Brockway v. Department of Air Force, supra, 518 F.2d 1184, examination of that decision exposes the weakness of the majority's position. The Brockway court held that the deliberative process privilege protects an agency document containing the statements of witnesses to an airplane crash. Yet in that case the agency voluntarily revealed the names of the witnesses it had interviewed. (Id. at p. 1186.) No claim was ever made that disclosing merely the fact of the interviews, as opposed to what was said, would harm the deliberative [53 Cal. 3d 1355] process privilege.fn. 5 (See also 8 Wright & Miller, Federal Practice and Procedure (1970) § 2019, pp. 160-161 ["Frequently statutes requiring particular kinds of reports to be made to government will provide that such reports are to be kept confidential. ... The fact that a person has made a report of this kind is not privileged, even though the contents of the report may be."].)

Many other FOIA decisions also weigh heavily against the majority's conclusion. Under the FOIA, courts and commentators alike have concluded that the identities of persons who participate in the process of formulating policy within a governmental agency by giving opinions, advice, or recommendations are essentially factual rather than deliberative, and that disclosure of documents revealing the names of participants in policy formulation will not compromise the deliberative process.

For instance, in two cases in which it was alleged that the government had charged exorbitant prices for homes sold to low-income buyers, courts ordered disclosure of the identity of the appraisers on whom the government had relied. (Tennessean Newspapers, Inc. v. Federal Housing Admin., supra, 464 F.2d 657; Philadelphia Newspapers, Inc. v. Department of H. & U. D. (E.D.Pa. 1972) 343 F. Supp.
One of these courts observed that the appraisers' names were outside the deliberative process privilege because names are "essentially factual." (Philadelphia Newspapers, Inc. v. Department of H. & U. D., supra, at p. 1178.) The other court, recognizing the public's interest in disclosure of conflicts of interest, remarked that the "name of an appraiser could be sufficient to establish a motivation sufficient to trigger an investigation." (Tennessean Newspapers, Inc. v. Federal Housing Admin., supra, at p. 660.)

In another case, a federal district court ordered the Federal Trade Commission to disclose the names of outside experts it had consulted during the process of formulating a regulation. The court stated: "The government has attempted to expand the policy of exemption 5-encouragement of a frank discussion of legal and policy matters in order to enhance the quality of agency decisions-beyond its necessary and proper limits. The FOIA [53 Cal. 3d 1356] 'creates a liberal disclosure requirement, limited only by specific exemptions which are to be narrowly construed.' [Citation.] Outside expert consultants would not be chilled in their advice or recommendations to the agency if it were known that they had rendered advice. After all, as experts they are members of a profession which demands the rendition of advice to many groups. They should expect the fact of rendition to eventually become public. Protection of the content of the advice rendered would adequately serve the purpose of encouraging frank discussion, and therefore the names and addresses of the outside expert consultants will be ordered disclosed." (Assn. of National Advertisers, Inc. v. FTC (D.D.C. 1976) C.A.No. 75-1304, 1976-2 Trade Cas. (CCH) ¶ 61,021, pp. 69,491, 69,493; see also Assn. of National Advertisers, Inc. v. FTC (D.D.C. 1976) C.A.No. 75-0896, 1976-2 Trade Cas. (CCH) ¶ 61,112, pp. 70,041, 70,045.)

Commentators have reached the same conclusion: "A requirement that names be disclosed is supported in the most mechanical sense by the observation that names are factual and that factual material falls outside the ambit of the exemption's protection. More importantly, the same kind of policy analysis that underlies the factual material limitation of exemption (5) argues for disclosure of names. Few outside consultants would be discouraged from providing recommendations by the mere prospect that their names would be disclosed, without the content of their advice; indeed, the most likely cases for such discouragement are those of blatantly prejudiced potential consultants who would fear the public imputation of malice. And there is of course a public interest in knowing who is being consulted by the Government and contributing to its decisions." (Note, The Freedom of Information Act and the Exemption for Intra-agency Memoranda, supra, 86 Harv.L.Rev. 1047, 1065-1066, fn. omitted; see also O'Reilly, Federal Information Disclosure (1989) § 15.16, pp. 15-78 to 15-79.)

Disclosure of the identity of participants in policy formulation occurs routinely in FOIA cases. Often, the agency has made the disclosure voluntarily. (See, e.g., Washington Post Co. v. U. S. Dept. of Heath, etc., supra, 690 F.2d 252, 257.) In other cases, the trial court has mandated disclosure by requiring the agency to prepare a Vaughn index (named after Vaughn v. Rosen (D.C. Cir. 1973) 484 F.2d 820 [157 App.D.C. 340]), and to furnish the index to both the court and the requesting party.

A Vaughn index identifies the author, recipient, and subject matter of each document that the agency has withheld in whole or in part under a claim of exemption. (see Osborn v. I.R.S. (6th Cir. 1985) 754 F.2d 195, 196; Weaver & Jones, op. cit. supra, 54 Mo.L.Rev. 279, 301-302.) The purpose of the index is to give the court and the opposing party sufficient information about the withheld document, or portion of a document, to assess the [53 Cal. 3d 1357] validity of the agency's exemption claim. (Vaughn v. Rosen, supra, 484 F.2d 820.) The government must provide a Vaughn index before the court makes its decision "in most FOIA cases." (Osborn v. I.R.S., supra, at p. 197.)

Although the participants in the process of policy formulation and rule-making are disclosed through the Vaughn indexes, this has not prevented the courts from making them a standard procedure in FOIA cases. Rather, the federal courts' continued use of the Vaughn index implies a determination that disclosing the names of agency employees who have authored internal documents, the contents of
which are or may be privileged, will work no harm to an agency's deliberative process in the vast majority of cases. (See 1 Braverman & Chetwynd, op. cit. supra, § 9-4.3.2, at p. 371.)fn. 6

Because the schedules and calendars at issue disclose only the identity of persons who have met with the Governor, and not what was said at those meetings, the deliberative process privilege can have little, if any, application. The frank exchange of views is unlikely to be compromised by public knowledge of the occasions on which a governor has met in the past with other government officials, with particular members of the governor's personal staff, or with persons outside state government. The majority holding, under which documents containing the names of persons who might have participated in policy formulation may be withheld from the public, finds no support in the deliberative process privilege.

II

The majority also relies to some extent on concern for a governor's physical safety. The government submitted evidence in the trial court that disclosure of former Governor Deukmejian's appointment calendars and schedules would have revealed his characteristic patterns of movement while in office and would have disclosed particular times when he would likely have been alone. The government argues that this information could be useful to a potential assailant, and that it therefore should be kept confidential.

This argument should be rejected. The government has not shown that disclosure of appointment calendars and schedules would elevate the risk above that which high public officials normally must accept. For example, [53 Cal. 3d 1358] those elected to the Legislature must attend its public sessions, as judges must attend the public sessions of court. Although such public appearances, at preannounced times and places, carry a certain risk to the safety of legislators and judges, the risk is one that is deemed acceptable.fn. 7 Greater safety for public officials might be obtainable at the cost of total secrecy in government, but the price would be unacceptably high.

III

The government may be able to establish that parts of a governor's appointment calendars and schedules are exempt from disclosure under the Act, even though it has not established an exemption for these public records as a whole.

The public official or agency invoking an exemption bears the burden of establishing that it applies. (§ 6255; Senate of Puerto Rico v. U.S. Dept. of Justice, supra, 823 F.2d 574, 585; Church of Scientology, etc. v. U. S. Dept. (9th Cir. 1979) 611 F.2d 738, 742; Braun v. City of Taft, supra, 154 Cal. App. 3d 332, 345.) To discharge its burden, an agency may not rely upon conclusory and generalized allegations. (Senate of Puerto Rico v. U.S. Dept. of Justice, supra, at p. 585; Church of Scientology, etc. v. U. S. Dept., supra, at p. 742.) Instead, it must provide a "detailed factual justification" for each exemption claim (Washington Post Co. v. U. S. Dept. of Health, etc., supra, 690 F.2d 252, 269; see also Mead Data Cent., Inc. v. U. S. Dept. of Air Force, supra, 566 F.2d 242, 258 [an agency "must show by specific and detailed proof that disclosure would defeat, rather than further, the purpose of the FOIA"]; Black v. Sheraton Corporation of America (D.D.C. 1974) 371 F. Supp. 97, 101 ["To recognize such a broad claim [of privilege,] in which the [government] has given no precise or compelling reasons to shield these documents from outside scrutiny, would make a farce of the whole procedure."].)

Although a heavy burden is thus imposed on a public official or agency seeking to avoid disclosure, the burden is not impossible to discharge. In this case, there may well be portions of the appointment calendars and schedules at issue that are protected by the deliberative process privilege, by the interest in protecting the Governor's safety, or by other important [53 Cal. 3d 1359] public interests. For this
reason, I agree with the Court of Appeal that the case should be remanded to give the government an opportunity to provide the detailed factual justification required to establish that portions of the schedules and calendars are exempt from disclosure. If a factual dispute remained after a sufficiently detailed justification had been provided, the proper procedure would have been for the trial court to conduct an in camera review of the documents, or at least of a representative sample. (See EPA v. Mink, supra, 410 U.S. 73, 93 [35 L. Ed. 2d 119, 135]; Church of Scientology, etc. v. U. S. Dept., supra, 611 F.2d 738, 742.)

When the government succeeds in establishing that parts of requested documents are exempt, those portions are deleted and the rest disclosed. This is mandated by section 6257, which provides: "Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt by law." (See also Johnson v. Winter (1982) 127 Cal. App. 3d 435, 440 [179 Cal. Rptr. 585]; Anderson v. Department of Health & Human Services (10th Cir. 1990) 907 F.2d 936, 941.)

IV

A former United States Attorney General has remarked: "Nothing would be so alien to our form of government as pervasive secrecy, for people cannot govern themselves if they cannot know the actions of their government. Yet it is elementary that the welfare of the nation and that of its citizens may require that some information be kept in confidence." (Richardson, Freedom of Information (1974) 20 Loyola L.Rev. 45.) The FOIA and the Act seek to accommodate these competing concerns by mandating a general policy of full disclosure, with specific and narrowly drawn exemptions.

To establish an exemption under section 6255, an agency must show "that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record." (Italics added.) When conducting this balancing process, the public’s right to know what public officials are doing fn. 8 provides "a heavy and constant weight" in favor of disclosure. (Comment, The California Public Records Act: The Public’s Right of Access to Governmental Information (1976) 7 Pacific L.J. 105, 119; see also Citizens for a Better Environment v. Department of Food & Agriculture, supra, 171 Cal.App.3d [53 Cal. 3d 1360] 704, 715 ["If the records sought pertain to the conduct of the people's business there is a public interest in disclosure."]) The weight varies, however, in accordance with "the gravity of the governmental tasks sought to be illuminated and the directness with which the disclosure will serve to illuminate." (Citizens for a Better Environment v. Department of Food & Agriculture, supra, at p. 715.) How our state governors spend their working hours, and how they go about obtaining advice and formulating policy are matters of great public importance, and, as already noted, disclosure of the names of the persons with whom a governor has met during office hours will illuminate this subject in significant ways.

The public interest in secrecy has not been shown to clearly outweigh this interest in disclosure. The government has made no specific and detailed demonstration that the requested documents, and all reasonably segregable portions of those documents, must be withheld to protect the deliberative processes or the physical safety of our state governors. By holding that the public has no right to know the identity of persons with whom a governor has met, the majority expands the deliberative process privilege well beyond its proper ambit and disregards the wisdom of the federal courts and legal commentators. I would hold that neither the deliberative process privilege, nor concern for the physical safety of our governors, nor the two combined, justifies a blanket exemption for a governor’s personal appointment calendars and schedules. I therefore would affirm the judgment of the Court of Appeal.

Broussard, J., concurred.
FN 1. All further statutory references are to the Government Code unless otherwise indicated.

FN 2. Section 6254, subdivision (l) exempts from disclosure under the Act: "Correspondence of and to the Governor or employees of the Governor's office or in the custody of or maintained by the Governor's legal affairs secretary, provided that public records shall not be transferred to the custody of the Governor's legal affairs secretary to evade the disclosure provisions of this chapter."

FN 3. Section 6255 provides in full: "The agency shall justify withholding any record by demonstrating that the record in question is exempt under the express provisions of this chapter or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record."

FN 4. Ms. Pederson stated in her declaration that the daily schedules frequently include attachments in the nature of briefing memoranda to acquaint the Governor with the particulars of individual meetings, appearances or functions. To the extent such attachments actually contain advisory opinions, the Times indicated in its briefing that it did not seek disclosure of these documents.

FN 5. Although the record is unclear, it appears that the Governor does retain superseded appointment calendars and schedules. While this matter was pending, the Times moved for an order barring the Governor from transferring any of the requested records to the State Archives and placing a limitation on public access, pursuant to section 6268. The Governor filed an opposition to the motion. We granted the motion to preserve the subject matter of the litigation pending final determination of the appeal.

FN 6. As noted, post, at page 1335, the Legislature recently amended section 6259, subdivision (c) to provide: "In an action filed on or after January 1, 1991, an order of the court, either directing disclosure by a public official or supporting the decision of the public official refusing disclosure ... shall be immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ." (Stats. 1990, ch. 908, § 2, No. 5 Deering's Adv. Legis. Service, p. 3265.)

We requested briefing at oral argument on the question whether that portion of section 6259, subdivision (c), prohibiting review by appeal contravenes article VI, section 11 of the California Constitution, which confers appellate jurisdiction upon the Courts of Appeal over every cause as to which the "superior courts have original jurisdiction." The Attorney General, on behalf of the Governor, submits that section 6259, subdivision (c) is constitutional. Times Mirror does not take a clear position, but appears to view the statute as constitutionally valid, as well. While the question is an interesting one, we need not decide it in this case. Whatever the merits of the provision purporting to preclude review by appeal, we discern no constitutional impediment to the Legislature providing, as it has here, an avenue of relief by means of writ review. As noted above, we interpret the statute to permit review of a trial court order on the merits.

FN 7. The Governor argues that the text of section 6259, subdivision (c) is clear and unambiguous and therefore cannot be construed in light of its legislative history. We disagree. As noted above, the statute does not squarely set forth a standard of review. Thus, the language is not altogether clear and unambiguous. Moreover, while ambiguity is generally thought to be a condition precedent to interpretation, this is not always the case. "The literal meaning of the words of a statute may be disregarded to avoid absurd results or to give effect to manifest purposes that, in light of the statute's legislative history, appear from its provisions considered as a whole." (Silver v. Brown (1966) 63 Cal. 2d 841, 845 [48 Cal. Rptr. 609, 409 P.2d 689]; accord Friends of Mammoth v. Board of Supervisors (1972) 8 Cal. 3d 247, 259 [104 Cal. Rptr. 761, 502 P.2d 1049] ["Once a particular legislative intent has been ascertained, it must be given effect 'even though it may not be consistent with the strict letter of
the statute."] [County of Sacramento v. Hickman (1967) 66 Cal. 2d 841, 849, fn. 6 [59 Cal. Rptr. 609, 428 P.2d 593].]

FN 8. Section 6254, subdivision (a) exempts "Preliminary drafts, notes, or interagency or intra-agency memoranda which are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure ...."

FN 9. Although not cited by the Governor, we note that section 6254, subdivision (k) is also arguably relevant. That section exempts records "the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege." Section 1040 of the Evidence Code establishes a privilege for "official information," defined as "information acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made." (Evid. Code, § 1040, subd. (a).) Under subdivision (k) of section 6254, therefore, the instant records might arguably be exempt from disclosure pursuant either to the common law "mental process" (see fn. 11, post, at p. 1340) or the statutory "official information" privilege.

FN 10. The terms "executive privilege" and "deliberative process privilege" refer to the same concept and will be used interchangeably in this opinion. (See Killington, Ltd. v. Lash (Vt. 1990) 572 A.2d 1368, 1371-1372, fn. 3; Babets v. Secretary of Executive Office (1988) 403 Mass. 230 [526 N.E.2d 1261, 1262, fn. 3].) It should be noted, however, that the term "executive" privilege as used here and by the federal courts interpreting the FOIA does not refer to whatever constitutional content the doctrine might have (see United States v. Nixon (1974) 418 U.S. 683 [41 L. Ed. 2d 1039, 94 S.Ct. 3090]), but rather to the traditional common law privilege that attached to confidential intraagency advisory opinions, a privilege which was later codified in exemption 5. (Kaiser Aluminum & Chemical Corp. v. United States (Ct. Cl. 1958) 157 F. Supp. 939, 946 [141 Ct.Cl. 38]; EPA v. Mink, supra, 410 U.S. at pp. 86-87 [35 L.Ed.2d at pp. 131-132].)

The common law privilege protecting the "mental processes" of legislators is also well settled in California (see City of Fairfield v. Superior Court (1975) 14 Cal. 3d 768, 772-773 [122 Cal. Rptr. 543, 537 P.2d 375]; State of California v. Superior Court (1974) 12 Cal. 3d 237, 257-258 [115 Cal. Rptr. 497, 524 P.2d 1281]) although the analogous "deliberative process" privilege has not been litigated. Other states, however, have specifically held that a governor, in the discharge of official duties, is entitled to an executive privilege to protect the governor's internal mental or deliberative processes. (See, e.g., Hamilton v. Verdow (1980) 287 Md. 544 [414 A.2d 914, 922, 10 A.L.R.4th 333] [investigative report prepared for the Governor concerning a state mental hospital entitled to confidentiality to protect "deliberative communications between officials and those who assist them in formulating ... governmental action."); Doe v. Alaska Superior Ct., Third Jud. Dist. (1986 Alaska) 721 P.2d 617, 622-623 [Governor's file concerning a candidate for appointment to state office entitled to confidentiality under the executive privilege protecting "the deliberative and mental processes of decision-makers."]; Nero v. Hyland (1978) 76 N.J. 213 [386 A.2d 846, 853] [executive privilege protects character investigation report on candidate for state government prepared at the request of the Governor]; Killington, Ltd. v. Lash, supra, 572 A.2d at p. 1374 ["Both the constitutional and common-law roots of the [executive] privilege strongly require its recognition in Vermont" to protect, under the Vermont Access to Public Records statute, deliberative material in the possession of the Governor]; but cf. Babets v. Secretary of Executive Office, supra, 526 N.E.2d 1261 [Massachusetts high court refused to recognize executive privilege based on the common law or the state constitution to protect documents in the possession of the department of social services].)

FN 11. Title 5 United States Code section 552(b)(5) provides that agencies need not disclose "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other
than an agency in litigation with the agency."

FN 12. Several federal and state decisions have addressed the question whether a public official's personal appointment records and schedules constitute "agency records" within the meaning of the FOIA or its local counterpart. (See Bureau of Nat. Affairs v. U.S. Dept. of Justice (D.C. Cir. 1984) 742 F.2d 1484 [239 App.D.C. 331]; Washington Post v. U.S. Dept. of State (D.D.C. 1986) 632 F. Supp. 607; Yacobellis v. City of Bellingham (1989) 55 Wn. App. 706 [780 P.2d 272]; Kerr v. Koch (N.Y. 1988) 15 Media L.Rptr. 1579.) These cases have uniformly focused on whether the records relate to official agency business as opposed to purely private matters; none has addressed the question of executive privilege presented here, although one expressly left that issue open. (Washington Post v. U.S. Dept. of State, supra, 632 F.Supp. at p. 616 "[The Court's decision that the records of schedule are subject to disclosure does not limit the defendant's right to withhold portions of the documents under a valid claim of statutory exemption pursuant to the Act."].)

The Governor concedes that his appointment calendars and schedules constitute "public records" under the Act. (See § 6252, subd. (d) " 'Public records' includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. 'Public records' in the custody of the Governor means any writing prepared on or after January 6, 1975."].) It would be difficult indeed to argue to the contrary, inasmuch as the records clearly appear to "relate[e] to the conduct of the public's business." In any event, as noted, the Governor does not contend that the information sought lies outside the scope of the Act. He asserts, rather, that the records are exempt from disclosure under sections 6254, subdivision (l) and 6255.

FN 13. Our conclusion is not altered by the Times's subsequent willingness, expressed in its briefs and at oral argument, to exclude from disclosure any information relating to future events. The Times apparently believes that past events cannot qualify as "predecisional" and therefore do not merit protection under exemption 5 of the FOIA. (See NLRB v. Sears, Roebuck & Co., supra, 421 U.S. at pp. 151-152 [44 L.Ed.2d at pp. 47- 48], and the discussion, ante, at page 1341.) As noted earlier, however, the question under section 6255 is not whether a document qualifies in every particular for protection under federal law, but whether the public interest in nondisclosure clearly outweighs the public interest in disclosure. Moreover, the risks of disclosure outlined above apply in many cases regardless of whether the meetings are past or future. Participants may be chilled and discouraged by the knowledge that a meeting will routinely be disclosed, and executive judgments in ongoing policy matters may be prematurely revealed. Indeed, the Times's dogged determination to obtain even past schedules and calendars of the Governor is telling testimony to their continued vitality and relevance to the decisionmaking process.

FN 14. In his dissenting opinion, Justice Mosk asserts that "secrecy is inconsistent with the duty of officials to keep the public informed of their activities ..." and suggests that our holding represents a departure from both democratic principles and judicial precedent. On the contrary, express statutory and constitutional provisions recognize the need for confidentiality in governmental deliberations. Thus, it has been held that the activities of judges under investigation by the Commission on Judicial Performance-activities which the public would presumably be most interested in learning-are nevertheless not subject to disclosure pursuant to the provisions of article VI, section 18 of the California Constitution and for reasons of "sound public policy." (Mosk v. Superior Court (1979) 25 Cal. 3d 474, 491, 499 [159 Cal. Rptr. 494, 601 P.2d 1030].)

FN 15. Nor are we persuaded by the Times's contention that the trial court abused its discretion simply by failing to review the records in camera. Section 6259, subdivision (a), provides that the trial court may order disclosure where it appears that records are being improperly withheld, and states that "[t]he court shall decide the case after examining the record in camera, if permitted by subdivision (b)
of Section 915 of the Evidence Code, papers filed by the parties and such oral argument and additional evidence as the court may allow." We have never construed this section to compel an in camera review where-as here-such review is unnecessary to the court's decision, and we decline to do so here.


As the majority points out (maj. opn., ante, p. 1342, fn. 12), in one of these cases the court remarked that its decision "does not limit the defendant’s right to withhold portions of the documents under a valid claim of statutory exemption pursuant to the Act." (Washington Post v. U.S. Dept. of State, supra, 632 F. Supp. 607, 616, italics added.) None of the cases in any way suggests that calendars and schedules might be entirely exempt from disclosure.

FN 2. All further statutory references are to the Government Code, unless otherwise stated.

FN 3. Section 6255 contains a residuary or "catchall" exemption. It provides: "The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record." (Italics added.) Note that this public interest exemption applies to individual records, rather than to entire classes of records.

FN 4. Exemption 5, which the United States Supreme Court has termed a "somewhat Delphic provision" (United States Dept. of Justice v. Julian (1988) 486 U.S. 1, 11 [100 L. Ed. 2d 1, 13, 108 S.Ct. 1606]), permits an agency to withhold from disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." (5 U.S.C. § 552(b)(5).) It was intended to incorporate the substance of certain privileges, including the deliberative process privilege, that would be available to the government during litigation to shield internal agency documents. (See United States v. Weber Aircraft Corp. (1984) 465 U.S. 792 [79 L. Ed. 2d 814, 104 S. Ct. 1488].) The high court has cautioned, however, that discovery rules should be applied to FOIA cases only "by way of rough analogies." (EPA v. Mink (1973) 410 U.S. 73, 86 [35 L. Ed. 2d 119, 131, 93 S. Ct. 827].)

FN 5. Moreover, it seems unlikely that a governor's meetings would involve the kind of factual investigation at issue in Brockway, supra, 518 F.2d 1184, as such investigations are normally conducted at lower levels of the executive branch. If a governor did meet in confidence with an individual to acquire information, and disclosure of the meeting could jeopardize a governor's ability to acquire similar confidential information in the future, a claim of privilege should be recognized. (See 53 Ops.Cal.Atty.Gen., supra, 136, 149 ["The need of a governmental agency to preserve its informational input channels has been recognized by the courts and the Legislature in this State as vital to the efficient operation of government."].) But such instances must be quite rare, and the government bears the burden of identifying them to the extent they exist within the requested material, as discussed below in part III of this dissent.
FN 6. There are specific exceptions to this general rule of disclosure. For example, it has twice been held that the identity of persons who rendered advice need not be disclosed when the content of their advice has already been made public and disclosure could discourage candid advice in the future. (Tax Reform Research Group v. I.R.S. (D.D.C. 1976) 419 F. Supp. 415, 423-424; Wu v. Keeney (D.D.C. 1974) 384 F. Supp. 1161, 1166.) Here, the government has not made the showing required to establish any such exception.

FN 7. The schedules apparently contain detailed information about airport gate departures and arrivals, means of ground transportation, hotel accommodations, and the like. This level of detail may well elevate the risk above that which high government officials normally must accept, but the briefs of the requesting party reveal that it does not now seek such information and it could be deleted from the documents before disclosure. The essence of the request is for documents revealing the identity of the persons with whom former Governor Deukmejian met and the dates and times of the meetings.

FN 8. The clearest and most emphatic expression of this right appears in section 54950: "The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."
Sent via email (84500-13253092@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records received on December 18, 2019, concerning your request to the Department of Human Resources ("DHR") for the Human Resource Director's calendar entries and email messages.

You contest DHR’s decision to withhold one email message on the basis of Section 6254(p)(2) of the Government Code, which exempts from disclosure records that “reveal a local agency’s deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under that chapter.” DHR stated in its response that the record it withheld “consists entirely of labor relations information” covered by this exemption.

DHR subsequently provided you further clarification of the basis for this withholding in an email dated December 19, 2019:

DHR’s reliance on the exemption in Government Code section 6254(p)(2) is appropriate. DHR recognizes that Administrative Code section 67.24(h) prohibits the City from withholding a record “based on a ‘deliberative process’ exemption...” However, section 6254(p)(2) is a labor relations exemption, not a deliberative process exemption. The Legislature established the labor relations exemption to allow public employers such as the City to exempt specified labor relations records from disclosure. This exemption reflects the Legislature’s recognition of the importance for some degree of confidentiality to allow public sector employers to meaningfully prepare for and engage in labor relations activities and otherwise meet their obligations under the Meyer-Milias-Brown Act, Government Code section 3500, et seq., to promote harmonious public sector labor relations. The Sunshine Ordinance does not prohibit the City from relying on this labor relations exemption.

In addition, although section 6254(p)(2) mentions the phrase “deliberative processes,” that is simply one term among many mentioned in the exemption, which allows a public employer to withhold records that reflect its labor relations “deliberative processes, impressions, evaluations,
opinions, recommendations, meeting minutes, research, work products, theories, or strategy....” In this case, while DHR relies on the exemption as a whole, and is not required to specify application of the exemption in greater detail, largely DHR withheld the record in question because it reflects evaluation and strategy related to City labor relations.

We have reviewed the record at issue, and we fully agree with DHR’s justification for withholding it based on Government Code Section 6254(p)(2). The Sunshine Ordinance recognizes that the City may rely on a “specific permissive exemption” in the Public Records Act unless the Ordinance forbids relying on that exemption. Admin. Code § 67.27(a). Section 6254(p)(2) is a specific permissive exemption in the Public Records Act; and the Ordinance does not forbid relying on it. It follows, therefore, that DHR properly invoked it.

While Section 62.24(h) of the Administrative Code prohibits the City from withholding a record “based on a deliberative process exemption, either as provided by California Public Records Act Section 6255 or any other exemption,” we agree with DHR that Section 6254(p)(2) is not a deliberative process exemption. It is a labor relations exemption. The exemption does not require any balancing to determine its applicability. And in this case, while DHR relies on the exemption as a whole, and is not required to specify application of the exemption in greater detail, the record in question largely reflects evaluations and strategy related to City labor relations.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
December 18, 2019

This is a follow up to a previous request:

RE: New SFAC 67.21(d) Petition

On Dec. 16 I requested among other things the 5 most recently sent or received emails by the HR director. On Dec 17, HR provided many of the requested records, and also withheld many, including one with this basis: "Email #4 sent on December 13, 2019 at 6:10pm - We have withheld the email sent on December 13, 2019 at 6:10pm. This record consists entirely of labor relations information, the disclosure of which would "reveal a local agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under that chapter." Cal. Govt. Code 6254(p)(2)"

We believe this is a prohibited exemption by SFAC 67.24(h): "Neither the City nor any office, employee, or agent thereof may assert an exemption for withholding for any document or information based on a "deliberative process" exemption, either as provided by California Public Records Act Section 6255 or any other provision of law that does not prohibit disclosure."

Please determine in writing Email #4 to be a public record and order it disclosed.

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly-viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or
offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84500-13253092@requests.muckrock.com
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 84500
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Dec. 18, 2019:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
Thank you for your thorough response - see attached letter.

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly-viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.

---

On Dec. 17, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
Good afternoon,
I write in response to your letter received by The Department of Human Resources (DHR) on Monday, December 16, 2019 at 4:35am making an immediate disclosure request for public records. After conducting a reasonable and diligent search, DHR has found records responsive to your request. These records are being produced in a PDF format and requested metadata is being withheld to protect the integrity and security of the original record and to avoid the unwarranted disclosure of data that could pose a risk to the city's systems and network and/or the inadvertent disclosure of exempt confidential or privileged information. See Cal. Gov. Code Secs. 6253.9 (a)(1), (f); 6254.19. Please see below for responses to your inquiry:

Request #1. the specific calendar required to be kept by SF Admin Code 67.29-5 (aka "Prop G calendar") for your Department Head (whether an employee or elected official, defined pursuant to SF Charter 2A.30 para 1), with each and every meeting/item for Nov 10 - Nov 17, 2019 (inclusive). Since these dates are more than 3 business days prior to this request, you must immediately provide them. You may use any format to provide this calendar as long as it provides at least the location, exact start and end times, general description of topics, and (as required by 67.29-5) identity of meeting participants for every meeting. If all 67.29-5 information is not visible in a summary view, you must print out the individual meeting entries.

Response #1. Please note that the Human Resources Director maintains a single calendar that contains both business and personal entries.

1. 11/10 - No responsive records exist as there are no entries on this date
2. 11/11 - Attached as "Calendar 11.11"
4. 11/13 - Attached as "Calendar 11.13A", "Calendar 11.13B", "Calendar 11.13C" (Two attachments were in the original calendar entry for "Calendar 11.13C". Attached here as "Agenda 11-13-19" and "Bylaws Executed March 3 2017"), "Calendar 11.13D", "Calendar 11.13E". We have redacted recurrence information concerning the department head meeting with the Mayor dated November 13, 2019 (Attachment "Calendar 11.13A"), to protect the Mayor's security. Gov't Code § 6254(f); Gov't Code § 6254(k); Evid. Code. § 1040; Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991). We have also withheld two calendar entries/records from November 13, 2019. These entries are for the Department Head's personal events and therefore do not involve the "conduct of the public's business" or constitute public records. If deemed public records, they are exempt because the disclosure of these entries would constitute an "unwarranted invasion of personal privacy." Cal. Govt. Code § 6254(c); Cal. Govt. Code § 6254(k); see also Cal. Const. Art. I, Sec. 1.)
5. 11/14 - Attached as "Calendar 11.14A", "Calendar 11.14B"
6. 11/15 - Attached as "Calendar 11.15A", "Calendar 11.15B", "Calendar 11.15C", "Calendar 11.15D", "Calendar 11.15E", "Calendar 11.15F", "Calendar 11.15G", "Calendar 11.15H", "Calendar 11.15I". "Calendar 11.15E" has been redacted because of confidential employee personnel matter, the disclosure of these entries would constitute an "unwarranted invasion of personal privacy." Cal. Govt. Code § 6254(c); Cal. Govt. Code § 6254(k); see also Cal. Const. Art. I, Sec. 1.)
7. 11/16 - We have withheld two calendar entries/records from November 16, 2019. These entries are for the Department Head's personal events and therefore do not involve the "conduct of the public's business" or constitute public records. If deemed public records, they are exempt because the disclosure of these entries would constitute an "unwarranted invasion of personal privacy." Cal. Govt. Code § 6254(c); Cal. Govt. Code § 6254(k); see also Cal. Const. Art. I, Sec. 1.)
8. 11/17 - We have withheld two calendar entries/records from November 17, 2019. These entries are for the Department Head's personal events and therefore do not involve the "conduct of the public's business" or constitute public records. If deemed public records, they are exempt because the disclosure of these entries would constitute an "unwarranted invasion of personal privacy." Cal. Govt. Code § 6254(c); Cal. Govt. Code § 6254(k); see also Cal. Const. Art. I, Sec. 1.)
Request #2. every meeting/entry on every calendar for your Department Head for Nov 10-17, 2019 (inclusive). This specifically includes both the SFAC 67.29-5/Prop G calendar, and all other calendar records (aka "non-Prop G" calendars) prepared, owned, retained, or used by your Department Head or agency staff (see SOTF Order 19047). Calendars and meeting entries are requested in their original electronic format or in .ICS format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, email addresses, invitees and their attendance status, recurrences, exact start/end times, locations, titles, and descriptions. Daily, weekly, or monthly summary views are non-responsive - each individual meeting entry is requested.

Response #2. Please see above response in request #1 for Prop G calendar entries. No additional responsive records exist in any other calendars prepared, owned, retained, or used by the Department Head.

Request #3. every meeting/entry on every calendar for your Department Head for future dates Jan 6-15 (inclusive). This specifically includes both the SFAC 67.29-5/Prop G calendar, and all other calendar records (aka "non-Prop G" calendars) prepared, owned, retained, or used by your Department Head or agency staff (see SOTF Order 19047). Calendars and meeting entries are requested in their original electronic format or in .ICS format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, email addresses, invitees and their attendance status, recurrences, exact start/end times, locations, titles, and descriptions. Daily, weekly, or monthly summary views are non-responsive - each individual meeting entry is requested.

Response #3. With regard to Item 3, we have withheld two records of meetings with the Mayor to protect the Mayor's security. Gov't Code § 6254(f); Gov't Code § 6254(k); Evid. Code. § 1040; Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991).

Please note that the Human Resources Director maintains a single calendar that contains both business and personal entries.

1. 1/6 - Attached as "Calendar 1.6A", "Calendar 1.6B"
2. 1/7 - Attached as "Calendar 1.7A". We have withheld one calendar entry/record from January 7, 2020. This entry is for the Department Head's personal events and therefore do not involve the "conduct of the public's business" or constitute public records. If deemed public records, they are exempt because the disclosure of these entries would constitute an "unwarranted invasion of personal privacy." Cal. Govt. Code § 6254(c); Cal. Govt. Code § 6254(k); see also Cal. Const. Art. I, Sec. 1.)
3. 1/8 - Attached as "Calendar 1.8"
4. 1/9 - Attached as "Calendar 1.9"
5. 1/10 - Attached as "Calendar 1.10A", "Calendar 1.10B", "Calendar 1.10C", "Calendar 1.10D", "Calendar 1.10E",
6. 1/11 - We have withheld one calendar entry/record from January 11, 2020. This entry is for the Department Head's personal events and therefore do not involve the "conduct of the public's business" or constitute public records. If deemed public records, they are exempt because the disclosure of these entries would constitute an "unwarranted invasion of personal privacy." Cal. Govt. Code § 6254(c); Cal. Govt. Code § 6254(k); see also Cal. Const. Art. I, Sec. 1.)
7. 1/12 - Attached as "Calendar 1.12"
8. 1/13 - Attached as "Calendar 1.13"
9. 1/14 - Attached as "Calendar 1.14A", "Calendar 1.14B". We have withheld one calendar entry/record from January 14, 2020. This entry is for the Department Head's personal events and therefore do not involve the "conduct of the public's business" or constitute public records. If deemed public records, they are exempt because the disclosure of these entries would constitute an "unwarranted invasion of personal privacy." Cal. Govt. Code § 6254(c); Cal. Govt. Code § 6254(k); see also Cal. Const. Art. I, Sec. 1.)
10. 1/15 - Attached as "Calendar 1.15". We have withheld one calendar entry/record from January 15, 2020.
This entry is for the Department Head's personal events and therefore do not involve the "conduct of the public's business" or constitute public records. If deemed public records, they are exempt because the disclosure of these entries would constitute an "unwarranted invasion of personal privacy." Cal. Govt. Code § 6254(c); Cal. Govt. Code § 6254(k); see also Cal. Const. Art. I, Sec. 1.)

Request #4. the most recent 5 emails sent by your Department Head via their government email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

Response #4.

Email #1 sent on December 14, 2019 at 10:22am - We have withheld the email sent on December 14, 2019 at 10:22am. This record consists entirely of the Department Head's personal matter and therefore do not involve the "conduct of the public's business" or constitute public records. If deemed public records, they are exempt because the disclosure of which would constitute an "unwarranted invasion of personal privacy." Cal. Govt. Code § 6254(c); Cal. Govt. Code § 6254(k); see also Cal. Const. Art. I, Sec. 1.)

Email #2 sent on December 14, 2019 at 9:37am - We have withheld the email sent on December 14, 2019 at 9:37am. This record consists entirely of confidential employee personnel information, the disclosure of these records would constitute an "unwarranted invasion of personal privacy." Cal. Govt. Code § 6254(c); Cal. Govt. Code § 6254(k); see also Cal. Const. Art. I, Sec. 1.)

Email #3 sent on December 14, 2019 at 9:36am - We have withheld the email sent on December 14, 2019 at 9:36am. This record consists entirely of confidential employee personnel information, the disclosure of these records would constitute an "unwarranted invasion of personal privacy." Cal. Govt. Code § 6254(c); Cal. Govt. Code § 6254(k); see also Cal. Const. Art. I, Sec. 1.)

Email #4 sent on December 13, 2019 at 6:10pm - We have withheld the email sent on December 13, 2019 at 6:10pm. This record consists entirely of labor relations information, the disclosure of which would "reveal a local agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under that chapter." Cal. Govt. Code 6254(p)(2)

Email #5 sent on December 13, 2019 at 5:43pm - Attached as "Email 12.13"

Request #5. the most recent 5 emails received by your Department Head via their government email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

Response #5.

Email #1 received on December 16, 2019 at 2:04am - Attached as "Email 12.16"

Email #2 received on December 15, 2019 at 7:44pm - We have withheld the email received on December 15, 2019 at 7:44pm. This record consists entirely of confidential employee personnel information, the disclosure of these records would constitute an "unwarranted invasion of personal privacy." Cal. Govt. Code § 6254(c); Cal. Govt. Code § 6254(k); see also Cal. Const. Art. I, Sec. 1.)

Email #3 received on December 15, 2019 at 6:52pm - We have withheld the email received on December 15, 2019 at 6:52pm. This record consists of attorney client privilege and attorney work product. Cal. Govt. Code §§ 6254(k), 6276.04; Cal. Evid. Code §§ 950 et seq., Cal. Code Civ. Proc. § 2018.030

Email #4 received on December 15, 2019 at 1:28pm - Attached as "Email 12.15A". The City has disabled the link to the Dropbox account because the information and records are exempt from production as confidential employee records, the disclosure of these records would constitute an "unwarranted invasion of personal
privacy." Cal. Govt. Code § 6254(c); Cal. Govt. Code § 6254(k); see also Cal. Const. Art. I, Sec. 1.)

Email #5 received on December 15, 2019 at 1:03pm - Attached as "Email 12.15B".

Request #6. the most recent 5 emails relating to the conduct of public business, subject to City of San Jose v Superior Court (Smith, 2017), sent by your Department Head via their personal email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

Response #6. No responsive records exist in any of the Department Head's personal email accounts.

Request #7. the most recent 5 emails relating to the conduct of public business, subject to City of San Jose v Superior Court (Smith, 2017), received by your Department Head via their personal email account. Emails are requested in their original electronic format, or in .EML or .MSG format, with all non-exempt headers and metadata, and you must preserve all attachments, exhibits, formatting, hyperlinks, images, colors, and From/To/Cc/Bcc email addresses.

Response #7. No responsive records exist in any of the Department Head's personal email accounts.

Thanks,

[DHR-6@1]
Henry Voong, Classification and Compensation Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 557-4802
Website: www.sfdhr.org

---

On Dec. 16, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
Department Head,

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 17, 2019. Rolling records responses are requested (67.25(d)).

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly-viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84500-13253092@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3D%252Fagency_login%252Fhuman-resources-19337%252Fcalendars-and-emails-immediate-disclosure-request-sf-dhr-84500%252F%253Demail%252Dsupervisor.records%252Dsfcityatty.org&url_auth_token=AABqPo4sS4泽X2c-4l8j7nxROFM%3A1ihUIS%3APQsjZ-Gt-hL4AsVyRIZ6c877YLU
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 84500
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
Voong, Henry (HRD)

Subject: Meeting - Micki, Carol and LaWanna
Location: Micki's office
Start: Wed 11/13/2019 3:30 PM
End: Wed 11/13/2019 4:00 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Buick, Jeanne (HRD)
Required Attendees: Callahan, Micki (HRD); Isen, Carol (HRD); Preston, Darryelle (HRD)
Voong, Henry (HRD)

Subject: IPMA-HR Local Chapter Reboot
Location: Conference call (number in email)

Start: Wed 11/13/2019 1:00 PM
End: Wed 11/13/2019 2:00 PM

Recurrence: (none)
Meeting Status: Accepted
Organizer: Donna Vaillancourt

Agenda and Bylaws attached (this time). Have a great weekend!
Take care,
Donna

Join Microsoft Teams Meeting

+1 650-761-6481 United States, San Jose (Toll)

Conference ID: [Redacted]

Local numbers | Reset PIN | Learn more about Teams | Meeting options

This message is from outside the City email system. Do not open links or attachments from untrusted sources.
Chapter Bylaws
(AMENDED MARCH 3, 2017)

ARTICLE I – Name and Geographical Area

Section 1. This Chapter shall be known as the “Northern California Chapter of the International Public Management Association – Human Resources”.

Section 2. The geographical area covered by this Chapter shall include the Counties of Alameda, Contra Costa, Del Norte, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Monterey, Napa, Plumas, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Tehama, and Trinity, California, and surrounding areas.

ARTICLE II – Activities

The activities of the Northern California Chapter of the International Public Management Association – Human Resources (NCCIPMA-HR) shall be nonpolitical, nonsectarian, and nonprofit. NCCIPMA-HR is organized exclusively for educational and training purposes. No part of the net earnings of the Chapter shall insure to the benefit of, or be distributable to its Board, officers, members, or other private persons, except that the Chapter shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions to further the purposes of the Chapter. No substantial part of the activities of the Chapter shall be the carrying on of propaganda, and the Chapter shall not participate in any political campaign on behalf of any candidate for public office.

ARTICLE III – Dissolution

On the event of dissolution of the Chapter or the discontinuance of its activities, the Board shall, after making payment of all liabilities of the Chapter, dispose of all the assets of the Chapter to one or more organizations which at the time qualify as exempt organizations (under Section 501(c)(3) of the Internal Revenue Code of 1954) and that further the aims of the Northern California Chapter of the International Public Management Association-Human Resources (NCCIPMA-HR).

Upon the winding up and dissolution of this association, after paying or adequately providing for the debts and obligations of the corporation, the remaining assets shall be distributed to a nonprofit fund, foundation or corporation, which is organized and operated exclusively for charitable, educational or scientific purposes, and which has established its tax-exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954.
Notwithstanding any other provisions of these articles, the association shall not carry on any other activities not permitted to be carried on by a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954.

ARTICLE IV – Objectives

As a nonprofit organization, the objectives of this Chapter shall be as follows:

- To render a program of service to individual members that fosters their professional competency and career growth.
- To further develop and refine the ethical and professional basis upon which the human resources profession is founded.
- To render a program of service to the employees within the Chapter Area that enables them to more readily exchange information, coordinate action, and in general profit from the collective experience of their Area neighbors.
- To explain and interpret the proper role of human resources to those upon whom it impacts, such as: management, employees, public officials, and the citizenry served.
- To cooperate with the International and the other local Chapters of IPMA-HR to provide for a coordinated national and international professional role.

ARTICLE V – Chapter Membership

Section 1. Membership in this Chapter shall be open to any person, regardless of race, religion, color, sex, sexual orientation, age, national origin, disability, or any other protected category as defined by federal and state law, who is interested in improved human resources administration in accordance with the principles of the merit system in public employment, subject to the membership qualifications contained in this Article.

Section 2. Types of Membership. There shall be three types of membership in this Chapter: Full/Life, Honorary, and Student.

   a. Full/Life Members shall be persons who are employed in or for an agency with responsibility in human resources management work; or who are employed as instructors and teach human resources administration; or persons with an interest in the human resources field. Full/Life members have voting rights.
   b. Honorary Members shall be persons recognized for life by the Chapter for their contribution to the human resources field. Honorary members have voting rights.
   c. Student Members shall be full-time students interested in the field of Human Resources. Student members have no voting rights and are not eligible to serve on the Board of Directors.

Section 3. Any person wishing to become a member of this Chapter shall submit an application to a person designated by the Board.
Section 4. Upon nomination by the Board of Directors of the Chapter and a majority vote of the full members present at the Chapter meeting, persons of acknowledged eminence for their contribution to public human resources administration may be elected to honorary membership in the Chapter.

ARTICLE VI – Dues

Section 1. Chapter dues for Full/Life and Student members shall be established on an annual and lifetime basis by the Executive Board. Honorary life members shall be exempt from payment of dues. As part of Chapter membership, all Full/Life members become national affiliate members of International Public Management Association-Human Resources (HR), if not a dues paying member of National IPMA-HR.

Section 2. Non-payment of dues after the membership year shall be considered as equivalent to resignation from the Chapter.

ARTICLE VII – Chapter Officers and Board of Directors

Section 1. The officers of this Chapter shall consist of a President, a Vice-President, a Secretary, and a Treasurer. The President and Vice-President shall be required, as a condition of office, to maintain membership in good standing in the Chapter and in the International Public Management Association-HR. A member in good standing is defined as one whose employer is a member of IPMA-HR or who is an individual member of IPMA-HR.

Section 2. The management of the Chapter’s affairs and the development and guidance of its program of activities shall be the responsibility of the Board of Directors of the Chapter. The Board shall consist of the chapter officers and immediate past president, together with six-eight additional Board members elected from the Chapter membership at large.

Section 3. The President shall have the responsibility of providing for an orderly election process for the election of a new Board every other year. Such process shall be written and shall ensure Board participation in the nomination process, and the selection itself will be by polling of the full membership via individual ballot distributed to each current member.

Section 4. The Board shall have the authority to adopt administrative instructions whenever it is deemed desirable, to provide more detailed operating procedures than are appropriate for the Bylaws. Such administrative instructions shall be submitted as a written plan and shall require majority vote of the full Board to enact or change.

Section 5. The official term of officers and members of the Board of Directors shall be from July 1 through June 30 of the second year. Terms of office are for two consecutive years. However, newly selected Officers and members are expected to attend the outgoing Board’s meetings for the preceding months of May and June, the intent being to provide continuity to the succession process.
ARTICLE VIII – Duties of Officers and the Board of Directors

Section 1. The President shall preside at all meetings of the Chapter and of the Board of Directors. The President shall appoint all such committees as may be required by the Board to carry out Chapter business. Committees and liaison persons appointed by the President may not hold office beyond the term of incumbency of the President. Finally, the President shall submit an annual Calendar of Chapter Events and Activities to the Chapter membership and to the International Public Management Association-HR.

Section 2. In the absence of or temporary incapacity of the President, the Vice-President shall exercise the functions covered in Section 1 of this Article. Additionally, the Vice-President shall serve as Board liaison with the Chair(s) of any committee(s) appointed by the President, dealing with the subject of training.

Section 3. The Secretary shall be responsible for keeping the Board minutes and agendas, for notifying members of Chapter meetings and elections, for recording all other activities of the Chapter, and for maintaining such other non-financial records as may be assigned by the President.

Section 4. The Treasurer shall be responsible for the receipt, custody and disbursement of Chapter funds, subject to the control and review of the Board. The Treasurer shall prepare and submit to the members an annual financial report and shall submit such other reports to the Board as the Board may require. The President shall annually appoint an auditing committee of three members, who are not current officers of the Association, to audit the Treasurer’s accounts, and the report of this committee shall accompany the Treasurer’s annual financial report.

Section 5. The non-officer members of the Board shall be responsible to attend Directors’ meetings, and to accept such assignments as may be made by the President to advance the purposes of the Chapter. This shall include liaison assignments to standing committees. One such liaison assignment shall be to the Membership Committee. That Board appointee shall be responsible to work with the Membership Committee to promote membership and to ensure a current listing of the membership is at all times maintained. The liaison post shall be called Membership Coordinator.

Section 6. The Board of Directors shall meet at the call of the President, and such meetings shall be held, in general, monthly, and in no event less than quarterly. Board meetings shall be for the purpose of reviewing the activities of the Chapter, for developing plans for future activities, and for considering other matters brought to the attention of the Board by the Chapter officers or by the Chapter membership. A quorum sufficient to conduct business shall consist of a majority of the Board.

Section 7. If any officer of the Board should become unable or unwilling to discharge the duties of their office, they may choose to resign or, failing that, they may be removed from office by two-thirds vote of the remaining Board. In the event such a vacancy arises on the Board, the remaining members shall meet and select a replacement from among
the non-officer members of the Board. That Board member shall then be replaced from among current Chapter members who meet the requirements needed to fill the vacated office. All Board members appointed in this manner shall then serve for the duration of that term of office.

Section 8. If any non-officer of the Board should become similarly unable or unwilling to continue, they shall be replaced from the Chapter membership as indicated in Section 7.

ARTICLE IX – Chapter Meetings

Section 1. Regular meetings of the Chapter shall be held at least once annually. The President shall set the time and place of Chapter meetings, and the Secretary shall notify the members.

Section 2. At any meeting held for the purpose of transacting Chapter business, a quorum shall consist of at least 20 full members of the Chapter.

Section 3. Except as herein provided, Robert’s Rules of Order shall govern the proceedings of the Chapter.

ARTICLE X – Amendments

Section 1. Proposed amendments to these Bylaws may be initiated by action of the Board of Directors, or upon written petition signed by at least 30% of the members of the Chapter. Amendments initiated by petition shall be addressed to the President for submission to the Chapter membership.

Section 2. Amendments of these Bylaws shall be distributed with a ballot and shall require the affirmative vote of two-thirds of those eligible members returning ballots. Amendments shall become effective immediately upon adopting, unless otherwise specified in the amendment.

Section 3. Whenever the Bylaws of the Chapter are amended, the Secretary shall prepare a revised draft of the Bylaws incorporating such amendments and shall transmit a complete copy of the revised Bylaws to the office of the International Public Management Association-HR. Any such amendment to the Bylaws shall be subject to approval by the Executive Council of the International Public Management Association-HR.

ARTICLE XI – Effective Date

These Bylaws shall be submitted following adoption by the group organizing itself as a Chapter for approval by the Executive Council of the International Public Management Association-HR and shall become effective upon approval by the Executive Council.
CERTIFICATION

We, the undersigned officers of the Northern California Chapter of the International Public Management Association – Human Resources, do hereby attest to the Chapter’s by-laws as shown above, which were approved by the Board of Directors and ratified by the members by an unanimous vote at the Chapter’s annual membership meeting on March 3, 2017.

Christopher Boucher, President
Selina Zapien, Vice President
Alisa Gordon, Secretary

(Amended September 1991)
(Amended February 1995)
(Amended March 2010)
(Amended March 3, 2017)
Subject: Weekly Meeting with Anna Biasbas
Location: Micki's office
Start: Tue 11/12/2019 2:30 PM
End: Tue 11/12/2019 3:00 PM
Show Time As: Tentative
Recurrence: Weekly
Recurrence Pattern: every Tuesday from 2:00 PM to 3:00 PM
Meeting Status: Not yet responded
Organizer: Buick, Jeanne (HRD)
Required Attendees: Callahan, Micki (HRD); Biasbas, Anna (HRD)
Subject: Mayor Breed's Department Head Meeting
Location: City Hall, Room 201
Start: Wed 11/13/2019 9:30 AM
End: Wed 11/13/2019 10:30 AM

Meeting Status: Accepted

Organizer: Sun, Selina (MYR)

Required Attendees: Sun, Selina (MYR); MYR-ALL Department Heads; MYR-All Department Head Assistant; MYR-ALL Staff List; Schedule, Room201 (MYR); Rich, Ken (ECN); Jenica Bedford-Pugh; Jones, Alexander (ECN)

Optional Attendees: Ginsburg, Phil (REC); Tooke, Daphne (MYR); Badasow, Bridget (HSA); Lazar, Alex (MYR); DaSilva, Christina (MYR); Pereira, Tully, Marisa (MYR); Gordillo, Isabella (ASR); Buckley, Jeff (MYR); Alfaro, Nancy (ADM); Brown, Michael (CSC); Hartley, Kate (MYR); Dick-Endrizzi, Regina (ECN); McSpadden, Shireen (HSA); White, Staci (REC); Davis, Sheryl (HRC); Smith, Barbara (SFHA); Cretan, Jeff (MYR); Murase, Emily (WOM); Weiland, Maggie (ADM); Roiz, Teresa (PUC); Mullan, Andrew (MYR); Henderson, Paul (DPA); Carroll, Maryellen (DEM); Gerull, Linda (TIS); Legaspi, Doris (TIS); Corvino, Denise (HSA); McCaffrey, Edward (MYR); Mezquita, Ingrid (HSA); jssonvenschein@famsf.org; Fletcher, Karen (ADP); Murray, Elizabeth (WAR); Karunaratne, Kanishka (MYR); Peacock, Rebecca (MYR); Yant, Abbie (HSS); Rhorer, Trent (HSA); Keener, Christine (HOM); Raphael, Deborah (ENV); Cristine Deberry (cristine.deberry@sfgov.org); Nuru, Mohammed (DPW); DeGuzman, Faye (DPH); Chu, Carmen (ASR); Beck, Bob (MYR); Roye, Karen (CSS); Forbes, Elaine (PRT); Quesada, Amy (PRT); Pon, Adrienne (ADM); Lee, Mason (MYR); Auyong, Angela (PDR); Wagner, Greg (DPH); Luong, Susanna (HRD); Hayes-White, Joanne (FIR); Geithman, Kyra (MYR); Gascon, George (DAT); Supawanich, Paul (MYR); Donohue, Virginia (ADM); Cohen, Emily (DPH); Johnson, Jillian (MYR); Heiken, Emma (MYR); Fiore, Nina (ADM); Burke, Robyn (DAT); Groffenberger, Ashley (MYR); Fay, Abigail (MYR); Bohn, Nicole (ADM); Kirkpatrick, Kelly (MYR); Busch, Laura (MYR); Lam, Jenny (MYR); Valdez, Marie (MYR); Jackson, Jocelyne (MYR); Ivar Satero (AIR); Duning, Anna (MYR); Wong, Phillip (ECN); Huish, Jay (RET); Summers, Ashley (MYR); Mattias, Daniella (MYR); True, Judson (DPW); Rea, Diane (ADM); Bell, Marcia (LLB); Ekberg, Natalie (HSS); Patil, Lillian (MYR); Lane, Maura (CON); Farley, Clair (ADM); Goudeau, Matthew (ADM); Smith, Jasmine (CSS); Kelly, Naomi (ADM); Griggs, Mitchell (HSS); Howard, Kate (HRD); Colfax, Grant (DPH); Raju, Manohar (PDR); Finkel, Jessica (MYR); Owens, Sarah (MYR); Rodriguez, Marisa (ADM); Gosiengfiao, Rachel (ADM); Barnes, Maximilian (MYR); Rosenfield, Ben (CON); Jacobson, Caitlin (ADM); Adams, Daniel (MYR); Lediju, Tonia (CON); Philhour, Marjan (MYR); Gorton, Rachel (DPW); Chris Arrigale (AIR); Thomas, Kenya (DPH); Tonia Lediju; Xu, Jay (MYR); Robbins, Susannah (ECN); Hunter, Michael (ADM); Kelly, Jr, Harlan (PUC); Ma, Annie (HOM); Nicholson, Jeanine (FIR); Zuniga, Sandra (DPW); Rosenberg, Julie (BOA); Collins, Robert (RNT); Scott, William (POL); Elsbernd, Sean (MYR); DeCaigny, Tom (ART); Murray, Ashley (MYR); Kositsky, Jeff (HOM); Lambert, Michael (LIB); Zighera, Theresa (CFC); Penick, Andrico; Lindler, Nicole (MYR); Hui, Tom (DBI); Mullan, Andrew (BOS); Noguchi, John (ADM); Keener, Christine (REC); Su, Maria (CHF); Candon, John (WAR); Tajel Shah (tajel.shah@sfgov.org); Beckett, Caroline (CSS); Power, Andres (MYR); Torres, Joaquin (ECN); Eng, Sandra (CSC); Tugbyenoh, Mawuli (HRD); Rahaim, John (CPC); Johnston, Jennifer (ADM); Callahan, Micki (HRD); Cukierman, Rachel (ASR); Rich, Ken (ECN); 

Categories: Red Category
Let’s meet to briefly discuss a programming/coding options change in PeopleSoft per Katie’s recommendation. It will allow us to ensure those who retire in the face of a disciplinary investigation can be designated “services unsatisfactory.”
Voong, Henry (HRD)

Subject: Weekly Meeting with Ian
Location: Micki's office

Start: Fri 11/15/2019 10:30 AM
End: Fri 11/15/2019 11:30 AM
Show Time As: Tentative

Recurrence: Weekly
Recurrence Pattern: every Friday from 1:30 PM to 2:30 PM

Meeting Status: Not yet responded
Organizer: Buick, Jeanne (HRD)
Required Attendees: Callahan, Micki (HRD); Hart, Ian (HRD)
<table>
<thead>
<tr>
<th><strong>Subject:</strong></th>
<th>Review Fitness for Duty</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location:</strong></td>
<td>Micki's office</td>
</tr>
<tr>
<td><strong>Start:</strong></td>
<td>Fri 11/15/2019 1:30 PM</td>
</tr>
<tr>
<td><strong>End:</strong></td>
<td>Fri 11/15/2019 2:00 PM</td>
</tr>
<tr>
<td><strong>Recurrence:</strong></td>
<td>(none)</td>
</tr>
<tr>
<td><strong>Meeting Status:</strong></td>
<td>Accepted</td>
</tr>
<tr>
<td><strong>Organizer:</strong></td>
<td>Buick, Jeanne (HRD)</td>
</tr>
<tr>
<td><strong>Required Attendees:</strong></td>
<td>Sherburne, Shawn; Callahan, Micki (HRD)</td>
</tr>
</tbody>
</table>
Voong, Henry (HRD)

Subject: Bi-Weekly with Micki Callahan
Location: City Hall, Room 200

Start: Fri 11/15/2019 4:00 PM
End: Fri 11/15/2019 5:00 PM

Recurrence: Weekly
Recurrence Pattern: every 2 week(s) on Friday from 10:00 AM to 11:00 AM

Meeting Status: Accepted

Organizer: Marcaida, Michelle (MYR)
Required Attendees: Callahan, Micki
Optional Attendees: Buick, Jeanne (HRD)

Categories: Red Category
<table>
<thead>
<tr>
<th><strong>Subject:</strong></th>
<th>Holiday</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Start:</strong></td>
<td>Mon 11/11/2019 9:00 AM</td>
</tr>
<tr>
<td><strong>End:</strong></td>
<td>Mon 11/11/2019 5:00 PM</td>
</tr>
<tr>
<td><strong>Recurrence:</strong></td>
<td>(none)</td>
</tr>
<tr>
<td><strong>Organizer:</strong></td>
<td>Callahan, Micki (HRD)</td>
</tr>
</tbody>
</table>
Hi Micki,

A document itemizing various price quotes for a surveillance system at 1740 Cesar Chavez is attached. Based on Scott’s internet research and other limited knowledge, I recommend the following if we proceed with this investment:

- A wired network which I believe would not be susceptible to hacking
- 32 fixed bullet type cameras placed specifically would give us appropriate coverage. There may be some blind spots, but I the trade-off for camera maintenance could be worth it. Also, I don’t believe it necessary to cover every inch of the facility; just those areas wherein we need to document test administration.
- 2K or 4K resolution versus old technology 1080P
- NVR Network recording to enable control of retention of recordings, and to avoid the service fee associated with cloud storage

Please let us know if you have any questions or would like additional information.

Sincerely,

Dave Johnson, Manager
Public Safety Team
415.557.4871

Hi Dave,

Here are some cameras systems to consider for the TC. There is quite a range in prices and components but there are a few common items that will drive decisions in the future. We also need to consider software: https://anycam.io/

- Connection type:
  - Wireless
    - much more expensive
• needs a power supply
• no major installation of network cables
• easily movable etc.
  o Wired – network
    • Less expensive
    • More common
    • PoE – powered over Ethernet – no power cable needed
    • Many more camera options
    • Requires patch cables installed and a control rack
  
• Camera type
  o Motorized turret
    • Expensive
    • 360 view
    • Can be set to sweep an area
  o Bullet
    • Fixed
    • Around 100 degree field of vision
    • Less expensive

• Resolution
  o 4k
  o 2k
  o 1080P

• Recording type
  o NVR Network Video Recording
    • Hard drive recording over IP
    • Very common
    • Easy hardware changes
  o Cloud
    • Cloud based
    • Usually paid for service
    • Rolling recording period (typically 14 days)
Hi there,

In case you missed it, Kelly Hardesty (khardesty@spur.org) shared "GGA Nominations 12_11" with you on Dropbox.

Kelly said:

*Hi Micki and Jean- Here are the 9 GGA Nominations we have received to date- per my email. Thank you!*

Thanks!
- The Dropbox Team
Subject: Weekly Meeting with Carol Isen
Location: Micki's office

Start: Tue 11/12/2019 9:30 AM
End: Tue 11/12/2019 10:00 AM

Recurrence: Weekly
Recurrence Pattern: every Tuesday from 4:00 PM to 5:00 PM

Meeting Status: Accepted

Organizer: Buick, Jeanne (HRD)
Required Attendees: Isen, Carol (HRD); Callahan, Micki (HRD)
Optional Attendees: Delorio, Carol (HRD)
Workforce/HR Analytics Round #3 of 4

Thank you for the production Round #1 of 4 held on Nov. 15th. As agreed, holding 3 more, monthly Working Group sessions in Jan, Feb & March.

Please let me know if you need anything added to the agenda.

Kindly,
TLR

Proposed Agenda

1) Workforce Demographics Reporting
   a. SF Reports & Analytics’ HR Dashboards
      i. Role-Based Security, Go-Live
      ii. Published to DHR Website, for Annual Reporting
         1. March 1st HRC Office of Racial Equity Ordinance Reporting
      iii. HR Analytics (Internal Mgmt & HR Staff) Dashboards, for All Reporting, Annual & Ad Hoc
      iv. Areas covered, including...
         1. SF People & Pay - Promotions, Disciplines, Separations, etc.
            a. All Appointment Types
            b. All Civil Service Categorical Exemption Types
            c. Others?
         2. SF Learning - Development & Training Enrollments, Completions, etc.
            b. Populations – Applicant Pools, New Hires, Current Employees

2) EEO-4 Reporting
   a. Biennial Federal Reporting
   b. Comparative Reporting Published to DHR Website
3) Other Updates from Team DHR
   a. Business Needs
   b. Applicant Tracking System Go-Live
   c. Onboarding System Go-Live

Please let me know if you have any questions.

Kindly,
TLR
(g) Annual Workforce Report. The Department of Human Resources, with support from the Office and the Office of the Controller, shall release an annual report concerning Racial Equity in the City government workforce. The report shall include an analysis of the status of City employees by race, including current employees, new hires, applicant pools (to the extent available), promotions, classifications, salaries, civil service and exempt positions, disciplinary actions, probationary releases, medical separations, and complaints regarding racial discrimination, and retaliation in the workplace along with their status and disposition. The data in the Workforce Report shall be disaggregated by race, sub-ethnicity, gender, and department, except to the extent disaggregation would violate any employee’s right to privacy. In addition, data will be disaggregated by city of residence for current employees, applicants, promotions, new hires, classifications and salaries. The Department of Human Resources shall complete the first report by December 31, 2019 March 1, 2020, and shall submit it to the Office, the Mayor, and the Board of Supervisors. After the initial report, annual Workforce Reports shall be released publicly and in conjunction with the department annual reports released on March 1 of each year as outlined in subsection (e). Nothing in this subsection (g) requires the Department of Human Resources to release information that would violate any employee’s right to privacy or any applicable law.

Supervisors Fewer; Brown, Walton, Mandelman, Ronen, Mar, Safai, Haney, Yee, Stefani, Peskin
BOARD OF SUPERVISORS
### Voong, Henry (HRD)

**Subject:** Weekly Meeting with Kate Howard  
**Location:** Micki's office  
**Start:** Mon 1/13/2020 10:00 AM  
**End:** Mon 1/13/2020 11:00 AM  
**Show Time As:** Tentative  
**Recurrence:** Weekly  
**Recurrence Pattern:** every Monday from 10:00 AM to 11:00 AM  
**Meeting Status:** Tentatively accepted  
**Organizer:** Buick, Jeanne (HRD)  
**Required Attendees:** Howard, Kate (HRD); Callahan, Micki (HRD)
Let’s talk Monday or early next week if you have time. Please let us know what would work.

Best,

Micki Callahan
Human Resources Director
(she, her, hers)
Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 557-4845
Website: www.sfdhr.org
Voong, Henry (HRD)

Subject: Weekly Meeting with Julia Ma
Location: Micki’s office

Start: Fri 1/10/2020 11:00 AM
End: Fri 1/10/2020 12:00 PM
Show Time As: Tentative

Recurrence: Weekly
Recurrence Pattern: every Friday from 11:00 AM to 12:00 PM

Meeting Status: Tentatively accepted

Organizer: Buick, Jeanne (HRD)
Required Attendees: Callahan, Micki (HRD); Ma, Julia (HRD)
Good morning,

We’d like to reschedule the GGA Selection committee for Thursday, January 9 from 2pm - 4pm here at the SPUR office.

Please let me know if you can attend.

Thanks,
Kat

--

Kat Kester

Development Events Manager
SPUR Urban Center

654 Mission Street
San Francisco, CA 94105

SPUR • Ideas + Action for a Better City
Phone: (415) 644-4283
kkester@spur.org

SPUR | Facebook | Twitter | Join | Get Newsletters
Voong, Henry (HRD)

Subject: Biweekly Meeting - Hiring Modernization
Location: Micki’s office
Start: Tue 1/7/2020 11:00 AM
End: Tue 1/7/2020 12:00 PM
Show Time As: Tentative
Recurrence: Weekly
Recurrence Pattern: every 2 week(s) on Thursday from 10:00 AM to 11:00 AM
Meeting Status: Not yet responded
Organizer: Buick, Jeanne (HRD)
Required Attendees: Buick, Jeanne (HRD); Biasbas, Anna (HRD); Callahan, Micki (HRD); Monroe, Anne Marie (HRD); Howard, Kate (HRD)
Optional Attendees: Huebner, David (HRD); Baena-Tan, Monique (HRD)
<table>
<thead>
<tr>
<th><strong>Subject:</strong></th>
<th>Weekly Meeting with Kate Howard</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location:</strong></td>
<td>Micki’s office</td>
</tr>
<tr>
<td><strong>Start:</strong></td>
<td>Mon 1/6/2020 10:00 AM</td>
</tr>
<tr>
<td><strong>End:</strong></td>
<td>Mon 1/6/2020 11:00 AM</td>
</tr>
<tr>
<td><strong>Show Time As:</strong></td>
<td>Tentative</td>
</tr>
<tr>
<td><strong>Recurrence:</strong></td>
<td>Weekly</td>
</tr>
<tr>
<td><strong>Recurrence Pattern:</strong></td>
<td>every Monday from 10:00 AM to 11:00 AM</td>
</tr>
<tr>
<td><strong>Meeting Status:</strong></td>
<td>Tentatively accepted</td>
</tr>
<tr>
<td><strong>Organizer:</strong></td>
<td>Buick, Jeanne (HRD)</td>
</tr>
<tr>
<td><strong>Required Attendees:</strong></td>
<td>Howard, Kate (HRD); Callahan, Micki (HRD)</td>
</tr>
</tbody>
</table>
Subject: Weekly Meeting with Ian
Location: Micki's office

Start: Fri 1/10/2020 1:30 PM
End: Fri 1/10/2020 2:30 PM
Show Time As: Tentative

Recurrence: Weekly
Recurrence Pattern: every Friday from 1:30 PM to 2:30 PM

Meeting Status: Tentatively accepted

Organizer: Buick, Jeanne (HRD)
Required Attendees: Callahan, Micki (HRD); Hart, Ian (HRD)
Subject: Telecommute

Start: Thu 11/14/2019 9:00 AM
End: Thu 11/14/2019 10:00 AM

Recurrence: (none)

Organizer: Callahan, Micki (HRD)
IPMA-HR Northern California Chapter Re-Boot

Wednesday, November 13, 2019  1:00 p.m. conference call
+1 650-761-6481  United States, San Jose (Toll)

Conference ID: 103 098 782#

Agenda

- Introductions
- Background
- Decisions to be Made
- Resources Available
- Next Steps
Voong, Henry (HRD)

Subject: Bi-weekly meeting with Katie Porter
Location: Micki's office

Start: Wed 11/13/2019 2:00 PM
End: Wed 11/13/2019 4:00 PM

Recurrence: Weekly
Recurrence Pattern: every 2 weeks on Wednesday from 2:00 PM to 4:00 PM

Meeting Status: Accepted

Organizer: Buick, Jeanne (HRD)
Required Attendees: PORTER, KATHARINE (CAT); Callahan, Micki (HRD)
Voong, Henry (HRD)

Subject: L21 Cat 18 Severance
Location: Micki's office

Start: Wed 11/13/2019 11:00 AM
End: Wed 11/13/2019 12:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Buick, Jeanne (HRD)

Required Attendees: Callahan, Micki (HRD); Sherburne, Shawn; Biasbas, Anna (HRD); Isen, Carol (HRD); Tugbenyoh, Mawuli (HRD); Martinez, Amalia (HRD)
Subject: GARE Graduation
Location: Oakland Asian Cultural Center 388 9th St., Suite 290
Start: Thu 11/14/2019 12:00 PM
End: Thu 11/14/2019 4:00 PM
Recurrence: (none)
Organizer: Callahan, Micki (HRD)
<table>
<thead>
<tr>
<th><strong>Subject:</strong></th>
<th>Weekly Meeting with Peggy Sugarman</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location:</strong></td>
<td>Peggy to call Micki on her desk line - 557-4825</td>
</tr>
<tr>
<td><strong>Start:</strong></td>
<td>Fri 11/15/2019 10:00 AM</td>
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<tr>
<td><strong>End:</strong></td>
<td>Fri 11/15/2019 10:30 AM</td>
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<td><strong>Show Time As:</strong></td>
<td>Tentative</td>
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<tr>
<td><strong>Recurrence:</strong></td>
<td>Weekly</td>
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<tr>
<td><strong>Recurrence Pattern:</strong></td>
<td>every Thursday from 3:30 PM to 4:30 PM</td>
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<tr>
<td><strong>Meeting Status:</strong></td>
<td>Not yet responded</td>
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<tr>
<td><strong>Organizer:</strong></td>
<td>Buick, Jeanne (HRD)</td>
</tr>
<tr>
<td><strong>Required Attendees:</strong></td>
<td>Sugarman, Peggy (HRD); Callahan, Micki (HRD)</td>
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<tr>
<td><strong>Subject:</strong></td>
<td>Weekly Meeting with Julia Ma</td>
</tr>
<tr>
<td><strong>Location:</strong></td>
<td>Micki’s office</td>
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<tr>
<td><strong>Start:</strong></td>
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<td>Fri 11/15/2019 12:00 PM</td>
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<tr>
<td><strong>Recurrence:</strong></td>
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<tr>
<td><strong>Organizer:</strong></td>
<td>Buick, Jeanne (HRD)</td>
</tr>
<tr>
<td><strong>Required Attendees:</strong></td>
<td>Callahan, Micki (HRD); Ma, Julia (HRD)</td>
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<tr>
<td><strong>Subject:</strong></td>
<td>Workforce Demographics Dashboards - Annual Workforce/Demographics Reports, Biennial EEO-4 Report</td>
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<td>--------------------------------------------------------------------------------------------------</td>
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<tr>
<td><strong>Location:</strong></td>
<td>CON-1155 Large Conference Room</td>
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<tr>
<td><strong>Start:</strong></td>
<td>Fri 11/15/2019 1:00 PM</td>
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<tr>
<td><strong>End:</strong></td>
<td>Fri 11/15/2019 3:00 PM</td>
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<tr>
<td><strong>Show Time As:</strong></td>
<td>Tentative</td>
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<tr>
<td><strong>Recurrence:</strong></td>
<td>(none)</td>
</tr>
<tr>
<td><strong>Meeting Status:</strong></td>
<td>Not yet responded</td>
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<tr>
<td><strong>Organizer:</strong></td>
<td>Rydstrom, Todd (CON)</td>
</tr>
<tr>
<td><strong>Required Attendees:</strong></td>
<td>Ponder, Steve (HRD); Howard, Kate (HRD); Cheung, Loretta (CON); Ganapa, Prakash (CON); Huang, Jack (CON); Simon, Linda (HRD); Wood, Jack (CON); Stevenson, Peg (CON); Lapka, Joe (CON); Callahan, Micki (HRD); Biasbas, Anna (HRD) (<a href="mailto:anna.biasbas@sfgov.org">anna.biasbas@sfgov.org</a>)</td>
</tr>
<tr>
<td><strong>Optional Attendees:</strong></td>
<td>Voong, Henry (HRD); William Miles (<a href="mailto:william.miles@sfgov.org">william.miles@sfgov.org</a>); Tugbenyoh, Mawuli (HRD); Ma, Julia (HRD)</td>
</tr>
</tbody>
</table>

Micki, Kate, et al.,

This is a proposed save-the-date/time and respectfully defer to you as to who from Team DHR you would like to include/delegate (please feel welcome to forward this invite directly to them).

Proposed Agenda is next steps discussion and specifications gathering for:

- SF Reports & Analytics’ HR Dashboards, based on Team DHR’s business needs, including new legislative mandates and automation opportunities for
  1) the Citywide Workforce Demographics website information (pic below),
  2) the biennial EEO-4 submission, and
  3) the new HRC Racial Equity Ordinance’s Annual Workforce Report, due March 1, 2020 (pic below).

Please let me know if you have any questions.

Kindly,
TLR
Citywide Workforce Demographics

This webpage explores the City's workforce demographics through interactive dashboards.

Employee counts are for active employees in their primary appointments as of July 1st of the noted fiscal years for all appointment types including as-needed with the exception of elected officials.

Please click on the following links to view dashboards based upon the particular demographics.

Please reference the City's Workforce Utilization Report in order to compare the City's workforce with the available labor market.

**DASHBOARDS**

- Age and Gender
- Appt. Type, Class, Dept., Exempt Cat., and MOU
- Gender and Classification
- Gender and Department
- Gender and MOCO
- Gender and Residency
- Race/Ethnicity and Classification
- Race/Ethnicity and Department
- Race/Ethnicity and MOU
- Race/Ethnicity and Residency
- Residency Overall

Classifications:

- Data for Labor
- Decorator Service Workers
- Exception to the Order of Layoff
- Forms & Documents
- Online Trainings
- Personal Service Contracts
- Policies & Programs
- Reports
- Workforce Diversity
(g) **Annual Workforce Report.** The Department of Human Resources, with support from the Office and the Office of the Controller, shall release an annual report concerning Racial Equity in the City government workforce. The report shall include an analysis of the status of City employees by race, including current employees, new hires, applicant pools (to the extent available), promotions, classifications, salaries, civil service and exempt positions, disciplinary actions, probationary releases, medical separations, and complaints regarding racial discrimination, and retaliation in the workplace along with their status and disposition. The data in the Workforce Report shall be disaggregated by race, sub-ethnicity, gender, and department, except to the extent disaggregation would violate any employee's right to privacy. In addition, data will be disaggregated by city of residence for current employees, applicants, promotions, new hires, classifications and salaries. The Department of Human Resources shall complete the first report by December 31, 2019 March 1, 2020, and shall submit it to the Office, the Mayor, and the Board of Supervisors. After the initial report, annual Workforce Reports shall be released publicly and in conjunction with the department annual reports released on March 1 of each year as outlined in subsection (e). Nothing in this subsection (g) requires the Department of Human Resources to release information that would violate any employee’s right to privacy or any applicable law.
<table>
<thead>
<tr>
<th><strong>Subject:</strong></th>
<th>Weekly Meeting with Steve Ponder</th>
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</thead>
<tbody>
<tr>
<td><strong>Location:</strong></td>
<td>Micki's office</td>
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<tr>
<td><strong>Start:</strong></td>
<td>Fri 11/15/2019 3:00 PM</td>
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<tr>
<td><strong>End:</strong></td>
<td>Fri 11/15/2019 4:00 PM</td>
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<tr>
<td><strong>Recurrence:</strong></td>
<td>Weekly</td>
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<tr>
<td><strong>Recurrence Pattern:</strong></td>
<td>Occurs every Friday from 3:00 PM to 4:00 PM effective 1/4/2019 until 12/27/2019.</td>
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<tr>
<td><strong>Meeting Status:</strong></td>
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<tr>
<td><strong>Organizer:</strong></td>
<td>Buick, Jeanne (HRD)</td>
</tr>
<tr>
<td><strong>Required Attendees:</strong></td>
<td>Ponder, Steve (HRD); Callahan, Micki (HRD)</td>
</tr>
</tbody>
</table>
Voong, Henry (HRD)

Subject: Weekly Meeting with Mawuli
Location: Micki's office

Start: Tue 11/12/2019 9:00 AM
End: Tue 11/12/2019 9:30 AM
Show Time As: Tentative

Recurrence: Weekly
Recurrence Pattern: every Monday from 10:00 AM to 11:00 AM

Meeting Status: Not yet responded

Organizer: Buick, Jeanne (HRD)
Required Attendees: Callahan, Micki (HRD); Tugbenyoh, Mawuli (HRD)
Voong, Henry (HRD)

Subject: Meeting - Micki and Michael Brown
Location: Micki's office
Start: Tue 11/12/2019 11:30 AM
End: Tue 11/12/2019 12:00 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Buick, Jeanne (HRD)
Required Attendees: Brown, Michael (CSC); Callahan, Micki (HRD)
Optional Attendees: Varisto, Michaela (DPH)
This message is from outside the City email system. Do not open links or attachments from untrusted sources.

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Open Forum

Post New Message

---

Dec 13, 2019 - Dec 15, 2019

Discussions

started 2 days ago, Jennifer Whistleman (0 replies)

**Employee Relations/Disciplinary tracking systems**

1. The City of Harrisonburg (VA) is interested in... Jennifer Whistleman

started 9 days ago, Jacqueline Snyder (3 replies)

**What Webinars will You Attend in the New Year? 2020 Webinars-We're Looking for Your Input**

2. I would like to see the following webinars: ... Susan Streb

---

Dec 13, 2019 9:18 AM

Jennifer Whistleman

The City of Harrisonburg (VA) is interested in learning if any other entity that is currently using a system to track employee relations 'issues' or disciplinary actions. This could be a stand-alone system or a module associated with an HRMS. We are looking for a system that also offers email alerts to remind supervisors to connect with their employees on a scheduled basis in relation to the issue. Suggestions?
Thank you!

Jennifer Whistleman IPMA-SCP
Human Resources Director
City of Harrisonburg
Harrisonburg VA
(540) 432-7738

I would like to see the following webinars:

Mental health issues in the workplace and maybe HR's role.
Training for newly promoted supervisors.
LGBT training.

Thanks!

Susan Streb IPMA-SCP
Human Resources/Civil Service Director
City of Corsicana
Corsicana TX
(903) 654-4822
IPMA-HR had a very successful year for webinars! Thank you to all IPMA-HR members for your participation.

With 2020 just around the corner, we would like to hear what topics may be of interest to you for webinar content in the new year. Or, maybe your agency has success stories or initiatives you are working on that you might want to share as a presenter.

IPMA-HR webinars are a great way to gain recertification points for those that are IPMA-CP/SCP certified either as a participant or a presenter.

We welcome your suggestions for 2020 webinar topics!

-----------------------------
Jacqueline Snyder
Professional Development Manager
IPMA-HR
Alexandria VA
(703) 549-7100
-----------------------------
Voong, Henry (HRD)

**Subject:** Employment litigation

**Location:** Micki's office

**Start:** Tue 11/12/2019 1:30 PM

**End:** Tue 11/12/2019 2:30 PM

**Recurrence:** (none)

**Meeting Status:** Accepted

**Organizer:** Buick, Jeanne (HRD)

**Required Attendees:** Buick, Jeanne (HRD); Callahan, Micki (HRD); LAKE, JOSEPH (CAT); REZNIKOV, BORIS (CAT)

**Optional Attendees:** PORTER, KATHARINE (CAT); Ponder, Steve (HRD); Beetz, Christine (CON)
Voong, Henry (HRD)

Subject: CCSF & MEA Leadership Welcome
Location: Bay View

Start: Tue 1/14/2020 9:00 AM
End: Tue 1/14/2020 9:15 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: VanAlstine, Denise (HRD)
Required Attendees: VanAlstine, Denise (HRD); Callahan, Micki (HRD); Buick, Jeanne (HRD); Ma, Julia (HRD)
Optional Attendees: christina@sfmea.com

Please join us for the 9th annual CCSF & MEA Leadership Development program kick-off.
Voong, Henry (HRD)

Subject: Canceled: Canceled: Monthly Meeting - Michael Brown and Micki
Location: Micki's office

Start: Sun 1/12/2020 2:00 PM
End: Sun 1/12/2020 3:00 PM
Show Time As: Free

Recurrence: Monthly
Recurrence Pattern: day 12 of every 1 month from 2:00 PM to 3:00 PM

Meeting Status: Accepted

Organizer: Buick, Jeanne (HRD)
Required Attendees: Callahan, Micki (HRD); Brown, Michael (DPH)

Importance: High
Subject: HR Professionals Meeting
Location: Koret Auditorium, Main Library

Start: Wed 1/15/2020 9:00 AM
End: Wed 1/15/2020 11:00 AM
Show Time As: Tentative

Recurrence: Monthly
Recurrence Pattern: the third Wednesday of every 1 month(s) from 9:00 AM to 11:00 AM

Meeting Status: Not yet responded

Organizer: DHR Connect (HRD)
Required Attendees: DHR-Personnel Officers

Agenda to follow

Susanna Luong, Management Assistant
Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 557-4864
Website: www.sfdhr.org
You have been invited to the following event.

GGA Selection Committee Meeting
When Fri Jan 10, 2020 1pm – 3pm Pacific Time - Los Angeles
Where SF-4F-Penthouse Library (51) (map)
Calendar micki.callahan@sfgov.org
Who
- kkester@spur.org - organizer
- ben.rosenfield@sfgov.org
- ajohn-baptiste@spur.org
- chris@newdealadvisers.com
- ccconsult@sbcglobal.net
- khardesty@spur.org
- maura.lane@sfgov.org
- kelly.kirkpatrick@sfgov.org
- micki.callahan@sfgov.org - optional
- sally.ma@sfgov.org - optional

more details »

Meeting to select winners of this 2020's Good Government Awards.

Your attendance is optional.
Going (micki.callahan@sfgov.org)? Yes - Maybe - No more options »

Invitation from Google Calendar
Voong, Henry (HRD)

Subject: Bi-Weekly with Micki Callahan
Location: City Hall, Room 200

Start: Fri 1/10/2020 10:00 AM
End: Fri 1/10/2020 11:00 AM

Recurrence: Weekly
Recurrence Pattern: every 2 week(s) on Friday from 10:00 AM to 11:00 AM

Meeting Status: Accepted

Organizer: Marcaida, Michelle (MYR)
Required Attendees: Callahan, Micki (HRD)
Optional Attendees: Buick, Jeanne (HRD)

Categories: Red Category
Voong, Henry (HRD)

Subject: High Voltage Line Workers
Location: DHR Room Sunset, 1 South Van Ness, 4th floor
Start: Wed 1/8/2020 4:00 PM
End: Wed 1/8/2020 5:00 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Buick, Jeanne (HRD)
Required Attendees: Buick, Jeanne (HRD); Callahan, Micki (HRD); Isen, Carol (HRD); Ponder, Steve (HRD); Ma, Julia (HRD); Ackerman, Kimberly (MTA); Kim, Derek (MTA); Hinderliter, Justine (PUC); Hale, Barbara (PUC); Linda Yeung (AIR); RAPOPORT, ERIK (CAT)
Optional Attendees: Dip, Angie (PUC); Andrea Caporale (AIR); Cynthia Maltez (AIR) (cynthia.maltez@flysfo.com)
Voong, Henry (HRD)

Subject: Civil Service Commission

Start: Mon 1/6/2020 2:00 PM
End: Mon 1/6/2020 5:00 PM

Recurrence: (none)

Organizer: Callahan, Micki (HRD)
<table>
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<td>Fri 1/10/2020 3:00 PM</td>
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<tr>
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<td><strong>Recurrence:</strong></td>
<td>Weekly</td>
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<tr>
<td><strong>Recurrence Pattern:</strong></td>
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<tr>
<td><strong>Meeting Status:</strong></td>
<td>Not yet responded</td>
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<td><strong>Organizer:</strong></td>
<td>Buick, Jeanne (HRD)</td>
</tr>
<tr>
<td><strong>Required Attendees:</strong></td>
<td>Callahan, Micki (HRD); Ponder, Steve (HRD)</td>
</tr>
</tbody>
</table>
Sent via email (83876-31149286@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petitions to the Supervisor of Records concerning your request to the Department of Police Accountability ("DPA") dated November 28, 2019, seeking peace officer personnel records that are now public under Senate Bill 1421. You filed a petition dated December 18, 2019, and a petition dated December 23, 2019, contesting DPA’s responses to your request. The December 18 petition seeks a determination that the redactions DPA applied to Case 168-01 were improper. The December 23 petition seek a determination that DPA improperly withheld and improperly redacted information from Case 441-12. We have reviewed Case 168-01 and Case 441-12 and find that DPA lawfully redacted and withheld information from both case files.

December 18, 2019 Petition

In Case 168-01, DPA properly redacted information on the following bases:

1. Confidentiality of peace officer personnel records not subject to disclosure under Penal Code § 832.7(b) (Government Code § 6254(k), Penal Code §§ 832.7(a), 832.8, Cal. Const. Art. I, Sec. 1; Government Code § 6254(c)), including information you identify in Items 2.a, 2.b, 2.g, 2.h, 2.j, 2.l, 2.q, 2.s, 2.t, 2.u, 2.x, 2.y, 2.z;

2. Penal Code Section 832.7(b)(5) (Government Code § 6254(k), Penal Code § 832.7(b)(5)), such as information identifying witnesses and complainants or potentially leading to the identity of such individuals, personal data or information, and private information, including information you identify in Items 2.c, 2.d, 2.e, 2.f, 2.g, 2.k, 2.n, 2.o, 2.p, 2.q, 2.r, 2.s, 2.t, 2.u, 2.v, 2.w, 2.aa;

3. Official information privilege (Government Code § 6254(k), Evidence Code § 1040), including information you identify in Items 2.i, 2.m, 2.p;

4. Criminal offender record information and information derived from the California Law Enforcement Telecommunication System (Government Code § 6254(k), Penal Code §§ 11105, 11145, 13100 et seq.).

DPA properly withheld medical records (Government Code § 6254(k), Penal Code § 832.7(b)(5), Cal. Const. Art. I, Sec. 1; Government Code § 6254(c)), and documents constituting criminal offender record information and information derived from the California Law
Letter to Anonymous
January 24, 2020
Page 2

Enforcement Telecommunication System (Government Code § 6254(k), Penal Code §§ 11105, 11145, 13100 et seq.).

December 23, 2019 Petition

In Case 441-12, DPA properly redacted information on the following bases:

1. Confidentiality of peace officer personnel records not subject to disclosure under Penal Code § 832.7(b) (Government Code § 6254(k), Penal Code §§ 832.7(a), 832.8, Cal. Const. Art. I, Sec. 1; Government Code § 6254(c)), including information you identify in Items 3.b, 3.c, 3.d, 3.k, 3.l, 3.m;

2. Penal Code Section 832.7(b)(5) (Government Code § 6254(k), Penal Code § 832.7(b)(5)), such as information identifying witnesses and complainants or potentially leading to the identity of such individuals, personal data or information, and private information, including information you identify in Items 3.a, 3.b, 3.e, 3.g, 3.j, 3.n;

3. Official information privilege (Government Code § 6254(k), Evidence Code § 1040);

4. Criminal offender record information and information derived from the California Law Enforcement Telecommunication System (Government Code § 6254(k), Penal Code §§ 11105, 11145, 13100 et seq.), including the information you identify in Item 3.f, 3.n; and


For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
From: 83876-31149286@requests.muckrock.com
Sent: Wednesday, December 18, 2019 5:31 PM
To: Supervisor Records
Subject: RE: California Public Records Act Request: DPA SB 1421 Police Misconduct Records - Immediate Disclosure Request and 67.21(c) request

Department Of Police Accountability
PRA Office
Suite 700
25 Van Ness Ave.,
San Francisco, CA 94102

December 18, 2019

This is a follow up to a previous request:

Supervisor of Records,

Please see the attached 67.21(d) petition against DPA.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 83876-31149286@requests.muckrock.com
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 83876
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---
On Dec. 18, 2019:
Subject:
Please see the attached transcripts that accompany the file disclosed on December 9, 2019 in the GBI category.
---

On Dec. 18, 2019:
Subject:
Please see the attached file disclosed in the GBI category.
---

On Dec. 10, 2019:
Subject: RE: California Public Records Act Request: DPA SB 1421 Police Misconduct Records - Immediate Disclosure Request and 67.21(c) request
Diana,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com FOIA web service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.*

You will receive a letter response from another email address shortly. Please continue to keep your disclosed records on this email address.

Thanks,
Anonymous
---

On Dec. 10, 2019:
Subject:
Please see the attached file disclosed in the GBI category.
---

On Dec. 9, 2019:
Subject: RE: California Public Records Act Request: DPA SB 1421 Police Misconduct Records - Immediate Disclosure Request and 67.21(c) request
Dear Requestor,

Please direct all record requests related to SB 1421 to me. Please be so kind as to carbon copy (cc) me on all other requests and if they don’t go to me, I will do my best to make sure they are assigned to someone who can respond.

Thank you,

Diana Rosenstein
Attorney
[dpa]
This communication, along with any attachments, is covered by federal and state laws governing electronic communications and may contain confidential and legally provided information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this communication in error, please reply immediately to the sender and/or delete this message. Thank you.

---

On Nov. 27, 2019:
Subject:
Paul Henderson and DPA,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com FOIA web service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.**

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on November 27, 2019, to Paul Henderson as an individual custodian of public records and to the Department of Police Accountability as a public agency.

This is also an SFAC 67.21(c) request for statements of quantity, nature, existence, and form (even if content is exempt) of records responsive to each of 1 and 2 -- you must provide these statements within 7 days without any form extension.

All records must be provided in a rolling fashion (SFAC 67.25). If you use a web portal, you must publish all records openly without login or terms and conditions; or you may provide records as attachments to emails. You may not impose any conditions on me beyond than those of the CPRA (including any conditions that I must use a private entity's website which imposes terms and conditions).

A warning: every record you release to this publicly viewable email mailbox may become automatically visible to the public via the Muckrock.com FOIA service, and via other journalistic services that publish FOIA and public records documents for searching and indexing online. Please be absolutely certain you have correctly redacted all records prior to transmitting them to us, because there is no going back.

Please read carefully the exact wording of my request. Please follow the Sunshine Ordinance and CPRA precisely as I am auditing your agency's public records regimen. As the City is aware, every violation of the Sunshine Ordinance or CPRA will be appealed immediately, including:
- any untimely or incomplete response, failure to provide records in a rolling fashion as soon as they are available, or failing to indicate whether you have responsive records or not for each request and whether you withheld any records for each request (SFAC 67.21, 67.25, Gov Code 6253(c)),
- withholding more than the minimum exempt portion of any record (SFAC 67.26),
- failure to justify with "clear reference" to an exemption statute or case law for each and every redaction or withholding, including any so-called 'metadata' (SFAC 67.26, 67.27),
- failure to provide "exact copies" of records (Gov Code 6253(b)),
- failure to provide the "electronic format in which [you] hold[] the information" (Gov Code 6253.9),
- failure to provide any "easily generated" format that we requested (SFAC 67.21(l)),
- refusing to provide the quantity of exempt records (SFAC 67.21(c)),
- unlawful use of the exemptions prohibited by SFAC 67.24, including but not limited to GC 6255, any public interest balancing test,
- redacting or withholding information whose exemption you have already waived by producing it to the public before (Gov Code 6254.5).

Please provide:

1) IMMEDIATE DISCLOSURE: all responsive records DPA has already provided under SB 1421 to any other requestor. Since you should not redact more information for me than you have provided any other member of the public (Gov Code 6254.5), you should be able to immediately provide these.

2) REGULAR DISCLOSURE: every record retained, owned, prepared, or used by DPA of: all records of officer's discharge of a firearm at a person, all records of an officer's use of force that results in death or great bodily injury, sustained findings of officer's sexual assault of a member of the public, sustained findings of officer's dishonesty that are disclosable under DB 1421. This is of course a very large request, and you may provide rolling responses. You stated in a letter (https://sfgov.org/sunshine/sites/default/files/sotf_120419_item12.pdf, page 12) that others have made similar expansive requests and I expect you to treat me with no less priority than anyone else. Please note, I expect you to redact these records in accordance with the Sunshine Ordinance - and you must justify each and every redaction or withholding with a clear reference, such as a footnote (SFAC 67.26), to a statute or case law (SFAC 67.27). If you provide only a general list of justifications, I will appeal, and you will eventually have to do all of the redaction work again as other City agencies have had to do. (For example, consider the functionality of Adobe Acrobat that allows you to put a redaction code in every redaction.) Please do not destroy any records during the pendency of my request or appeals. All records must be provided in their original electronic record, or .EML/.MSG formats, and with all metadata and headers. Please perform record production correctly the first time, as appeals and Orders from Court, SOTF, or Sup. of Records, will be quite time-consuming to have to re do.

For the sake of building a good record for any appeals I would ask that you issue formal letters detailing your expected timelines and a notice if you would like to negotiate any part of this request, if you need to.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 83876-31149286@requests.muckrock.com
Upload documents directly:
For mailed responses, please address (see note):
MuckRock News
DEPT MR 83876
411A Highland Ave
Somerville, MA 02144-2516

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Supervisor of Records,
San Francisco, CA
supervisor.records@sfcityatty.org

This is a new SFAC 67.21(d) petition for written determination that parts of specific records are public and an order for their disclosure. On December 18, 2019 an unknown employee of the Department of Police Accountability published online on MuckRock.com a record in response to our request¹ of Nov. 28, 2019:

This response “in the GBI category” appears to be one of many rolling responses to our request #2, clause “all records of an officer's use of force that results in death or great bodily injury” and is DPA’s investigation record “SF DPA - 0168-01”. DPA uploaded the file to: https://cdn.muckrock.com/outbound_request_attachments/DepartmentOfPoliceAccountability/83876/Prepared20for20Production20-200168-01.pdf which I have not attached due to the large size of the file, but which I will describe as Exhibit A and is incorporated by reference herein.

¹) IMMEDIATE DISCLOSURE: all responsive records DPA has already provided under SB 1421 to any other requestor. Since you should not redact more information for me than you have provided any other member of the public (Gov Code 6254.5), you should be able to immediately provide these.

2) REGULAR DISCLOSURE: every record retained, owned, prepared, or used by DPA of: all records of officer's discharge of a firearm at a person, all records of an officer's use of force that results in death or great bodily injury, sustained findings of officer's sexual assault of a member of the public, sustained findings of officer's dishonesty that are disclosable under DB 1421 (sic). This is of course a very large request, and you may provide rolling responses. You stated in a letter (https://sfgov.org/sunshine/sites/default/files/sotf_120419_item12.pdf, page 12) that others have made similar expansive requests and I expect you to treat me with no less priority than anyone else. Please note, I expect you to redact these records in accordance with the Sunshine Ordinance - and you must justify each and every redaction or withholding with a clear reference, such as a footnote (SFAC 67.26), to a statute or case law (SFAC 67.27). If you provide only a general list of justifications, I will appeal, and you will eventually have to do all of the redaction work again as other City agencies have had to do. (For example, consider the functionality of Adobe Acrobat that allows you to put a redaction code in every redaction.) Please do not destroy any records during the pendency of my request or appeals. All records must be provided in their original electronic record, or .EML/.MSG formats, and with all metadata and headers. Please perform record production correctly the first time, as appeals and Orders from Court, SOTF, or Sup. of Records, will be quite time-consuming to have to re do.

Request #83876 / DPA - SB 1421
Because none of the withholding of information has been justified in writing (SFAC 67.27), and none of the redactions have footnotes or other clear references to justifications (SFAC 67.26), I ask for the following parts to be deemed public in writing, and ordered disclosed.

1. I allege all redactions are unlawful and must be unredacted (i.e. disclosed). While I am aware you have no jurisdiction to force DPA to justify their redactions pursuant to SFAC 67.26/67.27, if they did, this entire process would be much easier. I urge you or someone in their office to speak to DPA about their Sunshine process.

2. Because you have in the past requested examples (though I do not believe I have to provide them), I also provide this incomplete list of examples of redactions that are unlawful since they have no justifications. All references are to page numbers in Exhibit A. If a page is listed without further info, all redactions on that page are challenged.
   a. Pg 1, Item 9 and, Columns 13 and 14
   b. Pg 5, all redactions of DPA’s typing at the bottom of the page
   c. Pg 28
   d. Pg 29
   e. Pg 32
   f. Pg 33
   g. Pg 36, item 9 and Column 13
   h. Pg 38, typing at bottom of the page
   i. Pg 40, all (note govt phone numbers are not private)
   j. Pg 41, 42, 43, “AS:” heading
   k. Pg 46, report number
   l. Pg 56, 57, 58, 59
   m. Pg 62 - govt phone number
   n. Pg 67
   o. Pg 78 case number
   p. Pg 79, 80, 81
   q. Pg 82, items 5, 9, and 13
   r. Pg 86, typing at bottom
   s. Pg 87, items 9, 13
   t. Pg 90-100 inclusive
   u. Pg 102, redactions 1, 2, 5, 6 (top to bottom)
   v. Pg 103, redactions 1, 5 (top to bottom)
   w. Pg 107, redactions 1, 2 (is this a peace officer?), 13, 14, 15 (top to bottom)
   x. Pg 108, bottom 2 redactions large rectangles
   y. Pg 109, middle 2 large rectangles
   z. Pg 110, bottom 2 large rectangles
   aa. Pg 155, 2nd redaction

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly-viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com FOIA service used to issue Request #83876 / DPA - SB 1421
this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,

ANONYMOUS
Requestor/Petitioner
January 24, 2020

Sent via email (83876-31149286@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petitions to the Supervisor of Records concerning your request to the Department of Police Accountability ("DPA") dated November 28, 2019, seeking peace officer personnel records that are now public under Senate Bill 1421. You filed a petition dated December 18, 2019, and a petition dated December 23, 2019, contesting DPA’s responses to your request. The December 18 petition seeks a determination that the redactions DPA applied to Case 168-01 were improper. The December 23 petition seek a determination that DPA improperly withheld and improperly redacted information from Case 441-12. We have reviewed Case 168-01 and Case 441-12 and find that DPA lawfully redacted and withheld information from both case files.

December 18, 2019 Petition

In Case 168-01, DPA properly redacted information on the following bases:

1. Confidentiality of peace officer personnel records not subject to disclosure under Penal Code § 832.7(b) (Government Code § 6254(k), Penal Code §§ 832.7(a), 832.8, Cal. Const. Art. 1, Sec. 1; Government Code § 6254(c)), including information you identify in Items 2.a, 2.b, 2.g, 2.h, 2.j, 2.l, 2.q, 2.s, 2.t, 2.u, 2.x, 2.y, 2.z;

2. Penal Code Section 832.7(b)(5) (Government Code § 6254(k), Penal Code § 832.7(b)(5)), such as information identifying witnesses and complainants or potentially leading to the identity of such individuals, personal data or information, and private information, including information you identify in Items 2.c, 2.d, 2.e, 2.f, 2.g, 2.k, 2.n, 2.o, 2.p, 2.q, 2.r, 2.s, 2.t, 2.u, 2.v, 2.w, 2.aa;

3. Official information privilege (Government Code § 6254(k), Evidence Code § 1040), including information you identify in Items 2.i, 2.m, 2.p;

4. Criminal offender record information and information derived from the California Law Enforcement Telecommunication System (Government Code § 6254(k), Penal Code §§ 11105, 11145, 13100 et seq.).

DPA properly withheld medical records (Government Code § 6254(k), Penal Code § 832.7(b)(5), Cal. Const. Art. 1, Sec. 1; Government Code § 6254(c)), and documents constituting criminal offender record information and information derived from the California Law
Letter to Anonymous
January 24, 2020
Page 2

Enforcement Telecommunication System (Government Code § 6254(k), Penal Code §§ 11105, 11145, 13100 et seq.).

December 23, 2019 Petition

In Case 441-12, DPA properly redacted information on the following bases:

1. Confidentiality of peace officer personnel records not subject to disclosure under Penal Code § 832.7(b) (Government Code § 6254(k), Penal Code §§ 832.7(a), 832.8, Cal. Const. Art. I, Sec. 1; Government Code § 6254(c)), including information you identify in Items 3.b, 3.c, 3.d, 3.k, 3.l, 3.m;

2. Penal Code Section 832.7(b)(5) (Government Code § 6254(k), Penal Code § 832.7(b)(5)), such as information identifying witnesses and complainants or potentially leading to the identity of such individuals, personal data or information, and private information, including information you identify in Items 3.a, 3.b, 3.e, 3.g, 3.j, 3.n;

3. Official information privilege (Government Code § 6254(k), Evidence Code § 1040);

4. Criminal offender record information and information derived from the California Law Enforcement Telecommunication System (Government Code § 6254(k), Penal Code §§ 11105, 11145, 13100 et seq.), including the information you identify in Item 3.f, 3.n; and


For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

[Signature]

Bradley A. Russi
Deputy City Attorney
Lopez, Reyna (CAT)

From: 83876-31149286@requests.muckrock.com
Sent: Monday, December 23, 2019 5:13 PM
To: Supervisor Records
Subject: RE: California Public Records Act Request: DPA SB 1421 Police Misconduct Records - Immediate Disclosure Request and 67.21(c) request

Department Of Police Accountability
PRA Office
Suite 700
25 Van Ness Ave.,
San Francisco, CA 94102

December 23, 2019

This is a follow up to a previous request:

Supervisor of Records,

Please see the attached NEW 67.21(d) petition against DPA.
This is an additional, distinct petition re: different records than our past DPA petition and does not replace those petitions.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 83876-31149286@requests.muckrock.com
Upload documents directly:
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 83876
411A Highland Ave
Somerville, MA 02144-2516

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---

On Dec. 23, 2019:
Subject:
Please see the two attachments.
---

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Subject: RE: California Public Records Act Request: DPA SB 1421 Police Misconduct Records - Immediate Disclosure Request and 67.21(c) request
Supervisor of Records,

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Sincerely,
Anonymous
---

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Subject:
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---

On Dec. 18, 2019:
Subject:
Please see the attached file disclosed in the GBI category.
---

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Subject: RE: California Public Records Act Request: DPA SB 1421 Police Misconduct Records - Immediate Disclosure Request and 67.21(c) request
Diana,

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You will receive a letter response from another email address shortly. Please continue to keep your disclosed records on this email address.

Thanks,
Anonymous
---
On Nov. 27, 2019:
Subject:
Purdue Henderson and DPA,

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Please read carefully the exact wording of my request. Please follow the Sunshine Ordinance and CPRA precisely as I am auditing your agency's public records regimen. As the City is aware, every violation of the Sunshine Ordinance or CPRA will be appealed immediately, including:
- any untimely or incomplete response, failure to provide records in a rolling fashion as soon as they are available, or failing to indicate whether you have responsive records or not for each request and whether you withheld any records for each request (SFAC 67.21, 67.25, Gov Code 6253(c)),
- withholding more than the minimum exempt portion of any record (SFAC 67.26),
- failure to justify with "clear reference" to an exemption statute or case law for each and every redaction or withholding, including any so-called 'metadata' (SFAC 67.26, 67.27),
- failure to provide "exact copies" of records (Gov Code 6253(b)),
- failure to provide the "electronic format in which [you] hold[] the information" (Gov Code 6253.9),
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Please provide:
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Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

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E-mail (Preferred): 83876-31149286@requests.muckrock.com
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DEPT MR 83876
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addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
Anonymous
83876-31149286@requests.muckrock.com
December 23, 2019

Supervisor of Records
San Francisco, CA
supervisor.records@sfcityatty.org

SUBJECT: Request #83876 / DPA - SB 1421 / Petition #2

Supervisor of Records,

This is a new SFAC 67.21(d) petition for written determination that parts of specific records are public and an order for their disclosure. We previously sent a DPA-related petition on Dec. 18, 2019 and this is a distinct petition that does not replace the prior one and is about distinct records. On December 23, 2019, Stephanie Wargo-Wilson of the Department of Police Accountability published online on MuckRock.com a record in DPA’s continuing rolling response to our request¹ of Nov. 28, 2019:

1) IMMEDIATE DISCLOSURE: all responsive records DPA has already provided under SB 1421 to any other requestor. Since you should not redact more information for me than you have provided any other member of the public (Gov Code 6254.5), you should be able to immediately provide these.

2) REGULAR DISCLOSURE: every record retained, owned, prepared, or used by DPA of: all records of officer's discharge of a firearm at a person, all records of an officer's use of force that results in death or great bodily injury, sustained findings of officer's sexual assault of a member of the public, sustained findings of officer's dishonesty that are disclosable under DB 1421 (sic). This is of course a very large request, and you may provide rolling responses. You stated in a letter (https://sfgov.org/sunshine/sites/default/files/sotf_120419_item12.pdf, page 12) that others have made similar expansive requests and I expect you to treat me with no less priority than anyone else. Please note, I expect you to redact these records in accordance with the Sunshine Ordinance - and you must justify each and every redaction or withholding with a clear reference, such as a footnote (SFAC 67.26), to a statute or case law (SFAC 67.27). If you provide only a general list of justifications, I will appeal, and you will eventually have to do all of the redaction work again as other City agencies have had to do. (For example, consider the functionality of Adobe Acrobat that allows you to put a redaction code in every redaction.) Please do not destroy any records during the pendency of my request or appeals. All records must be provided in their original electronic record, or .EML/.MSG formats, and with all metadata and headers. Please perform record production correctly the first time, as appeals and Orders from Court, SOTF, or Sup. of Records, will be quite time-consuming to have to re do.
This response is one of many rolling responses to our request #2 in the footnote above, and is DPA's investigation record “SF DPA - 0441-12”. DPA published the record to: https://cdn.muckrock.com/outbound_request_attachments/DepartmentOfPoliceAccountability/83876/Prepared20for20Production20-200441-12.pdf and a letter to: https://cdn.muckrock.com/outbound_request_attachments/DepartmentOfPoliceAccountability/83876/12_23_201920MuckRock20Disclosure20Letter20-200441-1220-20MJPP20SWW.pdf which I have not attached due to the large size of the files, but which I will describe as Exhibit A and Exhibit B respectively and are incorporated by reference herein.

Because:

● the withholding of information has been justified in writing using a completely generic reason “based on subdivisions of Penal Code Section 832.7 that mandate and allow redactions of certain information listed in the code section” (Exhibit B, para 1) which does not actually meet the requirement that it be a "specific permissive exemption" in the CPRA or elsewhere or "specific statutory authority" prohibiting disclosure (SFAC 67.27) since PC 832.7 has, as DPA states, numerous subdivisions, and

● not all of the redactions are in fact being withheld based on any subdivisions of PC 832.7 as some are clearly being redacted for the privacy of the OCC complainant (just as an example),

● none of the “masking” of purportedly exempt information (aka redactions) are “keyed by footnote[s] or other clear reference[s]” to justifications (SFAC 67.26),

therefore, I ask for the following parts of Exhibit A to be deemed public in writing, and ordered disclosed.

1. All redactions are unlawful due to violations of SFAC 67.26, 67.27 and must be unredacted (i.e. disclosed). While I am aware you have no jurisdiction to force DPA to justify their redactions correctly pursuant to SFAC 67.26/67.27, if they did, this entire process would be much easier. I urge you or someone in your office to speak to DPA about their Sunshine process.

2. It is entirely unknown which records in investigation “SF DPA - 0441-12” were deemed exempt or withheld. No justification for withholding entire records was provided, so all withheld records (if any) should be deemed public and disclosable.

3. Because you have in the past requested examples (though I do not believe I have to provide them), I also provide this incomplete list of examples of redactions that are unlawful since they have no justifications. All references are to page numbers in Exhibit A. If a page is listed without further info, all redactions on that page are challenged. Redactions are numbered from top to bottom, left to right.
   a. Pg 1, form Items 5 and 9
   b. Pg 5, redactions 2, 3, 5, 6
   c. Pg 7, form items 13, 14, 19, and last redaction
   d. Pg 8, form items 13, 14, 19, and last redaction

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e. Pg 12, all redactions except the “work address”
f. Pg 13, the fully hidden row on “Cited 1” - we can’t even see the names of the fields to challenge their redaction
g. Pg 19, all redactions, we can’t even see the names of the fields to challenge their redaction
h. Pg 21-25 - all photos must be reproduced so as to not withhold any information. These are completely illegible. (If DPA possesses no better copies, then there is nothing better to produce).
i. Case numbers, incident numbers, report numbers, and similar must be disclosed. It is unknown what exemption these could possibly be exempt under for long-closed investigations.
j. Pg. 34 - all redactions, we can’t even see the names of the fields to challenge their redaction
k. Pg. 68-72 - all redactions
l. Pg 77-81 - all redactions
m. Pg 92 - bottom redaction
n. Pg 99-103 - all redactions

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly-viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Sincerely,

ANONYMOUS
Requestor/Petitioner