MEMORANDUM

TO: Honorable Members
   Sunshine Ordinance Task Force

FROM: Bradley Russi
       Deputy City Attorney

DATE: October 28, 2021

RE: Twenty-First Annual Report of the Supervisor of Records
    January 1 to December 31, 2020

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, 2020 (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:** No court decisions interpreting or applying the Sunshine Ordinance for the reporting period.
DESCRIPTION OF PETITIONS AND THEIR DISPOSITION

1. Petitioner: Anonymous (this petition and those below from “Anonymous” are from the same individual)
   Department: Department of Emergency Management
   Records sought: Calendar entries and emails
   Custodian of Records: Mary Ellen Carroll
   Determination: Petition withdrawn
   Date Petition Received: January 6, 2020
   Date of Determination: Petition withdrawn on January 8, 2020
   A copy of the decision and petition are included on pages 1-9 of the Appendix.

2. Petitioner: Anonymous
   Department: Mayor’s Office
   Records sought: (1) Records regarding how staff inquired internally to determine if there were records responsive to a prior public records request, and (2) full copies of photos a staff member sent via WhatsApp
   Custodian of Records: Hank Heckel
   Determination: Department properly redacted records responsive to request (1) based on attorney client privilege, identity of informer privilege, and personal privacy. The petitioner withdrew the second portion of the petition.
   Date Petition Received: January 6, 2020
   Date of Determination: March 10, 2020
   A copy of the decision and petition are included on pages 10-83 of the Appendix.

3. Petitioner: Anonymous
   Department: Sheriff’s Department
   Records sought: Sheriff’s calendar entries
   Custodian of Records: Sheriff Miyamoto
Determination: Department properly redacted records based on privacy. Gov’t Code Secs. 6254(c), (k), Cal. Const. Art. I, Sec. 1.

Date Petition Received: January 6, 2020
Date of Determination: January 28, 2020

A copy of the decision and petition are included on pages 84-89 of the Appendix.

4. Petitioner: Anonymous
Department: Fine Arts Museums
Records sought: Department head calendar entries
Custodian of Records: Megan Bourne
Determination: No determination needed; department did not withhold or redact records.

Date Petition Received: January 6, 2020
Date of Determination: Petition closed on August 25, 2020

A copy of the decision and petition are included on pages 90-94 of the Appendix.

5. Petitioner: Anonymous
Department: Mayor’s Office
Records sought: Various emails, text messages, and chats
Custodian of Records: Hank Heckel
Determination: Department properly applied redactions; several issues raised by petition beyond scope of Supervisor of Records review.

Date Petition Received: January 24, 2020
Date of Determination: July 31, 2020

A copy of the decision and petition are included on pages 95-104 of the Appendix.

6. Petitioner: Anonymous
Department: Department of Police Accountability
Records sought: Organizational charts
CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Honorable Members
Sunshine Ordinance Task Force
DATE: October 28, 2021
PAGE: 4
RE: Twenty-First Annual Report of the Supervisor of Records
January 1 to December 31, 2020

Custodian of Records: Newton Oldfather
Determination: Petition withdrawn
Date Petition Received: January 24, 2020
Date of Determination: Petition withdrawn on January 24, 2020
A copy of the decision and petition are included on pages 105-106 of the Appendix.

7. Petitioner: Anonymous
Department: Department of Police Accountability
Records sought: Peace officer personnel records
Custodian of Records: Diana Rosenstein
Determination: Department may redact or withhold peace officer personnel records based on exemptions in the Public Records Act that do not conflict with Section 832.7(b) of the Penal Code, such as attorney-client privilege, official information privilege, and the confidentiality of criminal offender record information; department properly withheld and redacted records on various bases.
Date Petition Received: January 27, 2020
Date of Determination: February 7, 2020
A copy of the decision and petition are included on pages 107-114 of the Appendix.

8. Petitioner: independentm68@gmail.com
Department: Department of Public Works
Records sought: Records of Mohammed Nuru on his personal accounts and personal devices
Custodian of Records: David Steinberg
Determination: No issue for Supervisor of Records to review, because department unable to determine if responsive records exist due to the circumstances of Mr. Nuru’s situation.
Date Petition Received: February 3, 2020
Date of Determination: Petition closed on February 5, 2020
A copy of the decision and petition are included on pages 115-117 of the Appendix.
9. Petitioner:   Vince Dixon  
Department:   Department of Public Health  
Records sought:   Records of inspections of restaurants and food establishments  
Custodian of Records:  Veronica Vien  
Determination: Department indicated it would provide records; no determination needed  
Date Petition Received: February 14, 2020  
Date of Determination: March 2, 2020  
A copy of the decision and petition are included on pages 118-121 of the Appendix.

10. Petitioner:   Anonymous  
Department:   Police Department  
Records sought: Memorandum of understanding between the department and the Federal Bureau of Investigation  
Custodian of Records: Lt. Arran Pera  
Determination: Petition dismissed as moot; duplicative of another petition from same petitioner.  
Date Petition Received: February 14, 2020  
Date of Determination: Petition closed on March 10, 2020  
A copy of the decision and petition are included on pages 122-123 of the Appendix.

11. Petitioner:   Anonymous  
Department:   Police Department  
Records sought: Documents concerning requests for information from the Department of Police Accountability to the Police Department; records concerning Sunshine Ordinance Task Force file 19017  
Custodian of Records: Lt. Arran Pera  
Determination: Department properly redacted records responsive to both requests on various bases.  
Date Petition Received: February 19, 2020
TO: Honorable Members
Sunshine Ordinance Task Force
DATE: October 28, 2021
PAGE: 6
RE: Twenty-First Annual Report of the Supervisor of Records
January 1 to December 31, 2020

Date of Determination: August 6, 2020
A copy of the decision and petition are included on pages 124-126 of the Appendix.

12. Petitioner: Anonymous
   Department: Department of Emergency Management
   Records sought: Text messages sent via WhatsApp; petitioner sought original files of photos sent by message and contested redactions to other messages
   Custodian of Records: Victor Lim
   Determination: Department produced original files of photos; department properly redacted messages based on Government Code Sec. 6254.19.
   Date Petition Received: February 19, 2020
   Date of Determination: December 11, 2020
A copy of the decision and petition are included on pages 127-147 of the Appendix.

13. Petitioner: Anonymous
   Department: Mayor’s Office
   Records sought: Emails sent by the Mayor or the Chief of Staff in which an addressee was blind copied
   Custodian of Records: Hank Heckel
   Determination: Department did not withhold or redact records; no determination needed.
   Date Petition Received: February 26, 2020
   Date of Determination: Petition closed on March 10, 2020
A copy of the decision and petition are included on pages 148-149 of the Appendix.

14. Petitioner: Anonymous
   Department: Police Department
   Records sought: Memorandum of understanding between the department and the Federal Bureau of Investigation
   Custodian of Records: Lt. Arran Pera
MEMORANDUM

TO: Honorable Members
Sunshine Ordinance Task Force

DATE: October 28, 2021
PAGE: 7

RE: Twenty-First Annual Report of the Supervisor of Records
January 1 to December 31, 2020

Determination: Petition withdrawn
Date Petition Received: March 5, 2020
Date of Determination: Petition withdrawn on March 9, 2020

A copy of the decision and petition are included on pages 150-159 of the Appendix.

15. Petitioner: Anonymous
Department: Police Commission
Records sought: Audio recordings of closed session meetings of the Police Commission regarding officer involved shootings
Custodian of Records: Sgt. Rachael Kilshaw
Determination: Commission properly withheld records under Government Code Sections 6254(c), (k), Penal Code Section 832.7, and Article I, Section 1 of the California Constitution.
Date Petition Received: March 12, 2020
Date of Determination: November 4, 2020

A copy of the decision and petition are included on pages 160-209 of the Appendix.

16. Petitioner: Anonymous
Department: Police Department
Records sought: Text messages between the Chief of Police and the Mayor
Custodian of Records: Lt. Arran Pera
Determination: Department properly redacted information identifying individuals who tested positive for COVID-19 under Government Code Sections 6254(c) and (k), Article I, Section 1 of the California Constitution, Evidence Code 1040, and Penal Code Sections 832.8(a)(2) and (a)(6); department properly redacted identifying information for complainants and details regarding locations under investigation by the department under Government Code sections 6254(c) and (f), Article I, Section 1 of the California Constitution, and Evidence Code 1040.
TO: Honorable Members
Sunshine Ordinance Task Force
DATE: October 28, 2021
PAGE: 8
RE: Twenty-First Annual Report of the Supervisor of Records
January 1 to December 31, 2020

Date Petition Received: April 13, 2020
Date of Determination: October 23, 2020

A copy of the decision and petition are included on pages 210-237 of the Appendix.

17. Petitioner: Haeree Lee
   Department: Unclear
   Records sought: Unclear
   Custodian of Records: None
   Determination: Petitioner did not respond to request for clarification; no determination needed.
   Date Petition Received: May 19, 2020
   Date of Determination: Petition closed on May 26, 2020

A copy of the decision and petition are included on pages 238-242 of the Appendix.

18. Petitioner: Harry Pariser
   Department: Recreation and Parks Department
   Records sought: Documents including the keywords “Stephanie Linder,” “Botanical Garden” and, “observation wheel” from April 1, 2020 though the date of the request
   Custodian of Records: Tiffany Lin-Wilson
   Determination: Department did not withhold or redact information; no determination needed.
   Date Petition Received: May 27, 2020
   Date of Determination: Petition closed on June 10, 2020

A copy of the decision and petition are included on pages 243-244 of the Appendix.

19. Petitioner: Maya Zubkovskaya
   Department: Police Department
   Records sought: Petitioner contested redactions to the police incident report
   Custodian of Records: Lt. Arran Pera
Determination: Department properly redacted records based on Government Code Sections 6254(c), (f), (k); Cal. Const. Art. I, Sec. 1.

Date Petition Received: June 1, 2020
Date of Determination: September 25, 2020

A copy of the decision and petition are included on pages 245-250 of the Appendix.

20. Petitioner: Maya Zubkovskaya
   Department: Department of Emergency Management
   Records sought: Petitioner contested redactions to a computer aided dispatch record
   Custodian of Records: Victor Lim
   Determination: Department properly redacted records based on Government Code Sections 6254(c), (f), (k); Cal. Const. Art. I, Sec. 1.
   Date Petition Received: June 1, 2020
   Date of Determination: September 25, 2020

A copy of the decision and petition are included on pages 251-257 of the Appendix.

21. Petitioner: Anonymous
   Department: Mayor’s Office
   Records sought: Records regarding parade floats
   Custodian of Records: Hank Heckel
   Determination: Redactions of personal email addresses proper based on Government Code Sections 6254(c), (k); Cal. Const. Art. I, Sec. 1; redactions of information not constituting public records proper.
   Date Petition Received: June 8, 2020
   Date of Determination: November 4, 2020

A copy of the decision and petition are included on pages 258-314 of the Appendix.
22. Petitioner: DPH FOIA
   Department: Department of Public Health
   Records sought: Communications regarding requirement to wear masks in public
   Custodian of Records: Veronica Vien
   Determination: Department indicated it would produce responsive records; no determination needed.
   Date Petition Received: June 12, 2020
   Date of Determination: Petition closed on July 24, 2020

A copy of the decision and petition are included on pages 315-316 of the Appendix.

23. Petitioner: Anonymous
   Department: Controller’s Office
   Records sought: Electronic communications involving various department heads and one member of the public
   Custodian of Records: Claire Stone
   Determination: Department properly withheld records of a whistleblower complaint under Charter Sections F1.107(c) and F1.110(b), San Francisco Campaign and Governmental Conduct Code, Article IV, Sections 4.120 and 4.123, Evidence Code Sections 1040 and 1041, and Government Code Sections 6254(c) and 6255(a).
   Date Petition Received: June 19, 2020
   Date of Determination: January 5, 2021

A copy of the decision and petition are included on pages 317-329 of the Appendix.

24. Petitioner: Brian Howey
   Department: Human Services Agency
   Records sought: Contracts and records of payment between local hotels and the City from February 1 to June 4, 2020
   Custodian of Records: Ken Pang
MEMORANDUM

TO: Honorable Members
   Sunshine Ordinance Task Force
DATE: October 28, 2021
PAGE: 11
RE: Twenty-First Annual Report of the Supervisor of Records
   January 1 to December 31, 2020

<table>
<thead>
<tr>
<th>Determination: Department subsequently was prepared to produce records but requester’s email address no longer active; no determination needed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Petition Received: July 6, 2020</td>
</tr>
<tr>
<td>Date of Determination: Petition closed on August 10, 2021</td>
</tr>
</tbody>
</table>

A copy of the decision and petition are included on pages 330-340 of the Appendix.

25. Petitioner: Anonymous
   Department: Public Utilities Commission
   Records sought: Electronic communications between Walter Wong and Harlan Kelly
   Custodian of Records: Suzanne Gautier
   Determination: Department appropriately redacted portions of the records that do not contain information relating to the conduct of the public’s business and therefore do not constitute public records. See Cal. Gov’t Code § 6252(e); City of San Jose v. Superior Court, 2 Cal.5th 608 (2017) (San Jose)), would constitute an unwarranted invasion of personal privacy (Cal. Const. Art. I, Sec. 1; Cal. Gov’t Code § 6254(c)), or would disclose confidential personnel information (Cal. Gov’t Code § 6254(c).
   Date Petition Received: July 9, 2020
   Date of Determination: March 8, 2021

A copy of the decision and petition are included on pages 341-363 of the Appendix.

26. Petitioner: Anonymous
   Department: City Attorney’s Office
   Records sought: Records regarding discharge of a firearm by a peace officer
   Custodian of Records: Elizabeth Coolbrith
   Determination: Department properly withheld records constituting attorney work product under Code of Civil Procedure Section 2018.030(a), (b); other issue petitioner raised beyond scope of Supervisor of Records review.

A copy of the decision and petition are included on pages 341-363 of the Appendix.
Date PetitionReceived: July 14, 2020
Date of Determination: February 23, 2021

A copy of the decision and petition are included on pages 364-377 of the Appendix.

27. Petitioner: Maya Zubkovskaya
Department: Department of Emergency Management
Records sought: Petition contested redactions to an audio recording of a 911 call
Custodian of Records: Victor Lim
Determination: Department properly redacted records based on Government Code Sections 6254(c), (f), (k); Cal. Const. Art. I, Sec. 1.

Date PetitionReceived:July 15, 2020
Date of Determination: September 25, 2020

A copy of the decision and petition are included on pages 378-385 of the Appendix.

28. Petitioner: James Chadwick
Department: Office of the Medical Examiner
Records sought: Records of deaths between April 1, 2020 and June 17, 2020
Custodian of Records: Amy Hart
Determination: Department produced responsive records; no determination needed.

Date PetitionReceived:July 21, 2020
Date of Determination: Petition closed on November 3, 2020

A copy of the decision and petition are included on pages 386-412 of the Appendix.
MEMORANDUM

TO: Honorable Members
Sunshine Ordinance Task Force
DATE: October 28, 2021
PAGE: 13
RE: Twenty-First Annual Report of the Supervisor of Records
January 1 to December 31, 2020

Determination: Department did not withhold records; no determination needed.
Date Petition Received: July 28, 2020
Date of Determination: Petition closed on October 1, 2020
A copy of the decision and petition are included on pages 413-467 of the Appendix.

30. Petitioner: Jerry Dratler
Department: Planning Department
Records sought: Records concerning code violations at 846 34th Avenue
Custodian of Records: Jonas Ionin
Determination: Department did not withhold records; no determination needed.
Date Petition Received: July 28, 2020
Date of Determination: Petition closed on October 1, 2020
A copy of the decision and petition are included on pages 413-467 of the Appendix.

31. Petitioner: Anonymous
Department: City Attorney’s Office
Records sought: Log of public records requests
Custodian of Records: Elizabeth Coolbrith
Determination: Petition withdrawn
Date Petition Received: July 28, 2020
Date of Determination: Petition withdrawn on July 30, 2020
A copy of the decision and petition are included on pages 468-484 of the Appendix.

32. Petitioner: Anonymous
Department: Police Department
Records sought: Petitioner contested redactions to records of an officer involved shooting
Custodian of Records: Lt. Arran Pera
DEPARTMENT PROPERLY REDACTED RECORDS ON VARIOUS BASES.

DATE PETITION RECEIVED: August 7, 2020
DATE OF DETERMINATION: February 3, 2021

A copy of the decision and petition are included on pages 485-493 of the Appendix.

33. Petitioner: Ken Lomba
   Department: Sheriff’s Office
   Records sought: Records regarding elevator contract
   Custodian of Records: Capt. Kevin McConnell
   Determination: Petitioner did not respond to request for update.
   Date Petition Received: August 28, 2020
   Date of Determination: Petition closed on September 16, 2020

A copy of the decision and petition are included on pages 494-496 of the Appendix.

34. Petitioner: Anonymous
   Department: Police Department
   Records sought: Prospective calendar entries of the Chief of Police
   Custodian of Records: Lt. Arran Pera
   Date Petition Received: September 16, 2020
   Date of Determination: March 9, 2021

A copy of the decision and petition are included on pages 497-506 of the Appendix.

35. Petitioner: Anonymous
   Department: City Attorney’s Office
# MEMORANDUM

**TO:** Honorable Members  
Sunshine Ordinance Task Force  

**DATE:** October 28, 2021  
**PAGE:** 15  
**RE:** Twenty-First Annual Report of the Supervisor of Records  
January 1 to December 31, 2020

<table>
<thead>
<tr>
<th>Records sought:</th>
<th>Prospective calendar entries of the City Attorney</th>
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<tbody>
<tr>
<td>Custodian of Records:</td>
<td>Elizabeth Coolbrith</td>
</tr>
<tr>
<td>Date Petition Received:</td>
<td>October 1, 2020</td>
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<tr>
<td>Date of Determination:</td>
<td>March 9, 2021</td>
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A copy of the decision and petition are included on pages 507-514 of the Appendix.

<table>
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<th>36. Petitioner:</th>
<th>Anonymous</th>
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<tbody>
<tr>
<td>Department:</td>
<td>Mayor’s Office</td>
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<tr>
<td>Records sought:</td>
<td>Prospective calendar entries of the Mayor</td>
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<tr>
<td>Custodian of Records:</td>
<td>Hank Heckel</td>
</tr>
<tr>
<td>Date Petition Received:</td>
<td>October 1, 2020</td>
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<td>Date of Determination:</td>
<td>March 9, 2021</td>
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A copy of the decision and petition are included on pages 515-534 of the Appendix.

<table>
<thead>
<tr>
<th>37. Petitioner:</th>
<th>Anonymous</th>
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<tbody>
<tr>
<td>Department:</td>
<td>Department of Human Resources</td>
</tr>
<tr>
<td>Records sought:</td>
<td>Petitioner contested redactions of an email from a staff member to the City Attorney’s Office</td>
</tr>
<tr>
<td>Custodian of Records:</td>
<td>Paul Greene</td>
</tr>
</tbody>
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**MEMORANDUM**

TO: Honorable Members  
Sunshine Ordinance Task Force  

DATE: October 28, 2021  

PAGE: 16  

RE: Twenty-First Annual Report of the Supervisor of Records  
January 1 to December 31, 2020  

<table>
<thead>
<tr>
<th>Determination:</th>
<th>Department properly redacted record based on privacy Government Code Sections 6254(c), (k); Cal. Const. Art. I, Sec. 1.</th>
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<tbody>
<tr>
<td>Date Petition Received:</td>
<td>October 6, 2020</td>
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<tr>
<td>Date of Determination:</td>
<td>October 8, 2020</td>
</tr>
</tbody>
</table>

A copy of the decision and petition are included on pages 535-542 of the Appendix.

38. **Petitioner:** Anonymous  
**Department:** Department of Human Resources  
**Records sought:** Petitioner contested redactions to a settlement agreement  
**Custodian of Records:** Paul Greene  
**Determination:** Department properly redacted record based on privacy Government Code Sections 6254(c), (k); Cal. Const. Art. I, Sec. 1.  
**Date Petition Received:** October 9, 2020  
**Date of Determination:** December 9, 2020  

A copy of the decision and petition are included on pages 543-558 of the Appendix.

39. **Petitioner:** Anonymous  
**Department:** Department of Technology  
**Records sought:** Petitioner contested withholding of certain metadata  
**Custodian of Records:** Linda Gerull  
**Determination:** Department produced records with minimal withholding and petitioner no longer contested redactions.  
**Date Petition Received:** October 9, 2020  
**Date of Determination:** Petition closed on June 29, 2021  

A copy of the decision and petition are included on pages 559-817 of the Appendix.

40. **Petitioner:** Anonymous  
**Department:** Department of Technology  

Records sought: Petitioner contested withholding of certain metadata
Custodian of Records: Linda Gerull
Determination: Department produced records with minimal withholding and petitioner no longer contested redactions.
Date Petition Received: October 13, 2020
Date of Determination: Petition closed on June 29, 2021
A copy of the decision and petition are included on pages 818-835 of the Appendix.

41. Petitioner: Anonymous
   Department: Police Department
   Records sought: Petitioner contested withholding of cell phone numbers of employees
   Custodian of Records: Lt. Arran Pera
   Determination: Department properly redacted records based on privacy and the official information privilege, Cal. Const. Art I, Sec. 1; Evidence Code Section 1040.
   Date Petition Received: October 30, 2020
   Date of Determination: December 15, 1010
   A copy of the decision and petition are included on pages 836-844 of the Appendix.

42. Petitioner: Anonymous
   Department: Police Commission
   Records sought: Audio recordings of closed session meetings of the Police Commission regarding officer involved shootings; petitioner contested reliance on Section 832.7(b)(6) of the Penal Code after initial Supervisor of Records Determination dated November 4, 2020
   Custodian of Records: Sgt. Rachael Kilshaw
   Determination: Commission confirmed that it did not withhold records based on Section 832.7(b)(6); no further determination necessary.
   Date Petition Received: November 5, 2020
TO: Honorable Members
Sunshine Ordinance Task Force
DATE: October 28, 2021
PAGE: 18
RE: Twenty-First Annual Report of the Supervisor of Records
January 1 to December 31, 2020

Date of Determination: Petition closed on January 5, 2021
A copy of the decision and petition are included on pages 845-868 of the Appendix.

43. Petitioner: Anonymous
Department: Mayor’s Office
Records sought: Petitioner contended that portions of emails regarding parade floats were improperly withheld without justification and that some portions of emails improperly withheld based on attorney client privilege
Custodian of Records: Hank Heckel
Determination: Department did not withhold portions of emails without justification and properly withheld portions of email based on attorney-client privilege.
Date Petition Received: November 6, 2020
Date of Determination: December 9, 2020
A copy of the decision and petition are included on pages 869-874 of the Appendix.

44. Petitioner: Anonymous
Department: Office of the Medical Examiner
Records sought: Records regarding the death of Cesar Vargas
Custodian of Records: Amy Hart
Determination: Department produced records and properly applied redactions based on privacy. See Gov’t Code Secs. 6254(c), (k), 6254.29; Cal. Const. Art. I, Sec. 1.
Date Petition Received: November 6, 2020
Date of Determination: August 17, 2021
A copy of the decision and petition are included on pages 875-879 of the Appendix.

45. Petitioner: Maya Zubkovskaya
Department: Department of Emergency Management
Records sought: Records regarding a call for service
Custodian of Records: Victor Lim
MEMORANDUM

TO: Honorable Members
Sunshine Ordinance Task Force

DATE: October 28, 2021
PAGE: 19
RE: Twenty-First Annual Report of the Supervisor of Records
January 1 to December 31, 2020

Determination: Petitioner contended that she requested records under the California Information Practices Act and that the department improperly responded; issue outside the scope of Supervisor of Records jurisdiction.

Date Petition Received: November 9, 2020
Date of Determination: November 23, 2020

A copy of the decision and petition are included on pages 880-885 of the Appendix.

46. Petitioner: Anonymous
Department: City Attorney’s Office
Records sought: City Attorney’s calendar entries
Custodian of Records: Elizabeth Coolbrith
Determination: Department produced additional records; no determination needed.
Date Petition Received: November 30, 2020
Date of Determination: January 5, 2021

A copy of the decision and petition are included on pages 886-891 of the Appendix.

47. Petitioner: Anonymous
Department: District Attorney’s Office
Records sought: Brady, Giglio, potential impeachment, or unreliable witness lists
Custodian of Records: Robin Burke
Determination: Department properly withheld the records based on Government Code Sec. 6254(k), Code of Civil Procedure Sec. 2018.030, and Government Code Sec. 6255; additionally, much or all of the content of the records exempt from disclosure under Government Code Sections 6254(c) and (f), and Article I, Sec. 1 of the California Constitution.
Date Petition Received: December 10, 2020
Date of Determination: January 12, 2021

A copy of the decision and petition are included on pages 892-898 of the Appendix.
MEMORANDUM

TO: Honorable Members
Sunshine Ordinance Task Force
DATE: October 28, 2021
PAGE: 20
RE: Twenty-First Annual Report of the Supervisor of Records
January 1 to December 31, 2020

48. Petitioner: Anonymous
Department: City Attorney
Records sought: Prospective calendar entries of the City Attorney
Custodian of Records: Elizabeth Coolbrith

Date Petition Received: December 14, 2020
Date of Determination: March 9, 2021
A copy of the decision and petition are included on pages 899-902 of the Appendix.

49. Petitioner: Anonymous
Department: City Attorney’s Office
Records sought: Prospective calendar entries of the City Attorney
Custodian of Records: Elizabeth Coolbrith

Date Petition Received: December 17, 2020
Date of Determination: March 9, 2021
A copy of the decision and petition are included on pages 903-921 of the Appendix.

50. Petitioner: Anonymous
Department: Police Department
Records sought: Records regard the officer involved shooting of Cesar Vargas

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CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Honorable Members
Sunshine Ordinance Task Force

DATE: October 28, 2021
PAGE: 21
RE: Twenty-First Annual Report of the Supervisor of Records
January 1 to December 31, 2020

Custodian of Records: Lt. Arran Pera
Determination: Department produced some records and properly withheld other records based on Government Code Section 6254(f) due to an ongoing investigation, and further withheld records for delayed disclosure under Penal Code Section 832.7(b)(7)(A)(ii).

Date Petition Received: December 18, 2020
Date of Determination: January 15, 2021
A copy of the decision and petition are included on pages 922-930 of the Appendix.

51. Petitioner: Anonymous
Department: Department of Homelessness and Supportive Housing
Records sought: Communications between Jeff Kositsky and various individuals
Custodian of Records: Dylan Schneider
Determination: Department indicated it had no responsive records; no determination needed.

Date Petition Received: December 18, 2020
Date of Determination: December 21, 2020
A copy of the decision and petition are included on pages 931-939 of the Appendix.

52. Petitioner: Anonymous
Department: Department of Public Works
Records sought: Petitioner contested the redaction of a personal phone number
Custodian of Records: David Steinberg
Determination: Department properly redacted the phone number under Government Code Sections 6254(c) and (k), and Cal. Const. Art. I, Sec. 1

Date Petition Received: December 22, 2020
Date of Determination: February 19, 2021
A copy of the decision and petition are included on pages 940-948 of the Appendix.
53. Petitioner: Anonymous
   Department: Mayor’s Office
   Records sought: Prospective calendar entries of the Mayor
   Custodian of Records: Hank Heckel
   Date Petition Received: December 29, 2020
   Date of Determination: March 9, 2021
   A copy of the decision and petition are included on pages 949-955 of the Appendix.

54. Petitioner: Anonymous
   Department: Mayor’s Office
   Records sought: Mayor’s Prop G calendar for November 1-14, 2020
   Custodian of Records: Hank Heckel
   Determination: Department produced records; no determination needed.
   Date Petition Received: December 31, 2020
   Date of Determination: Petition closed on February 11, 2021
   A copy of the decision and petition are included on pages 956-963 of the Appendix.

55. Petitioner: Anonymous
   Department: Medical Examiner
   Records sought: Medical Examiner’s Prop G calendar for November 1-14, 2020
   Custodian of Records: Amy Hart
   Determination: Department produced records; no determination needed.
   Date Petition Received: December 31, 2020
   Date of Determination:
Date of Determination: Petition closed on February 11, 2021
A copy of the decision and petition are included on pages 956-963 of the Appendix.

56. Petitioner: Anonymous
Department: Controller
Records sought: Controller’s Prop G calendar for November 1-14, 2020
Custodian of Records: Claire Stone
Determination: Department produced responsive records; no determination needed.
Date Petition Received: December 31, 2020
Date of Determination: February 11, 2021
A copy of the decision and petition are included on pages 956-963 of the Appendix.

57. Petitioner: Anonymous
Department: Port
Records sought: Port Director’s Prop G calendar for November 1-14, 2020
Custodian of Records: Elaine Forbes
Determination: Department produced responsive records; no determination needed.
Date Petition Received: December 31, 2020
Date of Determination: February 11, 2021
A copy of the decision and petition are included on pages 956-963 of the Appendix.
Pending Petitions

On March 20, 2021, the Supervisor of Records sent a letter to the Anonymous petitioner who submitted 43 of the 57 petitions discussed above. At that time, the petitioner had submitted approximately 135 petitions to the Supervisor of Records in less than two years. Due to the burden placed on the City Attorney’s Office resulting from these petitions, we notified the petitioner that we would be limiting our review to six petitions for the remainder of 2021 and six petitions going forward each calendar year. A copy of our letter is included on page 965 of the Appendix.

The following are the outstanding petitions submitted by the Anonymous petitioner in 2020 that have not yet been resolved.

<table>
<thead>
<tr>
<th>Date</th>
<th>Department</th>
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<tbody>
<tr>
<td>August 25, 2020</td>
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<td>Police Department</td>
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<td>December 9, 2020</td>
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<td>Department of Police Accountability</td>
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<tr>
<td>December 30, 2020</td>
<td>Department of Emergency Management</td>
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## APPENDIX
### TWENTY-FIRST ANNUAL REPORT OF THE SUPERVISOR OF RECORDS

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<tr>
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<td>Anonymous</td>
<td>956-963</td>
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Buta, Odaya (CAT)

From: 84181-53996453@requests.muckrock.com
Sent: Wednesday, January 8, 2020 1:42 AM
To: Supervisor Records
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)

Department of Emergency Management PRA Office
1011 Turk Street
SF, CA 94102

January 8, 2020

This is a follow up to a previous request:

The prior 67.21(d) petition from this email address is withdrawn.

Filed via MuckRock.com
E-mail (Preferred): 84181-53996453@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 84181
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 Jan. 7, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)
DEM-

1st- Why has the SOTF 19132 response been sent to '72902-46637773@requests.muckrock.com' which is for a different set of complaints against the Mayor's office? The complaint 19132 clearly states 84181-53996453@requests.muckrock.com. We will make further separate records requests regarding why you are using this email address and how you found it, presumably through coordination with the Mayor's Office.
2nd - You stated that you found the Dec 14 email in the Junk folder. If the original two Dec 7 (there were no Dec 10 emails, that is a typo) emails also went to MEC's junk folder, is it not possible that it was auto-deleted before you checked it? If DEM can represent in writing that all Junk folders were checked prior to auto-deletion OR that there is no auto-deletion policy, we can withdraw the complaint.

Sincerely,
Anonymous

---

On Jan. 7, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)
Please check all mail boxes of maryellen.carroll@sfgov.org (including spam or trash) for the following 2 emails. I am requesting this as a further Immediate Disclosure Request.

1) Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)
From: 84181-53996453@requests.muckrock.com
To: maryellen.carroll@sfgov.org
Date: Sun, 08 Dec 2019 01:16:03 -0000
and
2) Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)
From: 84181-53996453@requests.muckrock.com
To: maryellen.carroll@sfgov.org
Date: Sun, 08 Dec 2019 03:54:05 -0000

(Those dates are Dec 7 in Pacific timezone.)

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 Jan. 7, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)
VIA ELECTRONIC MAIL

Requestor: Anonymous
Email: 84181-53996453@requests.muckrock.com

January 7, 2020

Re: California Public Records Act Request: Calendars and Emails - (SF DEM)
Dear Anonymous,

This letter responds to your email dated December 14, 2019 regarding an Immediate Disclosure Request that you purport to have sent on December 7th or 10th, 2019.

---

On Jan. 4, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM) Supervisor of Records,

This is a new 67.21(d) petition against DEM and Mary Ellen Carroll.

We made an IDR on Dec. 7 to maryellen.carroll@sfgov.org. It is Jan 4 and there is simply no email reply from DEM. The request is here: https://cdn.muckrock.com/outbound_composer_attachments/94383620Anonymous/78079/IDR-20191207-DEM.pdf

I can petition you "if the custodian refuses, fails to comply, or incompletely complies with a request".
That is what has happened here.

Please determine that all requested records are public, and order DEM to disclose them.

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.

Thanks,
Anonymous

---

On Dec. 19, 2019:
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19132
Good Afternoon:

Mary Ellen Carroll and the Department of Emergency Management 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 Dec. 7, 2019:

Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)

To the Department Head (Mary Ellen Carroll),

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).

Your response is required by Dec. 10, 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): 84181-53996453@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAdJ48mr_xx4eBH3a1jeowGal8%3A1ip7qM%3Auuj75ZLGlC_1s8R2D3fOJfA45AA&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Fflogin%2F%3Fnext%3D%253D%252Faccounts%252Fagency_login%252Fdepartment-of-emergency-management-8080%252Fcalendars-and-emails-immediate-disclosure-request-sf-dem-84181%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 84181
411A Highland Ave
Somerville, MA 02144-2516

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This is a follow up to a previous request:

Supervisor of Records,

This is a new 67.21(d) petition against DEM and Mary Ellen Carroll.

We made an IDR on Dec. 7 to maryellen.carroll@sfgov.org. It is Jan 4 and there is simply no email reply from DEM. The request is here: https://cdn.muckrock.com/outbound_composer_attachments/94383620Anonymous/78079/IDR-20191207-DEM.pdf

I can petition you "if the custodian refuses, fails to comply, or incompletely complies with a request".
That is what has happened here.

Please determine that all requested records are public, and order DEM to disclose them.

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.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84181-53996453@requests.muckrock.com
Upload documents directly:
On Dec. 19, 2019:
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19132

Good Afternoon:

Mary Ellen Carroll and the Department of Emergency Management 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 to 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
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 Dec. 14, 2019:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)
We haven't heard back about an IDR sent Dec. 7. Response was due Dec. 10. Please check your email from Dec. 10 for an attachment named 'IDR-20191207-DEM.pdf'

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. 7, 2019:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)
RE: the DEC 7 IMMEDIATE DISCLOSURE REQUEST from this email address

Please note: "Exact copies" are requested for all records pursuant to CPRA Gov Code 6253(c). Please email all records, or publish them to your own website/portal (as long as the URL is accessible without any login), or upload them and publish them to MuckRock.com directly using the auto-generated link in the footer below. Do not physically mail any records.
Provide only those copies available without fees - if you believe certain copies require fees, instead provide the required notice of which records are available for in-person inspection.

Your response is still required by Dec. 10, 2019. Rolling records responses were 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

---

On Dec. 7, 2019:

Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DEM)

To the Department Head (Mary Ellen Carroll),

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).

Your response is required by Dec. 10, 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): 84181-53996453@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?url_auth_token=AAdJ48mr_xx4eBH3a1jeowGal8%3A1inwXr%3AevyGpk-
RSSanriFFERJiLhGoYTA&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F3Fnext%3D%252Faccounts%252Fagency_login%252Fdepartment-of-emergency-management-8080%252Fcalendars-and-emails-immediate-disclosure-request-sf-dem-84181%252Femail%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 84181
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.
March 10, 2020

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 received on January 4, 2020, concerning your request to the Mayor’s Office dated August 26, 2019. The Mayor’s Office produced records responsive to your request with redactions based on the attorney-client privilege, identity of informer privilege, and personal privacy. The Mayor’s Office has indicated that it did not withhold any records. We conclude that the Mayor’s Office property redacted the records. See Gov’t Code §§ 6254(c), 6254(k), 6276.04; Evid. Code §§ 950, 1041; Cal. Const. Art. I, Sec. 1. You withdrew the other aspect of the petition concerning WhatsApp photos.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
See 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

From: 76434-70600365@requests.muckrock.com <76434-70600365@requests.muckrock.com>  
Sent: Saturday, January 4, 2020 6:13 PM  
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>  
Subject: RE: California Public Records Act Request #19091

January 4, 2020

This is a follow up to request number 19091:

Supervisor of Records,

This is a new 67.21(d) petition for the following items to be determined public and ordered disclosed (records of the Mayor's Office).

1. On Aug 26, we requested "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 a July 2 request to the Mayor's Office).
   --- a) The Mayor's Office stated that on Sept 19 "some" of the responsive records were withheld due to attorney-client privilege. Please determine they not in fact *entirely* privileged, and thus some parts are public, and order them disclosed.
   --- b) The remainder of the responsive records have been withheld without any justification since Sept 19. Please determine them public and order them disclosed.

2. Jeff Cretan uses a personal WhatsApp account for government business. We requested on Aug 27 records of communications from that account, explicitly including attachments and inline images. The responsive records included a message with 30 attached images, of which only 3 in thumbnail form have been provided. The other 27 images (and full copies of the 3 thumb-nailed images) have been withheld since Sept 9 without lawful citation to justification. Please determine them public and order them disclosed.
Note that I do not have to wait until the Mayor's Office has given me justifications in order to petition you. I can file a petition "if the custodian refuses, fails to comply, or incompletely complies with a request " (67.21(d)).

See the attached PDFs for details (associated SOTF complaints).

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): 76434-70600365@requests.muckrock.com
Upload documents directly:
in%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Femail-and-
electronic-communications-audit-sf-mayor-76434%252F%253Femail%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 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.

---

On Dec. 10, 2019:
Subject: RE: California Public Records Act Request #19091
This is a reminder (separate and apart from negotiations in SOTF 19091), that the Aug 26 IDR for:

> 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)
remains outstanding. Please finish production or justification, as I need to enter the resulting public records or justification into File 19091 to prove whether or not a full San Jose search was performed.

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.

--Anonymous

---

On Oct. 30, 2019:
Subject: RE: California Public Records Act Request #19091
Your complaint is adjusted as requested.

Cheryl Leger
(415) 554-7724

---

On Oct. 30, 2019:
Subject: RE: California Public Records Act Request #19091
FILE 19091

Please add the attached presentation into the FILE 19091.

As before, please caption the full case name on the agenda to give proper notice to all respondents, even if Mr. Heckel represents all of them:

19091 Anonymous v. Office of the Mayor, London Breed, Hank Heckel, Tryone Jue, Sean Elsbernd, Andres Power, Andrea Bruss, Marjon Philhour, Jeff Cretan, Sophia Kittler

just as your DCA listed it,
for violations of 67.21, 67.26, 67.27, 67.29-7.

My cases 19089, 19091, 19094, and 19095 are now fully briefed and ready to go to the full task force (and they are not metadata cases).

Thanks,

Anonymous

---
On Oct. 29, 2019:
Subject: RE: California Public Records Act Request #19091
FILE 19091

SOTF,

Please docket 19091 to the full task force at your earliest convenience in queue order.

There is no metadata issue in this case (that was divided to 19109).

There will also be no compromise in Case 19091.

Please caption the full case name on the agenda to give proper notice to all respondents, even if Mr. Heckel represents all of them: 19091 Anonymous v. Office of the Mayor, London Breed, Hank Heckel, Tryone Jue, Sean Elsbernd, Andres Power, Andrea Bruss, Marjon Philhour, Jeff Cretan, Sophia Kittler, just as your DCA listed it.

Sincerely,
Anonymous

---

On Oct. 29, 2019:
Subject: RE: California Public Records Act Request #19091
No response from you having been received, I am no longer willing to compromise on any part of case 19091.

I will pursue all parts of these records and all violations. For your information, the email metadata portion is split into case 19109, which I will also pursue to its conclusion.

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

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

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
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 Jan 4, I filed a two-part petition from 76434-70600365@requests.muckrock.com - Part 2 for Cretan WhatsApp records is hereby withdrawn pursuant to a signed consent letter by the Mayor’s Office. Part 1 from the same petition remains outstanding.

Furthermore the following other petitions also remain outstanding, many beyond both the 10-day rule and your 30-day timeline:
Nov 12, 2019 - various issues in 2019 / FAMSF
Nov 26, 2019 - SB1421 / SFPD
Nov 28, 2019 - calendar redactions / SFPD
Jan 4, 2020 - calendar/email, refuse to respond / FAMSF
Jan 24, 2020 - email withholdings/redactions / Mayor’s Office
Feb 18, 2020 - SFPD redactions without justifications
Feb 19, 2020 - DEM WhatsApp record
Mar 5, 2020 - Secret MOU between FBI and SFPD

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,
Anonymous
Buta, Odaya (CAT)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Friday, January 24, 2020 9:42 AM
To: Supervisor Records; MayorSunshineRequests, MYR (MYR)
Cc: SOTF, (BOS); CityAttorney
Subject: Re: 4th 67.21(d) petition (aka SOTF 19091)
Attachments: signature.asc

Follow Up Flag: Follow up
Flag Status: Flagged

Sorry - use this corrected petition:

------- Original Message ------
On Friday, January 24, 2020 9:39 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Supervisor of Records Dennis Herrera,
(cc SOTF for filing in 19091)

Background of this case re: the Mayor’s Office emails, texts, and chats:

- I filed an initial 67.21(d) petition (and a simultaneous SOTF complaint, 19091) which you responded to on Sept 5, 2019, representing that Respondents would justify all redactions (proves violation of 67.26). Respondents did not comply.
- I filed a second 67.21(d) petition which you responded to on Oct 10, 2019, representing that Respondents would provide non-exempt attachments. Respondents provided only one, and not the others. (proves violation of 67.21(b)).
- I filed a third 67.21(d) petition on Jan 15, 2020 re: the Mayor’s Office failure to comply with the earlier petitions, for which no signed Herrera response was provided, but DCA Russi indicated informally on Jan 17, 2020 that he believed compliance was now complete. Respondents finally provided justifications and “26 additional attachments, withheld without justification since last July. Additional justifications not originally cited in July were used to now withhold entire attachments (proves violation of 67.27).

I now file a fourth 67.21(d) petition in this same case for continued non-minimal, non-metadata withholding (67.26):

- On https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_Policy_Director_Andres_Power_1.pdf I challenge:
  - pg. 2, 3, 6, 7, 8 - cited as "Ongoing negotiations regarding real estate and draft recommendations of the author. See Admin. Code § 67.2[4](a), (e)." (corrected from 67.25(a,e)). Respondents completely mis-understand SFAC 67.24 - which serves solely to eliminate in whole or in part CPRA or other exemptions. Read
67.27 - You have to point to an exemption in the CPRA or elsewhere **which is not prohibited by local law (67.24)**. Local law can **never** create exemptions that are **not** found at the state-level. 67.24(a) merely prohibits you from exempting anything EXCEPT draft author recommendations "not normally kept on file and would otherwise be disposed of"; but that doesn't make even those exempt under CPRA. There is no evidence that these portions of an email table would be "disposed of." And 67.24(e) in no way even implies that real estate negotiations could generally be exempt, it merely forces you to disclose them at a certain point. It doesn't and cannot make them exempt prior to that point under CPRA without a citation.

- pg. 10-18, 26-32 - cited as "attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k)." Clearly the first redacted block is written by a person not in City Attorney's office. This needs to be minimally withheld to just the privileged portions.

- Pg 4 of [https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Liaison_to_the_Board_of_Supervisors_Sophia_Kittler.pdf](https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Liaison_to_the_Board_of_Supervisors_Sophia_Kittler.pdf) has an underlined link URL written by a human being. It cannot be lawfully withheld. **Format** exemptions, to the extent they apply (which I do not concede), cannot exempt the **information** itself. (SOTF on Jan 21 ruled email metadata at least partially disclosable but I don't have the Order in hand yet so I'm sticking with non-metadata arguments for now).

- Pg 27-28 of [https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Communications_Director_Jeff_Cretan_Redacted.pdf](https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Communications_Director_Jeff_Cretan_Redacted.pdf) has two types of redactions: "law enforcement investigation exemption (Cal Gov. Code 6254(f)) and informer identity protections (Cal. Evidence Code 1040)" - I challenge all of the 6254(f) portions: DPW and REC are not law enforcement agencies, emails to them cannot be covered by 6254(f). Also I'm pretty sure EC 1041, not EC 1040, is informer identity. So I also challenge the supposed EC 1040 citation. (I don't think the identity has to be disclosed, but the City has to cite correct justification to legally withhold it, SFAC 67.27).

- All in [https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Mayor_London_Breed.pdf](https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Mayor_London_Breed.pdf) are cited as "private contact information withheld to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1." I challenge:
  - pg. 1, 6 - is this a business email, not personal
  - pg. 32 - is this an official email/letterhead, not personal

- All in [https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Chief_of_Staff_Sean_Elsbernd_2.pdf](https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Chief_of_Staff_Sean_Elsbernd_2.pdf) are cited as "private contact information withheld to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1." I challenge:
  - pg. 4 - disclose per Gov Code 6254.3(b)(1) - Philhour's personal email is used for public business

- pg. 25 in [https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Chief_of_Staff_Sean_Elsbernd_1.pdf](https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Chief_of_Staff_Sean_Elsbernd_1.pdf) is cited as "private contact information withheld to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1." disclose per Gov Code 6254.3(b)(1) - Philhour's personal email is used for public business

- All in [https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Senior_Advisor_Marjan_Philhour.pdf](https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Senior_Advisor_Marjan_Philhour.pdf) are cited as "protection of information such as private email addresses, phone numbers and personal addresses to avoid an
unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1". I challenge:

- pg. 1, redaction 1 - is this a business email, not personal
- pg. 1, redaction 2 - disclose per Gov Code 6254.3(b)(1) - Philhour's personal email is used for public business
- pg. 21 - this image of the mayor must be provided in full color, without being cutoff. Color is information. And 3/4 of the image has been withheld.
- pg. 35 - redactions 2 and 4. Note Philhour is himself sending public business emails using his personal email address here. Disclose per Gov Code 6254.3(b)(1)
- pg. 46 - redaction 2 - ditto as above.
- pg. 51, 52 - lists of news articles sent by Mason Lee. I have a right to know what those article URLs are. Format exemptions, to the extent they apply (which I do not concede), cannot exempt the information itself.

- pg. 6 on https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Deputy_Chief_of_Staff_Andrea_Bruss.pdf is challenged
- pg. 3 on https://cdn.muckrock.com/foia_files/2019/07/26/Responsive_Documents_Re_MuckRock_Request_Compliance_Officer_Hank_Heckel_1.pdf provide the full attached or inline image in full resolution and color

Each withholding in whole or in part is unlawful - please determine in writing each to be public, and order them immediately disclosed.

**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 (signature.asc attachment), 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 government all be disclosable public records.**

Sincerely,

Anonymous

------- Original Message -------
On Friday, January 17, 2020 4:52 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Supervisor of Records:

cc: Mayor's Office, City Attorney's office, and SOTF as a public communication for the next agenda packet.

I am going through the redactions now.
Furthermore, you indicated on Oct 10 they would provide the non-provided attachments. At the time they gave me *1*. Today, months later, they gave me 26 additional attachments.

What your office and the Mayor's office did together in this case is not acceptable. This is why you must grant my petitions: I was right, and you should have issued a 67.21(d) order against the Mayor's Office months ago. You had a responsibility to "immediately" order the Mayor's Office's disclosure of the improperly withheld documents or parts. You did not do so. You let them do things voluntarily, and they had not even complied with the law at the time you denied or otherwise responded to my petitions. Your role is to protect the public's right of access, not cover for the Mayor's office.

I will continue to pursue a complete restructuring of your procedures to truly protect the public's rights. All of this evidence will be brought to SOTF, Ethics, and wherever else I need to go.

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 government all be disclosable public records.

Sincerely,
Anonymous

-------- Original Message --------
On Friday, January 17, 2020 4:34 PM, Supervisor Records <supervisor.records@SFCITYATTY.ORG> wrote:

I understand that the Mayor’s Office has now responded regarding the redactions. If you contest the bases they have asserted to support the redactions, please let me know. Thank you.

Bradley Russi
From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Wednesday, January 15, 2020 10:24 AM
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>
Subject: Dept has not complied with Petition ‐ SFAC 67.21(d)

Supervisor of Records,

On Sept. 5, 2019 you responded to my Aug 26 petition via 76434-70600365@requests.muckrock.com, regarding the Mayor's Office's redactions:


In that response you stated that the Mayor's Office would justify their redactions. You did not deny my petition.

It is now over 4 months later and these redactions have never been justified.

The redactions currently performed by the Mayor's Office are unlawful because they are not keyed by footnote or other clear reference to a SFAC 67.27 justification.

We are thus explicitly requesting ALL redacted portions be deemed public because NONE are legally justified.
The burden of proof that a record or part of a record is not public is on the City agency, not on me.

By not following the law (SFAC 67.26) and justifying their redactions, the City has failed to meet its burden of proof.

Please grant this petition to have all redacted parts of these public records deemed public and order them disclosed.

The continuing refusal of your office to grant my petitions where the law is clearly on my side is unjust.

There is no grey area or technological bleeding-edge issues in this petition.

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
January 4, 2020

This is a follow up to request number 19091:

Supervisor of Records,

** RESENDING with links instead of attachments:
https://cdn.muckrock.com/outbound_request_attachments/94383620Anonymous/76434/Instruments.pdf,

This is a new 67.21(d) petition for the following items to be determined public and ordered disclosed (records of the Mayor's Office).

1. On Aug 26, we requested "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 a July 2 request to the Mayor's Office).
   --- a) The Mayor's Office stated that on Sept 19 "some" of the responsive records were withheld due to attorney-client privilege. Please determine they not in fact *entirely* privileged, and thus some parts are public, and order them disclosed.
   --- b) The remainder of the responsive records have been withheld without any justification since Sept 19. Please determine them public and order them disclosed.

2. Jeff Cretan uses a personal WhatsApp account for government business. We requested on Aug 27 records of communications from that account, explicitly including attachments and inline images. The responsive records included a message with 30 attached images, of which only 3 in thumbnail form have been provided. The other 27 images (and full copies of the 3 thumb-nailed images) have been withheld since Sept 9 without lawful citation to justification. Please determine them public and order them disclosed.

Note that I do not have to wait until the Mayor's Office has given me justifications in order to petition you. I can file a petition "if the custodian refuses, fails to comply, or incompletely complies with a request " (67.21(d)).

See the attached PDFs for details (associated SOTF complaints).

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 Jan. 4, 2020:
Subject: RE: California Public Records Act Request #19091
Supervisor of Records,

This is a new 67.21(d) petition for the following items to be determined public and ordered disclosed (records of the Mayor's Office).

1. On Aug 26, we requested "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 a July 2 request to the Mayor's Office).
--- a) The Mayor's Office stated that on Sept 19 "some" of the responsive records were withheld due to attorney-client privilege. Please determine they not in fact *entirely* privileged, and thus some parts are public, and order them disclosed.
--- b) The remainder of the responsive records have been withheld without any justification since Sept 19. Please determine them public and order them disclosed.

2. Jeff Cretan uses a personal WhatsApp account for government business. We requested on Aug 27 records of communications from that account, explicitly including attachments and inline images. The responsive records included a message with 30 attached images, of which only 3 in thumbnail form have been provided. The other 27 images (and full copies of the 3 thumb-nailed images) have been withheld since Sept 9 without lawful citation to justification. Please determine them public and order them disclosed.

Note that I do not have to wait until the Mayor's Office has given me justifications in order to petition you. I can file a petition "if the custodian refuses, fails to comply, or incompletely complies with a request " (67.21(d)).

See the attached PDFs for details (associated SOTF complaints).
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

---

On Dec. 10, 2019:
Subject: RE: California Public Records Act Request #19091
This is a reminder (separate and apart from negotiations in SOTF 19091), that the Aug 26 IDR for:

> 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)

remains outstanding. Please finish production or justification, as I need to enter the resulting public records or justification into File 19091 to prove whether or not a full San Jose search was performed.

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.

--Anonymous

---

On Oct. 30, 2019:
Subject: RE: California Public Records Act Request #19091
Your complaint is adjusted as requested.

Cheryl Leger
(415) 554-7724

---

On Oct. 30, 2019:
Subject: RE: California Public Records Act Request #19091
FILE 19091
Please add the attached presentation into the FILE 19091.

As before, please caption the full case name on the agenda to give proper notice to all respondents, even if Mr. Heckel represents all of them:

19091 Anonymous v. Office of the Mayor, London Breed, Hank Heckel, Tryone Jue, Sean Elsbernd, Andres Power, Andrea Bruss, Marjon Philhour, Jeff Cretan, Sophia Kittler

just as your DCA listed it, for violations of 67.21, 67.26, 67.27, 67.29-7.

My cases 19089, 19091, 19094, and 19095 are now fully briefed and ready to go to the full task force (and they are not metadata cases).

Thanks,
Anonymous

---

On Oct. 29, 2019:
Subject: RE: California Public Records Act Request #19091
FILE 19091

SOTF,

Please docket 19091 to the full task force at your earliest convenience in queue order.

There is no metadata issue in this case (that was divided to 19109).

There will also be no compromise in Case 19091.

Please caption the full case name on the agenda to give proper notice to all respondents, even if Mr. Heckel represents all of them: 19091 Anonymous v. Office of the Mayor, London Breed, Hank Heckel, Tryone Jue, Sean Elsbernd, Andres Power, Andrea Bruss, Marjon Philhour, Jeff Cretan, Sophia Kittler, just as your DCA listed it.

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, emails 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 read 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
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.

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2. Chief of Staff
3. all persons holding title 'Senior Advisor to the Mayor'
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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
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.
This is a follow up to request number 19091:

Supervisor of Records,

This is a new 67.21(d) petition for the following items to be determined public and ordered disclosed (records of the Mayor’s Office).

1. On Aug 26, we requested "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 a July 2 request to the Mayor’s Office).
   --- a) The Mayor’s Office stated that on Sept 19 "some" of the responsive records were withheld due to attorney-client privilege. Please determine they not in fact *entirely* privileged, and thus some parts are public, and order them disclosed.
   --- b) The remainder of the responsive records have been withheld without any justification since Sept 19. Please determine them public and order them disclosed.

2. Jeff Cretan uses a personal WhatsApp account for government business. We requested on Aug 27 records of communications from that account, explicitly including attachments and inline images. The responsive records included a message with 30 attached images, of which only 3 in thumbnail form have been provided. The other 27 images (and full copies of the 3 thumb-nailed images) have been withheld since Sept 9 without lawful citation to justification. Please determine them public and order them disclosed.

Note that I do not have to wait until the Mayor's Office has given me justifications in order to petition you. I can file a petition "if the custodian refuses, fails to comply, or incompletely complies with a request " (67.21(d)).

See the attached PDFs for details (associated SOTF complaints).

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
On Dec. 10, 2019:
Subject: RE: California Public Records Act Request #19091
This is a reminder (separate and apart from negotiations in SOTF 19091), that the Aug 26 IDR for:

> 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)

remains outstanding. Please finish production or justification, as I need to enter the resulting public records or justification into File 19091 to prove whether or not a full San Jose search was performed.

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.

--Anonymous

---

On Oct. 30, 2019:
Subject: RE: California Public Records Act Request #19091
Your complaint is adjusted as requested.
On Oct. 30, 2019:
Subject: RE: California Public Records Act Request #19091
FILE 19091

Please add the attached presentation into the FILE 19091.

As before, please caption the full case name on the agenda to give proper notice to all respondents, even if Mr. Heckel represents all of them:

19091 Anonymous v. Office of the Mayor, London Breed, Hank Heckel, Tryone Jue, Sean Elsbernd, Andres Power, Andrea Bruss, Marjon Philhour, Jeff Cretan, Sophia Kittler

just as your DCA listed it,
for violations of 67.21, 67.26, 67.27, 67.29-7.

My cases 19089, 19091, 19094, and 19095 are now fully briefed and ready to go to the full task force (and they are not metadata cases).

Thanks,

Anonymous

---

On Oct. 29, 2019:
Subject: RE: California Public Records Act Request #19091
FILE 19091

SOTF,

Please docket 19091 to the full task force at your earliest convenience in queue order.

There is no metadata issue in this case (that was divided to 19109).

There will also be no compromise in Case 19091.

Please caption the full case name on the agenda to give proper notice to all respondents, even if Mr. Heckel represents all of them: 19091 Anonymous v. Office of the Mayor, London Breed, Hank Heckel, Tryone Jue, Sean Elsbernd, Andres Power, Andrea Bruss, Marjon Philhour, Jeff Cretan, Sophia Kittler, just as your DCA listed it.

Sincerely,

Anonymous

---
On Oct. 29, 2019:
Subject: RE: California Public Records Act Request #19091
No response from you having been received, I am no longer willing to compromise on any part of case 19091.

I will pursue all parts of these records and all violations. For your information, the email metadata portion is split into case 19109, which I will also pursue to its conclusion.

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, emails 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  
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8. Compliance Officer
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1. Mayor Breed
2. Chief of Staff
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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

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IN THE SAN FRANCISCO
SUNSHINE ORDINANCE TASK FORCE

Anonymous

v.

Mayor London Breed, Sean Elsbernd, Andres Power, Andrea Bruss, Marjan Philhour, Jeff Cretan, Sophia Kittler, Hank Heckel, Office of Mayor

Sunshine Ordinance Petition/Complaint
Jan 4, 2020
SOTF No. ________

COMPLAINT
[SFAC 67.21(b,c,k), 67.26, 67.27]

I allege Respondents failed to respond to two records requests in a timely and complete manner, failed to assist, failed to justify withholding, and performed non-minimal withholding, and failing to comply with City of San Jose v Superior Court (2017).

I made a July 2, 2019 request from 76434-70600365@requests.muckrock.com for emails, chats, and text records from various Office of Mayor staff from both government and personal property subject to City of San Jose. I allege that Respondents failed to perform a proper search for personal property public records (or unlawfully withheld them) in that request.

To investigate that further, I made an Aug. 26, 2019 immediate disclosure request for various records evidencing the City of San Jose searches performed for the July 2nd request. As of Jan. 4, 2020, many months later, this Aug. 26, 2019 request, which should be a low volume request, has never been completed even after follow-up.

This complaint covers both sets of requests.¹ My requests appear to simply be forgotten in states of partial or no completion, or ignored in the hope that I will forget. I have warned the Respondents that they need to have some system to track outstanding records requests and either they lack such a system or it is ineffective. Respondents do not always respond to each of my allegations - if they fail to deny my allegations, your Task Force should consider those allegations proven.

¹ Other issues related to the July 2nd request are in SOTF 19091 and SOTF 19109, but this is a distinct set of allegations.
ALLEGATIONS

1. Violations of SF Admin Code 67.21(b) - failure to respond in a timely and complete manner to Aug. 26, 2019 request (against all respondents)

On August 26, I requested:

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).

On Aug 27, Heckel declared a maximum 10-day deadline. On Sept. 4, Heckel declared a 14-day extension. On Sept. 19, Heckel stated:

Please note that some of the records you have requested below regarding "instrument used" to respond to your July 2 request include communications with the City Attorney's Office that are being withheld pursuant to the attorney/client privilege. See Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k). We are continuing to consult with the City Attorney's Office regarding the scope of the privilege with respect to other documents and will supplement our response as appropriate in due course.

Respondents have no legal right to consult with the City Attorneys for more than the CPRA-allotted 24 total days regarding this issue. It has now been over 3 months and no further or complete response has ever been given.

Further, note that only “some” of the “instrument used” records were purportedly privileged, not all. I also requested not just the instrument used but also the responses of each official for which no response was then or has ever been received. I know that such records are not privileged, because the Office of the Mayor provided me such records evidencing searches for other people’s records requests, but not my own July 2nd request. I followed up on Dec. 10 - and there is still no complete response.

2. Violations of SF Admin Code 67.21(c) - failure to assist in response to Sept. 19, 2019 request (against Heckel only)

Due to the Respondents’ unsatisfactory Sept. 19 response to the Aug 26 request, I further requested from Heckel on Sept. 19:

Anonymous v. Breed, et al. (City of San Jose personal property public records)
This is a request for a 67.21(c) statement for existence, nature, quantity and form for:

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)

SFAC 67.21(c) requires Heckel to “...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 relating to a particular subject or questions...” There are no extensions by law for this 7-day period. No response of any kind has ever been received.

3. Violations of SF Admin Code 67.26 - non-minimal withholding in Aug. 26 request (against all respondents)

If any portion of the records responsive to the Aug 26 request are not attorney-client privileged, those portions must be provided.

4. Violations of SF Admin Code 67.27 - unjustified withholding in Aug. 26 request (against all respondents)

Purported justification was provided only for “some” “instrument used” records. The remainder are withheld without justification. All of the responses by officials are also withheld without justification.

5. Violations of SF Admin Code 67.21(k) - failure to comply with City of San Jose v Superior Court (2017) in July 2 request (against all respondents)

SFAC 67.21(k) incorporates the CPRA into the Sunshine Ordinance. City of San Jose is a binding Supreme Court interpretation of the CPRA, and thus Respondents’ failure to comply with San Jose is a 67.21(k) violation. San Jose does not prescribe a method or mechanism to search personal property, but it does specify the scope of records within the purview of the CPRA as:

Employees' communications about official agency business may be subject to CPRA regardless of the type of account used in their preparation or transmission.

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2 “We do not hold that any particular search method is required or necessarily adequate.” City of San Jose, 2 Cal.5th 608, 629 (Cal. 2017)

Anonymous v. Breed, et al. (City of San Jose personal property public records)
I allege that Respondents have not performed a complete search of personal property in accordance with that broad scope (as communications about official agency business may be both sent or received on personal accounts, esp. when communicating with non-City parties about City business) and/or have withheld some of those personal property public records unlawfully. I made my Aug. 26 request to find more evidence of this search. As alleged above and incorporated herein, Respondents have unlawfully failed even to inform us whether all of the evidence of the search is exempt or not.

As an aside, note that in SOTF 19091 (which first considered my July 2 records request, but was not about the San Jose issues), on Aug. 26, Task Force Clerk Cheryl Leger directed Respondents to provide among other things a “Description of the method used, along with any relevant search terms used, to search for the relevant records” and a “Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded” with regards to the July 2 request. It does not appear that Respondents provided that in SOTF 19091, and I hope that they will provide it here.

REQUEST FOR RELIEF

Please find that the Respondents violated SF Admin Code sections 67.21(b,c,k), 67.27, and/or 67.26, determine that some or all of the records or portions thereof withheld or not yet disclosed are public, and issue all appropriate orders.

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). The author is an adversarial party against the City. Nothing herein is legal, IT, or professional advice of any kind, and the City should consult its own advisors. 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.

Respectfully submitted,

ANONYMOUS
Complainant/Petitioner

Anonymous v. Breed, et al. (City of San Jose personal property public records)
Exhibit A - July 2 request
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, emails 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

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
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
Exhibit C - Sept 19 response to Aug 26 request (excerpt from thread)

Dear Anonymous,

Please note that some of the records you have requested below regarding "instrument used" to respond to your July 2 request include communications with the City Attorney's Office that are being withheld pursuant to the attorney/client privilege. See Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k). We are continuing to consult with the City Attorney's Office regarding the scope of the privilege with respect to other documents and will supplement our response as appropriate in due course.

Regards,

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

From: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>  
Sent: Wednesday, September 04, 2019 5:12 PM  
To: 76434-70600365@requests.muckrock.com  
Cc: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>  
Subject: RE: California Public Records Act Request: Email and Electronic Communications Audit (SF Mayor)

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

From: Heckel, Hank (MYR) <hank.heckel@sfgov.org>  
Sent: Tuesday, August 27, 2019 6:33 PM  
To: 76434-70600365@requests.muckrock.com  
Cc: MayorSunshineRequests, MYR (MYR)  
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

Anonymous v. Breed, et al. (City of San Jose personal property public records)
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
Exhibit D - Sept 19 request for assistance

September 19, 2019

This is a follow up to request number 19091:

How could that be privileged?

This is a request for a 67.21(c) statement for existence, nature, quantity and form for:
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)
IN THE SAN FRANCISCO
SUNSHINE ORDINANCE TASK FORCE

Anonymous

v.

Mayor London Breed, Jeff Cretan, Hank Heckel, Office of Mayor

Sunshine Ordinance Petition/Complaint

Jan 4, 2020

SOTF No.

COMPLAINT

[SFAC 67.21, 67.27, 67.29-7(a), 67.26]

I allege Respondents failed to respond to a records request in a timely and complete manner, failed to justify withholding, failed to maintain, preserve, and disclose records, and performed non-minimal withholding. I made a request from 76434-70600365@requests.muckrock.com after close of business Aug 27, 2019 for Instagram and WhatsApp records from the Respondents and various other Office of Mayor staff whose records are not at issue in this complaint. On Sept 9, Respondents took a 14-day extension. On Sept 23, Heckel stated Respondents had:

- Provided 7 pages of Cretan WhatsApp records.
- Withheld all other Cretan WhatsApp records pursuant to GC 6254(f) as “security procedures information”
- Had no other WhatsApp records
- Had no responsive Instagram records

I followed up on Sept 24 due to a lack of production of approximately 27 attached/inline photos (which I had specifically included in my Aug 27 request) of the Mayor evident in the provided WhatsApp records. Heckel responded on Oct 2:

The records to which you refer are from a Whatsapp account used by Mr. Cretan on his personal device, solely for governmental purposes.

The photos were not provided because they need to be retrieved from a live image of the messages. We are inquiring as to whether they can feasibly be provided.

The request has remained open, with no further response by Respondents, and without completion, now for many months.

Anonymous v. Breed, et al. (WhatsApp records)
Due to the nature of WhatsApp records, it is unknown whether Respondents have at this point destroyed the undisclosed, non-exempt, responsive records. If they have destroyed responsive records (including by any automatic expiration features they failed to disable) that existed as of the time they received my CPRA request, and during the pendency of that request, thus making it impossible to lawfully complete our request, we may further allege willful and intentional violations of both the CPRA and Sunshine Ordinance and bring suit against the Respondents and City.

ALLEGATIONS

1. Violations of SF Admin Code 67.21 - failure to respond in a timely and complete manner (against all Respondents)

The request on Aug 27 explicitly included requested “attachments” and “inline images” of the WhatsApp records. On Page 1 of the Sept 23 response, it is evident that the records include 30 business photos of the Mayor attached to the WhatsApp communications, including 3 inline ones:

I followed up with Heckel on Sept 24 regarding Respondents’ failure to provide these 27 photo records. Respondents acknowledged the records existed and were not provided on
Oct 2. As of Jan. 3, 2020, the responsive 30 image files have never been provided, and no lawful justification has been provided exempting them. This is an incomplete response.

Furthermore, Respondents did not actually tell me those records were withheld until I pointed it out on Sept 24. Respondents were required to indicate in their Sept 23 that some responsive records were withheld. They cannot wait to acknowledge withholding only until the requester deduces their withholding, as this allows the City to get away with withholding information from requesters who may not spot such issues. This too is an incomplete response.

2. Violations of SF Admin Code 67.27 - failure to justify withholding (against all Respondents)

As stated above, Respondents initially did not even tell me records were withheld, and thus they failed to justify that withholding. I do not have to separately demand a justification - Respondents are required to give requesters justifications whenever they withhold “any information,” such as those 27 photos. Furthermore, Heckel later stated that the photo records were not provided “because they need to be retrieved from a live image of the messages.” That justification is unlawful under SFAC 67.27 because it does not cite a CPRA or other legal exemption or a ruling of a court of competent jurisdiction.

3. Violations of SF Admin Code 67.29-7(a) - failure to maintain, preserve, and disclose records (against Mayor Breed only)

Mayor Breed, as department head, has failed to “maintain and preserve in a professional and businesslike manner” her Office’s correspondence, and failed to “disclose all such records in accordance with this ordinance.” The Mayor’s Office has chosen to employ technologies (like personal WhatsApp accounts) that make it either impossible or extremely difficult to disclose non-exempt public records (as this request has been pending for months due to purported infeasibility of producing these records).

The City cannot use technology to create a gap between the records it uses to conduct the public’s business and those that are disclosed. This is a pattern of behavior shown also with the metadata cases. Either the City must cease the use of such technologies, or, choose the obviously better answer: the City must learn how to disclose all of its disclosable public records and portions thereof. The alternate position that the City encourages (that purported infeasibility makes certain computer records legally outside of the reach of the CPRA/Sunshine) creates a perverse incentive for City officials to conduct the public’s business using the hardest to disclose medium, in order to evade and obstruct public oversight. In fact, SFAC 67.1(c) warns us about this.
4. Violations of SF Admin Code 67.26 - non-minimal withholding  (against all Respondents)

As a separate matter, Respondents withheld various records in entirety “as security procedures information pursuant to Cal. Gov. Code 6254(f)” (Heckel, Sept. 23). Due to our knowledge of WhatsApp records and of the Mayor’s Office overbroad interpretation of GC 6254(f) in other cases, we must also allege that at least some portion of those records are not in fact “security procedures” at all. Only the “security procedures” may be redacted and the remainder of the records must be produced. For example, we know that, at the very least, WhatsApp records show (on their “face”) when and to whom Cretan was speaking, even if Respondents redacted all of the message text (though we do not concede that all message text is lawfully exempt).

REQUEST FOR RELIEF

Please find that the Respondents violated SF Admin Code sections 67.21, 67.27, 67.29-7, 67.26, determine that some or all of the records or portions thereof withheld or not yet disclosed are public, and issue all appropriate orders.

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). The author is an adversarial party against the City. Nothing herein is legal, IT, or professional advice of any kind, and the City should consult its own advisors. 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.

Respectfully submitted,

ANONYMOUS
Complainant/Petitioner

Anonymous v. Breed, et al. (WhatsApp records)
EXHIBIT A - My Request (Aug 27, 2019 after close of business)

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]:

Anonymous v. Breed, et al. (WhatsApp 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

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

Anonymous v. Breed, et al. (WhatsApp records)
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
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
Dear Anonymous,

We have performed a search for responsive records relating to your request below. Please see attached responsive records relating to City business from the WhatsApp app used by Communications Director, Jeff Cretan.

Please note that private cell numbers have 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.

The 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 certain communications in WhatsApp received by Mr. Cretan were withheld as security procedures information pursuant to Cal. Gov. Code 6254(f).

We have not located responsive records in WhatsApp for any other of the identified staff.

We have not located responsive records in Instagram for any of the identified staff.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
EXHIBIT D - My followup (Sept. 24)

** 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). **

Thank you for the records.

Please clarify whether these records are from Mr. Cretan's government or personal whatsapp account (i.e. was this responsive to request AA or BB)?

Furthermore there appear to be 27 photos withheld in page 1 - are those the 6254(f) withholdings? I asked for attachments and inline images in the request.

Thanks,
Anonymous

EXHIBIT E - Heckel response (Oct. 2)

Dear Anonymous,

The records to which you refer are from a Whatsapp account used by Mr. Cretan on his personal device, solely for governmental purposes.

The photos were not provided because they need to be retrieved from a live image of the messages. We are inquiring as to whether they can feasibly be provided.

Regards,

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

Anonymous v. Breed, et al. (WhatsApp records)
EXHIBIT F - Sept. 23 responsive records
Are they still there???

I am still here

Most of them left

Mavor left
Heads up: DEM is going to send a notice to City Agencies to gauge interest and availability in a mutual aid deployment to Southern California due to the multiple earthquakes. Please note we have not received a mutual aid request. We are leaning forward so we are ready should we receive one.

FYI: DEM is deploying a PIO (Nubia Mendoza) from my team to support the City of Gilroy EOC as they recover from the mass shooting. Nubia will be there through Sunday.
Power outage in the area of North Beach, Chinatown, Marina & Japantown areas impacting approximately 17k. No ETR at this time. Utility, BOS notifications are being sent. AlertSF will go out.

New update as of 3:24pm: the power was restored near Russian Hill and North Beach. Still waiting for ETA in Japantown.

Outage is resolved in North Beach, Chinatown & Marina. Only outage remaining is Japantown. Japantown outage impacts just under 5k customers.

New update:

PG&E has restored power in Japantown. No further reports at this time.
media availability went well. KTVU, NBC Bay Area, KPIX, KCBS, Sing Tao Daily, World Journal, China press showed up. Health Officer Dr. Aragon was true primary speaker. Key messages were around protective health measures and checking on people. We also talked about all the work the City is doing to help people during the Heat event.
Hey Mayor’s Team: we are going to setup a PIO coordination call 11:45 before the citywide coordination call at 1:00 pm. We are getting a number of media inquiries and want to make sure everyone is on there same page. I think it might be helpful to do a media availability with PIOs.

~Francis Zamora

Hey Mayor’s Team: we are going to setup a PIO coordination call 11:45 before the citywide coordination call at 1:00 pm. We are getting a number of media inquiries and want to make sure everyone is on there same page. I think it might be helpful to do a media availability with PIOs.

~Francis Zamora

FYI: POWER OUTAGE AT 51 FEDERAL W/PG&E ON SCENE ADVISING 4000 AFFECTED, R...

Copy, we’ll be on

~Andy Lynch

Copy, we’ll be on

~Andy Lynch

How’d the media availability go?

~Andy Lynch
they come back on Tuesday.

Let me check in again for any new updates.

Thu, May 30

Victor Lim DEM...

@Kyra Geithman gas main leak had been capped

1:40 PM

Issue resolved

1:40 PM

Kyra Geithman

Excellent, thank you!

1:40 PM

Francis Zamora

FYI:

POWER OUTAGE AT 51 FEDERAL W/PG&E ON SCENE ADVISING 4000 AFFECTED, RESTORE TIME IS Estimated at 4:15
Unconfirmed reports of possibly shots fired at 350 Rhode Island. PD on scene, evacuating people to 16th & DeHaro and searching premises.

We are referring any media calls to SFPD.

No confirmation of shots fired or injuries at this time. PD still conducting search.
Dear Anonymous –

Regarding your petition below, the Sheriff’s Department has confirmed they did not withhold or redact any records on the bases that you are contesting. The only redaction in the records was applied to one calendar entry on the basis that it was a personal appointment rather than public business. We find that redaction appropriate on the basis of Government Code Sec. 6254(c), Government Code Sec. 6254(k) (Cal. Const. Art. I, Sec. 1) and Administrative Code Section 67.29-5(a), and further find that the Sheriff’s Department did not unlawfully withhold or redact records in response to your request. 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

January 4, 2020

This is a follow up to request number 2019-124:

This is a new 67.21(d) petition.

On Dec 18, 2019, the Sheriff's Dept purported to withhold various records under multiple exemption justifications specifically outlawed in San Francisco under SFAC 67.24(a, g, h, i) and 67.27, in response to a Dec 7 IDR.

Please determine all such unlawfully withheld documents to be public and order them disclosed. See the following SOTF complaint for context: https://cdn.muckrock.com/outbound_request_attachments/94383620Anonymous/84168/Dec18-SOTF-Sheriff-F_716S9mT.pdf

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.

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84168-39742724@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 84168
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 Jan. 3, 2020:
Subject: RE: California Public Records Act Request #2019-124
Dear Anonymous:

I am in receipt of and thank you for your email and attached Complaint against the Sheriff's Dept. below. I have incorporated the new materials into file no. 19143 and per your request have closed file no. 19135. Please refer to the new number in the future.

On another note, I got your email re the Minutes for the IT Committee. Thanks for catching that. I appreciate your efforts in maintaining your files.

And, I want to point out that you now have three complaints against the Police Dept. and ask if you wish to combine any of those? The numbers assigned are 19098, 19112 and 19124.

Thank you, again, and keep me posted regarding your complaints and remember to refer to the specific number when emailing me. Hope you had a nice Holiday.
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 Jan. 3, 2020:
Subject: RE: California Public Records Act Request #2019-124
The new complaint filed against SFSD on Dec. 18 is here:

You can dismiss 19135 - all of the old allegations are incorporated into the new Dec. 18 complaint above, plus more.

Please provide a new file number and CC me on the notice of complaint. Thanks!

Complainant: Anonymous
Respondents: SFSD, Sheriff Vicki Hennessy, James Wilson
Allegations: SFAC 67.25 (failure to respond to an IDR in a timely manner), 67.24(h) (unlawful use of deliberative process privilege), 67.24(g,i) (unlawful use of public interest balancing test), 67.24(a) (unlawful use of draft exemption), 67.27 (citation of prohibited and non-existent exemptions)

Thanks,
Anonymous

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.

---

On Jan. 3, 2020:
Subject: RE: California Public Records Act Request #2019-124
Dear Anonymous:

I am in receipt of and thank you for your email below. Yes, I think combining the Sheriff's Dept. complaints would be most efficient because I do not want to accidentally include materials in one case that should be in the other. Just let me know if you want to rewrite your complaint and Complaint form.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

[CustomerSatisfactionIcon] 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.

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---

On Jan. 3, 2020:
Subject: RE: California Public Records Act Request #2019-124
RE: SOTF 19135

Thanks Ms. Leger. I will not be withdrawing complaint 19135, and I filed a subsequent complaint against SFSD on December 19 (I don't yet have a file number for that one).
If it is efficient to do so, I am happy to have 19135 combined into that second complaint, which has additional allegations.

Thanks,
Anonymous
---
On Jan. 2, 2020:
Subject: FW: SOTF Response Letter Regarding complaint against SFSD for Violating Admin Code 67.21 and 67.25
Dear Anonymous:

Attached please find the response to your complaint no. 19135 for your review. Please let me know if this response satisfies your request and if so, please let me know if you wish to withdraw it. 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 Dec. 7, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF Sheriff)
To Whom It May Concern:

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 10, 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): 84168-39742724@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 84168
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.
To Whom It May Concern –

We understand that FAMSF has produced records responsive to this request. If you have complaints about their response that are within Supervisor of Records jurisdiction, 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

This is a follow up to a previous request:

Supervisor of Records,  

This is a new 67.21(d) petition against FAMSF and Thomas P. Campbell.

We made an IDR on Dec. 7. It is Jan 4 and there is simply no response from FAMSF. The request is here: https://cdn.muckrock.com/outbound_composer_attachments/94383620Anonymous/78081/IDR-20191207-FAMSF.pdf

I can petition you "if the custodian refuses, fails to comply, or incompletely complies with a request". That is what has happened here.

Please determine that all requested records are public, and order FAMSF to disclose them.
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.

Thanks,  
Anonymous

Filed via MuckRock.com  
E-mail (Preferred): 84184-60623262@requests.muckrock.com

Upload documents directly:  
%3Fnext%3D%252Faccounts%252Fagency_login%252Ffine-arts-museums-of-san-francisco-18604%252Fcalendars-and-  
emails-immediate-disclosure-request-sf-famsf-  
84184%252F%252Femail%252Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABjfFWuSW_fpJR3i9m3gl-  
ek3s%3A1nwRv%3ArLx2nPChAt_Lj3sPgWayQIsJAr

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

---

On Jan. 4, 2020:  
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)  
RE: SOTF files 19137 and 19113

FAMSF and Director Campbell,

Since at least Oct. 2019, FAMSF has refused to respond to various public records requests in violation of the CPRA and Sunshine Ordinance, and failed to cooperate with the Task Force’s investigations and follow the Task Force’s complaint procedures.

Without FAMSF’s cooperation, we intend to file official misconduct complaints with the Ethics Commission for willful and intentional violations of the Sunshine Ordinance and bring suit against the City, FAMSF, and its officials, to enforce our Constitutional, statutory, and ordinance rights of public access to FAMSF records.

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

---

On Dec. 19, 2019:
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19137
Good Afternoon:

Thomas P. 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 to 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

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.
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---

On Dec. 14, 2019:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)
We haven't heard back about an IDR sent Dec. 7. Response was due Dec. 10. Please check your email from Dec. 7 for an attachment named `IDR-20191207-FAMSF.pdf`

Complaints have been filed.

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. 7, 2019:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)
RE: the DEC 7 IMMEDIATE DISCLOSURE REQUEST from this email address

Please note: "Exact copies" are requested for all records pursuant to CPRA Gov Code 6253(c).
Please email all records, or publish them to your own website/portal (as long as the URL is accessible without any login), or upload them and publish them to MuckRock.com directly using the auto-generated link in the footer below. Do not physically mail any records.
Provide only those copies available without fees - if you believe certain copies require fees, instead provide the required notice of which records are available for in-person inspection.

Your response is still required by Dec. 10, 2019. Rolling records responses were 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

---

On Dec. 7, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)
To the Department Head (Director Thomas P. Campbell),

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 10, 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): 84184-60623262@requests.muckrock.com
Upload documents directly:
%3Fnext%3D%2Faccounts%2Fagency_login%2Ffine-arts-museums-of-san-francisco-18604%2Fcalendars-and-emails-immediate-disclosure-request-sf-famsf-84184%2F%3Femail%3Dsupervisor.records%40sfcityatty.org&url_auth_token=AABjFlFuSW_fpJr3i9m3gl-ek3s%3A1iwRv%3ArLx2nPcBAt_Lj3sPgWayQI5lALo
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 84184
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.
July 31, 2020

Sent via email (arecordsrequestor@protonmail.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your fourth petition to the Supervisor of Records concerning your records requests to the Mayor’s Office dated July 2, 2019. We respond to the issues you raised as follows:

Issue:

On https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request - Policy_Director_Andres_Power_1.pdf I challenge:

- pg. 2, 3, 6, 7, 8 - cited as "Ongoing negotiations regarding real estate and draft recommendations of the author. See Admin. Code § 67.24(a), (e)." (corrected from 67.25(a,e)). Respondents completely mis-understand SFAC 67.24 - which serves solely to eliminate in whole or in part CPRA or other exemptions. Read 67.27 - You have to point to an exemption in the CPRA or elsewhere which is not prohibited by local law (67.24). Local law can never create exemptions that are not found at the state-level. 67.24(a) merely prohibits you from exempting anything EXCEPT draft author recommendations "not normally kept on file and would otherwise be disposed of"; but that doesn't make even those exempt under CPRA. There is no evidence that these portions of an email table would be "disposed of." And 67.24(e) in no way even implies that real estate negotiations could generally be exempt, it merely forces you to disclose them at a certain point. It doesn’t and cannot make them exempt prior to that point under CPRA without a citation.

- pg. 10-18, 26-32 - cited as "attorney-client privilege. Gov’t Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k)." Clearly the first redacted block is written by a person not in City Attorney's office. This needs to be minimally withheld to just the privileged portions.

Response: Regarding the first bullet point above, the Mayor’s Office properly applied the redactions. See Government Code § 6254(a), Administrative Code § 67.24, Michaelis v. Superior Court, 38 Cal. 4th 1065 (2006), City Attorney’s Good Government Guide at 114-16.
Regarding the second bullet point above, the Mayor’s Office properly redacted information based on the attorney-client privilege. See Gov’t Code § 6254(k), Evid. Code § 954.

**Issue:**

Pg 4 of https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Liaison_to_theBoard_ofSupervisors_Sophia_Kittler.pdf has an underlined link URL written by a human being. It cannot be lawfully withheld. Format exemptions, to the extent they apply (which I do not concede), cannot exempt the information itself. (SOTF on Jan 21 ruled email metadata at least partially disclosable but I don’t have the Order in hand yet so I’m sticking with non-metadata arguments for now).

**Response:** The Mayor’s Office did not withhold information based on a legal exemption, as this complaint has to do with the format of the production. As such, this issue is beyond our jurisdiction and we decline to address it.

**Issue:**

Pg 27-28 of https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Communications_Director_Jeff_Cretan_Redacted.pdf has two types of redactions: "law enforcement investigation exemption (Cal Gov. Code 6254(f)) and informer identity protections (Cal. Evidence Code 1040)" - I challenge all of the 6254(f) portions: DPW and REC are not law enforcement agencies, emails to them cannot be covered by 6254(f). Also I'm pretty sure EC 1041, not EC 1040, is informer identity. So I also challenge the supposed EC 1040 citation. (I don't think the identity has to be disclosed, but the City has to cite correct justification to legally withhold it, SFAC 67.27).

**Response:** The Mayor’s Office properly applied the redactions. See Government Code §§ 6254(c), 6254(f), 6254(k); Evid. Code §§ 1040, 1041; Cal. Const. Art. I, Sec. 1.

**Issue:**

All in https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Mayor_London_Breed.pdf are cited as "private contact information withheld to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1." I challenge:

- pg. 1, 6 - is this a business email, not personal
- pg. 32 - is this an official email/letterhead, not personal

**Response:** The Mayor’s Office properly applied the redactions. See Government Code §§ 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.
to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1." I challenge:

- pg. 4 - disclose per Gov Code 6254.3(b)(1) - Philhour's personal email is used for public business

Response: The Mayor’s Office properly applied the redactions. See Government Code §§ 6254(c), 6254(k), 6254.3(b)(1); California Constitution, Art. I, Sec. 1.

Issue:

pg. 25 in https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Chief_of_Staff_Sean_Elsbernd_1.pdf is cited as "private contact information withheld to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1." disclose per Gov Code 6254.3(b)(1) - Philhour's personal email is used for public business

Response: The Mayor’s Office properly applied the redactions. See Government Code §§ 6254(c), 6254(k), 6254.3(b)(1); California Constitution, Art. I, Sec. 1.

Issue:

All in https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Senior_Advisor_Marjan_Philhour.pdf are cited as "protection of information such as private email addresses, phone numbers and personal addresses to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1". I challenge:

- pg. 1, redaction 1 - is this a business email, not personal
- pg. 1, redaction 2 - disclose per Gov Code 6254.3(b)(1) - Philhour's personal email is used for public business
- pg. 21 - this image of the mayor must be provided in full color, without being cutoff. Color is information. And 3/4 of the image has been withheld.
- pg. 35 - redactions 2 and 4. Note Philhour is himself sending public business emails using his personal email address here. Disclose per Gov Code 6254.3(b)(1)
- pg. 46 - redaction 2 - ditto as above.
- pg. 51, 52 - lists of news articles sent by Mason Lee. I have a right to know what those article URLs are. Format exemptions, to the extent they apply (which I do not concede), cannot exempt the information itself.

Response: The Mayor’s Office properly applied the redactions. See Government Code §§ 6254(c), 6254(k), 6254.3(b)(1); California Constitution, Art. I, Sec. 1.
To the extent you are contesting the format in which the documents were produced, we decline to reach that issue, as it does not involve the withholding or redacting of records based on an exemption.

**Issue:**

pg. 6 on https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Deputy_Choice_of_Staff_Andrea_Bruss.pdf is challenged

**Response:** The Mayor’s Office properly applied the redactions. See Government Code §§ 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

**Issue:**

pg. 3
on https://cdn.muckrock.com/foia_files/2019/07/26/Responsive_Documents_Re_MuckRock_Request_Compliance_Officer_Hank_Heckel_1.pdf provide the full attached or inline image in full resolution and color

**Response:** The Mayor’s Office did not withhold information based on a legal exemption, as this complaint has to do with the format of the production. As such, this issue is beyond our jurisdiction and we decline to address it.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Buta, Odaya (CAT)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Friday, January 24, 2020 9:42 AM
To: Supervisor Records; MayorSunshineRequests, MYR (MYR)
Cc: SOTF, (BOS); CityAttorney
Subject: Re: 4th 67.21(d) petition (aka SOTF 19091)
Attachments: signature.asc

Sorry - use this corrected petition:

------- Original Message -------
On Friday, January 24, 2020 9:39 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Supervisor of Records Dennis Herrera,
(cc SOTF for filing in 19091)

Background of this case re: the Mayor’s Office emails, texts, and chats:

- I filed an initial 67.21(d) petition (and a simultaneous SOTF complaint, 19091) which you responded to on Sept 5, 2019, representing that Respondents would justify all redactions (proves violation of 67.26). Respondents did not comply.
- I filed a second 67.21(d) petition which you responded to on Oct 10, 2019, representing that Respondents would provide non-exempt attachments. Respondents provided only one, and not the others. (proves violation of 67.21(b)).
- I filed a third 67.21(d) petition on Jan 15, 2020 re: the Mayor’s Office failure to comply with the earlier petitions, for which no signed Herrera response was provided, but DCA Russi indicated informally on Jan 17, 2020 that he believed compliance was now complete. Respondents finally provided justifications and ~26 additional attachments, withheld without justification since last July. Additional justifications not originally cited in July were used to now withhold entire attachments (proves violation of 67.27).

I now file a fourth 67.21(d) petition in this same case for continued non-minimal, non-metadata withholding (67.26):

- On https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Policy_Director_Andres_Power_1.pdf I challenge:
  - pg. 2, 3, 6, 7, 8 - cited as "Ongoing negotiations regarding real estate and draft recommendations of the author. See Admin. Code § 67.2[4](a), (e)." (corrected from 67.25(a,e)). Respondents completely mis-understand SFAC 67.24 - which serves solely to eliminate in whole or in part CPRA or other exemptions. Read 67.27 - You have to point to an exemption in the CPRA or elsewhere which is not prohibited by local law (67.24). Local law can never create exemptions that are not found at the state-level. 67.24(a) merely prohibits you from exempting
anything EXCEPT draft author recommendations "not normally kept on file and would otherwise be disposed of"; but that doesn't make even those exempt under CPRA. There is no evidence that these portions of an email table would be "disposed of." And 67.24(e) in no way even implies that real estate negotiations could generally be exempt, it merely forces you to disclose them at a certain point. It doesn't and cannot make them exempt prior to that point under CPRA without a citation.

- pg. 10-18, 26-32 - cited as "attorney-client privilege. Gov’t Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k)." Clearly the first redacted block is written by a person not in City Attorney’s office. This needs to be minimally withheld to just the privileged portions.

- Pg 4 of https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Liaison_to_the_Board_of_Supervisors_Sophia_Kittler.pdf has an underlined link URL written by a human being. It cannot be lawfully withheld. Format exemptions, to the extent they apply (which I do not concede), cannot exempt the information itself. (SOTF on Jan 21 ruled email metadata at least partially disclosable but I don’t have the Order in hand yet so I’m sticking with non-metadata arguments for now).

- Pg 27-28 of https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Communications_Director_Jeff_Cretan_Redacted.pdf has two types of redactions: "law enforcement investigation exemption (Cal Gov. Code 6254(f)) and informer identity protections (Cal. Evidence Code 1040)" - I challenge all of the 6254(f) portions: DPW and REC are not law enforcement agencies, emails to them cannot be covered by 6254(f). Also I’m pretty sure EC 1041, not EC 1040, is informer identity. So I also challenge the supposed EC 1040 citation. (I don’t think the identity has to be disclosed, but the City has to cite correct justification to legally withhold it, SFAC 67.27).

- All in https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Mayor_London_Breed.pdf are cited as "private contact information withheld to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1." I challenge:
  - pg. 1, 6 - is this a business email, not personal
  - pg. 32 - is this an official email/letterhead, not personal

- All in https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Chief_of_Staff_Sean_Elsbernd_2.pdf are cited as "private contact information withheld to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1." I challenge:
  - pg. 4 - disclose per Gov Code 6254.3(b)(1) - Philhour's personal email is used for public business

- pg. 25 in https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Chief_of_Staff_Sean_Elsbernd_1.pdf is cited as "private contact information withheld to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1." disclose per Gov Code 6254.3(b)(1) - Philhour's personal email is used for public business

- All in https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Senior_Advisor_Marjan_Philhour.pdf are cited as "protection of information such as private email addresses, phone numbers and personal addresses to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1". I challenge:
  - pg. 1, redaction 1 - is this a business email, not personal
- pg. 1, redaction 2 - disclose per Gov Code 6254.3(b)(1) - Philhour's personal email is used for public business
- pg. 21 - this image of the mayor must be provided in full color, without being cutoff. Color is information. And 3/4 of the image has been withheld.
- pg. 35 - redactions 2 and 4. Note Philhour is himself sending public business emails using his personal email address here. Disclose per Gov Code 6254.3(b)(1)
- pg. 46 - redaction 2 - ditto as above.
- pg. 51, 52 - lists of news articles sent by Mason Lee. I have a right to know what those article URLs are. Format exemptions, to the extent they apply (which I do not concede), cannot exempt the information itself.

• pg. 6 on https://cdn.muckrock.com/foia_files/2020/01/16/MuckRock_Request_-_Deputy_Chief_of_Staff_Andrea_Bruss.pdf is challenged
• pg. 3 on https://cdn.muckrock.com/foia_files/2019/07/26/Responsive_Documents_Re_MuckRock_Request_Compliance_Officer_Hank_Heckel_1.pdf provide the full attached or inline image in full resolution and color

Each withholding in whole or in part is unlawful - please determine in writing each to be public, and order them immediately disclosed.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous

------- Original Message -------
On Friday, January 17, 2020 4:52 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Supervisor of Records:

cc: Mayor's Office, City Attorney's office, and SOTF as a public communication for the next agenda packet.

I am going through the redactions now. 
Furthermore, you indicated on Oct 10 they would provide the non-provided attachments. At the time they gave me *1*.
Today, months later, they gave me 26 additional attachments.
What your office and the Mayor's office did together in this case is not acceptable. This is why you must grant my petitions: I was right, and you should have issued a 67.21(d) order against the Mayor's Office months ago. You had a responsibility to "immediately" order the Mayor's Office's disclosure of the improperly withheld documents or parts. You did not do so. You let them do things voluntarily, and they had not even complied with the law at the time you denied or otherwise responded to my petitions. Your role is to protect the public's right of access, not cover for the Mayor's office.

I will continue to pursue a complete restructuring of your procedures to truly protect the public's rights. All of this evidence will be brought to SOTF, Ethics, and wherever else I need to go.

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 government all be disclosable public records.

Sincerely,

Anonymous

------- Original Message -------
On Friday, January 17, 2020 4:34 PM, Supervisor Records <supervisor.records@SFCITYATTY.ORG> wrote:

I understand that the Mayor’s Office has now responded regarding the redactions. If you contest the bases they have asserted to support the redactions, please let me know. Thank you.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Wednesday, January 15, 2020 10:24 AM
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>
Subject: Dept has not complied with Petition - SFAC 67.21(d)

Supervisor of Records,

On Sept. 5, 2019 you responded to my Aug 26 petition via 76434-70600365@requests.muckrock.com, regarding the Mayor's Office's redactions:


In that response you stated that the Mayor's Office would justify their redactions. You did not deny my petition.

It is now over 4 months later and these redactions have never been justified.

The redactions currently performed by the Mayor's Office are unlawful because they are not keyed by footnote or other clear reference to a SFAC 67.27 justification.

We are thus explicitly requesting ALL redacted portions be deemed public because NONE are legally justified.

The burden of proof that a record or part of a record is not public is on the City agency, not on me.
By not following the law (SFAC 67.26) and justifying their redactions, the City has failed to meet its burden of proof.

Please grant this petition to have all redacted parts of these public records deemed public and order them disclosed.

The continuing refusal of your office to grant my petitions where the law is clearly on my side is unjust.

There is no grey area or technological bleeding-edge issues in this petition.

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
DPA has now responded an untimely, but now complete, manner to the below request. The new petition and complaint against DPA/Oldfather of Jan 23 are withdrawn. No other petitions or complaints against DPA are affected and they remain standing.

**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 (signature.asc attachment), 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 government all be disclosable public records.**

Sincerely,
Anonymous

------- Original Message ------
On Thursday, January 23, 2020 8:48 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

The following is a new SOTF complaint, and a Supervisor of Records 67.21(d) petition:

Respondents: Newton Oldfather and Department of Police Accountability
Complainant: Anonymous (arecordsrequestor@protonmail.com)
Allegations: 67.21(b), 67.25(a)

On January 22, 2020 at 3:37pm, I made an emailed immediate disclosure request to Newton Oldfather and DPA for "all organization charts or staff directories or similar showing the full chain of subordinates and superiors (direct and indirect) for Newton Oldfather."

Response was due pursuant to SFAC 67.25(a) at close of business January 23, 2020.
Mr. Oldfather is required by law to respond to emailed requests, SFAC 67.21(b).
No response has been provided at all, as of this email, which is past close of business January 23, 2020.

**SOTF:** This is an untimely and incomplete response to an IDR. Please find violations of SFAC 67.21(b) and 67.25(a) and order Mr. Oldfather’s compliance.

**Supervisor of Records:** Please find that the requested records are public records and order their disclosure, because Respondents have refused or failed to comply with a records request.

**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**
This is an immediate disclosure request for:
- all organization charts or staff directories or similar showing the full chain of subordinates and superiors (direct and indirect) for Newton Oldfather.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,
Anonymous

------- Original Message -------
On Wednesday, January 22, 2020 3:37 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Newton Oldfather and DPA,

This is an immediate disclosure request for:
- all organization charts or staff directories or similar showing the full chain of subordinates and superiors (direct and indirect) for Newton Oldfather.

Sincerely,
Anonymous
February 7, 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 third petition 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 the amendments to Section 832.7 of the Penal Code ("Section 832.7") enacted through Senate Bill 1421 (2018) ("SB 1421"). Your first two petitions challenged all the redactions and withholdings related to two case files DPA produced. In our determination on those petitions, we found DPA did not unlawfully redact or withhold any information from those files.

You now contend that DPA is legally prohibited from redacting or withholding information for any reason not articulated in Section 832.7. In our response to your first two petitions, we determined that DPA properly relied on exemptions available under the California Public Records Act ("CPRA"), such as Government Code Section 6254(k), which exempts from disclosure records made confidential by other provisions of state law like the attorney-client privilege, the official information privilege, and protections applicable to criminal offender record information. We reaffirm our determination that SB 1421 did not abrogate all other exemptions available under the CPRA with regard to records made public by that bill. The California Court of Appeal for the First District recently agreed with this view. See Becerra v. Superior Court, Case No. A157998 (Jan. 29, 2020), available at: https://www.courthousenews.com/wp-content/uploads/2020/01/Becerra-v.-FAC.pdf.

SB 1421 amended Section 832.7 to remove the confidentiality restrictions over specific categories of peace officer personnel records relating to several types of officer misconduct. Section 832.7(b) provides that such records are not confidential and shall be made public pursuant to the Public Records Act notwithstanding Section 6254(f) of the Government Code or "any other law." In Becerra, the court found that the state could rely on an exemption outside Section 832.7 – in that case, Government Code Section 6255, which is part of the CPRA – because the Legislature in enacting SB 1421 indicated an intent "to preserve, not override, the CPRA but for its investigatory files exemption (Gov. Code § 6254(f))." Id. at 19. Interpreting the phrase "or any other law," the court noted that "only those provisions of law that conflict with section 832.7(b) – not . . . every provision of law – are inapplicable." Id. (citation and internal quotation marks omitted). Because the only CPRA exemption explicitly referenced is Section 6254(f), the court noted that "it seems unlikely that the Legislature contemplated the clause as encompassing other CPRA exemptions." Id. at 20. And the court found no evidence in
the legislative history to support an intent to abrogate other exemptions under the CPRA. *Id.* at 21-22.

Section 832.7(b)(5) identifies specific types of information that must be redacted from records now public under Section 832.7(b). But for the reasons the court articulated in *Becerra*, a public agency may still rely on other exemptions available under the CPRA that do not conflict with Section 832.7. The exemptions DPA relied on and we found proper in our prior determination – the attorney-client privilege, the official information privilege, and the confidentiality of criminal offender record information – do not conflict with Section 832.7(b), and we reaffirm that DPA properly redacted and/or withheld information on these grounds.

**DPA File No. 40-15**

In your petition, you contest all the redactions and withholding in File No. 40-15. We have reviewed the file and find that 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));

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;

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.).

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 Enforcement Telecommunication System (Government Code § 6254(k), Penal Code §§ 11105, 11145, 13100 et seq.).

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Buta, Odaya (CAT)

From: 83876-31149286@requests.muckrock.com
Sent: Monday, January 27, 2020 4:39 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

January 27, 2020

This is a follow up to a previous request:

Supervisor of Records,

I am correcting my petition today as follows:

Supervisor of Records Herrera,

Thank you for your response. First, it should not be your responsibility to justify these redactions or full withholdings. There's nothing you can do about that, but we shall proceed against DPA at SOTF for the underlying violations of SFAC 67.26 and 67.27 itself.

Below is a further SFAC 67.21(d) petition regarding these same two cases 168-01 and 441-12, please deem all of the following redactions or withholdings public and order them immediately disclosed:

1. [Retracted]
2. Redactions 2.i, 2.m, 2.p and all other Gov Code 6254(k)/EC 1040 redactions are unlawful. PC 832.7(b)(5) specifically states (emphasis mine) "An agency shall redact a record disclosed pursuant to this section **only** for any of the following purposes: [4 types]." No SB 1421 record can be redacted for any other reason other than PC 832.7(b)(5)(A,B,C,D) (and, outside of SF, PC 832.7(b)(6)).
3. All CLETS redactions (which are not labeled by you) are unlawful. See argument (2) above.
4. All attorney-client privilege/work product doctrine redactions are unlawful. See argument (2) above.

In addition, this is a 67.21(d) petition regarding case DPA 40-15 published by DPA on MuckRock here: https://cdn.muckrock.com/outbound_request_attachments/DepartmentOfPoliceAccountability/83876/Prepared20for20Production20-200040-1520-2012.9.2019.pdf

Because all redactions lack a footnote or other clear reference to justification, they are all unlawful and must be ordered unredacted/disclosed.
Their sole justification is "The records contain information redacted based on subdivisions of Penal Code Section 832.7 that mandate and allow redactions of certain information listed in the code section" which fails to meet the specificity requirements of SFAC 67.27. Furthermore, PC 832.7(b)(6) is a subdivision of 832.7, and is an optional redaction reason specifically prohibited locally by SFAC 67.21(g, i) (DPA claims authority to redact pursuant to PC 832.7(b)(6)). And finally,
your prior response indicates cases clearly have been redacted pursuant to reasons that are not in PC 832.7(b)(5), which is not permitted.

** 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.*

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 83876-31149286@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 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.

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On Jan. 27, 2020:
Subject: RE: California Public Records Act Request: DPA SB 1421 Police Misconduct Records - Immediate Disclosure Request and 67.21(c) request
Thank you very much.

---

On Jan. 27, 2020:
Subject: RE: California Public Records Act Request: DPA SB 1421 Police Misconduct Records - Immediate Disclosure Request and 67.21(c) request
Thank you very much.

---
On Jan. 27, 2020:
Subject: Response to California Public Records Act Request: DPA SB 1421 Police Misconduct Records - Immediate Disclosure Request and 67.21(c) request
Please see attached.

Thank you,
Diana Rosenstein

Sent from Mail<https://go.microsoft.com/fwlink/?LinkId=550986> for Windows 10

---

On Jan. 27, 2020:
Subject: RE: California Public Records Act Request: DPA SB 1421 Police Misconduct Records - Immediate Disclosure Request and 67.21(c) request
Supervisor of Records Herrera,

Thank you for your response. First, it should not be your responsibility to justify these redactions or full withholdings. There's nothing you can do about that, but we shall proceed against DPA at SOTF for the underlying violations of SFAC 67.26 and 67.27 itself.

Below is a further SFAC 67.21(d) petition regarding these same two cases 168-01 and 441-12, please deem all of the following redactions or withholdings public and order them immediately disclosed:
1. All redactions citing PC 832.7(b) as an exemption are unlawful. 832.7(b) is not an exemption from disclosure. It is an exception to the generic exemption in PC 832.7(a) and other laws; and thus it demands disclosure. Also, 832.7(b)(5) has 4 different provisions for redactions, it is not just one.
2. Redactions 2.i, 2.m, 2.p and all other Gov Code 6254(k)/EC 1040 redactions are unlawful. PC 832.7(b)(5) specifically states (emphasis mine) "An agency shall redact a record disclosed pursuant to this section **only** for any of the following purposes: [4 types]". No SB 1421 record can be redacted for any other reason other than PC 832.7(b)(5)(A,B,C,D) (and, outside of SF, PC 832.7(b)(6)).
3. All CLETS redactions (which are not labeled by you) are unlawful. See argument (2) above.
4. All attorney-client privilege/work product doctrine redactions are unlawful. See argument (2) above.

In addition, this is a 67.21(d) petition regarding case DPA 40-15 published by DPA on MuckRock here:

Because all redactions lack a footnote or other clear reference to justification, they are all unlawful and must be ordered unredacted/disclosed.
Their sole justification is "The records contain information redacted based on subdivisions of Penal Code Section 832.7 that mandate and allow redactions of certain information listed in the code section" which fails to meet the specificity requirements of SFAC 67.27. Furthermore, PC 832.7(b)(6) is a subdivision of 832.7, and is an optional redaction reason specifically prohibited locally by SFAC 67.21(g, i) (DPA claims authority to redact pursuant to PC 832.7(b)(6)). And finally, your prior response indicates cases clearly have been redacted pursuant to reasons that are not in PC 832.7(b)(5), which is not permitted.

** 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.*

Sincerely,

Anonymous

---

On Jan. 25, 2020:
Subject: RE: California Public Records Act Request: DPA SB 1421 Police Misconduct Records - Immediate Disclosure Request and 67.21(c) request
Paul Henderson and DPA,

This is an immediate disclosure request for the currently effective policies, memos, directives, and orders regarding your SB 1421 record production and redaction process.

** 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.*

Sincerely,

Anonymous

---

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 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:
52Faccounts%252Fagency_login%252Fdepartment-of-police-accountability-19228%252Fdpa-sb-1421-police-
misconduct-records-immediate-disclosure-request-and-6721c-request-
83876%252F%253Femail%253Dsuperior.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 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.
To Whom It May Concern:

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 jurisdiction of the Supervisor of Records.

Here, the Department of Public Works has not withheld or redacted information in response to your request based on an exemption available under the Public Records Act. The Department stated it has been unable to determine whether responsive records exist. Because the Department of Public Works has not withheld or redacted records, there is not yet an issue for the Supervisor of Records to review.

We recognize the seriousness of the allegations against Mr. Nuru. We understand that the Department of Public Works reached out to Mr. Nuru to notify him of your request and to demand that he provide any public records regarding City business that he may have in personal accounts and on personal devices that would be responsive to your request and other requests the Department has received.

Please feel free to follow up with us if the Department of Public Works withholds or redacts records in its response to your request.

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
I am petitioning you under subsection (d) of Section 67.21 of Chapter 67 of the Administrative Code. Please provide me a formal written determination within ten days that Mohammed Nuru's records on City-issued devices and also personal devices are both "public records" under CPRA and the San Jose supreme court case from 2017, and order both Public Works and Mr. Nuru to turn them over - these records are highly urgent/sensitive and could be destroyed by their holder given their subject matter.

I filed the following immediate disclosure requests (and others)
https://sanfrancisco.nextrequest.com/requests/20-397
https://sanfrancisco.nextrequest.com/requests/20-398

David Steinberg of Public Works replied:
"Please note that we are making a reasonable effort to retrieve any documents and files that might be responsive to your request. However, under the circumstances of Mr. Nuru’s suspension, we have not been able to obtain potentially responsive documents because we were unable to access Mr. Nuru or his personal device(s). If and when Public Works is able to reach Mr. Nuru or obtain his City-issued device(s), we will make every effort to respond to your request if we can access the device(s) and if we find responsive documents."

As long as Mr. Nuru is employed by San Francisco, mustn't he and SF disclose all of his government and personal public records under the CPRA? Even if he is no longer employed, his public records are the city's, not his own. What law allows San Francisco to keep these records hidden or not demand Mr. Nuru turn them over or be fired for refusing to follow City of San Jose case? This smells very much like a cover-up!

Thank you very much for your assistance. I look forward to your rapid solution to this request~~

On Sat, Feb 1, 2020 at 2:36 PM independentm <independentm68@gmail.com> wrote:
I would like to appeal this response. Records about City business, even allegedly corrupt business, on Mr. Nuru's personal accounts or property must be "public records" of San Francisco, as long as he is an employee, due to the supreme court's decision in 2017. Please provide me the appeals process.

On Fri, Jan 31, 2020 at 12:53 PM City and County of San Francisco Public Records <sanfrancisco@public-records-requests.com> wrote:

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City and County of San Francisco Public Records

Hi there
A message was sent to you regarding record request #20-398:
Please note that we are making a reasonable effort to retrieve any documents and files that might be responsive to your request. However, under the circumstances of Mr. Nuru’s suspension, we have not been able to obtain potentially responsive documents because we were unable to access Mr. Nuru or his personal device(s). If and when Public Works is able to reach Mr. Nuru or obtain his City-issued device(s), we will make every effort to respond to your request if we can access the device(s) and if we find responsive documents.

Regards,

David A. Steinberg
Custodian of Records
San Francisco Public Works

View Request 20-398

http://sanfrancisco.nextrequest.com/requests/20-398
Mr. Dixon –

I understand that the Department of Public Health has now provided you an update on its search for records responsive to your request and that it has indicated it will provide records. Under the Sunshine Ordinance, the Supervisor of Records has jurisdiction to determine “whether the record requested, or any part of the record requested, is public.” (Admin. Code § 67.21(d)). Where a department has withheld or redacted a record based on a legal exemption, we evaluate whether the department has properly invoked the exemption. Other issues, such as the timeliness of the department’s response or the adequacy of its search for records are beyond our jurisdiction.

If the Department of Public Health ultimately withholds or redacts records in response to your request, feel free to contact us again and we will look into the question. 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](http://www.sfcityattorney.org)

Hello Bradley,

Thank you for your response. I wanted to check in on the status of this petition. Would you know when I may receive a response?

Thank you!

Vince

On Wed, Feb 19, 2020 at 11:43 AM Supervisor Records <[supervisor.records@sfcityatty.org](mailto:supervisor.records@sfcityatty.org)> wrote:

Mr. Dixon –

I write to acknowledge receipt of your petition. We will look into the matter and get back to you. Thank you.
Dear Supervisor of Records,

On January 29, 2020, I submitted a public records request to the San Francisco Department of Public Health under the Sunshine Ordinance, requesting records on food establishment inspections.

Having not received a response from the department, on February 13, 2020 I contacted the San Francisco Department of Public Health's Public Records office via email inquiring about the status of my request. Though, the email was not answered. As of February 14, 2020, I have not heard from the department regarding its status, receipt or response for my request.

As the Sunshine Ordinance requires agencies to respond to requests within 10 business days, I am asking the Supervisor of Records to review my request and determine whether the San Francisco Department of Public Health is in violation of the Sunshine Ordinance and Government Code Section 6256 by not responding to it.

Below is a copy of the original request (#20-420).
Thank you,

Vince Dixon

ATTN: San Francisco Department of Public Health
1/29/20

Under the San Francisco Sunshine Ordinance and the California Public Records Act § 6250 et seq., I am requesting digital copies of a list of all restaurants and food establishments inspected, per routine, by the San Francisco Department of Public Health from January 1, 2000 to December 31, 2019 that includes, when possible, the name of the establishment, the address of the establishment, the latitude and longitude of the establishment location, zip code, business ID, the date of the establishment’s first inspection, the most recent inspection date, the last date of inspection, the current operating status (out of business status), date of permit issuance, cuisine or food type, and venue type.

I request that the records be delivered electronically (e.g. spreadsheet, csv, etc.). If there are any fees for searching or copying these records, please inform me of the cost. However, as a member of the news media, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public’s understanding of city restaurant development. This information is not being sought for commercial purposes.

The California Public Records Act requires a response within ten business days. If access to the records I am requesting will take longer, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

--

Vince Dixon • Sr Data Visualization Reporter
Eater's *Where to Eat in 2020* list is here, spotlighting 19 cities across six continents that you should be traveling to eat in right this minute.

--

**Vince Dixon • Sr Data Visualization Reporter**

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Eater's *Where to Eat in 2020* list is here, spotlighting 19 cities across six continents that you should be traveling to eat in right this minute.
This petition appears to be duplicative of the one sent on March 5, 2020, which you withdrew because SFPD produced the responsive record. We consider it moot.

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

This petition is being filed for 84740-21808729@requests.muckrock.com  
This one should be simple. SFPD has withheld a single MOU between it and the FBI under GC 6254(f) and GC 6254(k).  
I believe contracts cannot be exempt under permissive exemption GC 6254(f) due to local SFAC 67.24(e). Alternatively, only the law enforcement security procedures or techniques should be redacted (but I do not concede even this). The government can't keep secret contracts.

However, if a state or federal law prohibited this disclosure, that might, but is not conceded to, overrule SFAC 67.24(e).  
However under 6254(k) they have not specified which state or federal law prohibits this release. GC 6254(k) is insufficient under SFAC 67.27 unless the specific provision prohibiting release is cited.  
(And no, the withheld contract itself or another contract with the FBI that purports to negate the CPRA or Sunshine Ordinance is not a law prohibiting this release and is itself unlawful)

The request and SFPD's response is here: https://cdn.muckrock.com/foia_files/2020/02/14/P1034220-202020.2.1320sfpd20response.pdf  
Specifically my request at issue is labeled #5 on pg. 2.  
SFPD Response at issue is last para on pg. 3. All typos are SFPD's, not mine; they are using some strange scanning/OCR method.

Please determine the whole MOU or some parts of it are public in writing; and order SFPD to comply.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous
August 6, 2020

Sent via email (arecordsrequestor@protonmail.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records concerning two records requests to the San Francisco Police Department (“SFPD”).

On November 14, 2019, you requested documents concerning requests for information from the Department of Police Accountability to SFPD and responses. SFPD produced records on January 31, 2020. You contest the redactions SFPD applied to those documents. We find that SFPD properly redacted information from those records under Government Code Sections 6254(c) and (k), and Penal Code Sections 832.5, 832.7, and 832.8, as peace officer personnel records.

On November 27, 2019, you requested various records concerning Sunshine Ordinance Task Force File 19017. SFPD produced records on January 10, 2020. You contest the redactions SFPD applied to those documents. We find that SFPD properly redacted information from the records based on privacy (Gov’t Code Sec. 6254(c) and (k), Cal. Const. Art. I, Sec. 1), and based on the attorney-client privilege (Gov’t Code Sec. 6254(k), Evid. Code Sec. 954).

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Buta, Odaya (CAT)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, February 18, 2020 8:08 PM
To: Supervisor Records
Cc: SFPDMediaRelations, (POL); Cox, Andrew (POL)
Subject: New Supervisor of Records Petition - Fw: SOTF 19141 - Remaining Issues
Attachments: signature.asc

Because none of the redactions are keyed by a footnote or clear reference to a specific authority in the law, I challenge all redactions in the below links as unlawful, and I petition the Supervisor of Records under SFAC 67.21(d) to issue a written determination that some or all of them are public parts of records and order them disclosed. My argument copied below is also incorporated herein.

Request P010439-010820 responsive records: https://cdn.muckrock.com/foia_files/2020/01/20/P1043920-20responsive.pdf
Request P010438-010820 responsive records: https://cdn.muckrock.com/foia_files/2020/02/03/P1043820-20responsive.pdf


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Sincerely,

Anonymous

SOTF for file 19141:

SFPD has accepted responsibility for not responding to the two emailed requests, their reference numbers P010439-010820 and P010438-010820.
They have now, incompletely and untimely, responded to both requests.

It is unclear why SFPD has returned to their prior non-Sunshine-compliant practice of not keying all of their redactions by either a footnote or another clear reference to the appropriate SFAC 67.27 justification.

There are two separate legal obligations on all City agencies for justifications:
First all withholding must be justified in writing to a specific provision of law (SFAC 67.27). The CPRA requires this as well.
However, the Sunshine Ordinance goes further: when parts of a record are masked or deleted (commonly known as "redaction") the agency must key each redaction by either a footnote or another clear reference to 67.27 justification that exempts that redaction.

Through the history of my long-ago SFPD complaint, SOTF 19098, many months ago, it appeared SFPD had eventually accepted their legal obligation to do this and began providing redaction justification keys.

They have now apparently gone back to not complying with SFAC 67.26 nor 67.27. In request P010439-010820, SFPD claims there are both Constitutional privacy and attorney-client redactions - SFPD must tell us which redactions are which (67.26). Apparently only one attorney-client redaction exists but they must tell which one that is.

In request P010438-010820, they claim there are redactions under Penal Code §§§ 832.5, 832.7, and 832.8. Again SFPD must tell us which redactions are which (67.26). Furthermore these sections are not even sufficiently specific under 67.27, since they have various subdivisions, each of which we must legally challenge in a different way. Consider this: the City could not redact a document citing Gov Code 6254. Instead they must cite specific subdivision(s) that apply.

The City’s obligations under SFAC 67.26 and 67.27 are not optional or only on request or complaint. They are mandatory and compliant justifications be provided to every records requester. We will continue to bring complaints until SFPD takes all of its Sunshine obligations seriously.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous
December 11, 2020

Sent via email (arecordsrequestor@protonmail.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 February 19, 2020, concerning a request to the Department of Emergency Management (“DEM”) dated January 4, 2020.

You complain that DEM did not provide the original files of some photos attached to WhatsApp messages. We understand that DEM subsequently produced the original photo files.

You also contend that DEM improperly redacted WhatsApp messages based on Government Code Section 6254.19. We understand that DEM subsequently produced to you modified redactions indicating the names of the individuals who sent the messages and other changes. We have reviewed the redactions and find that the content of the redacted texts constitutes information the disclosure of which “would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.” Gov’t Code Sec. 6254.19. Thus, DEM properly applied the redactions.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Supervisor of Records,

This is a petition under SFAC 67.21(d) for a written determination that records or parts thereof are public, and an associated order to disclose against DEM.

1. DEM must provide exact copies the original Mayor photo files. There is no evidence that mere photos threaten the original photo record or proprietary software (GC 6253.9(f)). Photos are not information security records (GC 6254.19). Also 6254.19 states: "Nothing in this section shall be construed to limit public disclosure of records stored within an information technology system of a public agency that are not otherwise exempt from disclosure pursuant to this chapter or any other provision of law." - the emphasized portion is exactly what photos are.

2. The justification of GC 6254.19 to redact the *text* of the WhatsApp messages does not make sense. DEM appears to believe GC 6254.19 protects all security information, even physical security; that is not true. Even if there is some other legal justification or 6254.19 is proper for the body of the text, the names of the participants in the conversation cannot be exempt and must be unredacted.

All arguments below are incorporated in to this petition.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,
Anonymous

------- Original Message -------
On Wednesday, February 19, 2020 8:42 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:

SOTF,

Please provide a file number and cc on response.

Caption: Anonymous (84960-47105337@requests.muckrock.com) v Dept of Emergency Management, Victor Lim, Francis Zamora
Allegations: SFAC 67.21(B,L,K), 67.26; CPRA Gov Code 6253.9, 6253(c)

Complaint (including attached exhibits):
DEM uses WhatsApp to communicate about public business.
I asked for some of those records.
I explicitly asked for attachments and inline images, which includes some business photos of the Mayor.
I followed-up with DEM on Jan 4 and Feb 4, 2020.

Your Task Force should take as proven any allegation not specifically denied by Respondents.

1. **Violation of CPRA Gov Code 6253.9** - The original photo attachments must be provided unless DEM can prove they threaten the original record or proprietary software. They are likely simple JPEG files.

2. **Violation of SF Admin Code 67.26** - Non-minimal withholding. Metadata is generally a public record, except for specifically exempt and justified portions, as ruled by this Task Force in email header metadata in SOTF 19044. I do not know of any exempt metadata in JPEG files. It should all be provided, by giving the original JPEG file.

3. **Violation of CPRA Gov Code 6253(b)** - Exact copies of the attached images were not provided even though I requested them. Low res captures are not an exact copy.

4. **Violation of SF Admin Code 67.21(l)** - City must provide any electronic format available to or easily-generated by them. I further asked for "actual images of the mayor in their full original resolution" - they have not been provided. They must provide the original files which are of course available.

5. **Violation of SF Admin Code 67.26** - Non-minimal withholding. A distinct text part of the WhatsApp messages was masked (redacted). The justification is "we have redacted portions of our responsive records concerning the security of a public agency. (Cal. Gov't Code § 6254.19)". That is not what GC 6254.19 is for. GC 6254.19 is only for information security records (not other security, like physical security) that also reveal vulnerabilities in their IT systems or increase the risk of an attack. Furthermore, the names of the speakers cannot be redacted under 6254.19. It is unclear what truly is being redacted here.

6. **Violation of SF Admin Code 67.21(b)** - Incomplete and untimely response. It has been 1.5 months since the request was made. Even if the City completely complies with my request now, it will be untimely.

======

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Sincerely,

Anonymous
From: Anonymous Person 01/04/2020

Subject: California Public Records Act Request: SF DEM WhatsApp records - Immediate Disclosure Request

Dept of Emergency Management,

Below are 4 Immediate Disclosure Requests (SF Admin Code 67.25(a)).
Your response is required by Jan 7, 2020. Rolling records responses are requested (SFAC 67.25(d)). Exact copies are requested (Gov Code 6253(b)) - do not print and scan electronic records. All withholding must be justified (SFAC 67.27). All redactions must be keyed by footnote or other clear reference to justification and only the minimal exempt portion may be withheld (SFAC 67.26). Provide records by email (SFAC 67.21(b)). Provide only records not requiring fees. We will not remind the City of its obligations again and will file complaints for any Sunshine Ordinance or CPRA violations.

1. All records on Francis Zamora's government WhatsApp accounts of communications between and among Victor Lim, Francis Zamora, Andy Lynch, Kyra Geithman, and/or Jeff Cretan between May 19, 2019 and Aug 2, 2019 - Every part of the record must be provided including but not limited to date and time stamps, user names, phone numbers, text, image, audio, and video/animated content, metadata, and all embedded, inline and attached files.

2. All records on Francis Zamora's personal WhatsApp accounts (subject to City of San Jose (2017)) of communications between and among Victor Lim, Francis Zamora, Andy Lynch, Kyra Geithman, and/or Jeff Cretan between May 19, 2019 and Aug 2, 2019 - Every part of the record must be provided including but not limited to date and time stamps, user names, phone numbers, text, image, audio, and video/animated content, metadata, and all embedded, inline and attached files.

3. All records on Victor Lim's government WhatsApp accounts of communications between and among Victor Lim, Francis Zamora, Andy Lynch, Kyra Geithman, and/or Jeff Cretan between May 19, 2019 and Aug 2, 2019 - Every part of the record must be provided including but not limited to date and time stamps, user names, phone numbers, text, image, audio, and video/animated content, metadata, and all embedded, inline and attached files.

4. All records on Victor Lim's personal WhatsApp accounts (subject to City of San Jose (2017)) of communications between and among Victor Lim, Francis Zamora, Andy Lynch, Kyra Geithman, and/or Jeff Cretan between May 19, 2019 and Aug 2, 2019 - Every part of the record must be provided including but not limited to date and time stamps, user names, phone numbers, text, image, audio, and video/animated content, metadata, and all embedded, inline and attached files.

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
Also please note that I explicitly want both Lim's and Zamora's records, even of the same conversations, as they have different views of the convo and different metadata.

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

From: Department of Emergency Management

Subject: RE: California Public Records Act Request: SF DEM WhatsApp records - Immediate Disclosure Request

VIA ELECTRONIC MAIL

Requestor: Anonymous
Email: requests@muckrock.com

January 7, 2020

Re: California Public Records Act Request: SF DEM WhatsApp records - Immediate Disclosure Request (SF DEM)

Dear Anonymous:

This letter responds to your Immediate Disclosure Request sent on January 4, 2020 and received by the Department of Emergency Management via email on January 6, 2020.

On your email, you requested for the following:

"...1. All records on Francis Zamora's government WhatsApp accounts of communications between and among Victor Lim, Francis Zamora, Andy Lynch, Kyra Geithman, and/or Jeff Cretan between May 19, 2019 and Aug 2, 2019 - Every part of the record must be provided including but not limited to date and time stamps, user names, phone numbers, text, image, audio, and video/animated content, metadata, and all embedded, inline and attached files.

2. All records on Francis Zamora's personal WhatsApp accounts (subject to City of San Jose (2017)) of communications between and among Victor Lim, Francis Zamora, Andy Lynch, Kyra Geithman, and/or Jeff Cretan between May 19, 2019 and Aug 2, 2019 - Every part of the record must be provided including but not limited to date and time stamps, user names, phone numbers, text, image, audio, and video/animated content, metadata, and all embedded, inline and attached files.

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4. All records on Victor Lim's personal WhatsApp accounts (subject to City of San Jose (2017)) of communications between and among Victor Lim, Francis Zamora, Andy Lynch, Kyra Geithman, and/or Jeff Cretan between May 19, 2019 and Aug 2, 2019 - Every part of the record must be provided including but not limited to date and time stamps, user names, phone numbers, text, image, audio, and video/animated content, metadata, and all embedded, inline and attached files."

Response dated January 7, 2020

With regards to items #1 and #3 of the request, it is neither simple nor routine nor readily answerable and it also requires consultation with other departments. Accordingly, we will respond within the full 10 day period for a regular request, barring the need for a further extension. See Cal. Gov. Code 6253 and Admin. Code 67.25(b).

DEM has no responsive records to items #2 and #4 of the request.

Please note that we are responding on behalf of the Department of Emergency Management only, and not on behalf of other City departments.

If you have any questions regarding your request or would like to send another public records request, please do not hesitate to contact the Department of Emergency Management at dempress@sfgov.org.

Sincerely,

/s/
Victor Wai Ho Lim
External Affairs Officer

Department of Emergency Management
This letter responds to your Immediate Disclosure Request sent on January 4, 2020 and received by the Department of Emergency Management via email on January 6, 2020.

On your email, you requested for the following:

“…1. All records on Francis Zamora's government WhatsApp accounts of communications between and among Victor Lim, Francis Zamora, Andy Lynch, Kyra Geithman, and/or Jeff Cretan between May 19, 2019 and Aug 2, 2019 - Every part of the record must be provided including but not limited to date and time stamps, user names, phone numbers, text, image, audio, and video/animated content, metadata, and all embedded, inline and attached files.

2. All records on Francis Zamora's personal WhatsApp accounts (subject to City of San Jose (2017)) of communications between and among Victor Lim, Francis Zamora, Andy Lynch, Kyra Geithman, and/or Jeff Cretan between May 19, 2019 and Aug 2, 2019 - Every part of the record must be provided including but not limited to date and time stamps, user names, phone numbers, text, image, audio, and video/animated content, metadata, and all embedded, inline and attached files.

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Response dated January 16, 2020
With regards to items #1 and #3, we are providing you copies of responsive records to the request. Please note, we have redacted portions of our responsive records concerning the security of a public agency. (Cal. Gov't Code § 6254.19)

Additionally, all records are being produced in 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.

As mentioned on our previous response dated January 7, 2020, DEM has no responsive records to items #2 and #4 of the request.

Please note that we are responding on behalf of the Department of Emergency Management only, and not on behalf of other City departments.

If you have any questions regarding your request or would like to send another public records request, please do not hesitate to contact the Department of Emergency Management at dempress@sfgov.org.

Sincerely,
/s/

From: Anonymous Person 01/20/2020

Subject: RE: California Public Records Act Request: SF DEM WhatsApp records - Immediate Disclosure Request

Thank you. We've been cross-checking records that should be in the control of multiple agencies - and DEM seem to be one of the only agencies that understands how to produce WhatsApp public records. However:

1. Please provide the actual images of the mayor in their full original resolution.

2. You claimed that the redactions are for "security of a public agency. (Cal. Gov't Code § 6254.19)". 6254.19 solely applies to *information* security records that also reveal vulnerabilities or increase risk for attacks. First, withholding must be minimized so please unredact the names of the participants. Two, if the withholding is for physical security or safety this exemption does not apply, but others may. This exemption is for passwords, firewalls, computer security settings, cryptographic material, etc.

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.

From: Anonymous Person 02/04/2020

Subject: RE: California Public Records Act Request: SF DEM WhatsApp records - Immediate Disclosure Request

You have refused to completely comply with the Sunshine Ordinance; complaints will be filed.
From: Muckrock Staff 02/19/2020

Subject: RE: California Public Records Act Request: SF DEM WhatsApp records - Immediate Disclosure 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 Jan. 4, 2020. 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.
January 16, 2020

Re: California Public Records Act Request: SF DEM WhatsApp records - Immediate Disclosure Request (SF DEM)

Dear Anonymous:

This letter responds to your Immediate Disclosure Request sent on January 4, 2020 and received by the Department of Emergency Management via email on January 6, 2020.

On your email, you requested for the following:

1. All records on Francis Zamora's government WhatsApp accounts of communications between and among Victor Lim, Francis Zamora, Andy Lynch, Kyra Geithman, and/or Jeff Cretan between May 19, 2019 and Aug 2, 2019 - Every part of the record must be provided including but not limited to date and time stamps, user names, phone numbers, text, image, audio, and video/animated content, metadata, and all embedded, inline and attached files.

2. All records on Francis Zamora's personal WhatsApp accounts (subject to City of San Jose (2017)) of communications between and among Victor Lim, Francis Zamora, Andy Lynch, Kyra Geithman, and/or Jeff Cretan between May 19, 2019 and Aug 2, 2019 - Every part of the record must be provided including but not limited to date and time stamps, user names, phone numbers, text, image, audio, and video/animated content, metadata, and all embedded, inline and attached files.

3. All records on Victor Lim's government WhatsApp accounts of communications between and among Victor Lim, Francis Zamora, Andy Lynch, Kyra Geithman, and/or Jeff Cretan between May 19, 2019 and Aug 2, 2019 - Every part of the record must be provided including but not limited to date and time stamps, user names, phone numbers, text, image, audio, and video/animated content, metadata, and all embedded, inline and attached files.

4. All records on Victor Lim's personal WhatsApp accounts (subject to City of San Jose (2017)) of communications between and among Victor Lim, Francis Zamora, Andy
Response dated January 16, 2020

With regards to items #1 and #3, we are providing you copies of responsive records to the request. Please note, we have redacted portions of our responsive records concerning the security of a public agency. (Cal. Gov't Code § 6254.19)

Additionally, all records are being produced in 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.

As mentioned on our previous response dated January 7, 2020, DEM has no responsive records to items #2 and #4 of the request.

Please note that we are responding on behalf of the Department of Emergency Management only, and not on behalf of other City departments.

If you have any questions regarding your request or would like to send another public records request, please do not hesitate to contact the Department of Emergency Management at dempress@sfgov.org.

Sincerely,

/s/
Victor Wai Ho Lim
External Affairs Officer
Department of Emergency Management
Kyra Geithman gas main leak had been capped

5/24/2019

5/28/2019

5/30/2019
Francis Zamora
FYI:
POWER OUTAGE AT 51 FEDERAL W/PG&E ON SCENE ADVISING 4000 AFFECTED, RESTORE TIME IS Estimated at 4:15

Andy Lynch
How’d the media availability go?

Francis Zamora
Media availability went well. KTVU, NBC Bay Area, KPIX, KCBS, Sing Tao Daily, World Journal, China press showed up. Health Officer Dr. Aragon was true primary speaker. Key messages were around protective health measures and checking on people. We also talked about all the work the City is doing to help people during the Heat event.

A couple updates: 1) EMS system is very busy and there are not enough ambulances in the system. In county and out of county mutual aid was called for per protocol,

2) Air Quality levels have reached Orange: Unhealthy for Sensitive populations. Heat protocols take precedence over air quality. Messaging is not recommended at this time. It is more vital to follow heat protective instructions.

Hello - Per SF Emergency Medical Services Agency (EMSA), EMS system is starting to ramp up. They have authorized Basic Life Support (BLS) ambulances to stay ahead of the surge. We will continue to monitor.

Hello Mayor’s Team - please see the current power outage update below:

Power outage in the area of North Beach, Chinatown, Marina & Japantown areas impacting approximately 17k. No ETR at this time. Utility, BOS notifications are being sent. AlertSF will go out.

New update as of 3:24pm: the power was restored near Russian Hill and North Beach. Still waiting for ETA in Japantown.

Outage is resolved in North Beach, Chinatown & Marina. Only outage remaining is Japantown. Japantown outage impacts just under 5k customers.

New update:
PG&E has restored power in Japantown. No further reports at this time.
Francis Zamora
Heads up: DEM is going to send a notice to City Agencies to gauge interest and availability in a mutual aid deployment to Southern California due to the multiple earthquakes. Please note we have not received a mutual aid request. We are leaning forward so we are ready should we receive one.

Francis Zamora
FYI: DEM is deploying a PIO (Nubia Mendoza) from my team to support the City of Gilroy EOC as they recover from the mass shooting. Nubia will be there through Sunday.
FYI: DEM is deploying a PIO (Nubia Mendoza) from my team to support the City of Gilroy EOC as they recover from the mass shooting. Nubia will be there through Sunday.
Dear Anonymous –

The Mayor’s Office has confirmed that it did not withhold any records responsive to this request. As a result, there is no issue for us to determine and we consider the petition closed.

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

Apologies - the complaint caption is:  
Anonymous (87732-85704646@requests.muckrock.com) v Sean Elsbernd, Andrea Bruss, London Breed, Office of the Mayor

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Sincerely,
Anonymous

Sent from ProtonMail Mobile

On Wed, Feb 26, 2020 at 9:19 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:
SOTF - this is a new complaint Anonymous v Sean Elsbernd, London Breed, Office of the Mayor; under SFAC 67.25(a,b) untimely response, and 67.21(b) incomplete response, and CPRA Gov Code 6253(c) failure to declare 14-day deadline within 10 days, and petition to determine
the below records are public and order them disclosed. After the respondent provides records, I may allege other violations that cannot yet be known.

Dennis Herrera - this is a 67.21(d) petition for written determination that records are public and an order to disclose against the Elsbernd and Breed.

Exhibit/Attachment for the file:

The request and response as of this filing are in the Exhibit above.
On Feb 8 I requested as an IDR exact copies of the Mayor and Elsbernd’s emails sent using BCC. On Feb 10, Heckel declared 10-day maximum deadline. It being Feb 26 with no further response, Breed and Elsbernd have failed to or incompletely responded. Various other agencies to whom similar requests have been made properly disclosed their BCC emails. BCC communications are not secret.

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Sincerely,

Anonymous

Sent from ProtonMail Mobile
The SFPD has now voluntarily released the MOU at issue and this petition is withdrawn.

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Sincerely,

Anonymous

------- Original Message -------
On Thursday, March 5, 2020 1:36 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Below is a new 67.21(d) petition for a written determination by Herrera that the record described below (or some parts) is public and order to disclose against SFPD.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous

------- Original Message -------
On Friday, February 14, 2020 9:23 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:

21st Annual SOR Report
APPENDIX - Page 150
SOTF,

Please file a new complaint:

Anonymous (84740-21808729@requests.muckrock.com) v SFPD and Lt. R Andrew Cox
Allegations: SFAC 67.26 (non-minimum withholding), 67.27 (failing to cite a specific law prohibiting release), 67.21(b) (incomplete response), 67.24(e) (contracts cannot be secret)

This is very narrow complaint.

On Dec 27, 2019 I made an IDR for, *inter alia*:
"5. all MOUs, "Contract Correspondence", "Contract Payment Records", and "Contracts/Agreements" that are or were in effect, dated, sent, or received at any time between May 1, 2019 and present where at least one party or signatory is the Federal Bureau of Investigation, US Department of Justice, or any of its/their employees, agents, or officers (you must provide responsive records regardless of whether your agency is or is not a party if your agency prepared, owned, retained, or used the record)"

The intervening timeline and back and forth is not at issue in this specific complaint file.

On Feb. 15 2020, Lt. Cox withheld one MOU between SFPD and the FBI responsive to #5 on the following basis:
"SFPD has identified a responsive MOU with the FBI that is responsive but is not subject to disclosure under Government Code § 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies and Government Code § 6254(k). Section 6254(k) allows exemption of "[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to provisions of the Evidence Code relating to privilege.""

I believe contracts cannot be exempt under permissive exemption GC 6254(f) due to local SFAC 67.24(e). Alternatively, only the law enforcement security procedures or techniques should be redacted for minimum withholding (but I do not concede even this).
The government can't keep secret contracts.

However, if a state or federal law *prohibited* this disclosure, that might, but is not conceded to, overrule SFAC 67.24(e). However under 6254(k) they have not specified which state or federal law *prohibits* this release. Merely saying "6254(k)" is insufficient under SFAC 67.27 unless the *specific* law prohibiting release is cited. (And no, the withheld contract itself or another contract with the FBI
that purports to negate the CPRA or Sunshine Ordinance is not a law prohibiting this release and would itself be unlawful.)

The request and SFPD's response is here: https://cdn.muckrock.com/foia_files/2020/02/14/P1034220-202020.2.1320sfpd20response.pdf
Specifically my request at issue is labeled #5 on pg. 2. SFPD Response at issue is last para on pg. 3. All typos are SFPD's, not mine; they are using some strange scanning/OCR method.

Please determine the MOU to be a disclosable public record, and order it disclosed.

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Sincerely,

Anonymous
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Anonymous

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Anonymous (84740-21808729@requests.muckrock.com) v SFPD and Lt. R Andrew Cox
Allegations: SFAC 67.26 (non-minimum withholding), 67.27 (failing to cite a specific law prohibiting release), 67.21(b) (incomplete response), 67.24(e) (contracts cannot be secret)

This is very narrow complaint.

On Dec 27, 2019 I made an IDR for, inter alia:
"5. all MOUs, "Contract Correspondence", "Contract Payment Records", and "Contracts/Agreements" that are or were in effect, dated, sent, or received at any time between May 1, 2019 and present where at least one party or signatory is the Federal Bureau of Investigation, US Department of Justice, or any of its/their employees, agents, or officers (you must provide responsive records regardless of whether your agency is or is not a party if your agency prepared, owned, retained, or used the record)"

The intervening timeline and back and forth is not at issue in this specific complaint file.

On Feb. 15 2020, Lt. Cox withheld one MOU between SFPD and the FBI responsive to #5 on the following basis:
"SFPD has identified a responsive MOU with the FBI that is responsive but is not subject to disclosure under Government Code § 6254(f), which exempts from disclosure records of complaints to,
investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies and Government Code § 6254(k). Section 6254(k) allows exemption of "[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to provisions of the Evidence Code relating to privilege."

I believe contracts cannot be exempt under permissive exemption GC 6254(f) due to local SFAC 67.24(e). Alternatively, only the law enforcement security procedures or techniques should be redacted for minimum withholding (but I do not concede even this).
The government can't keep secret contracts.
However, if a state or federal law prohibited this disclosure, that might, but is not conceded to, overrule SFAC 67.24(e).
However under 6254(k) they have not specified which state or federal law prohibits this release. Merely saying "6254(k)" is insufficient under SFAC 67.27 unless the specific law prohibiting release is cited. (And no, the withheld contract itself or another contract with the FBI that purports to negate the CPRA or Sunshine Ordinance is not a law prohibiting this release and would itself be unlawful.)

The request and SFPD's response is here: https://cdn.muckrock.com/foia_files/2020/02/14/P1034220-202020.2.1320sfpd20response.pdf
Specifically my request at issue is labeled #5 on pg. 2. SFPD Response at issue is last para on pg. 3. All typos are SFPD's, not mine; they are using some strange scanning/OCR method.

Please determine the MOU to be a disclosable public record, and order it disclosed.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous
February 13, 2020

Via email 84740-21808729@requests.muckrock.com

San Francisco, CA

RE: Public Records Request, dated December 30, 2019, Reference # P010342-123019

Dear Anonymous,

The San Francisco Police Department (SFPD) received your Public Records Act request, dated December 27, 2019.

You requested, “IMMEDIATE DISCLOSURE REQUEST - Dec 26, 2019 - Re: Carmody forensics contracts Pursuant to the CPEA and SF Sunshine Ordinance

This is an Immediate Disclosure Request (SFAC 67.25(a)) for the records numbered below. An initial response is required by Dec. 30, 2019. Please provide only those records not requiring fees - and a required notice of in-person inspection of fee-based records. We request exact copies (Gov Code 6253(b)) and rolling responses if needed (SFAC 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 and various services that mirror those documents for analysis and research by journalists and the general public (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 government all be disclosable public records.

Please read carefully the exact wording of my request and follow the Sunshine Ordinance and CPRA precisely. You are specifically requested to follow each of the Sunshine provisions, and we will appeal or petition every violation, including but not limited to:

* any untimely or incomplete response (SF Admin Code 67.21, 67.25),
* failure to maintain all records in a professional or businesslike manner (SF Admin Code 67.29-7)
* failure to provide records in a rolling fashion as soon as each is available (SF Admin Code 67.25),
* failing to indicate whether you have responsive records or not for each request below and whether or not you withheld any records for each request below (Gov Code 6253(c))
* withholding more than the minimum exempt portion of any record or withholding an entire record if any portion at all is non-exempt (SF Admin Code 67.26),
*failure to justify with a footnote or "other clear reference" to an exemption statute or case law for each and every redaction or withholding (SF Admin Code 67.26, 67.27), including any so-called 'metadata',
*failure to provide "exact copies" of records (Gov Code 6253(b)), for example, by physically printing electronic records and scanning them back in, which degrades their content and causes loss of colors, hyperlinks, metadata, and searchable text content
*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 request below (SF Admin Code 67.21W),
*redacting or withholding information whose exemption you have already waived by producing it to the public before (Gov Code 6254.5),
*refusing to use email (SF Admin Code 67.21(b)), or requiring me to use a third-party service which imposes on me any terms and conditions beyond those of the CPRA. If you publish records using a web portal, please provide public URLs that do not require login.

Requests are as follows. Please prioritize them as below - #1 is most important and most specific. If we find what we're looking for in an earlier request, we may be able to cancel the later requests.
1. all MOUs, "Contract Correspondence", "Contract Payment Records", and "Contracts/Agreements" (which terms are specified in SFPD's retention policy to be retained at least 2 years) that are or were in effect, dated, sent, or received at any time between May 1, 2019 and present that mention in any way SFPD Sgt. Brian Rodriguez #4075 (you must provide responsive records regardless of whether your agency is or is not a party if your agency prepared, owned, retained, or used the record)
2. all MOUs, "Contract Correspondence", "Contract Payment Records", and "Contracts/Agreements" that are or were in effect, dated, sent, or received at any time between May 1, 2019 and present where at least one party or signatory is the Regional Computer Forensics Laboratory or Silicon Valley Regional Computer Forensics Laboratory or any of its/their employees, agents, or officers (you must provide responsive records regardless of whether your agency is or is not a party if your agency prepared, owned, retained, or used the record)
3. all MOUs, "Contract Correspondence", "Contract Payment Records", and "Contracts/Agreements" that are or were in effect, dated, sent, or received at any time between May 1, 2019 and present that mention in any way Regional Computer Forensics Laboratory, RCFL, Silicon Valley Regional Computer Forensics Laboratory, or SVRCFL (you must provide responsive records regardless of whether your agency is or is not a party if your agency prepared, owned, retained, or used the record)
4. all MOUs, "Contract Correspondence", "Contract Payment Records", and "Contracts/Agreements" (which terms are specified in SFPD's retention policy to be retained at least 2 years) that are or were in effect, dated, sent, or received at any time between May 1, 2019 and present that mention in any way "Carmody" (you must provide responsive records regardless of whether your agency is or is not a party if your agency prepared, owned, retained, or used the record)
5. all MOUs, "Contract Correspondence", "Contract Payment Records", and "Contracts/Agreements" that are or were in effect, dated, sent, or received at any time between May 1, 2019 and present where at least one party or signatory is the Federal Bureau of Investigation, US Department of Justice, or any of its/their employees, agents, or officers (you must provide responsive records regardless of whether your agency is or is not a party if your agency prepared, owned, retained, or used the record)

On December 30, 2019, SFPD provided you with responsive records to item no. 2 of your request.

On January 3, 2020, SFPD received your request, as follows:

"This is a follow up to request number P010342-123019:

This is a further request for Sgt. Rodriguez's signed SVRCFL "certification record(s)" pursuant to Section IX-D of the MOU (if you don't consider that covered by original request #1)."
As for your request for the following:

1. You requested, "all MOUs, "Contract Correspondence", "Contract Payment Records", and "Contracts/Agreements" (which terms are specified in SFPD's retention policy' to be retained at least 2 years) that are or were in effect, dated, sent, or received at any time between May 1, 2019 and present that mention in any way SFPD Sgt. Brian Rodriguez #4075 (you must provide responsive records regardless of whether your agency is or is not a party if your agency prepared, owned, retained, or used the record).

...This is a follow up to request number P010342-123019:

This is a further request for Sgt. Rodriguez's signed SVRCFL "certification record(s)" pursuant to Section IX-D of the MOU (if you don't consider that covered by original request #1),”

On January 13, SFPD responded to item nos. 1 through 4 of your request.

On January 27, SFPD produced responsive records for item 5 of your request. Furthermore, we informed you that SFPD was still consulting with another division of the agency for responsive records. SFPD has identified a responsive MOU with the FBI that is responsive but is not subject to disclosure under Government Code § 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies and Government Code § 6254(k). Section 6254(k) allows exemption of “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to provisions of the Evidence Code relating to privilege.” Finally, you may submit a public records request to the FBI for a response.

Thank you for your courtesy in this regard.

Sincerely,

Lt. R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division
IMMEDIATE DISCLOSURE REQUEST - Dec 26, 2019 - Re: Carmody forensics contracts
Pursuant to the CPRA and SF Sunshine Ordinance

This is an Immediate Disclosure Request (SFAC 67.25(a)) for the records numbered below. An initial response is required by Dec. 30, 2019. Please provide only those records not requiring fees - and a required notice of in-person inspection of fee-based records. We request exact copies (Gov Code 6253(b)) and rolling responses if needed (SFAC 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 and various services that mirror those documents for analysis and research by journalists and the general public (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 government all be disclosable public records.

Please read carefully the exact wording of my request and follow the Sunshine Ordinance and CPRA precisely. You are specifically requested to follow each of the Sunshine provisions, and we will appeal or petition every violation, including but not limited to:

- any untimely or incomplete response (SF Admin Code 67.21, 67.25),
- failure to maintain all records in a professional or businesslike manner (SF Admin Code 67.29-7)
- failure to provide records in a rolling fashion as soon as each is available (SF Admin Code 67.25),
- failing to indicate whether you have responsive records or not for each request below and whether or not you withheld any records for each request below (Gov Code 6253(c))
- withholding more than the minimum exempt portion of any record or withholding an entire record if any portion at all is non-exempt (SF Admin Code 67.26),
- failure to justify with a footnote or "other clear reference" to an exemption statute or case law for each and every redaction or withholding (SF Admin Code 67.26, 67.27), including any so-called 'metadata',
- failure to provide "exact copies" of records (Gov Code 6253(b)), for example, by physically printing electronic records and scanning them back in, which degrades their content and causes loss of colors, hyperlinks, metadata, and searchable text content
- 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 request below (SF Admin Code 67.21(l)),
-
• redacting or withholding information whose exemption you have already waived by producing it to the public before (Gov Code 6254.5),
• refusing to use email (SF Admin Code 67.21(b)), or requiring me to use a third-party service which imposes on me any terms and conditions beyond those of the CPRA. If you publish records using a web portal, please provide public URLs that do not require login.

Requests are as follows. Please prioritize them as below - #1 is most important and most specific. If we find what we’re looking for in an earlier request, we may be able to cancel the later requests.

1. all MOUs, "Contract Correspondence", "Contract Payment Records", and "Contracts/Agreements" (which terms are specified in SFPD’s retention policy\(^1\) to be retained at least 2 years) that are or were in effect, dated, sent, or received at any time between May 1, 2019 and present that mention in any way SFPD Sgt. Brian Rodriguez #4075 (you must provide responsive records regardless of whether your agency is or is not a party if your agency prepared, owned, retained, or used the record)

2. all MOUs, "Contract Correspondence", "Contract Payment Records", and "Contracts/Agreements" that are or were in effect, dated, sent, or received at any time between May 1, 2019 and present where at least one party or signatory is the Regional Computer Forensics Laboratory or Silicon Valley Regional Computer Forensics Laboratory or any of its/their employees, agents, or officers (you must provide responsive records regardless of whether your agency is or is not a party if your agency prepared, owned, retained, or used the record)

3. all MOUs, "Contract Correspondence", "Contract Payment Records", and "Contracts/Agreements" that are or were in effect, dated, sent, or received at any time between May 1, 2019 and present that mention in any way Regional Computer Forensics Laboratory, RCFL, Silicon Valley Regional Computer Forensics Laboratory, or SVRCFL (you must provide responsive records regardless of whether your agency is or is not a party if your agency prepared, owned, retained, or used the record)

4. all MOUs, "Contract Correspondence", "Contract Payment Records", and "Contracts/Agreements" (which terms are specified in SFPD’s retention policy to be retained at least 2 years) that are or were in effect, dated, sent, or received at any time between May 1, 2019 and present that mention in any way “Carmody” (you must provide responsive records regardless of whether your agency is or is not a party if your agency prepared, owned, retained, or used the record)

5. all MOUs, "Contract Correspondence", "Contract Payment Records", and "Contracts/Agreements" that are or were in effect, dated, sent, or received at any time between May 1, 2019 and present where at least one party or signatory is the Federal Bureau of Investigation, US Department of Justice, or any of its/their employees, agents, or officers (you must provide responsive records regardless of whether your agency is or is not a party if your agency prepared, owned, retained, or used the record)

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

From: Anonymous <arecordsrequestor@protonmail.com>  
Sent: Thursday, March 12, 2020 11:46 AM  
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>  
Subject: New 67.21(d) Petition - Police Commission SB 1421 records

Supervisor of Records Herrera,

This is a SFAC 67.21(d) petition for a written determination that certain records or parts of records are public and an order to disclose against the Police Commission and Sgt. Kilshaw.

Pursuant to the argument in "Part 1" below the withheld recordings should be deemed public (or partially public) and disclosed.

Pursuant to the argument in "Part 2" below the redactions or full document withholdings pursuant to PC 832.7(b)(6) should be deemed public and disclosed.

The below email and attachment is incorporated into this petition.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous

------ Original Message ------
On Thursday, March 12, 2020 11:40 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:
SOTF,

Please file a new complaint and provide a file number: Anonymous (88550-29784388@requests.muckrock.com) vs San Francisco Police Commission and Sgt. Rachel Kilshaw

[Police Commission - this is also a public communication for publication.]

Allegations:
SFAC 67.21(b) incomplete response;
67.26 non-minimal withholding;
67.24(i) citation of unlawful public-interest balancing test;
67.27 failure to cite a specific provision of law for justification

I made a Feb 22, 2020 request for certain SB 1421 / Becerra v Superior Court records. They have provided rolling responses.

Part 1 - Commission Recordings related to SB 1421 are partially disclosable
Respondents have withheld certain recordings of commission discussion of SB 1421 issues that were discussed in closed session. Their argument is that the recording is the Chief’s personnel record, not the personnel record of the involved officers. This argument is not relevant. PC 832.7(b)(1) specifically states that records "relating to" the SB 1421 incidents (firearm discharge, certain injuries, and sustained findings of sexual assault and dishonesty) are disclosable "notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, or any other law.... " This is very broad language. The portion of those recordings "relating to" SB 1421 incidents must be disclosed. This is an incomplete response (SFAC 67.21(b)), and non-minimal withholding (SFAC 67.26). If there is a genuine justification is must be cited with a specific provision in the law (SFAC 67.27). Instead they have cited: "Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer’s personnel record." PC 832.7 has many subdivision - which part allow this exemption? PC 832.7(a) (an exemption) is specifically overridden by PC 832.7(b)(1) (a required disclosure).

Part 2 - Public Interest Balancing Test is Prohibited
The Respondents have cited Penal Code 832.7(b)(6) as a reason to withhold certain information. This citation is a prohibited public-interest balancing test (see SFAC 67.24(i)). PC 832.7(b)(6) is an optional/permissive, not mandatory, exemption so it can be prohibited by local law. Any redactions pursuant to PC 832.7(b)(6) are unlawful and constitute non-minimal withholding (SFAC 67.26). Any documents withheld in full pursuant to PC 832.7(b)(6) must be disclosed and redacted only pursuant to other permitted justifications and constitute an incomplete response (SFAC 67.21(b)).

If redactions or full document withholdings are fully justifiable without using any prohibited public-interest balancing test, then Respondents must only cite (and defend their redactions with) the permitted exemptions for SB 1421 records (which are only PC 832.7(b)(5)'s four subsections). If the citation is not needed, then respondents should not be "overjustifying" their redactions.

I asked Respondents to reconsider, and they did not. If the Commission issues a binding order/resolution (in accordance with all Brown Act, Sunshine Ordinance, internal bylaws, and other rules regulating their actions) to solely redact or withhold information in the Commission’s SB 1421 records based on Penal Code 832.7(b)(5)(i, ii, iii, or iv) and no other reasons, and re-releases any information previously unlawfully withheld, we will withdraw Part 2 of this complaint. The last known SB 1421 (draft) policy of the Commission permits public-interest balancing test exemptions, and this must be removed as unlawful in San Francisco.
Exhibits attached.

**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 (signature.asc attachment), 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 government all be disclosable public records.**

Sincerely,

Anonymous
November 4, 2020

Sent via email (arecordsrequestor@protonmail.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Police Commission dated February 22, 2020 for certain peace officer personnel records made public under Senate Bill 1421 (2018).

You contend that the Police Commission improperly withheld recordings of closed session discussions concerning officer involved shootings. The recordings at issue relate to closed session items in which the Commission met to evaluate the performance of the Chief of Police in relation to his decision regarding whether to return officers to duty after an officer involved shooting. As discussed in the opinion attached as Attachment A, we find the Police Commission properly withheld such documents, as the personnel records of the Chief of Police. Gov’t Code Secs. 6254(c), (k); Penal Code Sec. 832.7; Cal. Const., Art. I, Sec. 1. Moreover, records of closed session proceedings cannot be disclosed unless the policy body authorizes the disclosure. See Gov’t Code Sec. 54963.

You also contend that the Police Commission improperly cited Penal Code Section 832.7(b)(6) as a basis to withhold documents. This section provides that the subset of peace officer personnel records required to be disclosed under Section 832.7 may be redacted “pursuant to this section, including personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information.” You argue that Section 67.24(i) of the Sunshine Ordinance prohibits the Police Commission from relying on this basis for nondisclosure. In similar circumstances, we have found that the City may rely on bases for nondisclosure like Section 832.7(b)(6) consistent with the Sunshine Ordinance. See Attachment B April 20, 2015 Letter from B. Delventhal, pgs. 4-6. While Section 832.7(b)(6) is not an evidentiary privilege like Sections 1040 and 1041 of the Evidence Code that we analyzed in the attached letter, for the reasons we discussed in the letter Section 67.24(i) prohibits City
departments from relying on the general balancing provision of Government Code Sec. 6255, and allows City departments to rely on specific exemptions that involve a balancing element. Thus, the Police Commission did not improperly cite this subsection of the Penal Code.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
TO:         Police Commission
CC:         William Scott
            Chief of Police
FROM:      Alicia Cabrera
            Deputy City Attorney
DATE:      October 14, 2020
RE:         Confidentiality of Chief of Police Performance Evaluation

At the January 15, 2020, Police Commission meeting, the Commission met in closed
session to evaluate the performance of Chief Scott in relation to his decision to return officers to
duty after an officer-involved shooting (OIS). During that meeting, in response to a question
from Commissioner Taylor, I publicly explained the legal basis for the Commission to evaluate
the Chief’s performance in closed session. The Commission has authority to evaluate the
Chief’s performance—including the Chief’s performance in deciding whether to return an officer
to duty—in closed session, and the records the Commission reviews during that evaluation are
confidential personnel records. Because we have received questions since the January 15
meeting, the City Attorney’s Office is providing a public memorandum consistent with the oral
advice we provided in January.

The Commission is empowered to terminate the Chief of Police, acting alone or jointly
with the Mayor. (Charter § 4.109.) Consistent with that authority, the Commission also has the
power to evaluate the Chief’s performance. The Chief has a privacy interest in his performance
evaluation. In addition, the Commission’s evaluation of the Chief’s performance constitutes a
personnel record of the Chief, which is protected from disclosure under Penal Code section
832.7. (Penal Code § 832.8(a)(4).) Under both the Brown Act and Sunshine Ordinance, the
Commission may conduct a performance evaluation of the Chief in closed session. (Cal. Govt.
Code § 54957(b); S.F. Admin. Code § 67.10(b).) Under Penal Code section 832.7, the
Commission must conduct the evaluation in closed session. The City Attorney’s Good
Government Guide explains the authority and process for performance evaluation closed

Consistent with the discussion in the Good Government Guide, the Commission has
authority to meet in closed session to review the Chief’s performance, including his decision to
return or not return officers to duty. A closed session evaluation by the Commission of the
Chief’s performance need not be a regularly scheduled evaluation covering all aspects of his
performance. It may be, as it was here, an evaluation of the Chief’s performance with respect to
a particular event or decision. As the Good Government Guide states, at page 165: “Evaluation
of an employee may include more than a formal or regular process such as an annual
performance evaluation; it may include evaluation of the employee's performance regarding an
incident involving that employee, or a specific matter within the employee’s responsibilities.”
The Commission’s discussion in a closed session evaluation of the Chief’s decision to return or not return an officer to duty after an OIS must focus on the Chief’s performance in making that decision. But the Chief may provide facts about the OIS as background and context for his reasoning in making his decision, to assist the Commission in evaluating his performance. Even when the Chief provides that contextual information, the Commission should focus on the Chief’s actions and decisions, and not discuss at length the details of the OIS or department policies regarding such shootings in closed session, except as necessary to understand the Chief’s performance. Finally, the Commission does not have authority to direct the Chief—in open or closed session—to return or not return officers to duty following an OIS.

SB 1421, which amended Penal Code section 832.7, requires disclosure of certain peace officer personnel records upon request, without a court order. But SB 1421 does not require that the Commission’s performance evaluations occur in open session, even when they relate to the Chief’s decision on returning an officer to duty after an OIS. The California Court of Appeal made clear earlier this year that SB 1421 lifted the confidentiality provisions of Government Code section 6254(f) on specific investigatory files but did not affect the application of other laws including exemptions, exceptions, or privileges. (Becerra v. Superior Court (2020) 44 Cal. App. 5th 897.) Thus, municipalities may—and sometimes must— withhold documents from public disclosure based on other laws. Indeed, as noted above, the closed session discussion is a performance evaluation of the Chief, and therefore is a personnel record. And that evaluation is protected from disclosure under Penal Code section 832.7. Because the information the Chief prepares and provides to the Commission for use in those closed sessions relates to the Commission’s performance evaluation of the Chief, that information is protected under section 832.7 and not covered by SB 1421, and the Commission and Department may not disclose it.

Finally, the Commission is not legally required to schedule a closed session performance evaluation of the Chief following every OIS. The Commission has chosen as a policy matter to schedule closed sessions under Department General Order 8.11. The Commission may choose to hold hearings and receive reports regarding an OIS in open session at a Commission meeting, following a format similar to the town hall meetings that the Department convenes after an OIS. The Commission could schedule an open session discussion either instead of or in addition to a closed session performance evaluation of the Chief. But an open session discussion of an OIS could raise additional legal issues. If the Commission is interested in pursuing this approach, we can advise the Commission on how to structure the discussion to avoid compromising any ongoing investigations or revealing any private personnel information.
By U.S. Mail and E-mail (ethics.commission@sfgov.org)

Honorable Paul A. Renne, Chairperson
Honorable Members, San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102-6053

Re: Ethics Commission Complaint No. 03-150127
Paula Datesh, Complainant
Rebekah Krell/Arts Commission, Respondent

Dear Chairperson Renne and Honorable Commission Members:

The City Attorney's Office takes note of the staff report in this matter, "Report and Recommendation Ethics Commission Complaint No. 03-150127," dated April 8, 2015. We submit this letter to provide advice on an issue of general importance to City government that the staff report raises: Whether the City may rely on California Evidence Code Sections 1041 and 1040, the "identity of informer" and "official information" privileges, to withhold records in response to a public records request. As indicated in the City Attorney's Good Government Guide, our office has consistently and widely advised City agencies that the Sunshine Ordinance does not affect the ability of the City to rely on each of these privileges, where applicable, in denying access to public records.

Background

The Public Records Act protects from disclosure "[r]ecords the disclosure of which is exempted or prohibited pursuant to federal or state law, including but not limited to, provisions of the Evidence Code relating to privilege." (Cal. Gov. Code § 6254(k).) Two such provisions are the identity of informer privilege (Cal. Evid. Code § 1041) and the official information privilege (Cal. Evid. Code § 1040). The Act cross-references these Evidence Code sections in its listing of more than 500 California statutes that protect records from disclosure. (Cal. Gov. Code § 6276.32.)

The Sunshine Ordinance does not specifically preclude the City from relying on the identity of informer and official information privileges as grounds for declining to disclose a record in

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1 The staff report, at page 2, states that the Commission, under its own rules, may have discretion to dismiss the complaint without addressing its merits. Not knowing if the Commission will exercise that option, we submit this letter addressing the two privileges in the event the Commission considers the merits.
response to a public records request. Nevertheless, the staff report concludes, at page 7, that Section 67.24(i) of the Sunshine Ordinance (S.F. Admin. Code § 67.24(i)) “may” have that effect, and therefore recommends that the Commission find that the Respondent violated the Ordinance — though not willfully — by withholding a public record on the basis of these privileges.

As the staff report acknowledges, at page 5, its conclusion is contrary to the “standing advice” of the Deputy City Attorney advising the Arts Commission. We note that the staff report’s recommendation is contrary to the public advice that the City Attorney’s Office gives to all City departments, boards, commissions, officials, and employees. The City Attorney’s Good Government Guide, which explains open government rules that City officials and employees must follow, and which is available on the City Attorney’s website, states, at page 102:

In some circumstances, departments may shield from disclosure the identity of persons complaining to the City about violations of law. Cal. Evidence Code § 1041. Privacy or other grounds may also authorize or require nondisclosure, even where the complaint does not allege a violation of law. Cal. Govt. Code § 6254(c). Substantial public interests often warrant withholding the identity of complainants. When, for example, a tenant complains about a landlord, a neighbor complains about a neighbor, an employee complains about an employer, or a citizen complains about a person making a public disturbance, disclosure of the identity of the complainant, the complaint, and/or the investigation could lead to retaliation against or harassment of the complainant and could also compromise the investigation. Under those circumstances the City may be able to withhold or redact the complaint and record of the investigation. See generally Cal. Evidence Code § 1040.

We elaborate below on these principles.

The Privileges

Identity of Informer Privilege

This privilege extends beyond informants in the criminal law context to those who “furnish[] information ... purporting to disclose a violation of a law ... of a public entity in this state ... in confidence ... to ... [a] representative of an administrative agency charged with the administration or enforcement of the law alleged to be violated ....” (Cal. Evid. Code § 1041.) The privilege applies where “[d]isclosure of the information is against the public interest because there is a necessity for preserving the confidenitality of the information that outweighs the necessity for disclosure in the interest of justice ....” (Id.) The privilege serves two interrelated functions.

Most obviously, the privilege protects individuals within its ambit from hassle, harassment, threats, retaliation, and potentially even violence (in a very small number of cases, typically impossible to identify in advance). The examples in the Good Government Guide of common situations outside of the criminal law context that are fraught with these possibilities illustrate the principle that persons who, in a non-public way, report suspected violations of law to responsible City officials should not thereby be subject to possible abuse, or worse, at the hands of those who may be violating the law. The principle applies in the context of many City programs, including the Street Artists Program, in which permittees operate in close physical proximity to one
another and the public, and City officials responsible for the Program receive complaints or other information about permittees’ suspected violations from those with whom they interact.

When invoking the identity of informer privilege, the City is protecting those individuals who have come forward with information regarding violations of the law from the ire of persons the informer identified. The City must take seriously the protection of the personal interests of the informer. But the City’s interest in maintaining the anonymity of such individuals extends beyond its protective role. It is a virtual certainty that administration and enforcement of numerous City programs, including but by no means limited to the Street Artists Program, would suffer if the identities of persons complaining or otherwise supplying information of violations of law were customarily made known to the person or entity that is the subject of a complaint or investigation. Important aspects of code enforcement, traffic enforcement, and enforcement of ethics, labor, and landlord-tenant laws, to name a few examples, would suffer under such a legal regime. In some cases, possible wrongdoing would never be uncovered, in other cases investigations of wrongdoing would be hindered because people would be reluctant to come forward and initiate a complaint, or cooperate with an investigation.

Official Information Privilege

Under the identity of informer privilege, an entire record may be withheld if disclosure of the contents of the record would effectively enable the object of the complaint to identify the source of the information. (*People v. Galland* (2008) 45 Cal.4th 354, 364.) In such a circumstance, the City agency would not be required to rely on the official information privilege. Nevertheless, because the availability of the official information privilege and the identity of informer privilege under the Sunshine Ordinance presents similar questions and because the staff report addresses the official information privilege, this letter does so as well, though only briefly.

The official information privilege covers information acquired in confidence by the City where “[d]isclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice...” (Cal. Evid. Code § 1040.) Probably the most important function of this privilege is to protect the integrity and efficacy of active governmental investigations. Courts have repeatedly recognized this function of the privilege. (*People v. Jackson* (2003) 110 Cal.App.4th 280, 287; *Suarez v. Office of Administrative Hearings* (2004) 123 Cal.App.4th 1191, 1194-95.) If the City were unable to invoke this privilege in response to a public records request, and other exemptions (such as the law enforcement investigative records exemption in the Public Records Act, Cal. Evid. Code § 6254(f)) were inapplicable, then persons the City is investigating, and witnesses with information pertaining to the investigation, could use knowledge gained through a public records request to undermine or subvert an active investigation.

The official information privilege serves other important, though limited, functions. For example, in some cases, to obtain a company’s proprietary information necessary to the City’s use of a technology to assist its administrative functions or to obtain a researcher’s raw data, a City department may find it necessary to acquire the information in confidence by promising to protect it from disclosure to the extent permitted by law.
The Sunshine Ordinance

Section 67.24(i) of the Sunshine Ordinance states:

Neither the City, nor any office [sic], employee, or agent thereof, may assert an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this ordinance providing for withholding of the specific type of information in question or on an express and specific exemption provided by California Public Records Act [sic] that is not forbidden by this ordinance.

The staff report, at page 7, concludes that Section 67.24(i) – which the report acknowledges is ambiguous – precludes the City from relying on the identity of informer and official information privileges to withhold records in response to a public records request. The City Attorney’s Office has reached a contrary conclusion.

To begin with, it is not clear that Section 67.24(i), concerning “exemption[s],” was intended to apply to evidentiary privileges. An evidentiary privilege is not ordinarily thought of as an exemption. Rather, it is one of many State laws that gain their force from provisions external to the Public Records Act. Many but not all of these laws are listed for reference purposes at the end of the Act. (Cal. Gov. Code §§ 6276 et seq.) Many of these laws, such as the identity of informer and official information privileges, predate the Act. Section 6254(k) of the Act does not create these evidentiary privileges and other confidentiality laws or establish them as exemptions; rather, it makes clear that the Act does not supersede them and automatically require that records encompassed within evidentiary privileges or protected from disclosure by other confidentiality laws be disclosed in response to a public records request.

But if one does consider evidentiary privileges or Section 6254(k) of the Public Records Act to be “exemptions,” they are, in the words of the second sentence of Section 67.24(i), “not forbidden by [the Sunshine Ordinance].” They thus stand in sharp contrast to specific exemptions the use of which the Ordinance prohibits or limits. (E.g., S.F. Admin. Code §§ 67.24(g) (prohibiting use of “catch-all” balancing exemption, Cal. Gov. Code § 6255); 67.24(h) (prohibiting use of a deliberative process exemption); 67.24(a) (limiting use of draft memoranda exemption, Cal. Gov. Code § 67.24(a)); 67.24(c) (limiting use of personnel records exemption, Cal. Gov. Code § 6254(c)); 67.24(d) (limiting use of law enforcement investigative records exemption, Cal. Gov. Code § 67.24(f)).) Unlike its treatment of these exemptions, the Sunshine Ordinance evinces no obvious legislative intent to dispense with or limit the identity of informer and official information privileges in a public records context.

The staff report bases its conclusion that Section 67.24(i) embodies an intent to prohibit the use of the two evidentiary privileges in the public records context on the theory that the balancing test called for under the two privileges is akin to the catch-all balancing test in Section 6255 of the Public Records Act (Cal. Gov. Code § 6255) (“the public interest served by not disclosing the record clearly outweighs the public interest served by disclosing the record”), which the City may not use to prevent access to a record. But the analogy is not apt:
The catch-all balance can apply to any public record not encompassed within an exemption; to types of records the Legislature has never determined should be withheld from the public. Section 6255 thus gives to public entities broad discretion to decide for themselves what types of records may qualify for withholding under its balancing test.

Under the catch-all balance, there are no limits on what considerations may go into the balance. Section 6255 thus gives to public entities broad latitude to invoke its exemption.

Because of the open-ended nature of the catch-all balance, the justification for withholding a record on that basis may and often will be a post hoc justification.

For these reasons, one might conclude that a public entity could abuse or over-use the catch-all balance and thereby endanger the open government regime the Public Records Act establishes. But the identity of informer and official information privileges are much more circumscribed than Section 6255's catch-all balance, and thus do not pose the same perceived danger to open government that presumably underlies the Sunshine Ordinance's ban on using the catch-all balance to deny access to a public record.

The identity of informer privilege encompasses a narrow category of records — those which identify persons who in a non-public way have informed City officials about suspected violations of law. Further, the public interests justifying withholding a record under this privilege are, as a practical matter, relatively limited; in almost all circumstances they will be one or both of those mentioned earlier — to protect the individuals reporting a suspected violation of law, and to ensure the effectiveness of enforcement efforts that depend in part on receiving complaints or other information from such individuals. Indeed, the first of these two interests — protecting the individuals involved — is as much a private interest as a public one.

The official information privilege encompasses only records the City has acquired in confidence, and, as a practical matter, has particular application in discrete contexts, such as records of active investigations, where there often will be an obvious public interest in withholding records to ensure the integrity of the investigation.

Courts strongly disfavor repeals by implication; that is, finding that one law has repealed another law without having expressly said so. (Garcia v. McCutchen (1997) 16 Cal.4th 469, 476-77.) Further, if there is a conflict between a specific provision of law and a general provision, courts typically find that the specific provision controls, whether or not enacted first. (Warne v. Harkness (1963) 60 Cal.2d 579, 588.) And courts disfavor construction of ambiguous laws in derogation of sovereignty. (Eden Memorial Park Ass'n v. Superior Court (1961) 189 Cal. App. 2d 421, 423-24.) The confidential informant and official information privileges are integral to the maintenance of the rule of law, a quintessential sovereign responsibility.

These basic principles of statutory construction aid us in determining the legislative intent behind Section 67.24(i). While the Sunshine Ordinance cannot repeal the Public Records Act, these basic principles would likely give a court pause to conclude that the voters who adopted Section 67.24(i) intended to strip from the City the authority to rely on such longstanding policies that serve important purposes that predate and stand apart from the objectives of either the Act or the Ordinance. Therefore a court would be reluctant to conclude that the Sunshine Ordinance has
superseded them without making its intent to do so clear. It is for these reasons that absent a clear statement in the Sunshine Ordinance – and Section 67.24(i) is anything but clear – our office has concluded and advised that the Ordinance does not limit the ability of the City to rely on two provisions of the Evidence Code that the Public Records Act specifically recognizes as examples of “[r]ecords the disclosure of which is exempted or prohibited pursuant to federal or state law, including but not limited to, provisions of the Evidence Code relating to privilege.” (Cal. Gov. Code § 6254(k).)

Summary Conclusion

The longstanding advice of the City Attorney’s Office is that California Evidence Code Sections 1041 and 1040, the identity of informer and official information privileges, where applicable, may serve as the basis for withholding records in response to a public records request. The Sunshine Ordinance does not preclude the City from relying on these privileges to not disclose a record involving a complaint or other communication that an individual made to responsible City officials about a possible violation of law.

Very truly yours,

DENNIS J. HERRERA
City Attorney

BURK E. DELVENTHAL
Deputy City Attorney

cc: Paula Datesh
Rebekah Krell
John St. Croix

2 A criminal, civil, or administrative proceeding may be commenced following the completion of an investigation of a possible violation of City law; for example, an administrative proceeding to suspend or revoke a City permit. In such proceedings, depending on the facts and circumstances, constitutional principles such as due process, as well as the agency’s rules governing the hearing, may in a particular case call for disclosure of information that is within the scope of the identity of informer privilege or official information privilege, or both. This letter does not address disclosure in that context, which is not governed by the Public Records Act but rather by constitutional principles or agency rules that apply to the hearing.
Supervisor of Records Herrera,

This is a SFAC 67.21(d) petition for a written determination that certain records or parts of records are public and an order to disclose against the Police Commission and Sgt. Kilshaw.

Pursuant to the argument in "Part 1" below the withheld recordings should be deemed public (or partially public) and disclosed. Pursuant to the argument in "Part 2" below the redactions or full document withholdings pursuant to PC 832.7(b)(6) should be deemed public and disclosed.

The below email and attachment is incorporated into this petition.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous

------- Original Message -------
On Thursday, March 12, 2020 11:40 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:

SOTF,

Please file a new complaint and provide a file number: Anonymous (88550-29784388@requests.muckrock.com) vs San Francisco Police Commission and Sgt. Rachel Kilshaw

[Police Commission - this is also a public communication for publication.]

Allegations:
SFAC 67.21(b) incomplete response;
67.26 non-minimal withholding;
67.24(i) citation of unlawful public-interest balancing test;
67.27 failure to cite a specific provision of law for justification

I made a Feb 22, 2020 request for certain SB 1421 / Becerra v Superior Court records. They have provided rolling responses.
Part 1 - Commission Recordings related to SB 1421 are partially disclosable
Respondents have withheld certain recordings of commission discussion of SB 1421 issues that were discussed in closed session. Their argument is that the recording is the Chief's personnel record, not the personnel record of the involved officers. This argument is not relevant. PC 832.7(b)(1) specifically states that records "relating to" the SB 1421 incidents (firearm discharge, certain injuries, and sustained findings of sexual assault and dishonesty) are disclosable "notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, or any other law..." This is very broad language. The portion of those recordings "relating to" SB 1421 incidents must be disclosed. This is an incomplete response (SFAC 67.21(b)), and non-minimal withholding (SFAC 67.26). If there is a genuine justification must be cited with a specific provision in the law (SFAC 67.27). Instead they have cited: "Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record." PC 832.7 has many subdivision - which part allow this exemption? PC 832.7(a) (an exemption) is specifically overridden by PC 832.7(b)(1) (a required disclosure).

Part 2 - Public Interest Balancing Test is Prohibited
The Respondents have cited Penal Code 832.7(b)(6) as a reason to withhold certain information. This citation is a prohibited public-interest balancing test (see SFAC 67.24(i)). PC 832.7(b)(6) is an optional/permisive, not mandatory, exemption so it can be prohibited by local law. Any redactions pursuant to PC 832.7(b)(6) are unlawful and constitute non-minimal withholding (SFAC 67.26). Any documents withheld in full pursuant to PC 832.7(b)(6) must be disclosed and redacted only pursuant to other permitted justifications and constitute an incomplete response (SFAC 67.21(b)).

If redactions or full document withholdings are fully justifiable without using any prohibited public-interest balancing test, then Respondents must only cite (and defend their redactions with) the permitted exemptions for SB 1421 records (which are only PC 832.7(b)(5)'s four subsections). If the citation is not needed, then respondents should not be "overjustifying" their redactions.

I asked Respondents to reconsider, and they did not. **If the Commission issues a binding order/resolution (in accordance with all Brown Act, Sunshine Ordinance, internal bylaws, and other rules regulating their actions) to solely redact or withhold information in the Commission’s SB 1421 records based on Penal Code 832.7(b)(5)(i, ii, iii, or iv) and no other reasons, and re-releases any information previously unlawfully withheld, we will withdraw Part 2 of this complaint.** The last known SB 1421 (draft) policy of the Commission permits public-interest balancing test exemptions, and this must be removed as unlawful in San Francisco.

Exhibits attached.

**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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous
From: Anonymous Person

Subject: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request

Police Commission:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency. Your initial response is required by Feb 25, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City’s procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any police misconduct records you must release your own copies, regardless of what SFPD/DPA do. But here's the full request:

1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are
prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven't read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called “catchall exemption” of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure."

However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous

--- Please respond above this line ---

February 24, 2020 Via email requests@muckrock.com
San Francisco, CA
Dear :
The San Francisco Police Commission (Commission) received your Immediate Disclosure request, dated February 22, 2020, on February 24, 2020.
You requested, "February 22, 2020"

Police Commission:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX.
Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

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- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
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- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
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an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

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However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous
The immediate disclosure process is for requests that are “simple, routine or otherwise readily answerable.” Please see San Francisco Administrative Code section 67.25(a). Your request is not simple or routine. The maximum deadline for responding to a request applies. The Commission is looking into your request and will provide you with a response within 10 calendar days but no later than by March 03, 2020. Please refer to California Government Code Section 6253(c).

Sincerely,
Sgt. Stacy Youngblood
Office in Charge
Police Commission Office
To monitor the progress or update this request please log into the SFPD Public Records Center. (https://u83877795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTnpkeAfs2KguID883TvlUI5Czauo89OcQL1XvHpyaOEmJgdgHzonDPZxe8o-2F99A9uuw20LDzf7D4-2FK-2BCddT5rU7tgHxZvgMbj-2FoLe5CepQ7wylri_938YLShXsLN-2Bjq-2BExyt-2F7gfP7bL4mmdjXalmA660Vx61rfbIryhLlIxAJEA1lvhBFU1Q01vvRzK-2ByClsM3SygqEl77qbqGkT24WHDfhMmbxmUqZERpEGVdy1vf9xWwXKxLt5rKPQccFdAjWH1AcM-2F9avd6pVbj6LsxVNucG4-2Bwrk3SaaBqh-2BSUnEczynzdLit5k1uYwG7u9kx3NRqtsuwVJRvHQCmRGA4-2FW-2B8BKwoKryC7HcfuEk5dfK09gPekjKfQb08w8cSv59uiik-2FhU06Mv24itMtDatM6Pzt4iQt7xcPHwvAN3utNZXk9YCDelB0m-M-2BbFe3k4g3wzqOBxHHhnq1Bdb9FpJimp7DTufQLBxKc8w-2BgeXXGOU2gTpaXUTmJBbORzfeMJ2ix-2F7Jw1FK9uLiTFema7SDtnMXzM-3D)

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.
February 24, 2020

San Francisco, CA


Dear Anonymous:


You requested, "February 22, 2020 Police Commission: NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com<http://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. Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency. Your initial response is required by Feb 25, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253). Your non-exhaustive obligations: - All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27). - All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26). - You must respond to emailed requests (SFAC 67.21(b)). - You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)). - You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)). - Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service. Your agency must do all of the above things in your response, and you cannot wait until we file complaints. ***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ***** In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any police misconduct records you must release your own copies, regardless of what SFPD/DPA do. But here's the full request: 1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was
made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i). 2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions) Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. FYI - If you haven't read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called “catchall exemption” of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure. " However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i). Thank you for your anticipated cooperation in this matter. Sincerely, Anonymous”.

The immediate disclosure process is for requests that are “simple, routine or otherwise readily answerable.” Please see San Francisco Administrative Code section 67.25(a). Your request is not simple or routine. The maximum deadline for responding to a request applies. The Department is looking into your request and will provide you with a response within 10 calendar days but no later than by March 03, 2020. Please refer to California Government Code Section 6253(c).

If you have any questions, please contact the Police Commission Office at 415-837-7070.

Sincerely,

Sergeant Stacy Youngblood
Officer in Charge
Police Commission

--- Please respond above this line ---

To monitor the progress or update this request please log into the SFPD Public Records Center. (https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KgulDF883TvKUiL5Czauo89OcQL1XvHpyaOEmJgdHZionDPZxe8o-2f99A9Uuw20LDZfm7D4-2FK-2B CdD5rU7tgHxZvgMbj-2FoLc5CEpfQ7wv1lZr_938YLshXsLN-2Bjq-2BExyt-2F7gfP7bl4mmdjXalmA660Vx61rbIryhLIIXAJEAJ1vhbNUlQ01vRzK-2ByClsM3SyL-2BxDgC6i6HG9K8gfHK1WLWR7ajPhFi2AE6op73-2BXR8OH6PYakeDseOqA2UPnbFLRn6sJ5n02ihsQtQmm51yMpwdjQmt38mfmc1S-2BHKHSHPH6ZO9B-2Fe Sok4JW3mqbLvNxGLFT07qtnL26CQ8RMV05WsDFBsHED-2F8L5mo4Rn3zOittXiwMT47wmgGTP576RTjoEIOX-2Fcp67kmm8a9bNFcmHAEmiKKT3HajRHO75c41NiEZClIsFNPh3eTlhIAMAkNLIzjIQuCdeN3XVgiw-

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

From: Anonymous Person 03/02/2020
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - I…

RE: P011115-022420

Sgt. Youngblood,

Not sure what happened but I just got an essentially empty email from GovQA just now for P011115-022420. It may be a formatting issue. Could you please directly email whatever I should've gotten?

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

From: San Francisco Police Commission 03/02/2020
Subject: Public Records Request :: P011115-022420

From: Anonymous Person 03/02/2020
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - I…

Just FYI I received 2 more completely empty emails for P011115-022420 today from GovQA.

Could you please directly email whatever I should've gotten?

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any confidential information, as I intend that these communications with the City all be disclosable public records.
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any police misconduct records you must release your own copies, regardless of what SFPD/DPA do. But here's the full request:

1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven't read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called "catchall exemption" of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure."

However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous
The Commission Office is providing the following responsive records:

Officers Kevin Byrne, Gordon Moore, Christopher Schaefer and Jason Zimiga (OIS 2013-0008):

* Copy of the November 6, 2013 agenda which includes closed session item 7e - Chief's performance evaluation on their decision on whether or not to return the officers to duty following an Officer Involved Shooting
Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record.

* Return to Duty letter from Chief Suhr to Commissioner Mazzucco
* Summary of Investigative Findings in OIS 2013-0008
* First Quarter 2016 FDRB Findings and Recommendations
* March 30, 2016 FDRB agenda
The Commission has no additional records for Officers Byrne, Moore, Schaefer and Zimiga and no additional records for OIS -2013-0008

Pursuant to Government Code Section 6253(c), the Police Commission hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to search for, collect, and examine a voluminous amount of separate and distinct records that are demanded in a single request. The Commission staff will devote two to three hours each week to work on this Public Records Act request and will continue to provide you responsive records on a rolling basis. The Commission will provide you with the next set of responsive records no later than Friday, March 13, 2020.

Sincerely,

Rachael Kilshaw
Police Commission

Rachael Kilshaw
San Francisco Police Department
Police Commission Office
1245 - 3rd Street, 6th Floor
San Francisco, California 94158
From: San Francisco Police Commission

Subject: responsive records for #P01115-02242

Resending responsive records originally sent on March 2, 2020 through GOVQA

Via email requests@muckrock.com

San Francisco, CA


Dear :

The San Francisco Police Commission ("Commission") received your request, dated February 22, 2020.

You requested, "February 22, 2020

Police Commission:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency. Your initial response is required by Feb 25, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records.

Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any police misconduct records you must release your own copies, regardless of what SFPD/DPA do. But here's the full request:

1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven't read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called "catchall exemption" of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure."

However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous"
The Commission Office is providing the following responsive records:

Officer Perfecto Barbosa (OIS 2014-0003):

* Copy of April 2, 2014 Police Commission public agenda which includes closed session item 5a - Chief's performance evaluation on their decision on whether or not to return the officer to duty following an Officer Involved Shooting. Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record.

* March 17, 2014 RTD letter from Chief Suhr to Commissioner Mazzucco
* March 28, 2014 RTD letter from Chief Suhr to Commissioner Mazzucco
The Commission redacted portions of page 2 of the March 28, 2014 RTD letter pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5) (c) and (6) because disclosure of this information would constitute an unwarranted invasion of privacy.

* Summary of Investigative Finding in case OIS 2014-0003
* June 30, 2016 FDRB agenda
The Commission has no additional responsive records for Officer Perfecto Barbosa and no additional responsive records for OIS 2014-0003

Pursuant to Government Code Section 6253(c), the Police Commission hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to search for, collect, and examine a voluminous amount of separate and distinct records that are demanded in a single request. The Commission staff will devote two to three hours each week to work on this Public Records Act request and will continue to provide you responsive records on a rolling basis. The Commission will provide you with the next set of responsive records no later than Friday, March 13, 2020.

Sincerely,

Rachael Kilshaw
Police Commission

Rachael Kilshaw
Police Commission

Rachael Kilshaw
San Francisco Police Department
Police Commission Office
1245 - 3rd Street, 6th Floor
San Francisco, California 94158
From: Anonymous Person 03/05/2020

Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - I…

Thank you for the records. For any other records, please remember to justify any records withheld in writing, and also to key any redactions you make to specific justifications as well.

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From: San Francisco Police Commission 03/05/2020

Subject: responsive records for # P01115-02242

Resending responsive records originally sent on March 2, 2020 through GOVQA

Via email requests@muckrock.com

San Francisco, CA

RE: Public Records Request, dated February 22, 2020, Reference # P01115-022420

Dear :

The San Francisco Police Commission ("Commission") received your request, dated February 22, 2020.

You requested, "February 22, 2020

Police Commission:

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Your non-exhaustive obligations:
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- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service.

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In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any police misconduct records you must release your own copies, regardless of what SFPD/DPA do. But here's the full request:

1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime or directly relating to the reporting of or investigation of a crime committed by another.
processing or a claim or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

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However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous"

The Commission Office is providing the following responsive records:

Officer William Reininger (OIS 2018-0004)

* Copy of June 13, 2018 Police Commission public agenda which includes closed session item 7b - Chief's performance evaluation on their decision on whether or not to return the officer to duty following an Officer Involved Shooting.
Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record.

* June 12, 2018 RTD letter from Chief Scott to the Commission
The Commission has no additional responsive records for Officer William Reininger and no additional responsive records for OIS -2018-0004.

Pursuant to Government Code Section 6253(c), the Police Commission hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to search for, collect, and examine a voluminous amount of separate and distinct records that are demanded in a single request. The Commission staff will devote two to three hours each week to work on this Public Records Act request and will continue to provide you responsive records on a rolling basis The Commission will provide you with the next set of responsive records no later than Friday, March 13, 2020.

Sincerely,

Rachael Kilshaw
Police Commission
From: San Francisco Police Commission 03/05/2020

Subject: responsive records for #P0115-2242

Resending responsive records originally sent on March 2, 2020 through GOVQA

Via email requests@muckrock.com

San Francisco, CA


Dear :

The San Francisco Police Commission ("Commission") received your request, dated February 22, 2020.

You requested, "February 22, 2020

Police Commission:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency. Your initial response is required by Feb 25, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records.
Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SF 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any police misconduct records you must release your own copies, regardless of what SFPD/DPA do. But here's the full request:

1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven't read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called "catchall"
exemption" of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure."

However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous"

The Commission Office is providing the following responsive records:

Officers Nathan Chew, Roger Morse, Richard Schiff, and Jason Sawyer (OIS 2014-0004):

* Copy of April 2, 2014 Police Commission public agenda which includes closed session item 5a - Chief's performance evaluation on their decision on whether or not to return the officer to duty following an Officer Involved Shooting. Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record.

* March 28, 2014 RTD letter from Chief Suhr to Commissioner Mazzucco
* Summary of Investigative Findings in OIS 2014-0004
* 2nd Quarter 2015 RDRB Findings and Recommendations
* June 23, 2015 FDRB agenda

The Commission has no additional responsive records for Officers Morse, Schiff, and Sawyer and no additional responsive records for OIS -2014-0004.

Pursuant to Government Code Section 6253(c), the Police Commission hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to search for, collect, and examine a voluminous amount of separate and distinct records that are demanded in a single request. The Commission staff will devote two to three hours each week to work on this Public Records Act request and will continue to provide you responsive records on a rolling basis The Commission will provide you with the next set of responsive records no later than Friday, March 13, 2020.

Sincerely,

Rachael Kilshaw
Police Commission

Rachael Kilshaw
San Francisco Police Department
Police Commission Office
1245 - 3rd Street, 6th Floor
San Francisco, California 94158
From: San Francisco Police Commission  

Subject: responsive records for #P0115-2242

Resending responsive records originally on March 2, 2020 through GOVQA

Via email requests@muckrock.com

San Francisco, CA


Dear:

The San Francisco Police Commission ("Commission") received your request, dated February 22, 2020.

You requested, "February 22, 2020

Police Commission:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency. Your initial response is required by Feb 25, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records.

Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:

- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City’s procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any police misconduct records you must release your own copies, regardless of what SFPD/DPA do. But here's the full request:

1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven't read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called "catchall exemption" of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure."
However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous"

The Commission Office is providing the following responsive records:

Officers Nathan Chew and Paul Dominguez (OIS 2016-0003):

* Copy of November 2, 2016 Police Commission public agenda which includes closed session item 6b - Chief's performance evaluation on their decision on whether or not to return the officer to duty following an Officer Involved Shooting.
Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record.

* Copy of December 7, 2016 Police Commission public agenda which includes closed session item 9b - Chief's performance evaluation on their decision on whether or not to return the officer to duty following an Officer Involved Shooting.
Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record.

* October 24, 2016 RTD letter from Chief Chaplin to Commissioner Loftus
Each redaction on page 2 of the October 24, 2016 RTD letter was made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(c) and (6) because disclosure of this information would constitute an unwarranted invasion of privacy.

The Commission has no additional responsive records for Officers Chew and Dominguez and no additional responsive records for OIS -2016-0003.

Pursuant to Government Code Section 6253(c), the Police Commission hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to search for, collect, and examine a voluminous amount of separate and distinct records that are demanded in a single request. The Commission staff will devote two to three hours each week to work on this Public Records Act request and will continue to provide you responsive records on a rolling basis The Commission will provide you with the next set of responsive records no later than Friday, March 13, 2020.
Sincerely,

Rachael Kilshaw
Police Commission

Rachael Kilshaw
San Francisco Police Department
Police Commission Office
1245 - 3rd Street, 6th Floor
San Francisco, California 94158
From: San Francisco Police Commission

Subject: responsive records for #P0115-2242

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Via email requests@muckrock.com

San Francisco, CA


Dear :

The San Francisco Police Commission ("Commission") received your request, dated February 22, 2020.

You requested, "February 22, 2020

Police Commission:

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to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
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1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

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FYI - If you haven't read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called "catchall exemption" of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure. "

However, no San Francisco agency or official can use the catchall exemption of Gov Code 6255; SF Admin Code
However, no San Francisco agency or official can use the catchall exemption due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous"

The Commission Office is providing the following responsive records:

Officer Roderick Suguitan (OIS 2019-0001):

* Copy of September 11, 2019 Police Commission public agenda which includes closed session item 9b - Chief's performance evaluation on their decision on whether or not to return the officer to duty following an Officer Involved Shooting. Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record.

* September 6, 2019 RTD letter from Chief Scott to Commissioner Hirsch

The two redactions on page 1 and the one redaction on page 2 of the September 6, 2019 RTD letter were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(c) and (6) because disclosure of this information would constitute an unwarranted invasion of privacy.

The Commission has no additional responsive records for OIS 2019-0001.

Officer Michael Shavers (OIS 2019-0002):

* Copy of October 2, 2019 Police Commission public agenda which includes closed session item 8a - Chief's performance evaluation on their decision on whether or not to return the officer to duty following an Officer Involved Shooting. Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record.

* September 20, 2019 RTD letter from Chief Scott to Commissioner Hirsch

The three redactions of page 2 of the September 20, 2019 RTD letter were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(c) and (6) because disclosure of this information would constitute an unwarranted invasion of privacy.

The Commission has no additional responsive records for OIS 2019-0002.

The Commission has no additional responsive records for Officer Shavers.

Officers Sterling Hayes and Christopher Flores (OIS 2019-0003):

* Copy of January 8, 2020 Police Commission public agenda which includes closed session item 9b - Chief's performance evaluation on their decision on whether or not to return the officer to duty following an Officer Involved Shooting. Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record.

* January 8, 2020 RTD letter from Chief Scott to Commissioner Hirsch

The one redaction on page 2 and the one redaction on page 3 of the January 8, 2020 RTD letter were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(c) and (6) because disclosure of this information would constitute an unwarranted invasion of privacy.

The Commission has no additional responsive records for Officer Shavers.

The Commission has no additional responsive records for Officer Shavers.

Officers Sterling Hayes and Christopher Flores (OIS 2019-0003):

* Copy of January 8, 2020 Police Commission public agenda which includes closed session item 9b - Chief's performance evaluation on their decision on whether or not to return the officer to duty following an Officer Involved Shooting. Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record.

* January 8, 2020 RTD letter from Chief Scott to Commissioner Hirsch

The one redaction on page 2 and the one redaction on page 3 of the January 8, 2020 RTD letter were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(c) and (6) because disclosure of this information would constitute an unwarranted invasion of privacy.

The Commission has no additional responsive records for Officer Shavers.

The Commission has no additional responsive records for Officer Shavers.
invasion of privacy.

The Commission has no additional responsive records for Officers Hayes and Flores and no additional responsive records for OIS 2019-0003.

Pursuant to Government Code Section 6253(c), the Police Commission hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to search for, collect, and examine a voluminous amount of separate and distinct records that are demanded in a single request. The Commission staff will devote two to three hours each week to work on this Public Records Act request and will continue to provide you responsive records on a rolling basis. The Commission will provide you with the next set of responsive records no later than Friday, March 13, 2020.

Sincerely,

Rachael Kilshaw
Police Commission

Rachael Kilshaw
San Francisco Police Department
Police Commission Office
1245 - 3rd Street, 6th Floor
San Francisco, California 94158
Officer David Colclogh (OIS 2010-0013):

* Copy of December 8, 2010 Police Commission public agenda which includes closed session item 7b - Chief's performance evaluation on their decision on whether or not to return the officer to duty following an Officer Involved Shooting.

Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record.

* November 30, 2010 RTD letter from Chief Gascon to Commissioner Mazzucco
* Summary of Investigations in OIS 2010-0013
* 2012 1st quarter FDRB findings and Recommendations
* March 20, 2012 FDRB agenda
* transcript of FDRB 1st quarter 2012 regarding OIS 2010-0013

The 4 redactions on page 10 of the transcript for FDRB 1st quarter 2012 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(B) and (6). The 2 redactions on page 15 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), and (6). The three redactions on page 16 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The three redactions on page 17 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The two redactions on page 24 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The one redaction on page 25 was made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The two redactions on page 27 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The one redaction on page 29 was made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A) (5)(B) and (6). The one redaction on page 34 was made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A) (5)(B) and (6). The three redactions on page 38 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The four redactions on page 40 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The one redaction on page 41 was made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A) (5)(B). The four redactions on page 46 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The five redactions on page 48 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The three redactions on page 49 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The three redactions on page 50 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The one redaction on page 51 was made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The three redactions on page 52 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The two redactions on page 55 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec. 832.7 (5)(A), (5)(B) and (6). The four redactions on page 54 were made pursuant to California Government Code sec. 6254(c), Article I, sec. 1 of the California Constitution and Penal Code sec.
3/12/2020

Pursuant to Government Code Section 6253(c), the Police Commission hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to search for, collect, and examine a voluminous amount of separate and distinct records that are demanded in a single request. The Commission staff will devote two to three hours each week to work on this Public Records Act request and will continue to provide you responsive records on a rolling basis. The Commission will provide you with the next set of responsive records no later than Friday, March 13, 2020.

Sincerely,

Rachael Kilshaw
San Francisco Police Department
Police Commission Office
1245 - 3rd Street, 6th Floor
San Francisco, California 94158

RTD agenda for OIS 2010-0013

- View
- Embed
- Download

RTD OIS 10-013

- View
- Embed
- Download
From: San Francisco Police Commission 03/09/2020

Subject: responsive records for #P011115-2242

Resending responsive records originally send on March 2, 2020 through GOVQA

Via email requests@muckrock.com

San Francisco, CA


Dear :

The San Francisco Police Commission ("Commission") received your request, dated February 22, 2020.

You requested, "February 22, 2020

Police Commission:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency. Your initial response is required by Feb 25, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).
Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SF 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any police misconduct records you must release your own copies, regardless of what SFPD/DPA do. But here's the full request:

1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a police officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven't read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called "catchall exemption" of the CPRA, codified at Government Code section 6255, may apply to records that are subject to
disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure."

However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous"

Regarding your request for "2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)."

You have asked for all SB 1421 records in the Police Commission's possession. As you pointed out in your request, only certain categories of records are subject to release. Unfortunately, the Commission has not maintained personnel records according to the releasable categories. Rather, the Commission has maintained records under the names of individual officers. This makes our search for records responsive to your request exceedingly time-consuming, as we must manually look through the personnel file of every officer covered by your request to determine if it contains responsive records. And, in reviewing a responsive record covered by SB 1421, we must be careful to redact information that may be confidential for other reasons, before releasing the record.

Complicating this problem is that Commission has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

The Police Commission must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by Commission personnel. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. The Commission will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the Good Government Guide, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the Commission's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests.

We have compiled the set of responsive records for 9 Officer Involved Shooting and these 14 individual officers provided to you earlier. That responsive records took approximately 12 hours to complete. Because of the voluminous nature of the records that still need to be searched, reviewed and redacted to comply with your request, the Police Commission will provide the remaining responsive records to you on a rolling basis. The Commission staff will devote two to three hours each week to work on this Public Records Act request and will provide you with the next set of responsive records no later than Friday, March 13, 2020.

Sincerely,
Rachael Kilshaw
From: Anonymous Person

Subject: RE: California Public Records Act Request #P011115-022420

Thank you - please continue to comply with SFAC 67.26 and provide exact reasons for each redaction, I appreciate it.

You are citing PC 832.7(b)(6), however I believe that is prohibited locally by SFAC 67.24(i). Do you wish to resolve this through discussion, or through petition?

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From: San Francisco Police Commission

Subject: responsive records for #P01115-2242

Via email requests@muckrock.com

San Francisco, CA


Dear :

The San Francisco Police Commission ("Commission") received your request, dated February 22, 2020.

You requested, "February 22, 2020

Police Commission:

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- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

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1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extension).

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven't read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called "catchall exemption" of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure."

However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous"

The Commission is providing you the following responsive records:
Officer Gregory Pak (OID 2008-0008):

* March 17, 2009 FDRB agenda
* 1st quarter 2009 FDRB Findings and Recommendations

Officer Gregory Pak and Officer Reginald Scott (OIS 2013-0001):

* OIS 2003-0001 Summary of Investigation

The Commission has no additional responsive records for Officer Gregory Pak, or for OID 2008-0008 or OIS 2013-0001. The Commission will continue to search to determine if there are additional responsive records for Officer Reginald Scott.

Pursuant to Government Code Section 6253(c), the Police Commission hereby avails itself of the time limit extension set forth therein for responding to your request due to the need to search for, collect, and examine a voluminous amount of separate and distinct records that are demanded in a single request. The Commission staff will devote two to three hours each week to work on this Public Records Act request and will continue to provide you responsive records on a rolling basis. The Commission will provide you with the next set of responsive records no later than Friday, March 27, 2020.

Sincerely,

Rachael Kilshaw
San Francisco Police Department
Police Commission Office
1245 - 3rd Street, 6th Floor
San Francisco, California 94158
October 23, 2020

Sent via email (88199-65424898@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 requests to the San Francisco Police Department (“SFPD”) dated February 16, 2020 (P011148-022520), and April 3, 2020 (P011562-040320), seeking messages exchanged via text and other messaging platforms between Chief of Police William Scott and Mayor London Breed. You filed a petition with the Supervisor of Records dated April 14, 2020, contesting SFPD’s responses to these two requests, and on July 6, 2020, we received your amended petition to further challenge SFPD’s failure to provide a timely response to a June 3, 2020, request (P012129-060320). The portion of your petition challenging SFPD’s failure to provide a timely response to the June 3, 2020, request is outside the jurisdiction of the Supervisor of Records under Section 67.21(d) of the Administrative Code, so will not be addressed here.

The remaining elements of your petition challenge SFPD’s responses to the February 16, 2020, and April 3, 2020, requests, asserting that SFPD improperly redacted personally identifying information for COVID-19 positive individuals referenced in messages, improperly redacted information regarding locations under investigation by the SFPD, improperly withheld the identities of certain message recipients, and improperly withheld media and other attachments to responsive messages.

We have reviewed unredacted versions of the messages at issue and find that SFPD appropriately redacted identifying information regarding COVID-19 positive individuals discussed in responsive messages and location information relating to SFPD investigations. We are unable to reach a determination regarding your claim that SFPD improperly failed to identify certain individuals included on responsive messages, as SFPD has indicated that the identities associated with the relevant phone numbers are unknown to them. We understand that the images attached to responsive messages have now been disclosed (with SFPD’s response to your April 3, 2020, request, number P011562-040320), so that portion of the petition is moot.

Redactions of Identifying Information Regarding COVID-19 Positive Individuals

Your petition challenges redactions in the body of messages exchanged on March 23, 2020, and March 24, 2020 (at page 7 of SFPD’s response to your February 16, 2020, request, number P011148-022520). The redacted information in these messages is all personally identifying information regarding SFPD employees identified as COVID-19 positive. This information is properly redacted on the basis of Government Code sections 6254(c) and (k), Article I, Section 1 of the California Constitution, Evidence Code 1040, and Penal Code sections 832.8(a)(2) and (a)(6).
Redactions of Location Information Relating to SFPD Investigations

Your petition challenges redactions, in messages exchanged between Chief Scott and members of the Mayor’s office, various information regarding law enforcement complaints and investigations, including identifying information for complainants, and details regarding locations under investigation by the SFPD. This information is properly redacted on the basis of Government Code sections 6254(c) and (f), Article I, Section 1 of the California Constitution, and Evidence Code 1040.

Failure to Disclose the Identity of All Participants in Communications

Your petition challenges SFPD’s failure to disclose the identities of certain recipients of responsive messages, and SFPD’s labeling of these unidentified recipients as “unknown.” As SFPD has indicated the identities of these undisclosed recipients are unknown, we are unable to make a determination as to whether or not these recipients’ identities were properly withheld.

Failure to Disclose Image Files and Other Message Attachments

Your petition challenges SFPD’s failure to disclose images attached to text messages responsive to your February 16, 2020, request, number P011148-022520. We understand that SFPD has disclosed all such text messages with its response to your April 3, 2020, request, number P011562-040320, so we find that this aspect of the petition is now moot.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/ Sarah A. Crowley

SARAH A. CROWLEY
Deputy City Attorney
Buta, Odaya (CAT)

From: 88199-65424898@requests.muckrock.com
Sent: Monday, April 13, 2020 11:11 PM
To: Supervisor Records
Subject: RE: California Public Records Act Request #P011148-022520
Attachments: Open20Text_Messages_Breed_Scott_Redacted202.png; Text_Messages_Breed_Scott_Redacted.pdf

San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

April 14, 2020

This is a follow up to request number P011148-022520:

Sup of Records Herrera,

This is a SFAC 67.21(d) petition against SFPD and Chief Scott for a written determination that records or parts thereof are public and an associated Order to disclose.

I appeal against an April 13 2020 response re texts between Chief Scott and Mayor Breed. Links are included below.

1. There are attachments or other media illegally withheld and without justification at least rows: 1/20/20 5:50, 3/26/20 4:25, 3/29/20 22:40 and 23:53. Note these are just the obvious missing media. All attachments must be provided. Even if the IT Department cannot get them from a central server, they must be provided off Chief Scott’s phone if that is the sole place they are retained.

2. I challenge all redactions on the attached column Body. These are discussions of how the Mayor may or may not have interacted with someone with COVID at her gym.

3. I also challenge the redactions of the Mayor’s own words (an office not listed in GC 6254(f)) as an investigative file, including but not limited to the Body redactions of 2/24/20 4:48 and 4/1/20 18:06.

Sincerely,
—Anonymous

SFPD Letter:

https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2KgulDF883TvKUiL5Czauo89OcQL1XvHpayaOEmJgddhTktxCQo3dAEI3UN6jwbrlOEHWa5G1hipJN4KjQ8AgqW3aAOISL21j4-2B3XWcfeT1-2FvDYr-2FuxyAqTFATR77EZkhQKT77Ttt64wleogaS3Io1RDD-2Fp5vUtymTbskJegK0ZCDjz1BTZfy9H6We3eDdE4Zd-2FmcOlCLO3VwAiReNnYy-3DL-hQ_8GT0jXj30WbHt9Kr7lqygZDUijgld4vie6tTxMWczXelDBQiMfoROrErtlibkJ0HTskspOP9HtZ0bu1LX00s726JPxdgTRxayrBe4Ktl4S-2FZ5IADnRyOqqRyyMxzVtQQrPgxos062aCmY1CiNp1RSJ0OMlXoQPHGNeF1auIAxX0YWWVAJnbnxH9IPdXsXT8e9zLKnkP3ZxR3FceaoqYyL3M3pk-2FkIXa8eS9-
SFPD Records:

https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMph5TnKeAFs2KgulIDF883TvKU15Czauo890cQL1xHpyaOEmJgddHtktxCQo3dAEEL3UN6jwbr1OehWaSG1hjPN4kJQBaqqW3aAOISL21j4-2B3XWCfbebT1-2FvDyYr-2FuxyAqTFATR77EV-2FPRnxecEATINke2QSCfJufx-2F2w-2B-2BCvQy7c5R4LxtoIN6q4NjTyqzAVNjDUqjd-2FjmMMaY7jiaXCrRqViCE-3De929_-8GT0jXj30WbHt9Kr7lqygZDUiygl4vie6tTxMWczXeDjBQlMoFOrErJljbkJOHTsksoP9HtZ0bu1LX00s726JPxdgTRxaYrBe4ktl45-2FZsIXADnRyOqRyMyxzVtQQRpgnxo062aCmY1CiNp1RJSOJOMiXoQPHGNeF1aujAAX0YWVVAJnbxH9IPdxsXT8e9zLKkP3ZxR3FcezaooqYyL3M3pk-2FlkXa8e59-2F1LJukI9PTbUcenrmilxLj4fAFxgtTmABXDp6XuyhUwEbfzSAKf0Wvq6R8BT91mBLrUSGb1V1tlyHhLoMc3ctTW8Vaj2kArh-2Fzy096nDG1h7ncq-2BgxnLwA4Fhlqc3ZE85StU5Eep662E5xtk9ILbCM8xrM2k2MnoMbH-2BoSlyBz3mwA-3D-3D

SFPD Redaction Key:

https://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMph5TnKeAFs2KgulIDF883TvKU15Czauo890cQL1xHpyaOEmJgddHtktxCQo3dAEEL3UN6jwbr1OehWaSG1hjPN4kJQBaqqW3aAOISL21j4-2B3XWCfbebT1-2FvDyYr-2FuxyAqTFATR77EV-2FPRnxecEATINke2QSCfJufx-2F2w-2B-2BCvQy7c5R4LxtoIN6q4NjTyqzAVNjDUqjd-2FjmMMaY7jiaXCrRqViCE-3De929_-8GT0jXj30WbHt9Kr7lqygZDUiygl4vie6tTxMWczXeDjBQlMoFOrErJljbkJOHTsksoP9HtZ0bu1LX00s726JPxdgTRxaYrBe4ktl45-2FZsIXADnRyOqRyMyxzVtQQRpgnxo062aCmY1CiNp1RJSOJOMiXoQPHGNeF1aujAAX0YWVVAJnbxH9IPdxsXT8e9zLKkP3ZxR3FcezaooqYyL3M3pk-2FlkXa8e59-2F1LJukI9PTbUcenrmilxLj4fAFxgtTmABXDp6XuyhUwEbfzSAKf0Wvq6R8BT91mBLrUSGb1V1tlyHhLoMc3ctTW8Vaj2kArh-2Fzy096nDG1h7ncq-2BgxnLwA4Fhlqc3ZE85StU5Eep662E5xtk9ILbCM8xrM2k2MnoMbH-2BoSlyBz3mwA-3D-3D

Filed via MuckRock.com

E-mail (Preferred): 88199-65424898@requests.muckrock.com

Upload documents directly:

On April 13, 2020:
Subject: Public Records Request :: P011562-040320
Attachments:
ChiefOfficeResponse.pdf
(hits://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2Kgu1DF883TvKUJl5Czaauo89OClXvHpyaOEmJgddhTktxCQo3dAEIE3UN6wjbri0EhWaS1g1hjpnN4KjQBAqW3aA0ISL21j4-2B3XWCFbeT1-2FvD7yr-2Fuxya$qFTAT77EX-2FPrnxcEATINke2QSCfJufx-2Fw2-2B2BCvQy7c5R4LxtoIN6q4N7tyqznAVNjDUqd-2FjmMMAvY7iaCGrRxRqViCE-3De9z9_BGT0jXj30WbHt9Kr7lqygZDUiylGl4vie6tTxMWczXeJdBQImFoROrErllbkj0HTsksOP9HtZ0bu1LX00s726JpdxgTRxa yrbe4Kti4S-2FZ5IXADnRyOqRyyMxzVtqQpRgnpxo062aCmY1CiNp1R5J00MIxOQPcHGFNeF1aulAxYOYWVVAJnbxH9IPdXsXT8e9zLKKP3Zx R3FceaoqYl3M3pk-2FkIxAe8e59-2F1LujkIP9ITbUcenrrmilxlJj4fAFxtGtMmABXDp6xUyhUwEbfzASKF0WqW68RB7T1mbLRuUSGbB1vtyYhlLoMcS3cTW8vA2jKAr h-2Fz3y096nDR1h7ncq-2BgnxLw4Fhlqc3Z8E8StU5Eep662E5xtkk9ILbCM8xrM2k2Mn2oMb-H-2BosZlyBz3mwa-3D-3D) P11562 _-2020.04.13_sfpd_response.pdf
(hits://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2Kgu1DF883TvKUJl5Czaauo89OClXvHpyaOEmJgddhTktxCQo3dAEIE3UN6wjbri0EhWaS1g1hjpnN4KjQBAqW3aA0ISL21j4-2B3XWCFbeT1-2FvD7yr-2Fuxya$qFTAT77EX-2FPrnxcEATINke2QSCfJufx-2Fw2-2B2BCvQy7c5R4LxtoIN6q4N7tyqznAVNjDUqd-2FjmMMAvY7iaCGrRxRqViCE-3De9z9_8GT0jXj30WbHt9Kr7lqygZDUiylGl4vie6tTxMWczXeJdBQImFoROrErllbkj0HTsksOP9HtZ0bu1LX00s726JpdxgTRxa yrbe4Kti4S-2FZ5IXADnRyOqRyyMxzVtqQpRgnpxo062aCmY1CiNp1R5J00MIxOQPcHGFNeF1aulAxYOYWVVAJnbxH9IPdXsXT8e9zLKKP3Zx R3FceaoqYl3M3pk-2FkIxAe8e59-2F1LujkIP9ITbUcenrrmilxlJj4fAFxtGtMmABXDp6xUyhUwEbfzASKF0WqW68RB7T1mbLRuUSGbB1vtyYhlLoMcS3cTW8vA2jKAr h-2Fz3y096nDR1h7ncq-2BgnxLw4Fhlqc3Z8E8StU5Eep662E5xtkk9ILbCM8xrM2k2Mn2oMb-H-2BosZlyBz3mwa-3D-3D) Text_Messages_Breed_Scott_Redacted.pdf
(hits://u8387795.ct.sendgrid.net/ls/click?upn=nZGH0ylxadMp5hTpNkeAFs2Kgu1DF883TvKUJl5Czaauo89OClXvHpyaOEmJgddhTktxCQo3dAEIE3UN6wjbri0EhW

--- Please respond above this line ---

April 13, 2020 Via email 88199-65424898@requests.muckrock.com
Anonymous
Dept. MR 88199 411A Highland
Somerville, MA 02144
RE: Public Records Request, dated April 03, 2020, Reference # P011562-040320
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.

(https://u8387795.ct.sendgrid.net/l/click?u=znGH0ylxadMp5hTnPkeAFs2KguDF883TvKUil5Czauo89OcQLxVHyapaOEmJgdthHzionDPzxe8o-2F99A9uuw20LDZfm7D4-2F2-Bcdtt5rU7tiW3228s5Ea0jh0HUHU-2BUeeYlKQ_BGT0jX30WbHt9Kr7lqygZDUiylgId4vie6tTxMWcx2eJdBDlmoFoRORertlribj0HTsksoP9HtZ0bu1LX00s726JpxdT RxayrBe4Kt14S-2Fz51xAdnRyQqRyyMxzVtQQuPgnx062aCmY1CiNP1RSj00MIXoQPHGNeFua1X0YWWVAJNbxH9pDxST8e9zLKpP3Zx R3FceazaoylyLM3pk-2Fkx8e9s5-2F1IukuIP91Tbucenrmixljl4fAfxfxt5ID7WDwvVzS9f07Dlao77WRRWgbWVv1BexOgmIt0M9jxaola5dHtRtuJTeRMGH72cqN2JA Bu562wGrCGQXRi1VS-2BW3xacfpqb1eCUCqAiobbgYaP0ATzm2PNBEn8H2Je-2BziDmAjTFyOg-2BqXYDbv0spQ-3D-3D)

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

---

On April 3, 2020:

Subject: Public Records Request :: P011562-040320

Attachments:
P11156 - 2020.04.03 sfpd response.pdf

--- Please respond above this line ---

April 03, 2020 Via email 88199-65424898@requests.muckrock.com
Anonymous
Dept. MR 88199 411A Highland
Somerville, MA 02144

RE: Public Records Request, dated April 03, 2020, Reference # P011562-040320

Dear Anonymous:

In response to your request, please see attached letter.

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.

(https://u8387795.ct.sendgrid.net/l/click?u=znGH0ylxadMp5hTnPkeAFs2KguDF883TvKUil5Czauo89OcQLxVHyapaOEmJgdthHzionDPzxe8o-2F99A9uuw20LDZfm7D4-2F2-Bcdtt5rU7tiW3228s5Ea0jh0HUHU-2BUeeYlKQ_BGT0jX30WbHt9Kr7lqygZDUiylgId4vie6tTxMWcx2eJdBDlmoFoRORertlribj0HTsksoP9HtZ0bu1LX00s726JpxdT RxayrBe4Kt14S-2Fz51xAdnRyQqRyyMxzVtQQuPgnx062aCmY1CiNP1RSj00MIXoQPHGNeFua1X0YWWVAJNbxH9pDxST8e9zLKpP3Zx R3FceazaoylyLM3pk-2Fkx8e9s5-2F1IukuIP91Tbucenrmixljl4fAfxfxt5ID7WDwvVzS9f07Dlao77WRRWgbWVv1BexOgmIt0M9jxaola5dHtRtuJTeRMGH72cqN2JA Bu562wGrCGQXRi1VS-2BW3xacfpqb1eCUCqAiobbgYaP0ATzm2PNBEn8H2Je-2BziDmAjTFyOg-2BqXYDbv0spQ-3D-3D)

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

---
On April 3, 2020:
Subject: San Francisco Police Public Records Request :: P011562-040320
Dear Anonymous:

Thank you for your interest in public records of the San Francisco Police Department ("SFPD").

The San Francisco Police Department ("SFPD") received your request, dated April 03, 2020 and given the reference number P011562-040320 for tracking purposes.

Record(s) Requested: San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158
April 3, 2020
This is a follow up to request number P011148-022520:

To Whom It May Concern:
Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by Apr 6, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
-All withholding of any information must be justified in writing (SFAC 67.27).
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-You must respond to emailed requests (SFAC 67.21(b)).
-You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
-Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******
1. All text or chat messages in any form or application (SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent by Chief Scott to Mayor Breed OR sent by Mayor Breed to Chief Scott, timestamps between Jan 1, 2020 and Apr 1, 2020 (inclusive), including a personal search under City of San Jose vs Superior Court (2017). Please also include any group messages where more than Chief Scott and Breed are on the message. While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), please provide a spreadsheet format or if you will use PDF, do not print and scan. Please provide rolling responses.
Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.
Thank you for your anticipated cooperation in this matter.
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
Filed via MuckRock.com
E-mail (Preferred): 88199-65424898@requests.muckrock.com
Upload documents directly:
%3Fnnext%3D252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Finteragency-text-
messages-sfpd-immediate-disclosure-request-
88199%252F%2525E6mail%252Dsfpdlegal%25252540sfgov.org&url_auth_token=AAAlhqR2FqwIRG0aqppbh5Fkpyl%3A1jKO
5i%3AQmmUmYlWUOJSBI-SmZ2X4K Tb
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 88199
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.

Your request is being forwarded to the appropriate department(s) for processing and you will be notified once the request is complete.

You can monitor request progress at the link below. Thank you for using the San Francisco Public Records Center.

San Francisco Police Department
To monitor the progress or update this request please log into the SFPD Public Records Center. (https://u8387795. ct.sendgrid.net/ls/click?upn=nIZGH0ylxadMp5hTnPkeAFs2KguDF883TvKuI5Czauo890CQLXvHp yaOMejgddHzlonDPxe8o-2F99A9Uuw20LDFm7D4-2F2BCdDt5rU7tiW3228s5EAoJh0HMUH-
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gElPxabE4y-2BUXgksiwMN1WfQUlJixJ3KS0NKlaPtCdLGysoKeA-2FiV3AOyRLH0ErTvscHUxaJ7426rYmPXM-3D)

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On April 3, 2020:
Subject: RE: California Public Records Act Request #P011148-022520
To Whom It May Concern:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by Apr 6, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are
unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

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- You must respond to emailed requests (SFAC 67.21(b)).
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1. All text or chat messages in any form or application (SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent by Chief Scott to Mayor Breed OR sent by Mayor Breed to Chief Scott, timestamps between Jan 1, 2020 and Apr 1, 2020 (inclusive), including a personal search under City of San Jose vs Superior Court (2017). Please also include any group messages where more than Chief Scott and Breed are on the message. While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), please provide a spreadsheet format or if you will use PDF, do not print and scan. Please provide rolling responses.

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Thank you for your anticipated cooperation in this matter.

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Sincerely,
Anonymous
---

On March 26, 2020:
Subject: Public Records Request :: P011148-022520
March 26, 2020 Via email 88199-65424898@requests.muckrock.com
Anonymous
Dept. MR 88199 411A Highland
Somerville, MA 02144

RE: Public Records Request, dated February 25, 2020, Reference # P011148-022520

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.

--- Please respond above this line ---
On Feb. 16, 2020:
Subject: California Public Records Act Request: Interagency Text Messages (SFPD) - Immediate Disclosure Request
To Whom It May Concern:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by Feb 13, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

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Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

Thank you for your anticipated cooperation in this matter.

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-visible 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

Filed via MuckRock.com
E-mail (Preferred): 88199-65424898@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 88199
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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<th>Date (UTC)</th>
<th>Sender</th>
<th>Sender Name</th>
<th>Recipients</th>
<th>Recipient Name</th>
<th>Body</th>
</tr>
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<tbody>
<tr>
<td>3/24/20 18:38</td>
<td>Chief William Scott</td>
<td></td>
<td>Mayor London Breed</td>
<td>“Good Afternoon Mayor, we have a member of our staff who works out who has been confirmed COVID-19 positive by their Doctor. I am getting more information and will update. We have not made this information public yet as we just learned of this information.”</td>
<td></td>
</tr>
<tr>
<td>3/24/20 18:41</td>
<td>Mayor London Breed</td>
<td></td>
<td>Chief William Scott</td>
<td>“Dang, does he use my gym?”</td>
<td></td>
</tr>
<tr>
<td>3/24/20 18:44</td>
<td>Chief William Scott</td>
<td></td>
<td>Mayor London Breed</td>
<td>“I am pretty sure he does not. He is a regular user of the gym. We rarely get anyone outside of those who work in the building here using this gym.”</td>
<td></td>
</tr>
<tr>
<td>3/25/20 2:39</td>
<td>Chief William Scott</td>
<td></td>
<td>Mayor London Breed</td>
<td>“Good Evening Mayor, the other two suspects from the March 16th Mission District murder in the restaurant were just arrested. For your awareness. Also, I talked to the suspect who tested positive for COVID-19. He has not worked out at the gym at HQ.”</td>
<td></td>
</tr>
<tr>
<td>3/25/20 18:45</td>
<td>Chief William Scott</td>
<td></td>
<td>Mayor London Breed</td>
<td>“Good Morning Mayor, just got confirmation of a positive COVID-19 test of the suspect who tested COVID-19 positive yesterday. For your awareness. The good news is at least two officers who were quarantined from other potential exposures have been cleared to return to work. For your awareness.”</td>
<td></td>
</tr>
<tr>
<td>Date (UTC)</td>
<td>Sender</td>
<td>Sender Name</td>
<td>Recipients</td>
<td>Recipient Name</td>
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</tbody>
</table>
| 1/5/20 18:59 | Chief William Scott | Mayor London Breed | "Good Morning Mayor, we had our first homicide this year overnight at O'Farrell and Larkin. Victim is [redacted] years old. She has a local address on [redacted] and an unknown Hispanic Male engaged in an argument armed herself with a knife and a milk crate. She hit the male with the milk crate several times. The male produced a handgun and shot [redacted] walked into a store and told the employees that she was shot. She exited the store and collapsed on the north sidewalk of O'Farrell Street. The male suspect fled on O'Farrell on foot. A white [redacted] (unknown license plate) may have also been connected to the incident and also fled on O'Farrell. The victim has a history of [redacted] and [redacted] but at this time our investigators are still trying to determine the motive for homicide or if his connected to any previous incidents."
| 1/5/20 19:02 | Chief William Scott | Mayor London Breed | "Please excuse the typo: In the last sentence I meant if 'it is' connected to a previous incident." |
| 1/6/20 1:31 | Chief William Scott | Mayor London Breed | "Hi Mayor, For your awareness there have been at least four slideshows reported across the City this afternoon at the following locations: Mission/Persia; 24th/Bryant; Evans Ave/Hunters Point Blvd.;Saint Charles/Alemany Blvd. We have several squads of officers working with squads of CHP officers to deter further slideshows. We have also been in contact with Oakland PD as we believe the sideshow participants are active today on both sides of the bay. There have been 0 reported injuries or violence at this point. The sideshows normally get broadcasted on social media." |
| 1/10/20 17:22 | Chief William Scott | Mayor London Breed | "Good Morning Mayor, if you haven't seen it, news outlets have shown video of a pretty graphic home invasion robbery in our City two days ago. There were 8 suspects all armed and one victim was pistol whipped. Over [redacted] was taken. FYI we have identified 3 of the 8 suspects and investigators are attempting to locate and arrest them. For your awareness." |
| 1/11/20 5:27 | Mayor London Breed | Chief William Scott | "6th and market is a problem right now."
| 1/11/20 5:27 | Chief William Scott | Mayor London Breed | "On it."
| 1/11/20 5:39 | Chief William Scott | Mayor London Breed | "Mayor, we have arrested 5 of the 8 suspects on the home invasion robbery in sent you the message about this morning. We are trying to locate the remaining three. For your awareness."
| 1/11/20 16:44 | Chief William Scott | Mayor London Breed | "Good Morning Mayor, FYI in case you haven't seen this article. It speaks well about our strategies and the work that our people have done to reduce auto burglaries in our City: As auto burglaries spike in East Bay, police pool resources - SFChronicle.com https://www.sfchronicle.com/crime/article/As-auto-burglaries-spike-in-East-Bay-police-pool-14966473.php"
<p>| 1/11/20 19:07 | Mayor London Breed | Chief William Scott | &quot;Please get the guy off the medium of the freeway at market and octavia.&quot; |</p>
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<tr>
<td>1/11/20 23:13</td>
<td></td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td>&quot;I apologize I just tour text but will follow up to make sure he is cleared from there. &quot;</td>
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<tr>
<td>1/18/20 19:33</td>
<td></td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td>&quot;Good Morning Mayor, Overnight we had a body found badly burned and partially decomposed in an abandon building on the 400 block of Ave. M on Treasure Island. We believe the deceased person is a San Francisco missing person due to evidence found at the scene. Because of the circumstances we believe this is a homicide. We are awaiting Medical Examiner identification of the deceased and cause of death. There are additional details if this is the missing person as we believe. For your awareness. &quot;</td>
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<tr>
<td>1/20/20 5:50</td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td></td>
<td>&quot;Hey chief, was this really necessary? Stopping the low riders from cruising down Mission in celebration of the 49ers? &quot;</td>
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<td>1/20/20 7:01</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td>&quot;Hi Mayor, briefings I received after the game and ongoing up to a few minutes ago was that the crowd was very rowdy at 24th/Mission. There were trash cans set on fire, bottles and other objects thrown including at the officers, and a lot of drunk people in the streets. It is under control now and crowd is less than 100 and have calmed down. We still have a presence. No property damage known at this time and no reported injuries. I will get a more complete assessment and brief you once I have it &quot;</td>
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<tr>
<td>2/5/20 2:35</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td>&quot;Good Evening Mayor, There was a fatal single-vehicle collision that occurred at Panorama and Cityview on 1653 hours. The driver was driving a small street sweeper vehicle. He lost control of vehicle and crashed into a house. He was pronounced deceased at the scene. Our traffic collision investigators are handling the collision investigation. We are aiding for identity correction of the deceased. The deceased worked for a private construction company, and is not a city worker. This will likely get media coverage. For your awareness.&quot;</td>
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<tr>
<td>2/9/20 8:25</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td>&quot;Hi Mayor, I was just notified of a shooting at Haight and Ashbury involving an off duty FBI agent involved in a shooting. The other person was shot and I am waiting on further on injuries/condition. No SFPD personnel involved. I will send an update when I have more. &quot;</td>
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<tr>
<td>2/9/20 16:07</td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td></td>
<td>&quot;Ok&quot;</td>
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<td>2/9/20 19:06</td>
<td></td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td>&quot;Good Morning Mayor, update from last night's incident in the Haight. The person who was shot by the federal agent is [redacted] and [redacted]. We have witnesses from last night who have agreed to come in for an interview by our investigators today. We will learn more as our investigation evolves. The FBI will also conduct a federal investigation on this incident. This is standard for any agent involved shooting. &quot;</td>
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<tr>
<td>2/9/20 19:06</td>
<td></td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td></td>
<td>&quot;Ok&quot;</td>
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<td>2/15/20 18:48</td>
<td></td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
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<td>&quot;Good Morning Mayor, our officers responded to a stabbing at [redacted] and an assault at the 700 and 1200 block of Embarcadero. In one incident a jogger was stabbed in the back and the second incident the victim (a tourist) was struck in the head. Both victims [redacted]. The suspect was the same in both incidents was immediately located and arrested. He appears to be homeless and [redacted]. Both incidents were unprovoked and happened about 0650 this morning. For your awareness.&quot;</td>
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<tr>
<td>2/22/20 2:12</td>
<td></td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td>&quot;Good Evening Mayor, we had a homicide this afternoon at Wallace/Jennings in the Bayview. The victim is a African American male 41 years old. The suspects are two Hispanic males who walk up to the victims car and shot and killed him. Early indications is this is [redacted] and over a [redacted]. The investigation is at the early stages and ongoing.&quot;</td>
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<td>2/23/20 20:53</td>
<td></td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td>&quot;Good Afternoon Mayor, The Jewish Comm Center, 3200 California Ave. received a bomb threat via email and center is evacuating. Richmond station officers just got onscene. Threat is for remote detonations of multiple devices in the area. Suspect is claiming ICE is going to deport them so they want to negotiate their stay. It appears that this the threat is nationwide: <a href="https://twitter.com/newschannel9/status/1231662535448940545?s=21">https://twitter.com/newschannel9/status/1231662535448940545?s=21</a> This may get more media coverage. For your awareness.&quot;</td>
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<tr>
<td>2/23/20 21:22</td>
<td></td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td></td>
<td>&quot;Ok&quot;</td>
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<td>2/24/20 1:55</td>
<td></td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td>&quot;Mayor, the threats to the Jewush Center deemed a hoax. For your awareness.&quot;</td>
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<tr>
<td>2/24/20 1:56</td>
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<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td></td>
<td>&quot;Ok&quot;</td>
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<td>2/28/20 17:47</td>
<td></td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td>&quot;At the Fire Department graduation on stage. I will call you back as soon as I can. If urgent I will step off stage to call.&quot;</td>
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<tr>
<td>2/29/20 18:13</td>
<td></td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td></td>
<td>&quot;Please have officers deal with the people on Masonic and haight who are sleeping and sitting in the middle of the sidewalk&quot;</td>
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<tr>
<td>2/29/20 20:59</td>
<td></td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td>&quot;We got it.&quot;</td>
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<td>3/1/20</td>
<td>Chief William Scott</td>
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<td>Mayor London Breed</td>
<td></td>
<td>“Hi Mayor, For your awareness, The main person in the Osceola incident has been arrested. We will be going to the press with this information. On a separate note, there was a traffic collision at Geary/Taylor this morning. A DPW truck struck an elderly pedestrian who was transported to SFGH and has since died. ”</td>
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<tr>
<td>3/5/20</td>
<td>Chief William Scott</td>
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<td>Mayor London Breed</td>
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<td>“Good Evening Mayor, FYI on an arrest in the Mission. Footbeats went to arrest a at 16th and Mission when a crowd starting surrounding them an off duty fire fighter, went to help when he was punched in the face. Both the and the assault susp in custody. Fire fighter is okay. Cops were not injured. phone was lost or stolen during the incident. ”</td>
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<tr>
<td>3/12/20</td>
<td>Chief William Scott</td>
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<td>Mayor London Breed</td>
<td></td>
<td>“Good Morning Mayor, we participated in search warrants and arrests in connection with a joint federal Homeland Security HSI/SFPD investigation. In total there were 6 Mara Salva Trucha (MS)13 suspects arrested today. A total of 17 MS gang members have been indicted on this investigation. Large amounts of drugs &amp; Money recovered at out of county search warrant location today. This is a part of our larger ongoing efforts to stem the associated violence and drugs brought into and sold in our City. We plan to have a joint press event tomorrow with our Federal partners regarding this investigation and indictment. For your awareness. ”</td>
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<td>3/14/20</td>
<td>Chief William Scott</td>
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<td>Mayor London Breed</td>
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<td>“Good Morning Mayor, We had a homicide overnight at Jones/Market in the Tenderloin. The victim was standing in front of Jones St. when he was shot by an unidentified suspect. The suspect fled in a dark colored car. The Victim’s address Investigator are searching for witnesses and possible video evidence in the area. For your awareness. ”</td>
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<tr>
<td>3/14/20</td>
<td>Mayor London Breed</td>
<td></td>
<td>Chief William Scott</td>
<td></td>
<td>“How old?”</td>
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<td>3/14/20</td>
<td>Chief William Scott</td>
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<td>Mayor London Breed</td>
<td></td>
<td>“Good Evening Mayor, We just had a homicide at 16th Street at the Restaurant. Three suspects entered the restaurant, suspect 1 (HM 20s) approached the victim from behind while he was seated at a table, and fired 4 or 5 rounds into the victim’s back. The victim was pronounced deceased on scene. The suspects fled on foot northbound on Caledonia St. Investigators are at the scene and we don’t have much info at this time including confirmation of the victim’s identity. I will keep you updated as we have additional information. ”</td>
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<tr>
<td>3/17/20</td>
<td>Mayor London Breed</td>
<td></td>
<td>Chief William Scott</td>
<td></td>
<td>&quot; Wow that’s terrible&quot;</td>
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<tr>
<td>3/17/20</td>
<td>Chief William Scott</td>
<td></td>
<td>Mayor London Breed</td>
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<td>“Appears to be very intentional. ”</td>
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**21st Annual SOR Report**

APPENDIX - Page 226
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<tr>
<td>3/17/20 1:43</td>
<td>[REDACTED]</td>
<td>Chief William Scott</td>
<td>[REDACTED]</td>
<td>Mayor London Breed</td>
<td>“Further on the homicide. The victim is believed to be a [REDACTED] Suspects are [REDACTED] The victim and suspects got into a fight shortly before the shooting. The suspect left and came back armed and shot the victim. Still trying to determine what caused the fight.”</td>
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<td>3/17/20 3:53</td>
<td>[REDACTED]</td>
<td>Chief William Scott</td>
<td>[REDACTED]</td>
<td>Mayor London Breed</td>
<td>“Hi Mayor, FYI beginning at midnight tonight I have directed our officers to conduct bar and restaurant check-throughout the City. Our goal is to seek compliance with the order. We are putting out a statement tonight to inform the public. For your awareness.”</td>
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<tr>
<td>3/17/20 15:57</td>
<td>[REDACTED]</td>
<td>Chief William Scott</td>
<td>[REDACTED]</td>
<td>Mayor London Breed</td>
<td>“Good Morning, Citywide no issues reported by officers regarding non compliance with the restaurant/bar closures. It appears that San Franciscans are taking this serious and are complying with the order. With today being g St. Patrick’s Day we will stay on this and pay particular attention to the bars this evening. As to other retail stores, by 8 p.m. last night many of the non essential retailers were already closed as well. For your awareness. PS I will send pictures of the gym shortly.”</td>
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<tr>
<td>3/19/20 16:05</td>
<td>[REDACTED]</td>
<td>Chief William Scott</td>
<td>[REDACTED]</td>
<td>Mayor London Breed</td>
<td>“Good Morning Mayor, last night we had a shooting at 21st/Shotwell in the Mission District. The victim was shot and died at the location. Officers were in the area on patrol and observed the suspect vehicle, pursued it and caught and arrested both suspects after a foot chase. The officers also recovered a gun believed to be the order weapon. The victim has not yet been positive identified and is listed as a John Doe. Investigators are trying to determine the motive for the shooting. This is the 8th homicide of the year and second in a week. Our response to the homicides coupled with the policing needs for the Shelter in Place Order: All officers departmentwide have been ordered to be in uniform for the duration of the shelter in place order. Officers working administrative assignments are rotating working in the field across the City to supplement and support District Statio ns. I have suspended all in service training. Officers assigned to the Police Academy have been re-assigned to work foot beats in the Civic Center and downtown business districts. Many of the non sworn personnel are telecommuting. -For your awareness.”</td>
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<td>3/21/20 21:51</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td>&quot;Good Afternoon Mayor, Wanted to give you a status of the City re: COVID-19: SFPD Command Staff checking the city today for compliance with the Public Health order. People out are very small in numbers. The following hot spots were noted (these are social distancing challenging locations): Dolores Park; Marina; Embarcadero; Mid Market; crowds are small. Officers posted at 8th, 7th and 6th and Market. UN plaza looks good. Homeless population is going to be tough to manage. We are working collaboratively with stakeholder agencies through the EOC on strategy to address this effectively. For your awareness.&quot;</td>
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<td>3/21/20 21:52</td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td>&quot;Thanks for the update&quot;</td>
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<tr>
<td>3/23/20 0:33</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td>&quot;Good Afternoon Mayor, Wanted to give you a status of the City re: COVID-19: I have been out for several hours checking the city today for compliance with the Public Health order and verifying our deployment. People out are very small in numbers. The following hot spots were noted (these are social distancing challenging locations): Marina- people were out walking and exercising. No large groups of people observed; Embarcadero- people out and exercising - no large groups observed; Mid Market; Crowds are small overall. Officers posted and visible at 8th, 7th and 6th and Market. UN plaza was thick with people not practicing social distancing. Capt. Fabbri handling and I will go back by there in a bit to recheck. Homeless population is still challenging. Footbeat officers engaging. In the Bayview, 3rd Street is challenging at Quesada, Revere, Paulou, and Newcomb. Groups of people hanging out. Officers are engaging, educating and messaging on social distancing. Potrero Hills housing developments was very quiet with very few people out. Fillmore/Golden Gate has been a problem for the past few nights with groups 30 or so deep hanging out and not practicing social distancing. We have engaged with the groups (including me personally Friday night) and educated people on social distancing to help prevent the spread. Today no one was out at 4:30 p.m. at Fillmore/Golden Gate Note: Liquor was closed by the time I got there today so that may have contributed to no one being out. I was all over the City today and overall, people are listening and complying. For your awareness.&quot;</td>
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<td>3/23/20 0:35</td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td>&quot;👍👍👍👍&quot;</td>
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<td>3/23/20 1:45</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td>&quot;Went back and checked on UN Plaza. Its virtually empty now. Officers still on post on Market except for 6th. which is starting to re populate. Getting officers back there now.&quot;</td>
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<td>3/24/20 5:21</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td>&quot;Good Evening Mayor, One of the homicide suspects from the 3/16/2020 homicide at the restaurant in the Mission District was just arrested in Alameda by our officers. For your awareness.&quot;</td>
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<tr>
<td>3/24/20 5:22</td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td>&quot;Great! Thanks for letting me know&quot;</td>
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<td>3/24/20 18:38</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td>&quot;Good Afternoon Mayor, we have a who works out who has been confirmed COVID-19 positive by their doctor. I am getting more information and will update. We have not made this information public yet as we just learned of this information. &quot;</td>
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<td>3/24/20 18:41</td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td>&quot;Dang, does he use my gym?&quot;</td>
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<td>3/24/20 18:44</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td>&quot;I am pretty sure he does not. There is gym. We rarely get anyone outside of those who work in the building here using this gym. &quot;</td>
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<td>3/25/20 2:39</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td>&quot;Good Evening Mayor, the other two suspects from the March 16th Mission District murder in the restaurant were just arrested. For your awareness. Also, I talked to the who tested positive for COVID-19. He has not worked out at the gym at HQ. &quot;</td>
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<td>3/25/20 18:45</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td>&quot;Good Morning Mayor, just got confirmation of a positive COVID-19 test of the who tested COVID-19 positive yesterday. For your awareness. The good news is at least two officers who were quarantined from other potential exposures have been cleared to return to work. For your awareness. &quot;</td>
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3/26/20 4:24

Chief William Scott

Mayor London Breed

"Good Afternoon Mayor, This evening’s status of the City re: COVID-19: Assistant Chief Redmond personally went out and checked the following locations around the City from a out 2 p.m. to 5 p.m. People out are very small in numbers again today. The following hot spots were noted (these are social distancing challenging locations): Mid Market; Crowds are small overall when checked but I was told that earlier today the Officers posted and visible at 8th, 7th and 6th and Market. UN Plaza gatherings were light and manageable over all with officers messaging social distancing when checked. However, I was told the Farmer’s Market was thick today and social distancing was an issue. We either need to work with the vendors to help with the social distancing or I recommend restrictions or shutting it down. The HSOC team was focus on engagement with the street population and homeless population. They made some progress with spreading people out and clearing some of the problem streets. We have to keep going back to continue pt.make progress. Capt. Homeless population is still challenging with the tents in the Tenderloin but it reportedly looked a little better today with the HSOC outreach. Footbeat officers engaging in Mission Bay and Embarcadero reported a lot less people out that week and a lot less socializing. People were mainly walking and exercising. The exercise park near the food trucks in Mission Bay continues to be a problem with social distancing. Officers were sent there today and gave warnings. People complied but we need to stay on it. In the Mission District we have officers posted at 24th/Mission and 16th/Mission. These have been social distancing challenges. 24th was thinned out this afternoon. 16th was a bit more challenging with . We put out to . In the Bayview, 3rd Street was a little better today."
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<tr>
<td>3/26/20 4:25</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td>Good Morning Mayor, [redacted] was burglarized at [redacted]. Officers responded and caught the two suspects and arrested them. May get media attention but we have not put it out. For your awareness.</td>
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<tr>
<td>3/26/20 17:27</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td>Officers at the scene of what appears to be a murder/suicide at the Parc 55 Hotel.</td>
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<td>3/26/20 21:52</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td>More to follow when I have more.</td>
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Fewer people at Mendell Plaza but still a problem with gatherings and social distancing along 3rd at Quesada, Revere, Paulou, and Newcomb. The liquor store at [redacted] is a problem with groups of people hanging out. Officers are still engaging, educating and messaging on social distancing. I recommend restricting their hours or shutting them down altogether if restricting their hours doesn’t solve the problem. The City Attorney is on board and has provided advice on how we can make that happen. Fillmore/Golden Gate looked great tonight. I will send you a picture that was taken in front to [redacted] liquor. Early this evening no one was out there on either side of the street. As to enforcement, now that the City Attorney’s Office has helped put out clear enforcement protocols officers shut down two businesses that were opened and non-essential in the last couple of days. These were officer initiated shut downs (a wine bar and the other was a businessman who was open for business and was determined by officers to be non-essential (not exactly sure what the business nature was but the City Attorney who reviewed the report said the shutdown was appropriate). Both business owners complied with the officers orders to close. An Incident report was taken for each incidents and routed to the City Attorney’s Office. If a decision is made to go forward with prosecution we can go the criminal or civil route. We will have officers follow up to make sure they stay closed and certainly push for prosecution if they reopen. We have put systems in place and are tracking all such reports. Businesses still mostly in compliance from what has been reported. For your awareness. 

"In front of [redacted] liquor this evening."

"Good Morning Mayor, [redacted] was burglarized at [redacted]. Officers responded and caught the two suspects and arrested them. May get media attention but we have not put it out. For your awareness."

"Officers at the scene of what appears to be a murder/suicide at the Parc 55 Hotel."

"More to follow when I have more. "

"More to follow when I have more. "
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| 3/27/20 4:26 | Chief William Scott | Chief William Scott | Mayor London Breed | "Good Evening Mayor, Here is the status of the City today for COVID-19. I spent the last 5 hours in the field around the City to get eyes on: Bayview- 3rd Street look much better (early evening from 4:45 to 5:45) the gatherings along 3rd Street were much smaller than last week. The [redacted] had no one in front when I was there. Mendell Plaza, LaSalle, Paulou, and Revere were much lighter than normal and the people who were out there were keeping some distance between them for the most part. There were a few pockets of people that has to be addressed. Bayview officers reported that the outreach teams from the EOC flood the area with COVID-19 pamphlets and they believe that has made a difference. Alice Griffith was very quiet. No gatherings at all. Ingleside- Mission St. from Geniva to Ocean all non essential businesses were closed. Very light pedestrian traffic and people at the bus stops were social distancing. We saw one group of 5 people not social distancing and out playing dominos in the bed of a pickup truck. They were warning and complied immediately. Along Ocean Avenue all non essential businesses were closed. Very light pedestrian activity no social distancing issues. West Portal, Traval, Clement were all the same with no non essential businesses open, very light pedestrian activity. Problem areas observed were Haight Between Masonic and Stanyan. All non essential businesses were closed but there were pocket of homeless people sitting on the sidewalks in groups of two to abou 10 along Haight. We engaged most of them and they mostly claimed that they lived together and therefore they were not practicing social distancing. This will be a challenge. Not sure they lived together but that seems to be what they all were saying along the block about 40 to 50 in all in different groups. At Balboa Park, the park was empty except for the skate board park. Lots of young kids 10 years old or so, some teens and a few adults. About 30 in all. This is a constant issue since the Public Health Order went out I'm told. We are working with Ginsberg to post Park Rangers and/or Officers or at least regular check. From my understanding the kids and teens climb over the fence even when the park is closed. I didn't get eyes on Market or the Tenderloin tonight but the reports that I recieved were that the people gathering at the hotspots were less hostile today and there seemed to be fewer people along Market. Officers are still being posted along Market and other areas of the Tenderloin still challenging. For your awareness"

3/27/20 15:31 | Mayor London Breed | Mayor London Breed | Chief William Scott | “Please get the people who are on octavia Blvd area with signs” |
3/27/20 15:32 | Mayor London Breed | Mayor London Breed | Chief William Scott | “Leading up to the freeway” |
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<tr>
<td>3/28/20 3:51</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td></td>
<td>&quot;Good Evening Mayor, Here is the status of the City re: COVID-19 public health order related issues this evening: Officers shut down two smoke shops. There was a discussion about whether they met the essential business criteria and once ruled non essential we advised the owners and shut it down. An incident report were taken. And we will follow up to ensure the business stay closed. At , there was a restaurant/Bar selling alcohol to people waiting in the take out restaurant lines allowing people to drink while they waited in line. We shut down the illegal alcohol sales and an incident report. Central officers will monitor the restaurant this weekend. In the Mission District we had officers walking through Dolores Park this evening and right now. Not a big crowd but some Social Distancing issues. Same at Washington Square. We are engaging with the people out there. Park Station officers just did a walk through on Haight Street. We had been advised today that homeless advocates will be giving out tents along Haight and encouraging homeless persons to pitch their tents on the sidewalks. As of 20 minutes ago the officers did not see any tents. Park Station Captain Pagano trying to keep this situation from becoming a new or worse public health and social distancing issue with encampments along the sidewalks on Haight Street. Captain Dangerfield has assigned a team of officers to work 3rd Street. That along with the education and messaging by the Community Branch dispatched from the EOC is making a difference we believe. There were not issues at Mendell Plaza today and 3rd Street, although not totally there, is looking much better than this past weekend. We sent out the update from the newest order you approved today. We emphasized new restricted liquor store hours. Tonight our officers will start engaging and messaging with Liquor and convenience store owners and managers to get compliance starting now. Tenderloin Captain Fabbri and our HSOC Commander Fong reporting that less people were out today than earlier in the week and we are making slight progress getting some social distancing compliance in the Tenderloin but we still have a uphill climb and a lot of work to do. For your awareness. &quot;</td>
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<td>3/29/20 22:40</td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
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<td>&quot;Someone just sent this to me: There is a guy walking around sea cliff looking for money and checking doors.&quot;</td>
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<td>3/29/20 22:40</td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
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<td>&quot;He just tried our door as well and asking for money saying he is part of the release program.&quot;</td>
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<tr>
<td>3/29/20 23:51</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
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<td></td>
<td>&quot;Hi Mayor, the message won't open.&quot;</td>
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<td>3/29/20 23:53</td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
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<td>&quot;He just tried our door as well and asking for money saying he is part of the release program.&quot;</td>
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<td>3/29/20 23:55</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td></td>
<td>&quot;Got it. Will follow up. We out press releases about this on Friday warning the public. &quot;</td>
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<tr>
<td>3/30/20 0:59</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td></td>
<td>&quot;Meant 'put out' press release&quot;</td>
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<tr>
<td>3/30/20 4:26</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td></td>
<td>&quot;Good Evening Mayor, Status of City today re: COVID related issues: Dolores park looked good today. Panhandle looked good. People out walking but no basketball. Haight and Clayton hroup an issue today. Park officers engaged them. Haight and ashbury and Masonic was clear today. Mission Street looked better today. Officers engaged groups at 16th and were able to prevent groups from gathering and sidewalk panhandling on Mission between 15th and 16th. The markets were not as crowded but still need to be addressed. We are working with The Community Branch from the EOC on this. Most of the dispatched public health calls today were about recreational locations (parks, public spaces) and essential businesses (groceries stores mainly) not promoting social distancing. There were 28 such calls by early evening. The assessment overall was good compliance even at the parks and open spaces but still sporadic non compliance. For your awareness. &quot;</td>
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<td>3/30/20 4:27</td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td></td>
<td></td>
<td>&quot;Thanks. I think the rain was helpful &quot;</td>
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<tr>
<td>3/30/20 4:28</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td></td>
<td>&quot;Yes. Me too.&quot;</td>
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<td>3/30/20 18:26</td>
<td>Chief William Scott</td>
<td>Mayor London Breed</td>
<td></td>
<td></td>
<td>&quot;Hi Mayor, I just called you but did not leave a message. Follow up from our conversation this morning regarding restricting Liquor store hours. Our Officers contact Liquor/Conve science stores all over the City. All co acted were compliant except for two stores that tried to stay open past 8 pm: One at [redacted] It was shut down by officers. The other was on [redacted] They were claiming to be delivery only after 8 pm but were observed serving in-store customers also. Officers also shut that one down. As far as reducing gatherings at those problem location the results are very good. &quot;</td>
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<td>2/24/20 15:13</td>
<td>Mayor London Breed</td>
<td>Mayor London Breed, CoS Sean Elsbernd</td>
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<td>&quot;Need to understand the news reports about the side shows this weekend. Why did the police stay on the sidelines and allow them to happen?&quot;</td>
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<tr>
<td>2/24/20 16:31</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd</td>
<td>Chief William Scott</td>
<td>“Good Morning Mayor, We received information that they were coming to the city and assembled officers from stations all around the city to respond. They met at Treasure Island and we had officers there waiting for them. Then moved to Candlestick point and we were there as well. From there they splintered and we had a series of simultaneous side shows across the City in Bayview, Ingleside, Richmond, Mission, Park, and Southern Districts from about 1230 a.m. until about 3 a.m. There were upwards of 100 cars and crowds of spectators at each sideshow. There was also at least one assault reported at Market/Clayton. Our officers responded to as many as they could. I am ready to discuss when you are ready.”</td>
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<td>2/24/20 16:38</td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd</td>
<td>“Why did people say on the news that the police were there and stood around and allowed it to happen?”</td>
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<td>2/24/20 16:56</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd</td>
<td>Mayor London Breed</td>
<td>“Not sure what they saw or why they said what they said but what I do know is when officers arrive at sideshows, I have seen officers...”</td>
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<td>2/24/20 16:59</td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd</td>
<td>“Someone needs to explain that to the press. Why isn’t your communications person not on top of this?”</td>
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<td>2/24/20 17:04</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd</td>
<td>Mayor London Breed</td>
<td>“Ok. We put out a media statement but it did not lay out our tactics. I will follow up to have them reach out to explain on background to the media.”</td>
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<td>2/25/20 6:48</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd</td>
<td>Mayor London Breed</td>
<td>“Good Evening Mayor, we are investigating what appears to be an intentional act of a car driving onto a side walk and strike two pedestrians at Haight and Ashbury. The vehicle fled then struck a police car and then a house. Two people in the car have been arrested. Awaiting an update on condition of the two individuals who were struck. Investigation is ongoing. For your awareness.”</td>
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<td>3/4/20 6:05</td>
<td>Mayor London Breed</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd</td>
<td>“6th and market and 7th and market are embarrassing.”</td>
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<tr>
<td>3/4/20 16:29</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd Mayor London Breed</td>
<td>“Good Morning, didn’t see your text until today. The TL Captain made adjustments making adjustment last week for better coverage during the busier hours when people are working/shopping. That is working well but we are lighter later at night. We will continue to tweak coverage as necessary and give support for additional coverage later at night.”</td>
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<td>3/4/20 16:31</td>
<td>Mayor London Breed</td>
<td>Chief William Scott CoS Sean Elsbernd</td>
<td>“I’m tired of excuses and repeating myself. Fix it. It’s the same corners”</td>
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<td>3/4/20 19:40</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd Mayor London Breed</td>
<td>“FYI, [redacted] 74 year old aunt was struck by a vehicle as she walked across an intersection at Fillmore/Sutter. She [redacted]. The driver remained at scene and was cited and released.”</td>
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<td>3/17/20 17:26</td>
<td>Mayor London Breed</td>
<td>Chief William Scott CoS Sean Elsbernd</td>
<td>“Market and 7th and market and 6th still a shit show. With the city shut down, We should be able to get this under control.”</td>
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<td>3/17/20 18:42</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd Mayor London Breed</td>
<td>“Will have it taken of now.”</td>
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<td>3/17/20 19:07</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd Mayor London Breed</td>
<td>“Mike Redmond out there right now to ensure this is taken care of.”</td>
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<td>3/18/20 4:30</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd Mayor London Breed</td>
<td>“Good Evening Mayor, CHP involved in a high speed chase of a motorcycle through San Francisco. The motorcycle crashed at 16th/Guerrero. The motorcycle driver [redacted], No SFPD personnel were involved. This will likely get media attention. No information yet on why they were chasing the driver of the motorcycle. For your awareness.”</td>
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<td>3/18/20 5:25</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd Mayor London Breed</td>
<td>“Motorcycle driver from the CHP pursuit is now deceased. Your Awareness.”</td>
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<td>4/1/20 18:06</td>
<td>Mayor London Breed</td>
<td>Chief William Scott CoS Sean Elsbernd</td>
<td>“We have a real problem with the line on McAllister and market. It’s outrageous”</td>
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<td>4/1/20 18:07</td>
<td>Mayor London Breed</td>
<td>Chief William Scott CoS Sean Elsbernd</td>
<td>“People are packed on the sidewalk standing in line and not social distancing”</td>
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<td>4/1/20 18:08</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsbernd Mayor London Breed</td>
<td>“Ok. Will have someone go there right now.”</td>
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<tr>
<td>4/1/20 19:08</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsberean</td>
<td>Mayor London Breed</td>
<td><strong>Hi Mayor</strong>, a follow up report regarding the <strong>Unkn</strong> on McAllister. Officers, including a lieutenant, were sent to the <strong>store</strong>. The Lieutenant spoke with the owner/manager about social distancing among the customers. The lines were then thinned out to comply with the social distancing requirements. Officer will stay on this for now to ensure social distancing continues to happen. There were also gatherings of people around the <strong>Unkn</strong> and the <strong>Unkn</strong>. Both have been addressed and thinned out to comply with social distancing. Officers will maintain a presence and visibility. UN Plaza looks pretty good for now. The Farmer’s market crowd is lighter right now than in past weeks and there is good spacing between the vendors. Officers will also be assigned to focus on other hot spots in the Tenderloin today. For your awareness. <strong>”</strong></td>
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<tr>
<td>4/1/20 20:37</td>
<td>Chief William Scott</td>
<td>CoS Sean Elsberean</td>
<td>Mayor London Breed</td>
<td>**”We still have officers at the <strong>Unkn</strong> business. It’s the first of the month so this will be an issue today and maybe for the next couple of days. We have officers posted to force compliance with social distancing. The line stretches down the block. <strong>”</strong></td>
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<tr>
<td>3/20/20 15:45</td>
<td>Chief William Scott</td>
<td>Chief William Scott</td>
<td><strong>Unkn</strong></td>
<td>**”Jag Grant’s can be reprogrammed for emergencies. Contact the state JAG coordinator. <strong>”</strong></td>
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<tr>
<td>2/24/20 4:48</td>
<td>Mayor London Breed</td>
<td>Unknown</td>
<td>Unknown</td>
<td>**”Market st looks clean and I’m grateful, but the <strong>Unkn</strong> and the entire block of market between 7th and 8th continued to be a problem including UN Plaza with illegal activity including drug dealing and buying and selling stolen goods. There is also a problem with public drug use. We really need to concentrate on the area with law enforcement and assit from public health. It’s the same area every day and this should not be difficult. Enforcement is key. <strong>”</strong></td>
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<td>2/24/20 5:28</td>
<td>Chief William Scott</td>
<td>Unknown</td>
<td>Unknown</td>
<td>**”Enforcement will continue. <strong>”</strong></td>
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<tr>
<td>3/13/20 16:51</td>
<td>Mayor London Breed</td>
<td>Unknown</td>
<td>Unknown</td>
<td>**”Can you clear out the very bad corner on market and Castro <strong>”</strong></td>
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<td>3/13/20 17:03</td>
<td>Chief William Scott</td>
<td>Unknown</td>
<td>Unknown</td>
<td>**”Got it. Working on it now. <strong>”</strong></td>
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</table>
Hello – It’s unclear if you have made a request for public records to a City department, and if so, whether the department withheld or redacted records in response. The Supervisor of Records has no jurisdiction over non-City entities and over issues unrelated to requests for public records. 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: unicorn bae < >  
Sent: Tuesday, May 19, 2020 10:26 AM  
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>  
Subject: Sunshine Appeal

- The city department to which you made your request: S.F. Adult Coordinated Entry,ECS ( Episcopal Community Services)  
- The record or records you requested:  
  1. No more access to my private information except for the housing navigator who contract with me  
  2. From November 2019 to the present, my private information login history (who, when, why)  
- The date of your request: May 12,2020,8:55PM  
- An explanation as to why you believe the decision to withhold or redact records is unlawful: I am the owner of my personal information and I have the right to keep it safe. However, ECS made it possible for all staff members to view my personal information for no reason, and requested that it be change, but did not accept my request. Collection and use of personal information for phishing purposes is illegal.  
- Other information you consider pertinent:The employee of ECS ( S.F. Adult Coordinated Entry, Episcopal Community Services) , problem-solving specialist Vinh Nguyen wanted to date me with the excuse of helping my housing, and evaluated my appearance and criticized in 8 November of 2019 at near by Adult Coordinated Entry Access Point. 4 May 2020, He contacted me by reading personal information without my permission. I reported this to ECS, asked for no more access to my private information except for the housing navigator who contract with me and from november 2019 to the present, my private information login history(who, when, why). But ECS ignored my request and asked me to prove the case.  
- Your contact information and preferred means of contact: Haeree Lee
Buta, Odaya (CAT)

From: unicorn bae <...
Sent: Tuesday, May 19, 2020 10:26 AM
To: Supervisor Records (CAT)
Subject: Sunshine Appeal
Attachments: Screen Shot 2020-05-19 at 9.29.46 AM.png; Screen Shot 2020-05-19 at 9.29.13 AM.png; Screen Shot 2020-05-19 at 9.30.36 AM.png

- The city department to which you made your request: S.F. Adult Coordinated Entry, ECS (Episcopal Community Services)
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- Your contact information and preferred means of contact: Haeree Lee
Dear Carrie Gray

Hello. This is Haeree Lee. I visited Adult Coordinated Entry Access Point 2111 Jennings St, on November 8, 2019. I met the problem-solving spe

Ramona Acevedo

Can you forward me any messages that was sent to you miss Lee. As far as I know I have been the only one working with you miss Lee. Feel free to call me

Thank you for your reply.

Currently, I don't feel safe with ECS, I don't want to send to my personal call and email list.

Because, from November 2019 to the present,

I believed that ECS employees have access to information such as name, address, phone number, bank information, medical records, etc. without my consent for phishing purposes.

My requirements are:

1. No more access to my private information except for the housing navigator who contract with me
2. From November 2019 to the present, My private information login history (who, when, why)

Please follow with the California Electronic Communications Privacy Act pursuant to Chapter 3.6 (commencing with Section 1546) of Title 12 of Part 2 of the Penal Code.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1121

Very sincerely yours,
Haeree Lee
Hi Haeree,

My name is Vinh Nguyen and our records show you visited us at Adult Coordinated Entry last December for a housing assessment.

I am reaching out to see how you are doing and if you have been housed yet.

If you are still interested in our services please feel to respond.

Take Care and Stay Safe,

Vinh Nguyen
Problem Solving Specialist/ S.F. Adult Coordinated Entry
Episcopal Community Services
123 10th Street
San Francisco, Ca 94103
vnguyen@ecs-sf.org
(415) 688-5434 work cell

You have blocked vnguyen@ecs-sf.org New messages from this sender will be sent to Spam.
Good morning Miss Haeree, Checking in with you. I received your Email. Just wanted to let you know that the information that we have in our system is available.

It’s so amazing that Vinh still can access to my personal information and I’m curious when the security system will be resolved.

It is illegal to using my personal information for fishing purposes.

Please keep my personal information safe.

Pretend to help the section 8 voucher, approach me and ask for a detailed confidential DV shelter address and curfew time, judge my style and forcing personal preferences etc.

It is not helping. It is fishing.

What I need now is a data security system rather than a therapist.

Please update when it will be resolved.

Thank you.

Sincerely,
Haeree lee

A.I. healthcare startup
unicorn@aidoc.us
www.aidoc.us
I understand that the only responsive record that the Recreation and Park Department had was your request to them and they have provided that record to you. Because the department is not withholding any records, there is nothing for the Supervisor of Records to determine and we close 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

-----Original Message-----
From: Harry S. Pariser <>
Sent: Wednesday, June 3, 2020 10:52 AM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: RE: Sunshine Request Appeal

Mr. Russi:

I'm also not sure why there has been no response, when I email them via that page!

Also, why are emails not converted to a generic format, instead of the proprietary "msg"?

Thank you.

On Wed, 3 Jun 2020 03:16:39 +0000, "Supervisor Records (CAT)" <supervisor.records@SFCITYATTY.ORG> wrote:

Mr. Pariser -

I'm not sure why the records are not available on that page. I am copying the RecPark staff who appears to be the point of contact. 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
May 27, 2020

Dear Supervisor:

I filed the following request on the 18th of May and was given a link to this page:

https://sanfrancisco.nextrequest.com/requests/20-1922

However, I can not find any responsive documents on this page; the only ones appear to be concerning the request itself.

Two emails on that page to administrators have not been answered.

Thus I am sending this appeal.

Thank you.

Harry S. Pariser

Preferred contact: email
September 25, 2020

VIA EMAIL: Maya Zubkovskaya

Re: Petition to Supervisor of Records regarding your February 24, 2020 Request to SFPD

Dear Madam:

This letter responds to your petition to the Supervisor of Records sent via email on June 1, 2020. The petition arises out of your request for a San Francisco Police Department (“SFPD”) incident report regarding a February 14, 2020 incident at [redacted]. As you have acknowledged, SFPD produced a redacted copy of Incident Report No. 200113619. Your petition seeks a determination from the Supervisor of Records regarding whether there is a legal basis to support SFPD’s redactions of identifying information pertaining to the 911 caller. In your petition you note that you do not agree with but do not appeal the redactions pertaining to the other reporting party.

The incident at issue in the report involved SFPD’s response to a 911 call reporting a person with suicidal ideation and a mental health detention. SFPD redacted the name and contact information for the reporting parties. SFPD also redacted portions of the narrative of the report, which could lead to the identity of the reporting parties.

In responding to public records requests for incident reports related to 911 calls, SFPD routinely redacts identifying information for a 911 caller, i.e., the reporting party. Specifically, SFPD redacts a 911 caller’s name, address, phone number, and any other identifying information. SFPD redacts this information because it has determined that disclosing that information would constitute an unwarranted invasion of the caller’s privacy and potentially jeopardize a caller’s safety. Cal. Const., Art. I, Sec. 1 (through Gov’t Code §6254(k)); Gov’t Code §6245(c) (personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of privacy); Gov’t Code §6254(f) (requiring disclosure of crime witness names only to certain people, and authorizing withholding if disclosure would endanger the safety of a witness or other person involved in the investigation); SF Admin Code §67.24(d)(2) (personal or private information in a law enforcement investigative record if disclosure would constitute an unwarranted invasion of privacy). For these reasons, SFPD redacted identifying information pertaining to the 911 caller from the Incident Report No. 200113619. We determine that SFPD lawfully redacted the report.
For the reasons stated above, the Supervisor of Records denies your Petition.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/ JANA CLARK
Deputy City Attorney
I have attached an appeal of a decision of the San Francisco Police Department in response to my records request.

You may reply by mail or e-mail.

Thank you.

Maya Zubkovskaya
Attention: General Government Team
City Attorney / Supervisor of Records
1 Dr. Carlton B. Goodlett Pl Rm 234
San Francisco CA 94102

Dear Sir or Madam:

On February 24, 2020, I mailed a Request for Incident Report (copy enclosed) to the San Francisco Police Department concerning an incident at my residence on February 14, 2020. The department disclosed records (copies enclosed) but redacted portions without explanation. Pursuant to Administrative Code section 67.21(d), I am writing to appeal.

I assume that the redacted information relates to the identity of the reporting party and of my husband, Douglas Carlson. I am not specifically appealing the redaction of information relating to my husband, although I contend generally that the Police Department erred in withholding it.

Section 6254(c) does not require disclosure of “[p]ersonnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.” The records in question are not personnel, medical, or similar files. Instead, they presumably relate to the identity of an employee at a medical clinic in Colorado who contacted San Francisco police. Therefore, the records fail to meet the threshold definition of section 6254(c).

If the records somehow reflect personnel, medical, or similar files, the disclosure would not constitute an “invasion of personal privacy.” Except, perhaps, when reporting information to a confidential tip line, people who report information to the police do not have an expectation of privacy. They are, or should be, aware that their report creates a public record, and they know that they eventually could be subpoenaed to testify in a public court proceeding. And they should know that records relating to their report could be subpoenaed through discovery.

Even if reporting parties have an expectation of privacy, section 6254(c) allows an agency to withhold records that might constitute an “invasion of privacy” only if this “invasion” would be “unwarranted.” The statute envisions a balance between the privacy rights of the individual and the public interest in disclosure.

Here, the public interest in disclosure is substantial. I contend that the medical worker(s) involved in disclosing protected health information to the police violated the Health Insurance Portability and Accountability Act (HIPAA) and the licensing and ethical standards of the profession(s). Although HIPAA may permit disclosure of information without a patient’s consent if “necessary to prevent or
lessen a serious and imminent threat to the health or safety of a person”, 45 C.F.R. § 164.512(j)(1), I have contended in a complaint filed with the Department of Police Accountability (case number 200113619) that no such threat existed. And even if a threat did exist, the person who contacted San Francisco police disclosed more information from my medical records than was “necessary” to address a perceived threat when this person revealed the nature of my treatment and the outcome.

I plan to file complaints with the appropriate state licensing agencies and the Office of Civil Rights in the Department of Health and Human Services, which administers HIPAA. In order to do so, I need to know the identity of the persons involved in this incident and, specifically, who contacted San Francisco police. The reporting party may or may not be the worker whose conversation with me led to the police report, so the name may reveal a person who should be subject to a complaint. State and federal agencies provide complaint processes to allow members of the public to seek orderly redress for their grievances. A substantial public interest therefore exists in allowing me to obtain the identity of medical workers to enable me to avail myself of these complaint processes. This public interest outweighs the reporting party’s interest in hiding his/her identity and shielding himself/herself from complaints.

While the Government Code allows but does not require disclosure of “[p]ersonnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy[,]” section 67.24(d)(2) favors disclosure. A department may withhold “[p]ersonal or otherwise private information” related to a law enforcement investigation only if disclosure would “constitute an unwarranted invasion of privacy” and if “the public interest in nondisclosure clearly and substantially outweighs the public interest in disclosure[.]” Any unspecified public interest in nondisclosure here certainly does not “clearly and substantially” outweigh the public interest in disclosure articulated here. Therefore, by law, the department must release these records.

I request that the department provide the records that I requested without redacting any information. Please explain any contrary decision in writing.

Thank you for your time.

Sincerely,

Maya Zubkovskaya

Enclosures
Internal Use Only:
Date request received: __________
Date provided mailed: __________
Date person notified if extension needed: __________
ID/DL for pick-up: __________
RMS staff ID#: __________

Request for Incident Report

Mail request to: San Francisco Police Department
Report Management Section
1245 3rd Street, San Francisco, CA 94158-2102
Or email to: sfpd.records@sfgov.org

There is no legal requirement to fill out this form in its entirety. However, certain individuals are entitled to receive more information pursuant to California Government Code § 6254 (f). The more information you provide may help the Department determine the amount of information provided to you.

Your name: Maya Zubkovskaya
Address: [redacted]
City, State, Zip: [redacted]
Contact Phone: [redacted]
Email: [redacted]

S.F. Police Report #: 200113619

Name of Party Listed in Report, if not requestor:

Date of Birth: Month August Day 4 Year 1974

Your interest in this incident: I was the subject of a "5150" person-in-distress call and was transported to a hospital against my will.

Type of Incident: "5150" person-in-distress call

Date/Time of Occurrence: February 14, 2020 - 3:50 PM

Location of Occurrence: [redacted]

Vehicle Involved (License plate number/state/year, make, model and color): N/A

Please indicate how you would like to receive the requested incident report. (Allow 10 business days from the date of your request for processing):

☐ U.S. Mail (It is mandatory to have a self-addressed legal size stamped envelope for your report to be processed).

☐ Email: [redacted]

☐ Pick-up from 1245 3rd Street, 1st Floor, San Francisco, CA 94158, Monday-Friday (8:00am - 5:00pm), closed on weekends and holidays. Please call 415-575-7232 to confirm your report is ready for pick-up.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

[Signature]

February 22, 2020

Date

Note: TRAFFIC COLLISION REPORTS ARE ONLY PREPARED FOR HIT & RUN, DRUNK DRIVING AND PERSONAL INJURY CASES. Some reports are restricted and/or inaccessible.
VIA EMAIL: [Redacted]

Maya Zubkovskaya

Re: Petition to Supervisor of Records

Dear Madam:

This letter responds to your petitions to the Supervisor of Records sent via email on June 1, 2020 and July 15, 2020 concerning public records requests to the Department of Emergency Management (“DEM”). Both requests sought records regarding an incident that occurred on February 14, 2020, documented in the computer automated dispatch (“CAD”) record No. 200452356. DEM produced the CAD record and an audio recording of a 911 call. DEM redacted information that would identify the individual who called 911 to report the incident. In addition, DEM redacted information pertaining to the subject of the incident. Your petition seeks a determination from the Supervisor of Records regarding whether there is a legal basis to support DEM’s redactions of the identity of the reporting party and protected health information.

The incident at issue in the report involved a 911 call reporting a person with suicidal ideation and a mental health detention. DEM redacted the name and contact information for the reporting party and protected health information.

DEM routinely redacts identifying information pertaining to 911 callers. Specifically, DEM redacts the name, address, phone number, and any other identifying information for the callers. DEM redacts this information because it has determined that disclosing that information would constitute an unwarranted invasion of the caller’s privacy and potentially jeopardize a caller’s safety. Cal. Const., Art. I, Sec. 1 (through Gov’t Code §6254(k)); Gov’t Code §6245(c) (personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of privacy); Gov’t Code §6254(f) (requiring disclosure of crime witness names only to certain people, and authorizing withholding if disclosure would endanger the safety of a witness or other person involved in the investigation); SF Admin Code §67.24(d)(2) (personal or private information in a law enforcement investigative record if disclosure would constitute an unwarranted invasion of privacy). For these reasons, DEM redacted identifying information pertaining to the reporting parties from the CAD and audio recording. We determine that DEM lawfully redacted both.

DEM also routinely redacts protected health information from both the CAD and audio recordings because it has determined that disclosing that information would constitute an unwarranted invasion of the subject’s privacy. Cal. Const., Art. I, Sec. 1 (through Gov’t Code §6254(k)); Gov’t Code §6245(c) (personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of privacy); SF Admin Code §67.24(d)(2) (personal or
private information in a law enforcement investigative record if disclosure would constitute an unwarranted invasion of privacy). DEM may not disclose a record to one member of the public and withhold the record from another member of the public. Gov’t Code 6254.5. Therefore, DEM redacts protected health information regardless of the identity of the requestor. For these reasons, DEM redacted protected health information pertaining to the subject of the call from the CAD and audio recording. We determine that DEM lawfully redacted both.

For the reasons stated above, the Supervisor of Records denies your Petition.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/ JANA CLARK
Deputy City Attorney
I have attached an appeal of a decision of the Department of Emergency Management in response to my records request.

You may reply by mail or e-mail.

Thank you.

Maya Zubkovskaya
Dear Sir or Madam:

On February 19, 2020, I mailed a request (copy enclosed) to the Department of Emergency Management for dispatch records relating to an incident at my residence on February 14, 2020. In a letter (copy enclosed) dated March 6, 2020, the department disclosed records (copies enclosed) but redacted portions. The letter states, without further explanation, that “disclosure would constitute an unwarranted invasion of privacy per California Government Code 6254(c) and San Francisco Administrative code 67.24.d.2.” Pursuant to Administrative Code section 67.21(d), I am writing to appeal.

I assume that the redacted information relates to the identity of the reporting party. Section 6254(c) does not require disclosure of “[p]ersonnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.” The records in question are not personnel, medical, or similar files. Instead, they presumably relate to the identity of an employee at a medical clinic in Colorado who contacted San Francisco police. Therefore, the records fail to meet the threshold definition of section 6254(c).

If the records somehow reflect personnel, medical, or similar files, the disclosure would not constitute an “invasion of personal privacy.” Except, perhaps, when reporting information to a confidential tip line, people who report information to the police do not have an expectation of privacy. They are, or should be, aware that their report creates a public record, and they know that they eventually could be subpoenaed to testify in a public court proceeding. And they should know that records relating to their report could be subpoenaed through discovery.

Even if reporting parties have an expectation of privacy, section 6254(c) allows an agency to withhold records that might constitute an “invasion of privacy” only if this “invasion” would be “unwarranted.” The statute envisions a balance between the privacy rights of the individual and the public interest in disclosure.

Here, the public interest in disclosure is substantial. I contend that the medical worker(s) involved in disclosing protected health information to the police violated the Health Insurance Portability and Accountability Act (HIPAA) and the licensing and ethical standards of the profession(s). Although HIPAA may permit disclosure of information without a patient’s consent if “necessary to prevent or lessen a serious and imminent threat to the health or safety of a person”, 45 C.F.R.
§ 164.512(j)(1), I have contended in a complaint filed with the Department of Police Accountability (case number 200113619) that no such threat existed. And even if a threat did exist, the person who contacted San Francisco police disclosed more information from my medical records than was “necessary” to address a perceived threat when this person revealed the nature of my treatment and the outcome.

I plan to file complaints with the appropriate state licensing agencies and the Office of Civil Rights in the Department of Health and Human Services, which administers HIPAA. In order to do so, I need to know the identity of the persons involved in this incident and, specifically, who contacted San Francisco police. The reporting party may or may not be the worker whose conversation with me led to the police report, so the name may reveal a person who should be subject to a complaint. State and federal agencies provide complaint processes to allow members of the public to seek orderly redress for their grievances. A substantial public interest therefore exists in allowing me to obtain the identity of medical workers to enable me to avail myself of these complaint processes. This public interest outweighs the reporting party’s interest in hiding his/her identity and shielding himself/herself from complaints.

While the Government Code allows but does not require disclosure of “[p]ersonnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy[,]” section 67.24(d)(2) favors disclosure. A department may withhold “[p]ersonal or otherwise private information” related to a law enforcement investigation only if disclosure would “constitute an unwarranted invasion of privacy” and if “the public interest in nondisclosure clearly and substantially outweighs the public interest in disclosure[.]” Any unspecified public interest in nondisclosure here certainly does not “clearly and substantially” outweigh the public interest in disclosure articulated here. Therefore, by law, the department must release these records.

I request that the department provide the records that I requested without redacting any information. Please explain any contrary decision in writing.

Thank you for your time.

Sincerely,

Maya Zubkovskaya

Enclosures
Date of Request: February 19, 2020

Requestor Name: Maya Zubkovskaya

Address: [Redacted]

City/State/Zip: [Redacted] Telephone: [Redacted]

Records Requested:

- [X] CAD Printout
- [ ] Telephone Audio ($35)
- [ ] Radio Audio ($35)
- [ ] Other (specify): 

CAD Number: [Redacted]
Date of Incident: February 14, 2020
Time of Incident: 3:50

Incident Location: [Redacted]

Other identifying information or details (be specific): 

Method of Delivery: (please check the requested method of delivery)

- [ ] I would like to **inspect** the records. Please advise me when the records are available for inspection at a location designated by the Department of Emergency Management.
- [ ] I would like to **pick up** copies of the records from Department of Emergency Management Headquarters. Please advise me when the records are ready. I understand that I must pay any applicable fees before the Department will release the copies to me.
- [X] Please **mail** the records to the address above. I understand that I must pay any applicable fees before the Department will send the records.

Fee Schedule for Non-City & County Entities: (City & County Departments DO NOT use this request form)

Audio = $35.00 per CD (To avoid a delay in receipt of records, please include payment with request)

*Please pay the exact amount due. We cannot make change or accept partial payments.*

Other Records = no charge if under 100 pgs.; $0.10 per pg. if greater than 100 pgs.
To: MAYA ZUBKOVSKAYA
From: Custodian of Records Unit
Date: March 6, 2020
RE: Records Request

Enclosed are your requested records.

Portions of your requested record(s) that include personal information have been redacted because disclosure would constitute an unwarranted invasion of privacy per California Government Code 6254© and San Francisco Administrative code 67.24.d.2.

If you have any questions, please contact the Custodian of Records at (415) 558-3826 Monday through Friday 08:00am to 4:00pm or visit https://index.sfgov.org/#/home
November 4, 2020

Sent via email (81856-14311352@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 June 8, 2020, concerning a request to the Mayor’s Office dated February 21, 2020, for records relating to parade floats. You contend that the Mayor’s Office unlawfully redacted personal email addresses and improperly applied redactions based on the attorney-client privilege.

We have reviewed the redactions of personal email addresses and find that the Mayor’s Office did not improperly redact the email addresses. This use of personal email is not sufficient to require disclosure to the public of otherwise private personal email addresses, and the identities of City staffers is clear despite the redactions. Thus, these redactions were proper based on personal privacy. Gov’t Code Secs. 6254(c), (k); Cal. Const. Art. I, Sec. 1.

You also contest redactions the Mayor’s Office applied based on the attorney-client privilege. It is our understanding based on representations from staff that the redactions reflect confidential communications between the Mayor’s campaign counsel and campaign staff not shared with third parties. We have not reviewed the portions redacted on this basis and will rely on the representations from staff as to the nature of the communications. Communications between campaign staff and campaign counsel are not public records, and thus the redactions would be proper on this basis.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
June 6, 2020

This is a follow up to a previous request:

Sup of Records Herrera,

Please see attached petition (and Exhibits A and B).

Exhibit C is here: https://www.muckrock.com/foi/san-francisco-141/custodian-of-records-working-group-immediate-disclosure-request-79193/#comm-797056

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.
On June 5, 2020:
Subject: RE: California Public Records Act Request: Mayor's Notes - Immediate Disclosure Request
Thank you for the response.

I'm unsure why you have returned to printing and scanning these documents. Even if you can't use PDFMaker for Gmail, you can surely directly "Print" them to normal PDFs that preserve all textual/image content with any modern computer/browser.

Did you withhold any of the attached files in any of those documents?

We will also dispute all of the attorney-client privilege redactions. It's unclear whether the attorneys represent the City or Mayor Breed or some other party, given your office's apparent dissemblance on whether this is government work or as one of the contract states on behalf of Mayor Breed "individually." Regardless, given that representatives of multiple counterparties are on this thread, what privilege, if any existed, appears to have been waved by prior disclosure.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

On June 5, 2020:
Subject: RE: California Public Records Act Request: Mayor's Notes - Immediate Disclosure Request
Anonymous,

Please see the attached records responsive to your request below. Please note that personal contact information in the email addresses and footers has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), California Constitution, Art. I, Sec. 1. All other redactions have been applied to communications withheld pursuant to the attorney/client privilege. See Cal. Govt. Code Secs. 6254(c), California Constitution, Art. I, Sec. 1.

Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

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On March 11, 2020:
Subject: RE: California Public Records Act Request: Mayor's Notes - Immediate Disclosure Request
Anonymous,

Please see the attached responsive records. Please note that to the extent that any emails or other records provided by Mr. Hui are referenced in the City Attorney’s memo but not attached as exhibits, they are not in the possession, custody or control of the Office of the Mayor. We recommend you inquire regarding any such additional records with the Office of the City Attorney directly. Please also note that certain information has been redacted to protect personal privacy.

Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

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On March 10, 2020:
Subject: RE: California Public Records Act Request: Mayor's Notes - Immediate Disclosure Request
Mayor Breed and Office of the Mayor,

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to you individually and your agency.

1. The records described by Herrera in the following memo
https://sfmayor.org/sites/default/files/03.10.20%20Memo.pdf as "initial set of records Hui voluntarily provided after [the Feb 18, 2020] interview."
2. "Hui's personal emails" referred to in page 7 bottom para of the above linked document.
3. All exhibits to both memos in the above document.

If you did not prepare, retain, use, or own the documents you must indicate no responsive records. (It is possible Herrera never gave your office them - but if ANYONE in your office has retained them, then I get them.)

Your initial response is required by Mar 11, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records.

Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.
Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous
---

On March 7, 2020:
Subject: RE: California Public Records Act Request: Mayor’s Notes - Immediate Disclosure Request
On Feb 25 I requested:
6. "Mayor London Breed’s private and public calendars from the beginning of her mayoralship to date, February 14, 2020."

You provided some of the replies on March 6. You may exclude from the remainder of your response to this request: all calendars called ‘PropG, Mayor (MYR)’ or ‘Calendar, Mayor (MYR)’ for entries on or after Oct 27, 2019. You cannot exclude any other calendars (including other govt or personal/San Jose records for any time period; or ‘PropG, Mayor (MYR)’ or ‘Calendar, Mayor (MYR)’ before Oct 27, 2019).

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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
---

On Oct. 17, 2019:
Subject: California Public Records Act Request: Mayor’s Notes - Immediate Disclosure Request
Mayor Breed,

** 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. 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.

All records must be provided in rolling fashion.
Please remember to justify all redactions with specificity - there is an Adobe Acrobat menu item designed exactly for this where you can code each redaction with a statute section number and then apply all the redactions, instead of writing a typed letter describing page locations (though it is your choice, Acrobat's functionality is superior).

Although you may not retain the records below formally, if you retain, own, use, or prepared them at the time of receipt of request you must provide them.

I am asking for very few documents, which should be readily available to the Mayor, and thus immediately disclosed.

Please provide:
1. IMMEDIATE DISCLOSURE: an electronic scanned copy of the last 5 non-blank pages of the Mayor's most recently used physical business memo- or note-book written in by her individually (not her staff on her behalf). If no such notebooks exist, you must indicate there are no responsive records.

2. IMMEDIATE DISCLOSURE: an electronic copy (in PDF format, without printing physically and scanning) of the last 5 business electronic writings (whether Word documents, emails, etc.) written by the Mayor individually (not her staff on her behalf) to any City staff. If no such electronic writings exist, you must indicate there are no responsive records.

3. IMMEDIATE DISCLOSURE: personal property responsive to #1 or #2 containing public business, from the Mayor, per City of San Jose v Superior Court

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): 81856-14311352@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%252Foffice-of-the-mayor-3891%252Fmayors-notes-immediate-disclosure-request-81856%252F92F%253Demail%252Ft%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJXbo2Vje5U7JilknXfIg%3A1jrh0K%3AZWfdEZZV0mEJ3UdrtqDJ43gVY
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 81856
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.
Dennis Herrera  
Attn. General Government Team  
City Attorney/Supervisor of Records  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Via email to supervisor.records@sfcityatty.org

Supervisor of Records,

This is a new SFAC 67.21(d) petition for a determination that some or all withheld portions of records discussed below are public and an associated order for their disclosure.

On February 21, 2020, we requested from the Mayor’s Office:

“Immediate Disclosure Request for all records ever retained by London Breed or her staff for any parade float. You must search personal accounts under City of San Jose v Superior Court.
Remember you claimed the pride float is a governmental purpose so these records are a public record.”

On Feb 23, 2020, Hank Heckel declared non-IDR deadlines. On March 2, 2020 Heckel declared an extension until March 16. See Exhibit A. We voluntarily waived the timeliness requirements for the request until June 5, 2020. On June 5, Heckel provided the records in Exhibit B with the following explanation:

“Please see the attached records responsive to your request below. Please note that personal contact information in the email addresses and footers has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), California Constitution, Art. I, Sec. 1. All other redactions have been applied to communications withheld pursuant to the attorney/client privilege. See Cal. Govt. Code Secs. 6254(c), California Constitution, Art. I, Sec. 1.”

We dispute the redaction of the email addresses of Hank Heckel, Andrea Bruss, and Marjan Philhour. As the Mayor’s Office has itself claimed, the Mayor’s float is a governmental purpose, and the use of the Mayor’s staff in managing the float is thus the conduct of public business. Therefore, these email addresses may not be withheld pursuant to GC § 6254.3(b)(1):
(b) (1) Unless used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication, the personal email addresses of all employees of a public agency shall not be deemed to be public records and shall not be open to public inspection, except that disclosure of that information may be made as specified in paragraphs (1) to (4), inclusive, of subdivision (a).

We also dispute all of the attorney/client privilege redactions. First, of course GC § 6254(c) is not an exemption for the attorney/client privilege so this is not a legal justification pursuant to SF Admin Code § 67.27. Regardless, even if the presumed typo is corrected to GC § 6254(k) and Evidence Code § 954, the A/C privilege is not applicable for the blocks of text redacted on Ex B pages 13, 14, 15, 16, 17, 19, 42, 44, 45.

First, it appears these supposedly privileged communications were shared with multiple parties including the opposing counterparties on the drafts and agreements; thus any privilege if it ever existed was already waived, Evidence Code § 912.

Second, if the attorney whose communications are at issue is Heckel and he is communicating with client Breed, Heckel previously represented on October 10, 2019 to us that he does not serve as an attorney for Mayor London Breed in her individual or official capacities, nor for the City and County of San Francisco in a different records request. See Exhibit C.

Please immediately determine these parts of the records public and order them disclosed.

Stay safe and compliant,

Anonymous
EXHIBIT A
Anonymous,

Please see the attached records responsive to your request below. Please note that personal contact information in the email addresses and footers has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), California Constitution, Art. I, Sec. 1. All other redactions have been applied to communications withheld pursuant to the attorney/client privilege. See Cal. Govt. Code Secs. 6254(c), California Constitution, Art. I, Sec. 1.

Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

Anonymous Request Response 6.5.20_Redacted

image001
Excerpts of

EXHIBIT B
Cherry Blossom Parade -- April 22nd
4 messages

Eddie McCaffrey <eddie@londonformayor.com>
To: Marjan Philhour, Andrea Bruss, Kayleigh Lloyd, Samantha Roxas, Andy Lynch <andy@philhour.com>, Maggie Muir <maggie@maggiemuir.com>

Subject: Cherry Blossom Parade -- April 22nd

Sun, Feb 18, 2018 at 4:45 PM

We were looking at the calendar moving forward on Cherry Blossom Parade and we were unsure if this is something that LB has participated in the past. I looked in the calendar and below is what I saw.

Can someone provide us with some historical information to provide context?

Thanks!
Eddie

Event Time: 12:00 pm float line up, 1:00 pm parade starts
LB Time: 12:45 - 2:00 pm
Confirmed Parade starts at 1:00 pm and the suggested line up for your float will be 12:00 pm.
contact: Amelia Gallegos
Cherry Blossom Festival Parade committee member

Kayleigh Lloyd

To: Eddie McCaffrey, Marjan Philhour, Andrea Bruss, Samantha Roxas, Andy Lynch
Cc: Marjan Philhour, Andrea Bruss, Samantha Roxas

Subject: Cherry Blossom Parade -- April 22nd

Mon, Feb 19, 2018 at 4:20 PM

She does this every year and we RSVP'd for her this year. Last year it was on Easter Sunday – we had a float, Easter candy to hand out, and about 20-25 folks joined to dance on the float and hand out candy along the route.

Not sure yet whether she'll be offered a float again this year (that was unusual).

[Quoted text hidden]

Eddie McCaffrey <eddie@londonformayor.com>
To: Kayleigh Lloyd, Marjan Philhour, Andrea Bruss, Samantha Roxas, Andy Lynch
Cc: Marjan Philhour, Andrea Bruss, Samantha Roxas

Subject: Cherry Blossom Parade -- April 22nd

Mon, Feb 19, 2018 at 4:38 PM

[Quoted text hidden]
That's great. Does that mean that D5 will be taking the lead on organizing?

Yup - I'll own this one for everything parade related. They also have a no campaigning rule for the parade itself, but I can put Billy in touch with some friendly folks in Japantown if you'd like.
Hi! Wanted to share the staffing plan for tomorrow so there's no confusion. Please let me know any questions or anything I can make more clear.

Mawuli - I have you floating throughout the day as you're able.

6:00 am - Jimi picks up float and brings to staging area
6:45 am - Kayleigh, Lauren, and Flynn meet volunteers to move items to float
8:00 am - KL and LF arrive at Alice Breakfast
8:30 am - Russel (DJ) arrives at float
8:45 am - Andrea and LB arrive at Alice Breakfast
9:15 am - LB speaks at breakfast
9:30 am - Flynn arrives at float
9:45 am - KL, LF, and volunteers leave Alice Breakfast and go to float
10:00 am (ish) - AB leaves breakfast with LB. Personal time for LB until 10:50 am
10:00 am - volunteers begin arriving at float - will set up t-shirts, snacks, candy bags, etc
10:15 am - Don (photographer) arrives at float
10:30 am - quests begin arriving
11:00 am (ish) - AB arrives at float with LB and one SID member. Other SID either brings Tahoe into line up, or lines up on Steuart and Market.
11:00 am - KL, LF, Flynn, fellows, select volunteers, finance team volunteers, and any other leg aides that opted in will help with Push-Pull photos (pending LB wanting to do this)
11:30 am - all staff organizes group photo in front of float
11:45 am - AB, LF get float folks on float
11:45 am - KL, Flynn, other staff get contingent ready to step off
11:50 am - step off
12:45 pm - end of route - LF & Flynn return items to office, AB & Mawuli or KL get LB to main stage
?? - main stage will accommodate LB when she arrives.
?? - if LB decides to stop by parties, AB is staff, Mawuli and KL are secondary team

AND THEN WE'RE DONE!
Andrea Bruss
To: Kayleigh Lloyd

https://www.facebook.com/russell.gatewood.3
Hi Andrea,

At the Chinatown Ping Pong Tournament last weekend, Mayor Breed mentioned to me that she would like to participate on a float in the 2019 Chinese New Year Parade. As you can imagine, there will be a lot of details to coordinate, rules to adhere by, and deadlines to be met. Please let us know who we should contact to set a meeting to work out the logistics. We would like to make sure that Mayor Breed will have a wonderful and exciting experience.

Thank you.

Walter

---

Andrea Bruss
To: Marjan Philhour
Fri, Jul 20, 2018 at 4:28 PM

Mason?

Marjan Philhour
To: Andrea Bruss
Fri, Jul 20, 2018 at 5:30 PM

For sure! I can talk to him about it.

---

Marjan Philhour
mobile:
Hi Andrea,

We have not heard back from anyone regarding the 2019 Chinese New Year Parade. Please let us know who the Chinese Chamber of Commerce should contact to follow up.

Thank you.

Walter
Marjan Philhour
To: Andrea Brusadin

WTF ONE MOMENT

*****************************

Marjan Philhour
mobile

[Quoted text hidden]
Harlan, Wong <harlan.cnyfp@gmail.com>
To: Mason Lee [redacted]
Cc: Jaidin Consulting <consult@jaidin.net>
Thu, Aug 9, 2018 at 12:56 PM

Hi Mason,

Received and noted.

I know that Mayor Breed loves our Chinese New Year Parade, named one of the top ten parade in the world by IFEA (International Festivals & Events Association). I will make sure we work together and make her participation a reality.

As I explained, our Grant Agreement (Article 4.4 a) stipulated that City resources cannot be use for campaigns for elective office or voter initiatives. Mayor Breed is welcome to be a guest on one of our sponsored float, but we must tread carefully. We need to rule out corporate floats because it will come under attack as the company is seeking favoritism from the Mayor. I believe Non-profit would be a natural choice since this will only showcase the Mayor's humanitarian support of the organization.

At a dinner celebration for Mayor Breed, she approach my Chinese Chamber Board and offer to help build the float she will be on. Of course we will not require her to help build the float, but I see a great cross-promotional opportunity for us. Each year, we have a media day at our float barn at Pier 54. Bay Area TV stations will send camera crews to do a story on Chinese New Year and a preview of the floats. For 2019, we can coordinate and provide a photo opportunity for the Mayor to pose putting minor finishing touches on her float. Let me know what the Mayor thinks.

一 迁百 旺
A Bark That Heralds Prosperity,

Harian Wong
CNY Festival & Parade Director
Hi Jesse,

Thank you for setting up the conference call.

As discussed, attached is the section of the grant agreement for your review.

Please let us know if you have any questions.

Thanks,
Walter

---

Hi Jesse,

Please let us know if you need anything from us or if a decision has been made regarding the float sponsorship.

Thanks,
Walter
Mason Lee

To: Harlan Wong
Cc: Walter Wong, Marjan Mainardi, Maggie Muir

Fri, Nov 15, 2019 at 11:10 PM

Harlan and Walter,

Thank you again for your time on talking to us.

Maggie will reach out to Stephanie at the float organization next week.

I have cc'd Maggie, Marjan, Hank and Jesse in the email for the paperwork that you will be sending.

Mason

On Nov 15, 2019, at 17:35, Harlan Wong wrote:

Hi Mason,

Please use this email address to coordinate with me.

Thanks,

Harlan Wong
CNY Festival & Parade Director

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Harlan Wong

To: Mason Lee
Cc: Walter Wong, Marjan Mainardi, Maggie Muir

Sun, Nov 17, 2019 at 7:05 AM

Hi Mason,

I already informed Stephanie that Maggie will reach out to her.

I will coordinate with and update everyone.

[Quoted text hidden]
Harlan,

Thank you. Let us know about the paperwork.

Mason
Hi Mason and Marjan,

Attached please find a letter and sponsor agreement to Mayor London Breed from the San Francisco Chinese Chamber of Commerce for your review. If acceptable, please execute and return to us.

Thanks,

Walter
Walter and Harlan,

Can you amend and re-direct the contract to the San Francisco-Shanghai Sister City Committee for signature? I understand Hank and Frank already spoke about this.

Thank you!

Mason

Hi Mason,

Please find attached the draft sponsorship agreement with the San Francisco-Shanghai Sister Committee. Please circulate it for review and approval.

Harlan Wong, the CNY Parade Director, will be the main contact. He can be reached at (415) 982-3000 and harlan.wong@chineseparade.com.

Can you provide the main contact information for the Shanghai Sister Committee?

Thank you for your help and Happy Holidays!
Hi Mason,

[Quoted text hidden]

[Quoted text hidden]

From: Jaidin Consulting <consult@jaedin.net>
Sent: Friday, December 20, 2019 2:17:46 PM
To: Mason Lee
Cc: Marjan Philhour; Harlen Wong Street Fair; Jaidin Consulting Group; Hank Heckel; Jesse Mainardi; Maggie Muir
Subject: Re: Mayor Breed Float 2020

Walter- Can you kindly remove Mayor Breed’s name from bottom of the agreement?

Quick question - when is the check due by for our information?

On Dec 20, 2019, at 14:17, Jaidin Consulting <consult@jaedin.net> wrote:

[Quoted text hidden]

<San Francisco- Shanghai Sister City Committee Sponsorship Agreement (draft1).docx>
Will do,

Mason Lee

Jesse Mainardi

Please remove the reference to Mayor Breed from Exhibit A as well.

To be clear, I do not represent the Shanghai Sister City Committee, so you will need to clear with that committee.

Jesse Mainardi

MAINARDI LAW

315 Montgomery Street, 9th Floor
Will do.

Hi Everyone,

Please find attached the revised version of the sponsorship agreement.

The sponsorship fee is due no later than December 31, 2019.

Please let us know who will be the lead contact for the San Francisco - Shanghai Sister City Committee. We would like to confirm with the Sister Committee that the sponsorship complies with all campaign and ethical rules and regulations and that the sponsorship will not jeopardize the Chinese Chamber of Commerce's status as a non-profit organization.
Hi Everyone,

Please let us know if the Sister Committee still wants to be a sponsor.

The Parade will take place on February 8, 2020, which does not leave much time to make the float.

Thanks,
Walter

---

From: Jaidin Consulting [mailto:consult@jaidin.net]
Sent: Sunday, December 29, 2019 1:56 PM
To: Jesse Mainardi
Cc: Mason London; ccc Chinese Chamber of Commerce; Frank Chu; Marjan Philhour Mayor London office; Maggie Muir
Subject: Mayor Breed Float 2020

Isn't the float still happening we have the money

---

Marjan Philhour
To: Maggie Muir <maggie@maggiemuir.com>

Wed, Jan 8, 2020 at 4:48 PM

Isn't the float still happening we have the money

---
Walter,

Happy new year! Thanks so much for checking in. The Sister cities committee will remain the sponsor. Below is their contact information to send the agreement for them to sign.

Committee Chair James Fang’s email is jfang@panpacsolution.com.

We are working to confirm the final design.

Thank you again for your help, let us know if you need anything in the mean time.

Mason

---

On Jan 8, 2020, at 15:14, Jaidin Consulting <consult@jaidin.net> wrote:

[Quoted text hidden]

<San Francisco- Shanghai Sister City Committee Sponsorship Agreement (draft2).docx>

---

Jaidin Consulting <consult@jaidin.net>

To: Mason London

Mason:

Please have them sign and pay asap

Walter

--------- Forwarded message ---------

From: Harlan Wong <harlan.wong@chineseparade.com>

Date: Thu, Jan 9, 2020 at 12:53 PM

Subject: Fwd: FW: FW: Mayor Breed Float 2020

To: James Fang <jfang@panpacsolution.com>

Cc: SF Chinese Chamber

Hi James,

Happy New Year!

My name is Harlan Wong and I am the Chinese New Year Festival & Parade Director. I was asked to prepare an agreement for SF- Shanghai Sister City Committee to sponsor a float in our 2020 CNY Parade. Please go over the attached agreement. Once agree, sign and return for our countersign.

Due to some miscommunication, the sponsorship fee due date has passed. Please submit sponsorship fee payable and mail to:

SF Chinese Chamber of Commerce
730 Sacramento Street
San Francisco, CA. 94108
Attn: Harlan Wong

Looking forward to coordinating with you.
The Wise Mouse Bringeth Good Luck,

Harlan Wong
CNY Festival & Parade Director

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---

Begin forwarded message:

From: Jaidin Consulting <consult@jaidin.net>
Date: January 9, 2020 at 12:58:23 PST
To: Mason London
Subject: Fwd: FW: FW: Mayor Breed Float 2020

[Quoted text hidden]

Harlan Wong

To: James Fang <jfang@pacsolulion.com>, "Mason (MYR)" <mason.lee@sfgov.org>, Mason London
Cc: Anton Qiu <anton@anchorpacificcapital.com>, SFChinese Chamb<br>

James,

Without the signed agreement and payment, there will be no SF-Shanghai float in our lineup.

Mason - Please note that after multiple request to James, I am still missing the signed agreement and payment. I cannot move forward without these items.

Harlan

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On Thu, Jan 30, 2020 at 11:24 PM Harlan Wong <harlan.wong@chineseparade.com> wrote:

Hi James,

Still did not hear from you. Please update me ASAP.

The Wise Mouse Bringeth Good Luck,

Harlan Wong
CNY Festival & Parade Director

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On Mon, Jan 27, 2020 at 11:41 AM James Fang <jfang@panpacsolution.com> wrote:

Yes. I am coming back from out of town Tuesday night.

Will mail check upon return.

Thank you

On Mon, Jan 27, 2020 at 8:45 AM Harlan Wong <harlan.wong@chineseparade.com> wrote:

Hi James,

I am following up on the agreement. Do you have an update for me?

The Wise Mouse Bringeth Good Luck,

Harlan Wong
CNY Festival & Parade Director

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On Mon, Jan 13, 2020 at 6:41 AM Harlan Wong <harlan.wong@chineseparade.com> wrote:

Hi James,

Thank you for your very detailed response.
I agree with you that this has been a very confused and convoluted process. Will urge Mason to expedite the funding.

灵鼠献瑞
The Wise Mouse Bringeth Good Luck.

Harlan Wong
CNY Festival & Parade Director

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On Sun, Jan 12, 2020 at 10:33 PM James Fang <jf@panpacsolution.com> wrote:

Thank you Harlan.

We all support Mayor Breed and the Chamber plays an important role in introducing Chinese culture to mainstream America.

I think there is some miscommunication among all the parties.

I was told by Marjan about 2 or 3 months ago that the Mayor wanted a float which would celebrate the 40 anniversary of the Sister City relationship. At that time, I was told that the Mayor wanted to the Committee's approval to use the 40th anniversary concept which we heartily endorsed. I was also told the Committee wouldn't have to pay for the float.

Then I learned, around a week before Christmas, from Mason that: 1) the float design that I saw didn't reference the 40th Anniversary and that 2) the Committee was going to pay for the entire float - $20,000.

I told Mason that hadn't heard from the Mayor's office in almost a month and with the holiday season it would be difficult to contact potential sponsors and most importantly we never committed to paying.

Mason said he understood.

Mason then called last Friday and said Marjan said the Mayor's special events fund would pay and go through our Committee.

I prefer to sign the agreement once we have received the funds from the special events committee.

There seems to be mass confusion on who is to do what and why. I've only received sporadic phone calls from the Mayor's office with the initial goal using the float to celebrate the 40th anniversary and that the Committee was not financially responsible for the float to now waiting for the special events committee allocating us the funds. I really don't know what is going on myself. I think the Chamber maybe in the same situation.

thank you.

James

On Thu, Jan 9, 2020 at 12:53 PM Harlan Wong <harlan.wong@chineseparade.com> wrote:

Hi James,

Happy New Year!

My name is Harlan Wong and I am the Chinese New Year Festival & Parade Director. I was asked to prepare an agreement for SF- Shanghai Sister City Committee to sponsor a float in our 2020 CNY Parade. Please go over the attached agreement. Once agree, sign and return for our countersign.
Due to some miscommunication, the sponsorship fee due date has passed. Please submit sponsorship fee payable and mail to:

SF Chinese Chamber of Commerce  
730 Sacramento Street  
San Francisco, CA. 94108  
Attn: Harlan Wong

Looking forward to coordinating with you.

The Wise Mouse Bringeth Good Luck,

Harlan Wong  
CNY Festival & Parade Director

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Honorable Mayor Breed,

It is such an honor that you are interested to sponsor a float in our 2020 Chinese New Year Parade. This annual celebration of the Chinese New Year is the biggest outside of Asia. Between attendees to the parade and television viewership, millions of people have enjoyed this treasured San Francisco Tradition.

The cost to produce the CNY Parade pales in comparison to the budget you oversee for our wonderful diverse City. Nevertheless, it is a huge expense for Chinese Chamber of Commerce to bear in order to produce such a well-received event. Your generous sponsorship of $20,000.00 will aid us to continue showcasing this beloved parade.

It was a pleasure conversing with Jesse Mainardi (Mainardi Law) and Marjan Philhour (Senior Advisor) to discuss the logistics of your sponsorship. We believe their opinion was that the sponsorship complies with all campaign and ethical rules and regulations and that the sponsorship will not jeopardize our status as a non-profit organization.

Enclosed is the agreement between you and the Chinese Chamber of Commerce of San Francisco. Please sign and return.

Truly appreciate your cooperation and thank you for making our event a celebration of the Chinese New Year.

Sincerely,

Kenny Tse
Chinese Chamber Board President

Harlan Wong
CNY Festival &Parade Director

This event is sponsored in part by the San Francisco Hotel Tax Fund.
SPONSORSHIP AGREEMENT

This Sponsorship Agreement ("Agreement") is entered into by and between the Chinese Chamber of Commerce of San Francisco ("Chamber") and Mayor London Breed ("Sponsor") with regards to sponsorship opportunities with the 2020 Chinese New Year Festival and Parade ("Parade").

1. **Term.** This Agreement shall commence on the date it is signed and will terminate on the date of the Chinese New Year Parade on February 8, 2020 at 11:59 pm. PST.

2. **Sponsorship Fee.**
   a. The Sponsor agrees to pay to the Chamber the amount of $20,000.00 as the Sponsorship Fee.
   b. The funding and payment of the Sponsorship Fee shall comply with San Francisco Administrative Code, Chapter 12G "Prohibition of use of Public Funds for Political Activity by Recipients of City Contracts, Grants and Loans" and all other applicable campaign and ethical laws and regulations.
   c. The Sponsor recognizes that the Chamber is a recipient of City Grants from the Grants for the Arts and is a non-profit organization.
   d. The Sponsorship Fee shall be made payable to: Chinese Chamber of Commerce of San Francisco, 730 Sacramento Street, San Francisco, CA 94108. The Sponsorship Fee is due no later than December 31, 2019.

3. **Sponsorship Level.** The Sponsor's Sponsorship Level shall be the 2020 Parade Float Sponsor.

4. **Sponsorship Privileges.** The Sponsor shall be entitled to the Sponsorship Privileges as outlined in Exhibit A, which is attached to this Agreement.

5. **Sponsorship Restrictions.** During the Festival and Parade, the Sponsor and its participants shall not: (a) take any action that may negatively impact the credibility, goodwill, or integrity of the Festival or Parade; (b) promote or oppose any political activity, agenda, or official; (c) publish or distribute items along the Parade route; (d) consume any alcoholic beverages; and (e) have any pets in the Parade. The Chamber, in its sole discretion, shall determine the appropriateness of any sponsorship activity related to the Festival and Parade.

6. **Sponsor Trademarks and Materials.** If applicable and subject to the terms and conditions of this Agreement, the Sponsor grants the Chamber the right to use the Sponsor's trade names, logo designs, trademarks, and company descriptions as provided in Sponsor marketing materials. These assets may be used in any medium of advertising, promotional products, or marketing materials distributed solely in connection with the Parade. The Chamber agrees to use these materials according to Sponsor's trademark usage guidelines.
7. **Insurance, Indemnity, Limitation of Liability and Media Broadcast.**

a. **Insurance.** The Sponsor represents and warrants that it has obtained and will maintain adequate insurance coverage as customary for its business operations. The Sponsor shall name the Chinese Chamber of Commerce of San Francisco, the Chinese New Year Festival and Parade, and its directors, officers, employees, agents, and volunteers, as additional insureds to the Sponsor’s insurance coverage related to the Parade and shall provide the Sponsor with appropriate certificate(s) of insurance as evidence thereof.

b. **Indemnity.** The Sponsor and its participants shall INDEMNIFY, SAVE AND HOLD HARMLESS the Chinese Chamber of Commerce of San Francisco, the Chinese New Year Festival and Parade, and its directors, officers, employees, agents, and volunteers, from and against all liability, loss, damages, claims, costs and expenses (including attorney fees) arising out of injury to persons or damages to property or any other injury, claim, damage, loss, cost, or expense arising from Sponsor’s and its participants’ operations.

c. **Media Broadcast.** The Sponsor understands that the Parade may be broadcast on live television and is subject to factors outside of Chamber’s control. The Sponsor agrees to hold the Chamber harmless for omissions or editing mistakes that may be caused by any form of media not under the sole and direct control of the Chamber.

8. **Termination.**

a. The Chamber may terminate this Agreement at any time for any reason. In the event that the Chamber terminates this Agreement for any reason other than Sponsor’s breach of the Agreement, the Chamber shall refund any fees received from the Sponsor and return any materials, equipment, hardware, or software loaned by the Sponsor for the event, at the Sponsor’s expense.

b. The Sponsor may terminate this Agreement for breach of the Agreement by the Chamber after giving Chamber at least ten (10) business days prior written notice specifying the nature of the breach and giving the Chamber at least ten (10) business days to resolve such breach. If the alleged breach occurs less than ten (10) business days before the Chinese New Year Parade, Sponsor may terminate this Agreement if such breach is not resolved by the date of the Parade.

c. If the Festival or Parade is cancelled due to weather or other factors not under the direct control of the Chamber, the Sponsorship Fee shall not be refundable and shall be treated as a contribution or donation to the Chamber, unless the Chamber, in its sole direction, elects to provide a full or partial credit for any future sponsorships.

d. If a party is unable to perform any or all of its obligations due to an act of God, inevitable accident, fire, lockout, strike, or other labor dispute, riot or civil commotion, acts of terrorism or war, or act of government instrumentality, then such inability to perform will not be a breach of this Agreement.
9. **Notices.** All notices and other communications related to this Agreement shall be in writing and sent to:

**Chamber:**
Chinese Chamber of Commerce of San Francisco  
Attn: Harlan Wong  
730 Sacramento Street  
San Francisco, CA 94108  
(415) 982-3000  
harlan.wong@chineseparade.com

**Sponsor:**
Mayor London Breed  
City Hall, Room 200  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

10. **Miscellaneous.**

   a. This Agreement supersedes any or all prior oral or written forms of understanding between the Chamber and the Sponsor. This Agreement can only be amended by written instruments signed by both parties.

   b. This Agreement shall be governed and interpreted by the laws of the State of California.

   c. Both parties agree that any claim or dispute related to this Agreement or Parade shall be settled by mandatory and binding arbitration. Both parties hereby waive any rights to jury or bench trial.

In witness whereof, the Chamber and the Sponsor hereby agree to enter into this Agreement by affixing their respective signatures below.

**ACCEPTED BY:**

Chinese Chamber of Commerce of San Francisco ("Chamber")

Kenny Tse, Board President  
Date 12/10/19

Harlan Wong, CNY Festival & Parade Director  
Date 12/10/19

Mayor London Breed ("Sponsor")

Mayor London Breed, individually  
Date
EXHIBIT A

Sponsorship Privileges for Mayor London Breed

1) A custom-built float with signage on both sides to acknowledge that it is the Mayor’s float

2) Maximum of 10 VIPs riding on the float

3) Maximum of 20 of the Mayor's contingent to follow behind the float. For safety reasons, no one is allowed to walk next to the float.

4) The Mayor’s Float will be acknowledged on-air during the KTVU Fox2 and KTVU Plus Parade broadcast. Please provide a TV script for the TV announcers by December 31, 2019.

5) 10 VIP seats in the Parade telecast zone on February 8, 2020.

6) A link to feature the Mayor at the Chinese New Year Website: www.chineseparade.com
SPONSORSHIP AGREEMENT

This Sponsorship Agreement ("Agreement") is entered into by and between the Chinese Chamber of Commerce of San Francisco ("Chamber") and the San Francisco - Shanghai Sister City Committee ("Sponsor") with regards to sponsorship opportunities with the 2020 Chinese New Year Festival and Parade ("Parade").

1. Term. This Agreement shall commence on the date it is signed and will terminate on the date of the Chinese New Year Parade on February 8, 2020 at 11:59 pm. PST.

2. Sponsorship Fee.
   a. The Sponsor agrees to pay to the Chamber the amount of $20,000.00 as the Sponsorship Fee.
   b. The funding and payment of the Sponsorship Fee shall comply with San Francisco Administrative Code, Chapter12G "Prohibition of use of Public Funds for Political Activity by Recipients of City Contracts, Grants and Loans" and all other applicable campaign and ethical laws and regulations.
   c. The Sponsor recognizes that the Chamber is a recipient of City Grants from the Grants for the Arts and is a non-profit organization.
   d. The Sponsorship Fee shall be made payable to: Chinese Chamber of Commerce of San Francisco, 730 Sacramento Street, San Francisco, CA 94108. The Sponsorship Fee is due no later than December 31, 2019.

3. Sponsorship Level. The Sponsor's Sponsorship Level shall be the 2020 Parade Float Sponsor.

4. Sponsorship Privileges. The Sponsor shall be entitled to the Sponsorship Privileges as outlined in Exhibit A, which is attached to this Agreement.

5. Sponsorship Restrictions. During the Festival and Parade, the Sponsor and its participants shall not: (a) take any action that may negatively impact the credibility, goodwill, or integrity of the Festival or Parade; (b) promote or oppose any political activity, agenda, or official; (c) publish or distribute items along the Parade route; (d) consume any alcoholic beverages; and (e) have any pets in the Parade. The Chamber, in its sole discretion, shall determine the appropriateness of any sponsorship activity related to the Festival and Parade.

6. Sponsor Trademarks and Materials. If applicable and subject to the terms and conditions of this Agreement, the Sponsor grants the Chamber the right to use the Sponsor's trade names, logo designs, trademarks, and company descriptions as provided in Sponsor marketing materials. These assets may be used in any medium of advertising, promotional products, or marketing materials distributed solely in connection with the Parade. The Chamber agrees to use these materials according to Sponsor's trademark usage guidelines. The Sponsor logo shall be provided to the Chamber upon execution of this Agreement.
7. **Insurance, Indemnity, Limitation of Liability and Media Broadcast.**
   a. **Insurance.** The Sponsor represents and warrants that it has obtained and will maintain adequate insurance coverage as customary for its business operations. The Sponsor shall name the Chinese Chamber of Commerce of San Francisco, the Chinese New Year Festival and Parade, and its directors, officers, employees, agents, and volunteers, as additional insureds to the Sponsor’s insurance coverage related to the Parade and shall provide the Chamber with appropriate certificate(s) of insurance as evidence thereof.
   b. **Indemnity.** The Sponsor and its participants shall INDEMNIFY, SAVE AND HOLD HARMLESS the Chinese Chamber of Commerce of San Francisco, the Chinese New Year Festival and Parade, and its directors, officers, employees, agents, and volunteers, from and against all liability, loss, damages, claims, costs and expenses (including attorney fees) arising out of injury to persons or damages to property or any other injury, claim, damage, loss, cost, or expense arising from Sponsor’s and its participants’ operations.
   c. **Media Broadcast.** The Sponsor understands that the Parade may be broadcast on live television and is subject to factors outside of Chamber’s control. The Sponsor agrees to hold the Chamber harmless for omissions or editing mistakes that may be caused by any form of media not under the sole and direct control of the Chamber.

8. **Termination.**
   a. The Chamber may terminate this Agreement at any time for any reason. In the event that the Chamber terminates this Agreement for any reason other than Sponsor’s breach of the Agreement, the Chamber shall refund any fees received from the Sponsor and return any materials, equipment, hardware, or software loaned by the Sponsor for the event, at the Sponsor’s expense.
   b. The Sponsor may terminate this Agreement for breach of the Agreement by the Chamber after giving Chamber at least ten (10) business days prior written notice specifying the nature of the breach and giving the Chamber at least ten (10) business days to resolve such breach. If the alleged breach occurs less than ten (10) business days before the Chinese New Year Parade, Sponsor may terminate this Agreement if such breach is not resolved by the date of the Parade.
   c. If the Festival or Parade is cancelled due to weather or other factors not under the direct control of the Chamber, the Sponsorship Fee shall not be refundable and shall be treated as a contribution or donation to the Chamber, unless the Chamber, in its sole direction, elects to provide a full or partial credit for any future sponsorships.
   d. If a party is unable to perform any or all of its obligations due to an act of God, inevitable accident, fire, lockout, strike, or other labor dispute, riot or civil commotion, acts of terrorism or war, or act of government instrumentality, then such inability to perform will not be a breach of this Agreement.

9. **Notices.** All notices and other communications related to this Agreement shall be in writing and sent to:
Chamber: Chinese Chamber of Commerce of San Francisco
Attn: Harlan Wong
730 Sacramento Street
San Francisco, CA 94108
(415) 982-3000
harlan.wong@chineseparade.com

Sponsor: San Francisco - Shanghai Sister City Committee
Attn: 
809 Sacramento Street
San Francisco, CA 94108
(415) 321-5881

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ACCEPTED BY:

Chinese Chamber of Commerce of San Francisco ("Chamber")

Kenny Tse, Board President

Date

Harlan Wong, CNY Festival & Parade Director

Date

San Francisco - Shanghai Sister City Committee ("Sponsor")

Print Name:

Date
EXHIBIT A

Sponsorship Privileges for
San Francisco - Shanghai Sister City Committee

1) A custom-built float with signage on both sides to acknowledge that it is the San Francisco - Shanghai Sister City Committee Float

2) Maximum of 10 VIPs riding on the float

3) Maximum of 20 people walking behind the float. For safety reasons, no one is allowed to walk next to the float.

4) The San Francisco - Shanghai Sister City Committee Float will be acknowledged on-air during the KTVU Fox2 and KTVU Plus Parade broadcast. Please provide a TV script for the TV announcers by December 31, 2019.

5) 10 VIP seats in the Parade telecast zone on February 8, 2020.

6) A link to feature the San Francisco - Shanghai Sister City Committee at the Chinese New Year Website: www.chineseparade.com
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3. **Sponsorship Level.** The Sponsor’s Sponsorship Level shall be the 2020 Parade Float Sponsor.

4. **Sponsorship Privileges.** The Sponsor shall be entitled to the Sponsorship Privileges as outlined in Exhibit A, which is attached to this Agreement.

5. **Sponsorship Restrictions.** During the Festival and Parade, the Sponsor and its participants shall not: (a) take any action that may negatively impact the credibility, goodwill, or integrity of the Festival or Parade; (b) promote or oppose any political activity, agenda, or official; (c) publish or distribute items along the Parade route; (d) consume any alcoholic beverages; and (e) have any pets in the Parade. The Chamber, in its sole discretion, shall determine the appropriateness of any sponsorship activity related to the Festival and Parade.

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   c. Media Broadcast. The Sponsor understands that the Parade may be broadcast on live television and is subject to factors outside of Chamber's control. The Sponsor agrees to hold the Chamber harmless for omissions or editing mistakes that may be caused by any form of media not under the sole and direct control of the Chamber.

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   d. If a party is unable to perform any or all of its obligations due to an act of God, inevitable accident, fire, lockout, strike, or other labor dispute, riot or civil commotion, acts of terrorism or war, or act of government instrumentality, then such inability to perform will not be a breach of this Agreement.

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ACCEPTED BY:

Chinese Chamber of Commerce of San Francisco ("Chamber")

Kenny Tse, Board President

Harlan Wong, CNY Festival & Parade Director

San Francisco - Shanghai Sister City Committee ("Sponsor")

Print Name: ___________________________ Date ___________________________
EXHIBIT A

Sponsorship Privileges
for
San Francisco - Shanghai Sister City Committee

1) A custom-built float with signage on both sides to acknowledge that it is the San Francisco - Shanghai Sister City Committee Float

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5) 10 VIP seats in the Parade telecast zone on February 8, 2020.

6) A link to feature the San Francisco - Shanghai Sister City Committee at the Chinese New Year Website: www.chineseparade.com
Hi Mason and Marjan,

Attached please find a letter and sponsor agreement to Mayor London Breed from the San Francisco Chinese Chamber of Commerce for your review. If acceptable, please execute and return to us.

Thanks,
Walter
Walter and Harlan,

Can you amend and re-direct the contract to the San Francisco-Shanghai Sister City Committee for signature? I understand Hank and Frank already spoke about this.

Thank you!

Mason

Hi Mason,

Please find attached the draft sponsorship agreement with the San Francisco-Shanghai Sister Committee. Please circulate it for review and approval.

Harlan Wong, the CNY Parade Director, will be the main contact. He can be reached at (415) 982-3000 and harlan.wong@chineseparade.com.

Can you provide the main contact information for the Shanghai Sister Committee?

Thank you for your help and Happy Holidays!

Walter
From: Jaidin Consulting <consult@jaidin.net>
Sent: Friday, December 20, 2019 2:17:46 PM
To: Mason Lee
Cc: Marjan Philhour; Harlen Wong Street Fair; Jaidin Consulting Group; Hank Heckel; Jesse Mainardi; Maggie Muir
Subject: Re: Mayor Breed Float 2020

[Quoted text hidden]

Mason Lee

To: Jaidin Consulting <consult@jaidin.net>
Cc: Marjan Philhour, Harlen Wong Street Fair, Jaidin Consulting Group <JdnGrp@pacbell.net>, Hank Heckel, Jesse Mainardi <jesse@mainardi.law>, Maggie Muir

Walter- Can you kindly remove Mayor Breed's name from bottom of the agreement?
Quick question - when is the check due by for our information?

On Dec 20, 2019, at 14:17, Jaidin Consulting <consult@jaidin.net> wrote:

[Quoted text hidden]

<San Francisco- Shanghai Sister City Committee Sponsorship Agreement (draft1).docx>
Will do,

Mason Lee

To: Jaidin Consulting <consult@jaidin.net>
Cc: Marjan Philhour, Jesse Mainardi <jesse@mainardi.law>, Maggie Muir <maggie@maggiemuir.com>, Hank Heckel <hnwong@sbcglobal.net>, Jaidin Consulting Group <JdnGrp@pacbell.net>, Maggie Muir <maggie@maggiemuir.com>

Fri, Dec 20, 2019 at 6:00 PM

Please remove the reference to Mayor Breed from Exhibit A as well.

To be clear, I do not represent the Shanghai Sister City Committee, so you will need to clear with that committee.

Jesse Mainardi
MAINARDI LAW
315 Montgomery Street, 9th Floor
San Francisco, CA 94104
jesse@mainardi.law

CONFIDENTIALITY NOTICE: This email (which includes the message and any attachments) contains information that may be confidential, privileged, and/or exempt from disclosure for other reasons. Unless you are the intended recipient, you may not use, copy, or disclose any portion of the information contained in this email to anyone. If you have received this email in error, please advise the sender immediately by reply email and delete this email and any copies of it. Nothing in this email should be interpreted as a digital or electronic signature that can be used to authenticate a contract or other legal document.

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S.
federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

From: Jaidin Consulting <consult@jaidin.net>
Date: Friday, December 20, 2019 at 6:01 PM
To: Mason Lee
Cc: Marjan Philhour, Harlen Wong Street Fair
Jaidin Consulting Group <JdnGrp@pacbell.net>, Hank Heckel
Jesse Mainardi <jesse@mainardi.law>, Maggie Muir
<maggie@maggiemuir.com>
Subject: Re: Mayor Breed Float 2020

Will do,

[Quoted text hidden]
To Whom It May Concern –

I understand that the Department of Public Health will be producing records in response to your request or may have done so already. If you continue to contest the department’s response after reviewing the production, 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 write to acknowledge receipt of your petition. Due to the COVID-19 emergency, the Mayor has suspended provisions of the Sunshine Ordinance, including the deadline for the Supervisor of Records to make a determination on a petition. We will look into the issues raised in your petition as soon as we are able. 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 would like to make a sunshine appeal regarding request #20-2088, which was made to the Department of Public Health.

I requested any and all internal correspondence made by individuals within the Department of Public Health and between DPH and other city departments, and any other relevant written materials, relating to the decision making process behind the city’s recently issued requirement to wear a mask within 30 feet of any person when out in public.
The request was made on May 31, 2020.

The response from the public records official did not include any correspondence, nor any relevant written materials used in the decision making process. The response only repeated already public information. This is not an acceptable response, since it did not provide any of the documents requested, nor did it provide a justification for not providing these documents. It answered a question I did not ask.

Contact information: [redacted] or this e-mail.

Thank you.
January 5, 2021

Sent via email
Anonymous filed via MuckRock.com
88337-02999056@requests.muckrock.com

Re: Petition to Supervisor of Records

Dear Anonymous:

This letter responds to your petition to the Supervisor of Records sent via email on June 19, 2020. You asked for a determination as to whether the Controller’s Office properly withheld documents in response to your June 11, 2020 request for the following:

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Naomi Kelly and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

5. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Naomi
Kelly and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

6. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Naomi Kelly and Walter Wong/Jaidin Consulting Group, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

7. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Naomi Kelly and Harlan Kelly Jr., on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017)).

On June 18, 2020, the Controller’s Office declined to produce responsive records and asserted that any responsive documents in its possession were “confidential and exempt from disclosure under Charter sections F1.107(c) and F1.110(b), San Francisco Campaign and Governmental Conduct Code, Article IV, sections 4.120 and 4.123, Evidence Code sections 1040 and 1041, and Government Code section 6254(c) and 6255(a).”

We have discussed the matter with the Controller’s Office, and they have confirmed that any records responsive to this request were obtained in connection with the investigation of a whistleblower complaint. We conclude that such records are protected by applicable confidentiality provisions of state and local law and exempt from disclosure. See Charter sections F1.107(c) and F1.110(b), San Francisco Campaign and Governmental Conduct Code, Article IV, sections 4.120 and 4.123, Evidence Code sections 1040 and 1041, and Government Code section 6254(c) and 6255(a).

The portion of your petition challenging the Controller’s Office failure to identify who is responsible for the denial is outside the jurisdiction of the Supervisor of Records under Section 67.21(d) of the Administrative Code. We decline to address that issue.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/ Alicia Cabrera
ALICIA CABRERA
Deputy City Attorney
San Francisco Controller's Office  
PRA Office  
Room 316  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

June 19, 2020

This is a follow up to a previous request:

Supervisor of Records,

This is a new SFAC 67.21(d) petition for a determination that some or all of the records requested below are public, and an order for their disclosure against the Controller's Office.

All records requested were denied carte blanche under: Charter sections F1.107(c) and F1.110(b), San Francisco Campaign and Governmental Conduct Code, Article IV, sections 4.120 and 4.123, Evidence Code sections 1040 and 1041, and Government Code section 6254(c) and 6255(a).

Local law, namely Charter sections F1.107(c) and F1.110(b), San Francisco Campaign and Governmental Conduct Code, Article IV, sections 4.120 and 4.123, cannot exempt any additional information that isn't exempt under the CPRA.

It is unclear which of these records are in the custody of the Office and/or which records are being denied under which of the justifications. Note that the subjects are not employees of the Office, but are records that may be in the custody of the Office nonetheless (as Herrera's office previously turned over to me as public records messages between Tom Hui and Walter Wong).

The records requested were as follows:

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

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NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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

Filed via MuckRock.com
E-mail (Preferred): 88337-02999056@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext=3D%2Fs2Facounts%2Flogin%2F3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-controllers-office-558%252Fpublic-integrity-communications-sf-controller-immediate-disclosure-request-88337%252F%253Femail%253Dsupervisor.records%2540sfcityatty.org&url_auth_token=AABkCAyh6olMQAfU-Xq1NDov1c%3A1jmTNW%3A-qd310cdhcmepVNOopRKmuCKBceA
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 88337
On June 19, 2020:
Subject: RE: California Public Records Act Request: Public Integrity Communications (SF Controller) - Immediate Disclosure Request
Supervisor of Records,

This is a new SFAC 67.21(d) petition for a determination that some or all of the records requested below are public, and an order for their disclosure against the Controller's Office.

All records requested were denied carte blanche under: Charter sections F1.107(c) and F1.110(b), San Francisco Campaign and Governmental Conduct Code, Article IV, sections 4.120 and 4.123, Evidence Code sections 1040 and 1041, and Government Code section 6254(c) and 6255(a).

Local law, namely Charter sections F1.107(c) and F1.110(b), San Francisco Campaign and Governmental Conduct Code, Article IV, sections 4.120 and 4.123, cannot exempt any additional information that isn’t exempt under

It is unclear which of these records are in the custody of the Office and/or which records are being denied under which of the justifications. Note that the subjects are not employees of the Office, but are records that may be in the custody of the Office nonetheless (as Herrera’s office perviously turned over to me as public records messages between Tom Hui and Walter Wong).

The records requested were as follows:

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Naomi Kelly and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))
5. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Naomi Kelly and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

6. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Naomi Kelly and Walter Wong/Jaidin Consulting Group, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

7. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Naomi Kelly and Harlan Kelly Jr., on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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
---

On June 18, 2020:
Subject: RE: California Public Records Act Request: Public Integrity Communications (SF Controller) - Immediate Disclosure Request
Dear Anonymous,

All records responsive to your request are confidential and exempt from disclosure under Charter sections F1.107(c) and F1.110(b), San Francisco Campaign and Governmental Conduct Code, Article IV, sections 4.120 and 4.123, Evidence Code sections 1040 and 1041, and Government Code section 6254(c) and 6255(a).

Best,

The Office of the Controller
---

On June 11, 2020:
Subject: RE: California Public Records Act Request: Public Integrity Communications (SF Controller) - Immediate Disclosure Request
Office of the Controller,

The following are immediate disclosure requests. Please provide rolling responses if you cannot provide all records immediately.
None of the following are employees of your agency, but your office might be in possession of these records nonetheless. You must also indicate whether or not these records exist (independently of whether you are withholding them):

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Naomi Kelly and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

5. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Naomi Kelly and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

6. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Naomi Kelly and Walter Wong/Jaidin Consulting Group, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

7. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Naomi Kelly and Harlan Kelly Jr., on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

Your initial response is required by June 12, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records.

Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253).
6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

Thank you for your anticipated cooperation in this matter.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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

---

On Feb. 26, 2020:
Subject: RE: California Public Records Act Request: Public Integrity Communications (SF Controller) - Immediate Disclosure Request
Dear Anonymous:
This email is in response to part II of MuckRock Request 88337-02999056, received by the Office of the Controller on February 19, 2020. Your original request had two parts:
I. All communications sent to the publicintegrity@sfgov.org email address since Jan 21, 2020 until present.
II. A written statement of the existence or quantity of these emails (even if you believe their contents to be exempt).

The email address referenced in part I has received 17 confidential tips since January 21, 2020 until present.

In response to your other questions, we believe the provisions we cited in our previous email bar us from disclosing anything further. Members of the public who contact us under these circumstances have a right to privacy that we respect and protect, and we also cannot jeopardize the investigation by revealing its substance. We thank you for your interest but cannot comment any further at this time.

Best,
The Office of the Controller

---

On Feb. 20, 2020:
Subject: RE: California Public Records Act Request: Public Integrity Communications (SF Controller) - Immediate
Disclosure Request
Thank you for your response.

Neither the San Francisco charter nor SF Campaign/Government Code can exempt information that would not be exempt under the state CPRA, but your citations to EC 1040, 1041, and GC 6254(c) are noted. Local law can only make the city more transparent, not less.

While you are free to withhold the identity of whistleblowers under EC 1041, I dispute the citation of GC 6254(c) and EC 1040.

EC 1040 requires that either disclosure be prohibited by some other law, or you are using the balancing test. What law *prohibits* all disclosure of emails to this address?

GC 6254(c) would not exempt any emails from non-City employees or any allegations against non-City employees (such as alleged conspirators not employed by CCSF).

Will you stick to this citation for *all* parts of *all* responsive records?

Furthermore please know that you must provide the quantity of records *even if you believe they are exempt* within 7 days (see SFAC 67.21(c)).

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

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On Feb. 18, 2020:
Subject: California Public Records Act Request: Public Integrity Communications (SF Controller) - Immediate Disclosure Request
Controller's Office:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head.
Your initial response is required by Feb 20, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records.
Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan
electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

1. All communications sent to the publicintegrity@sfgov.org email address since Jan 21, 2020 until present.
2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these emails in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 88337-02999056@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2Fsf%3Fnext%3D%252Faccounts%252Fagency%252Fsan-francisco-controllers-office-558%252Fpublic-integrity-communications-sf-controller-immediate-disclosure-request-88337%252F253FeMail%2523253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABkCAyh6oIMQAfU-Xq1NDoOv1c%3A1jmTNW%3A-qd310cdhcmeVPNOpRKmuCKBceA
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 88337
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.
Office of the Controller,

The following are immediate disclosure requests. Please provide rolling responses if you cannot provide all records immediately.

None of the following are employees of your agency, but your office might be in possession of these records nonetheless. You must also indicate whether or not these records exist (independently of whether you are withholding them):

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

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7. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Naomi Kelly and Harlan Kelly
Jr., on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

Your initial response is required by June 12, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City’s procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

Do not destroy or discard any responsive records – we will appeal all withholdings or Sunshine violations.

Thank you for your anticipated cooperation in this matter.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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
From: San Francisco Controller's Office

Subject: RE: California Public Records Act Request: Public Integrity Communications (SF Controller) - I...

Dear Anonymous,

All records responsive to your request are confidential and exempt from disclosure under Charter sections F1.107(c) and F1.110(b), San Francisco Campaign and Governmental Conduct Code, Article IV, sections 4.120 and 4.123, Evidence Code sections 1040 and 1041, and Government Code section 6254(c) and 6255(a).

Best,

The Office of the Controller
Buta, Odaya (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records (CAT)
Sent: Tuesday, July 7, 2020 6:05 PM
To: 'Brian Howey'
Cc: HSASunshine, (HSA) (DSS); Brown, Patrice (HSA)
Subject: RE: Sunshine Appeal

Mr. Howey –

I write to acknowledge receipt of your petition. Due to the COVID-19 emergency, the Mayor has suspended provisions of the Sunshine Ordinance, including the deadline for the Supervisor of Records to make a determination on a petition. We will look into the issues raised in your petition as soon as we are able. 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: Brian Howey <bhowey@sfpublicpress.org>
Sent: Monday, July 6, 2020 8:00 AM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Cc: HSASunshine, (HSA) (DSS) <hsasunshine@sfgov.org>; Brown, Patrice (HSA) <patrice.brown@sfgov.org>
Subject: Sunshine Appeal

Hello,

Please find attached my Petition to the Supervisor of Records regarding my June 4 Sunshine request to the San Francisco Human Services Agency (HSA) for contracts and records of payment between local hoteliers and the City from February 1 to June 4, 2020.

Please refer to the original request and the HSA records department's responses to said request (both attached).

I prefer to be contacted by phone, if possible, at the following number: (510) 882-3955.
I appreciate your help and look forward to your response.

Thank you for your time,

Brian Howey (He/Him)
San Francisco Public Press
(510) 882 3955
bhowey@sfpublicpress.org
Hello,

Please find attached my Petition to the Supervisor of Records regarding my June 4 Sunshine request to the San Francisco Human Services Agency (HSA) for contracts and records of payment between local hoteliers and the City from February 1 to June 4, 2020.

Please refer to the original request and the HSA records department’s responses to said request (both attached).

I prefer to be contacted by phone, if possible, at the following number: (510) 882-3955.

I appreciate your help and look forward to your response.

Thank you for your time,

Brian Howey (He/Him)
San Francisco Public Press
(510) 882 3955
bhowey@sfpublicpress.org
Petition to the Supervisor of Records

July 3, 2020

To the Office of the City Attorney,

My name is Brian Howey. I am a reporter at the San Francisco Public Press writing in response to the Human Services Agency’s decision to withhold records relevant to sections one and two of my June 4 Sunshine Request. The portions of the request in question and the agency’s responses to them, in italics, are as follow:

1. Any and all contracts, letters of understanding, memorandums of understanding, or other written agreements between the Human Services Agency and any and all San Francisco hotels or motels concerning the use of hotel rooms by San Francisco residents for the purposes of quarantine, self-isolation, and/or shelter-in-place drafted between February 1, 2020 and June 4, 2020.

   The Human Services Agency (HSA) is withholding these records for delayed disclosure because the public interest in nondisclosure outweighs the public interest in disclosure, pursuant to Government Code section 6255, in that releasing these contracts will harm the Agency’s ongoing procurement and negotiations with hotels or motels owners.

2. Any and all receipts, invoices, or records of payment between the Human Services Agency and any and all San Francisco hotels or motels that provided hotel rooms to San Francisco residents for the purposes of quarantine, self-isolation, and/or shelter-in-place drafted, sent, or received between February 1, 2020 and June 4, 2020.

   The Human Services Agency (HSA) is withholding these records for delayed disclosure because the public interest in nondisclosure outweighs the public interest in disclosure, pursuant to Government Code section 6255, in that releasing these receipts, invoices, or records of payments will harm the Agency’s ongoing procurement and negotiations with hotels or motels owners.

I am writing to request that your department reconsider providing these documents, as required by the California Public Records Act, Article I, Section 3(b) of the California Constitution and the San Francisco Sunshine Ordinance. In addition to the state and local laws requiring the release of these records, San Francisco and other California cities and counties have set precedents for releasing records related to contracts that run counter to your department’s decision to withhold the aforementioned documents. Due to the extreme cost of procuring, staffing, and maintaining hotel rooms for shelter-in-place purposes, it is in the public’s best interest to know how the city utilizes their taxes to protect its essential workers, homeless residents and other vulnerable populations.
Based on a May estimate by the HSA of the cost of leasing hotel rooms for shelter-in-place purposes, it is reasonable to assume that the City and County of San Francisco have spent a considerable amount of taxpayer dollars on acquiring, staffing and maintaining hotel rooms to house essential workers and vulnerable populations during the coronavirus pandemic. This estimate indicates that the city is paying at least $1 million per month for empty hotel rooms. Another story published by the San Francisco Chronicle July 1 estimates the cost of occupied hotel rooms to be $200/night/room – a monthly cost of more than $1.6 million per night for all of the rooms currently occupied, before accounting for reimbursements promised by the federal government. The city also expects a $1.7 billion budget shortfall in the wake of the pandemic. It is therefore in the public’s best interest to know, with as much specificity as possible, how much of their tax dollars are being spent on acquiring, staffing, and maintaining these rooms.

The aforementioned July 1 San Francisco Chronicle story provides a general estimate of the cost of hotel rooms. Considering that this information has already been exposed to the public eye, and assuming that negotiations between hoteliers and the City of San Francisco continue unimpeded in spite of this revelation, it stands to reason that the public’s ability to inspect, with greater specificity, the cost to the city of renting hotel rooms could do little further harm to the city’s ability to negotiate future hotel contracts. This indicates that the HSA cannot exhibit the required showing of harm caused by releasing the requested documents.

In a sample hotel contract provided on the HSA webpage calling for requests for price quotes from local hoteliers, the contract clearly states on page 10, Section 11.4, that any hotelier who signs said contract “acknowledges that this Agreement and all records related to its formation, Hotel's performance of Services, and City's payment are subject to the California Public Records Act, (California Government Code §6250 et. seq.), and the San Francisco Sunshine Ordinance, (San Francisco Administrative Code Chapter 67). Such records are subject to public inspection and copying unless exempt from disclosure under federal, state or local law.”

Section 67.24 (e)(1) of the San Francisco Sunshine Ordinance states that “[c]ontracts, contractors’ bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded.” My request, which asks for the type of contracts described in this section, should therefore be fulfilled.

Section 7(c) of Mayor London Breed’s March 23 supplement to the February 25 Emergency Proclamation suspends the requirement in Administrative Code Section 67.24(e)(3) “that City agencies prepare and provide documents and information during the course of contract negotiations.” However, this section of the supplement does not apply to section 67.24(e)(1), which protects the public’s right to view and inspect contracts immediately after said contract has been awarded. Furthermore, the blanket assertion of the HSA by invoking Government Code Section 6255 is belied by the default rule under the Sunshine Ordinance regarding contracts - even if that default is still technically suspended.

Section 7(d) of the aforementioned supplement also suspends provisions in the Sunshine Ordinance that prohibit city departments from relying on Government Code Section 6255 as a basis for withholding any documents or information, including those detailed in Section 67.24. However, San Francisco departments have set a precedent of releasing contracts between the city
and private parties since Mayor London Breed signed said supplement. Public records request #20-2162 in the city’s NextRequest system, filed May 28, 2020, requests construction contracts issued by the city from June 1 2019 to June 1 2020, which the Public Works Department provided June 4. Public Works provided a similar batch of construction contracts – and the amounts paid as part of those contracts – in response to public records request #20-1864, filed May 11 and published May 26. It stands to reason that releasing contracts between the city and various construction companies could interfere with future negotiations with other construction companies, yet the department followed the CPRA and Sunshine Ordinance in response to these requests, did not invoke Government Code Section 6255 and did not argue that the public interest in nondisclosure outweighed the public interest in disclosure in releasing said contracts.

A March 30, 2020, memorandum from the City Attorney of San Francisco states that when invoking Government Code Section 6255 in response to a records request and the aforementioned March 23 supplement, “agencies must balance those factors against the fundamental public interest in government transparency, and cannot adopt a blanket policy of unnecessarily delaying or denying records requests. Rather, agencies must evaluate the public interests and burdens for each request.”

The memorandum continues: “Section 6255 does not allow denials of public records requests carte blanche. The law strongly favors disclosure: to invoke the exemption in Section 6255, the public interest in nondisclosure must “clearly outweigh” the public interest in disclosure. While no precise formula defines when the “clearly outweigh” standard has been met, the standard serves as a reminder that the Section 6255 exemption may not be invoked casually or frivolously.” In lieu of recent contract disclosures by other city departments, listed below, the HSA records department has not provided sufficient evidence that public interest in delaying disclosure of the records in question outweighs the public interest in releasing them.

On June 26, the Department of Homelessness and Supportive Housing began releasing to the San Francisco Public Press contracts between the city and the third-party entities who service, staff, and maintain sanctioned homeless encampments. In June, the city announced its intention to continue opening similar camps, so it stands to reason that releasing contracts between the city and these third-party entities could interfere with future negotiations between the city and groups that would service, staff, and/or maintain these future camps, yet the department followed the CPRA and Sunshine Ordinance in response to these requests, did not invoke Government Code Section 6255 and did not argue that the public interest in nondisclosure outweighed the public interest in disclosure in releasing said contracts.

The City of Los Angeles has released to the public contracts between the city and local hotel rooms, purchased using state funds from Project Roomkey, for the same purpose as those acquired by the City of San Francisco. If hotel contracts paid for with state funds are available for public inspection, the City of San Francisco’s contracts should also be made available.

As stated in the 2007 case, International Federation of Professional & Technical Engineers, Local 21, AFL-CIO v. Superior Court, a public agency must clearly and specifically prove the harm caused by releasing public documents when invoking Government Code Section 6255, and precedents set by said entity factor heavily in the balance between the public interest in
disclosure versus nondisclosure, particularly after it has set a precedent of releasing similar records in the past.

The burden of proof is on the agency to demonstrate “a clear overbalance on the side of confidentiality.” Michaelis, Montanari & Johnson v. Superior Court, 38 Cal. 4th 1065, 1071 (2006).

The examples I have provided show a clear legal responsibility by the HSA, supported by precedents set by case law, the actions other City of San Francisco departments and other California cities, to release the completed contracts between the City of San Francisco and hotels and motels that have leased their rooms for the use of essential workers and vulnerable populations during the pandemic. If you have further questions, please contact me by phone at the number provided below.

Thank you,

Brian Howey
San Francisco Public Press
(510) 882-3955
bhowey@sfpublicpress.org
Pursuant to my rights under San Francisco’s Sunshine Ordinance (S.F. Admin. Code § 67.1), I am requesting an opportunity to inspect or obtain copies of the following:

1. Any and all contracts, letters of understanding, memorandums of understanding, or other written agreements between the Human Services Agency and any and all San Francisco hotels or motels concerning the use of hotel rooms by San Francisco residents for the purposes of quarantine, self-isolation, and/or shelter-in-place drafted between February 1, 2020 and June 4, 2020.

2. Any and all receipts, invoices, or records of payment between the Human Services Agency and any and all San Francisco hotels or motels that provided hotel rooms to San Francisco residents for the purposes of quarantine, self-isolation, and/or shelter-in-place drafted, sent, or received between February 1, 2020 and June 4, 2020.

3. Any and all contracts, letters of understanding, memorandums of understanding, or other written agreements between the Human Services Agency and any and all public or private entities concerning the use of recreational vehicles and/or camping trailers by San Francisco residents for the purposes of quarantine, self-isolation, and/or shelter-in-place drafted between February 1, 2020 and June 4, 2020.

4. Any and all receipts, invoices, or other records of payment between the Human Services Agency and any and all public or private entities that provided recreational vehicles and/or camping trailers by San Francisco residents for the purposes of quarantine, self-isolation, and/or shelter-in-place drafted, sent, or received between February 1, 2020 and June 4, 2020.

5. Any and all datasets that record the status, facility and site type, occupancy rates and/or room or unit counts in hotels, motels, recreational vehicles, camping trailers, congregate settings, and any other alternative housing provided for San Francisco residents for the purposes of quarantine, self-isolation, and/or shelter-in-place from February 1, 2020 to June 4, 2020.

If there are any fees for searching or copying these records, please inform me if the cost will exceed $1.00. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of San Francisco’s COVID-19 strategies. This information is not being sought for commercial purposes.

San Francisco’s Sunshine Ordinance requires a response within 10 business days. If access to the records I am requesting will take longer, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

If I can provide any clarification that will help expedite your attention to my request, please call me.

Thank you for considering my request,
Dear Mr. Howey,

I’m writing regarding your Public Records Act request, received in this office on Thursday, June 4, 2020. Please find the response below in red from the Human Services Agency, for your rights under San Francisco’s Sunshine Ordinance (S.F. Admin. Code § 67.1), requesting an opportunity to inspect or obtain copies of the following:

1. Any and all contracts, letters of understanding, memorandums of understanding, or other written agreements between the Human Services Agency and any and all San Francisco hotels or motels concerning the use of hotel rooms by San Francisco residents for the purposes of quarantine, self-isolation, and/or shelter-in-place drafted between February 1, 2020 and June 4, 2020.

   The Human Services Agency (HSA) is withholding these records for delayed disclosure because the public interest in nondisclosure outweighs the public interest in disclosure, pursuant to Government Code section 6255, in that releasing these contracts will harm the Agency’s ongoing procurement and negotiations with hotels or motels owners.

2. Any and all receipts, invoices, or records of payment between the Human Services Agency and any and all San Francisco hotels or motels that provided hotel rooms to San Francisco residents for the purposes of quarantine, self-isolation, and/or shelter-in-place drafted, sent, or received between February 1, 2020 and June 4, 2020.

   The Human Services Agency (HSA) is withholding these records for delayed disclosure because the public interest in nondisclosure outweighs the public interest in disclosure, pursuant to Government Code section 6255, in that releasing these receipts, invoices, or records of payments will harm the Agency’s ongoing procurement and negotiations with hotels or motels owners.

3. Any and all contracts, letters of understanding, memorandums of understanding, or other written agreements between the Human Services Agency and any and all public or private entities concerning the use of recreational vehicles and/or camping trailers by San Francisco residents for the purposes of quarantine, self-isolation, and/or shelter-in-place drafted between February 1, 2020 and June 4, 2020.

   The Human Services Agency (HSA) has identified records matching your request and to provide these records to you on or before Monday, June 29, 2020.

4. Any and all receipts, invoices, or other records of payment between the Human Services Agency and any and all public or private entities that provided recreational vehicles and/or camping trailers by San Francisco residents for the purposes of quarantine, self-isolation, and/or shelter-in-place drafted, sent, or received between February 1, 2020 and June 4, 2020.

   The Human Services Agency (HSA) has no records matching your request.

5. Any and all datasets that record the status, facility and site type, occupancy rates and/or room or unit counts in hotels, motels, recreational vehicles, congregate settings, and any other alternative housing provided for San
Francisco residents for the purposes of quarantine, self-isolation, and/or shelter-in-place from February 1, 2020 to June 4, 2020.

Please refer to [https://data.sfgov.org/stories/s/4nah-suat](https://data.sfgov.org/stories/s/4nah-suat) for publicly available information on the status, facility and site type, occupancy rates and/or room or unit counts in hotels, motels, recreational vehicles, congregate settings, and any other alternative housing.

Please understand the Human Services Agency is focused on time-critical and time-consuming emergency response activities such as the very activities that are the subject of your request. At this time, Sunshine timeframes are suspended. We are proceeding under the State law. Without withholding records from this response, the department is unable at this time to locate all records responsive to your request.

I will update you as we have information available. Thank you for your understanding during this challenging time.

If you have any questions, please don’t hesitate to let me know.

Ken Pang
Assistant Custodian of Records
Human Services Agency – Investigations
City and County of San Francisco
160 South Van Ness, San Francisco, CA 94103
T. 415.503.4889 | F. 415.503.4913
All Sunshine/Public Records requests should be sent to THIS address, HSASunshine@sfgov.org.

CONFIDENTIALITY NOTICE: This message and any attachments are solely for the intended recipient and may contain confidential or privileged information. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this message and any attachments is prohibited. If you have received this communication in error, please notify me by reply e-mail immediately and permanently delete this message and any attachments. Thank you.

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Hello,

This is Brian Howey, reporter at the San Francisco Public Press.

Please find attached a Sunshine Request related to contracts, payment records, and data related to hotels and recreational vehicles acquired by the city during the pandemic.

If you have any questions regarding my request, please call me at the phone number listed below.

Thank you,

Brian Howey (He/Him)
San Francisco Public Press
March 8, 2021

Sent via email (94992-15550486@requests.muckrock.com and arecordsrequestor@protonmail.com)

Re: Petitions to Supervisor of Records

To Whom It May Concern:

This letter responds to your petitions sent via email to the Supervisor of Records on July 9, 2020 and February 22, 2021, both concerning your June 11, 2020 request to the San Francisco Public Utilities Commission (“SFPUC”) and former SFPUC General Manager Harlan Kelly, Jr. for communications involving Mr. Kelly. Specifically, on June 11, 2020, you requested that the SFPUC provide texts, emails, and chat messages with various individuals. Relevant to these petitions, your June 11 request in part sought the following records:

All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacbell.net, jdngrp@pacbell.net, or any email address ending with jaidin.net), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

We understand that in response to your June 11 request, and consistent with the longstanding advice of the City Attorney’s Office as described in our Office’s public memorandum dated March 24, 2017, the SFPUC asked Mr. Kelly to conduct a search of his personal cell phone and email accounts and produce all responsive records related to City business. Mr. Kelly provided the SFPUC with a document containing a series of text messages between himself and Mr. Wong. Mr. Kelly redacted a significant number of text messages in the document, asserting that the redacted communications between him and Mr. Wong did not relate to City business. Following the standard practice of City departments and the general guidance of the City Attorney’s Office under the Supreme Court’s decision in City of San Jose v. Superior Court, 2 Cal.5th 608 (2017), the SFPUC relied on Mr. Kelly to prepare the redactions, and did not ask to review the unredacted text messages before producing the document in response to the June 11 records request. The SFPUC responded to your June 11 request by providing responsive records on July 2 and July 6, 2020, including the document prepared by Mr. Kelly. The SFPUC’s reliance on Mr. Kelly to produce a redacted version of his text messages was appropriate, consistent with San Jose, and consistent with this Office’s longstanding legal advice.

On July 7, 2020, after the SFPUC provided you with the document prepared by Mr. Kelly including redacted text messages, you informed the SFPUC that Mr. Kelly had not properly redacted the text messages, so a member of the public or the SFPUC’s staff could make the redacted text visible on a computer. As the SFPUC explained in its letter to you on February 22, 2021, subsequent events in 2020 caused the SFPUC to reconsider whether it was appropriate for...
the agency to review the text messages in their original, unredacted form. In light of the unique and extraordinary situation described in the SFPUC’s letter to you, the SFPUC reviewed the unredacted text messages to determine whether they were clearly private or unrelated to City business. On February 22, 2021, the SFPUC sent you a second version of the document with fewer portions of the text message exchange redacted.

Your July 9, 2020 petition asked the Supervisor of Records to examine the original unredacted records and “determine that some or all of the records or portions thereof withheld from disclosure or not yet disclosed are public.” We have reviewed the unredacted text exchange and the SFPUC’s redactions in the version the SFPUC provided to you on February 22. Based on that review, we find that the SFPUC appropriately redacted portions of the text messages that do not contain information relating to the conduct of the public’s business and therefore do not constitute public records responsive to your request (see Cal. Gov’t Code § 6252(e); City of San Jose v. Superior Court, 2 Cal.5th 608 (2017) (San Jose)), would constitute an unwarranted invasion of personal privacy (Cal. Const. Art. I, Sec. 1; Cal. Gov’t Code § 6254(c)), or would disclose confidential personnel information (Cal. Gov’t Code § 6254(c)).

Your February 22, 2021 petition asked the Supervisor of Records to determine that image, video, and audio files attached to text messages exchanged between Mr. Kelly and Mr. Wong are “at least in part public.” The SFPUC does not currently have—and never had—possession of those attachments. As described above and in the SFPUC’s February 22 letter to you, the SFPUC relied on Mr. Kelly to conduct a search of his personal cell phone and email accounts and produce all responsive records related to City business. Mr. Kelly produced the PDF document that the SFPUC provided to you in July 2020. Mr. Kelly did not produce copies of the attached image, video, or audio files to the SFPUC, presumably based on his determination that the attached files were unrelated to City business. As noted above, it was appropriate for the SFPUC to rely on Mr. Kelly to review his text messages and produce responsive records. When the SFPUC determined it was appropriate to review the unredacted messages after Mr. Kelly’s resignation, it reviewed and produced only the files in its possession. Because the SFPUC did not have possession of, or access to, the image, video, and audio files, it could not independently review Mr. Kelly’s determination and evaluate for itself whether the attached files might relate to public business.

For the reasons stated above, your petitions are denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Jon Givner
Deputy City Attorney
Dennis Herrera
Attn. General Government Team
City Attorney/Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Via email to supervisor.records@sfcityatty.org

Supervisor of Records,

This is a new SFAC 67.21(d) petition for a determination that some or all withheld portions of records discussed in the attached corresponding SOTF complaint (which is incorporated in its entirety into this petition) are public and an associated order for their disclosure by the Public Utilities Commission and Harlan Kelly, Jr.

Since the powers of Herrera and the SOTF differ under the Sunshine Ordinance, only the following forms of relief are requested (Paragraphs 37 and 38 of the attached complaint):

- Petitioner requests the Supervisor of Records examine the original unredacted records in camera to determine whether or not all of PUC/Kelly’s claimed withholdings are lawful and minimal.
- Petitioner requests the Supervisor of Records to determine that some or all of the records or portions thereof withheld from disclosure or not yet disclosed are public and order PUC/Kelly to disclose them.

Yours,

Anonymous

encl: SOTF Complaint Anonymous v. Kelly
IN THE SAN FRANCISCO
SUNSHINE ORDINANCE TASK FORCE

ANONYMOUS¹,
Complainant

v.

HARLAN KELLY JR. and SAN
FRANCISCO PUBLIC UTILITIES
COMMISSION
Respondents

Complaint and Petition for Order
of Determination

July 9, 2020

SOTF No.

COMPLAINT

1. Complainant files this petition and complaint under the Sunshine Ordinance and California Public Records Act regarding a June 11, 2020 request² to Respondents.

2. Complainant alleges Respondents responded in an incomplete manner to requests for public records (SF Admin Code 67.21(b) and Cal. Govt. Code 6253(b, c)), issued a written denial of records without identifying all persons responsible for the denial (Cal. Govt. Code 6253(d)(3)), withheld more than the minimum exempt portion of records (SFAC 67.26), withheld information without a lawful justification (SFAC 67.27), and (as to Respondent Kelly only) failed to maintain and preserve in a professional and businesslike manner her correspondence and failed to disclose all such records in accordance with the Sunshine Ordinance (SFAC 67.29-7(a)).

¹ NOTE: There are multiple distinct anonymous requesters sending requests using MuckRock.com, using similar request templates and form - do not assume that the same individual is sending all anonymous requests. Complainant is an anonymous user of MuckRock, but does not represent MuckRock, nor any other MuckRock user, whether anonymous or not.

I. PUBLIC INTEREST IN DISCLOSURE

3. San Francisco prohibits the withholding of public information on the basis that the public interest in non-disclosure clearly outweighs the public interest in disclosure (SFAC 67.24(g, i)); this exemption under the CPRA is commonly known as the “catch-all exemption” or the “public-interest balancing test,” but is locally prohibited by the Sunshine Ordinance. On March 23, 2020, Mayor Breed claimed to unilaterally suspend this portion of the Sunshine Ordinance.

4. Without conceding that the Mayor’s suspension of SFAC 67.24(g, i) or any future citation by Respondents to Gov Code 6255(a) are legally valid, Complainant asserts that the public interest in disclosure of these records is significant because they may illustrate connections between City employees and subjects of an ongoing federal corruption investigation.

5. The records heretofore disclosed to Complainant in the requests include Kelly’s numerous conversations with permit expediter and city contractor Walter Wong (it is unclear whether Wong is speaking as an individual or representative of his company Jaidin Consulting Group or its affiliates). On July 6, 2020, Wong pled guilty to Conspiracy to Commit Honest Services Wire Fraud and Conspiracy to Commit Money Laundering (United States v. Wong, 3:20-cr-00257, N.D. Cal.). Business conducted between a high-ranking city official and an admittedly-guilty city contractor is inherently of high public interest.

II. APPLICABLE LAW AND JURISDICTION

6. Both the California Public Records Act and the San Francisco Sunshine Ordinance govern Respondents’ conduct in this complaint. If they conflict, whichever provision requires Respondents to provide “faster, more efficient, or greater access to records” (Cal. Govt. Code 6253(e)) controls.

7. Respondent Harlan Kelly, Jr. is the General Manager of the Public Utilities Commission and has special, personal, responsibilities under the Sunshine Ordinance as a department head. Respondent San Francisco Public Utilities Commission is a “local agency” subject to the California Public Records Act. Both Respondents have custody of one or more public records relevant to this complaint, and all are subject to the general requirements of custodians of records under the Sunshine Ordinance and the jurisdiction of the Task Force. Note that the Sunshine Ordinance governs the conduct of “every person having custody of any public
record or public information” (SFAC 67.21(a)); whether or not a person has the job title “Custodian of Records” is irrelevant.

8. SOTF rules require that “all inferences and evidence [] be viewed in the light most favorable to the petitioner” (SOTF Complaint Procedure, ¶1). SOTF Chair B. Wolfe has stated that “it is presumed that all documents are public records until Respondent cites that it is not and that it can be withheld” and “if a record is withheld, then it is presumed it is a violation.” Petrelis v. Elsbernd, SOTF 19093. Therefore, the burden of proof that a record or portion thereof is exempt from disclosure is on Respondents, and this Task Force should accept every allegation below as true, unless explicitly denied by Respondents.

III. FACTS OF THE CASE

9. On June 11, 2020, Complainant issued an immediate disclosure request to both HKelly@sfwater.org and to publicrecords@sfwater.org for, *inter alia*:

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jadin@pacbell.net, jdngrp@pacbell.net, or any email address ending with jadin.net ), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Naomi Kelly, on
government or personal accounts from Jan 1, 2020 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

10. On June 11, Respondents denied the IDR timeline.

11. On June 22, Respondents indicated records would start being provided by July 3.

12. On July 2, Respondents provided some records at https://sfpuc.sharefile.com/d-s9194ec992ef4e6cb and purported redaction reasons.

13. On July 2, Complainant informed Respondents that they had failed to provide some of the pages that they mentioned.

14. On July 6, Respondents provided some of the missing records via link to: https://sfpuc.sharefile.com/d-sfaf513caac747dcb

15. After examining one of the records disclosed by Respondents (name: “Walter redacted final.pdf”, with SHA256 checksum of 8254cbe0fcbd6a8a2548d3464171ccab0d386439c888959707db07fbd5f54453, the “825 PDF”), Complainant noticed that Respondents had covered some of the disclosed text messages with a black rectangle, but these messages were not redacted.

16. Because Kelly and Wong’s supposedly personal and government relationship are intermingled within this single set of text messages, it is unclear which of these transactions or meetings affects public business vs supposedly private business (as Respondents claim).

17. One of the messages concerned a code to a lockbox. Because of the appearance of this message, on July 7, Complainant voluntarily, and without any obligation to do so, informed Respondents of that disclosure so they could warn the subject of the message that Respondents had disclosed said record publicly online (i.e. so the subject could change the lockbox code if it was still being used).

18. On July 8, in reply to the email in Paragraph 17, Respondents sent a request to Complainant’s non-MuckRock email address (but with an introduction of “Dear MuckRock”): “The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website” and “Please respond on or before Thursday July 9 at 5 pm confirming that you have destroyed and/or removed these records.” Respondents appear confused: Complainant does not represent MuckRock; as Complainant has informed Respondents
multiple times: Complainant is a user of MuckRock, no different than the millions of different users with a Gmail.com email address that do not represent Google.

19. However, without waiving any of its rights, Complainant did voluntarily delete its own local copy of the `825 PDF and has not included a copy of the `825 PDF with this complaint.

20. Respondents also provided a new file “Walter redacted final_1.pdf” at https://sfpuc.sharefile.com/d-sabd81b687ef4187b with SHA256 checksum of 9ef93a56f0133e77cb696bc64ba713ebb1f4bc78797216133b32e3c270594c74 (the “9EF PDF”) which fully redacts most correspondence between Kelly and Wong.

21. Numerous other records remain pending from Respondents on this request, and Complainant may amend this complaint or file further complaints for those records.

IV. ALLEGED VIOLATIONS

Violation 1 - (Kelly only) Failure to disclose correspondence (SFAC 67.29-7(a))

22. Kelly has a special, personal, responsibility as head of the Public Utilities Commission to (1) “maintain and preserve in a professional and businesslike manner all documents and correspondence, including but not limited to letters, e-mails, drafts, memorandum, invoices, reports and proposals” and (2) “disclose all such records in accordance with this ordinance.” (SFAC 67.29-7(a))

23. Text messages, like “letters” and “e-mails,” are a form of “correspondence.” The list of correspondence in the ordinance is non-exhaustive.

24. Kelly has failed to disclose all of his correspondence with Walter Wong.

Violation 2 - Failure to identify all persons responsible for denial of access (Gov Code 6253(d)(3))

25. A written denial of access to records must “set forth the names and titles or positions of each person responsible for the denial.”

26. Respondents signed all their responses as “SFPUC Public Records” without an employee name/title, even though they denied access to one or more records (namely all the withheld text messages).

Violation 3 - Incomplete response to records request; unlawful and non-minimal withholding (SFAC 67.21(b), 67.26, 67.27; Gov Code 6253(b, c))
27. Numerous communications between Kelly and Wong have been withheld in their entirety by Respondents. To give the Task Force a feel for the level of withholding, see thumbnails of the first 18 (of 45) pages in the ‘9EF PDF -- nearly everything has been redacted:

28. The Sunshine Ordinance itself contemplates that meetings between department heads (like Kelly) and persons who are substantially affected by city actions are inherently a matter of public business. See for example SFAC 67.29-5(a), which not only requires disclosure but goes further and mandates pro-active recording of every such meeting in a calendar that must be disclosed (emphasis added):

The Mayor, The City Attorney, 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, 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.

29. This implies that for a meeting between Kelly and Wong to be considered purely personal or social, no city business must be discussed \textit{and} the meeting must not take place at a
City Office or the office or residence of Wong, Kelly, or anyone else that does substantial business with the City (Kelly is an employee of the City and thus inherently does substantial business with and is substantially financially affected by City actions; Wong is a permit expediter and city contractor and thus does substantial business and is substantially financially affected by City actions). Any message discussing a meeting between Kelly and Wong must be disclosed.

30. Respondents cite in their July 8, 2020 request to destroy the ‘825 PDF that the disclosed messages with black rectangles are exempt under Gov Code 6254(c) -- but to qualify under this exemption these records must be “Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.” But not every single so-redacted message qualifies, in its entirety.

31. Text messages are not personnel or medical files.

32. Therefore, the only remaining exemption is for “similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.”

33. Moreover, because of the minimal withholding requirement in San Francisco (SFAC 67.26), only the minimal portions of all Wong/Kelly communications that are “similar” to “personnel” and “medical” files and would constitute an “unwarranted” invasion of personal privacy should be redacted/withheld.

34. For example, Kelly’s family information (except information regarding Kelly’s wife City Administrator Naomi Kelly’s work on behalf of the City, which is also public business by definition, which was in fact the subject of at least one of the now-redacted messages), personal lockboxes, and medical/health information could be redacted, while disclosing everything else.

35. Furthermore, this Task Force should not consider disclosure of any records about transactions, meetings, and/or agreements between Wong and Kelly to constitute “unwarranted” invasion of personal privacy. Given that Wong has pled guilty to crimes relating to a federal investigation of corruption in San Francisco, there is a legitimate public interest in understanding what influence, if any, Wong has had on the City’s business through its public officials, including Kelly.

36. Finally, as SFAC 67.21(g) instructs: “In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.” Respondents will have to prove for each and every text message that the record is in fact not a public record, and moreover
that no part is public (otherwise, the public part would have to be disclosed).

V. REQUEST FOR RELIEF

37. Complainant requests the Task Force (and/or other relevant adjudicatory bodies including the Supervisor of Records and Ethics Commission) examine the original unredacted records in camera to determine whether or not all of Respondents’ claimed withholdings are lawful and minimal.

38. Complainant requests the Task Force to determine that some or all of the records or portions thereof withheld from disclosure or not yet disclosed are public and order Respondents to disclose them.

39. Complainant requests the Task Force find Respondents violated:
   a. SF Admin Code 67.21(b) and Cal. Govt Code 6253(b, c) for responding to the requests in an incomplete manner;
   b. Cal. Govt Code 6253(d)(3) by failing to identify all persons responsible for denying access to records;
   c. SF Admin Code 67.26 for withholding more than the minimum exempt portion of records;
   d. SF Admin Code 67.27 for not providing a lawful justification for withholding information;
   e. (as to Kelly only) SF Admin Code 67.29-7(a) for not disclosing Kelly’s correspondence.

40. Complainant requests that the Task Force issue all appropriate orders and refer Respondents to the District Attorney, Attorney General (SFAC 67.21(e)), and Ethics Commission (SFAC 67.30(c)) if Respondents refuse to disclose every public record or portion thereof responsive to Complainant’s requests.

Respectfully submitted,

ANONYMOUS
From: Anonymous Person

Subject: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Email

Public Utilities Commission and Harlan Kelly Jr.:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by June 12, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacbell.net, jdngrp@pacbell.net, or any email address ending with jaidin.net ), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

3. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Mohammed Nuru, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Naomi Kelly, on government or personal accounts from Jan 1, 2020 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

For text messages: While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response here: https://cdn.muckrock.com/foia_files/2020/04/14/Text_Messages_Breed_Scott_Redacted.pdf and clearly referenced redaction justifications here: https://cdn.muckrock.com/foia_files/2020/04/14/ChiefOfficeResponse201.pdf (though I do not concede all of them are appropriate redactions) . Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.
Your non-exhaustive obligations:
- All withholding of any information must be justified in writing (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website like NextRequest to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

Thank you for your anticipated cooperation in this matter.

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

From: Anonymous Person 06/11/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC) Email

MR. KELLY: This was also sent to the Public Records email, and is being sent directly to you so you do not destroy responsive records:

Public Utilities Commission and Harlan Kelly Jr.:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by June 12, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All text, email, or chat messages (including group messages, in any form or application including but not

https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992
limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and London Breed, on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

2. All text, email, or chat messages (including group messages, in any form or application including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent or received to/cc/bcc/from between Harlan Kelly Jr. and Walter Wong/Jaidin Consulting Group/Jaidin Associates (including but not limited to jaidin@pacbell.net, jdngrp@pacbell.net, or any email address ending with jaidin.net ), on government or personal accounts from Jan 1, 2015 and present (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

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For text messages: While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(1), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response here: https://cdn.muckrock.com/foia_files/2020/04/14/Text_Messages_Breed_Scott_Redacted.pdf and clearly referenced redaction justifications here: https://cdn.muckrock.com/foia_files/2020/04/14/ChiefOfficeResponse201.pdf (though I do not concede all of them are appropriate redactions) . Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website like NextRequest to publish records, please make them completely public.
without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

Thank you for your anticipated cooperation in this matter.

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

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From: Public Utilities Commission 06/11/2020
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Dear MuckRock News,

Thank you for your public records request. Due to the COVID-19 pandemic, the Mayor has issued supplementary orders suspending select provisions of the Sunshine Ordinance which will affect how soon you may receive responsive documents. This memo<https://www.sfwater.org/modules/ShowDocument.aspx?documentID=15142> provides details.

We have forwarded your request the appropriate staff and will provide an update including a potential timeline within 10 days.

Best regards,
SFPUC Public Records

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From: Public Utilities Commission 06/22/2020
Subject: Public Record Request submitted June 11, 2020 - Communications between Harlan L. Kelly Jr. and various others

We are in receipt of your request dated June 11, 2020. We have identified records responsive to your request and are proceeding to review them for any necessary redactions or withholding. We have not yet completed our search for or review of responsive records. As explained in the attached memo, per emergency orders of the Mayor, the City's time to produce records in response to PRA requests has been extended during the emergency. We are providing this initial response within 10 days in accordance with those orders. Based on the volume and nature of the documents, we plan to provide initial documents by July 3, 2020. We will provide additional documents on a rolling basis thereafter.

SFPUC Public Records

Suzanne Gautier
From: Public Utilities Commission 07/02/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages

Dear Muckrock News,

Please access documents responsive to your June 11 request below.

https://sfpuc.sharefile.com/d-s9194ec992cf4e6cb

Please do so within a week as the link will expire.

With regard to the PDFs we are providing that contain text messages (Bates Stamp #s 161-219), please be advised that all of the redactions in those PDFs are of text messages that do not contain "information relating to the conduct of the public's business" and therefore do not constitute "public records" responsive to your request. (Cal. Gov. Code § 6252(e); see also City of San Jose v. Superior Court (2017) 2 Cal.5th 608, 626 ("Any personal information not related to the conduct of public business . . . can be redacted from public records that are produced or presented for review." (citing Cal. Gov. Code § 6253(a)); City Attorney memorandum dated March 24, 2017 titled "Public Records on Personal Electronic Devices, available at https://www.sfcityattorney.org/legalopinions/).

With regard to the email messages we are producing today at Bates Stamp #220-260, as indicated in these documents, we have redacted on privacy grounds personal email addresses, personal telephone numbers, dates and places of birth, personal identification numbers, and gender pursuant to California Government Code section 6254, subdivisions (c) and (k) and Article I, section 1, of the California Constitution. (See also San Francisco Administrative Code § 67.1(g)).

Finally, we have redacted from the email titled, "Night Noise permit requirements" (Bates Stamp #234-235) content constituting privileged and confidential attorney-client communications. (See, Cal. Gov. Code § 6254(k) (providing an exemption for records protected from disclosure under federal or state law, including provisions of the Evidence Code relating to privilege; Cal. Evid. Code § 954 (communications between attorneys and their clients are privileged); Cal. Gov. Code § 6276.04 (cross-referencing the attorney-client and attorney work product privileges); S.F. Admin. Code § 67.21(k)).

We are responding to your request on a rolling basis and expect to be producing additional responsive records next week.

Please be advised that we are responding to your records request on behalf of the SFPUC only, and only as to records that are within the SFPUC’s possession. Each City department receives, searches, and responds to public records requests on behalf of its own department, not Citywide. Accordingly, you might wish to also submit your request to other City departments.

Suzanne Gautier
Manager, Communications and Public Outreach
External Affairs
San Francisco Public Utilities Commission
525 Golden Gate Avenue, 12th Floor
San Francisco, CA 94102
Phone - 415-513-2529
Email - sgautier@sfwater.org
Note: I am working remotely until further notice
public records requests on behalf of its own department, not Citywide. Accordingly you may wish to also contact the Department of Public Works, the City Administrator's Office, and/or the Mayor's Office, as those departments and offices may also have records responsive to your request.

Best regards,
SFPUC Public Records

From: Anonymous Person 07/03/2020
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Thank you - MuckRock staff will hopefully get the files within the week. If not, we will need to request you extend the deadline.

However, I think files may be missing. You mentioned for example text messages in Bates 161-219. But I only received Bates 161-168. Where are the rest?

I also didn't receive I assume what is Bates 001 thru 160. Was there a mistake in uploading?

Here's what I got:

Sink hole at 110 Alta Street 1_Redacted for Privacy.pdf
Drawing of Fire Hydrant Location_Redacted for Privacy.pdf
MLB1_Redacted.pdf
Night Noise Permit requirements_Redacted for Privacy ACP.pdf
Sewage Issue on 865 Market St_Redacted for Privacy.pdf
3 street lights are out of order on Stockton & Jackson streets _Redacted for Privacy.pdf
2401 Broadway_Redacted for Privacy.pdf
Bell and snow flake_Redacted for Privacy.pdf
Itinerary -California.pdf
letter is ready for pick up_Redacted for Privacy.pdf
Node specifications_Redacted for Privacy.pdf
Revised invitation for Vice Governor_Redacted for Privacy.pdf
Revised invitation_July 24_Redacted for Privacy.pdf
street lights are out of order on Stockton & Jackson streets._Redacted for Privacy.pdf
The 9th Annual Chinatown Ping Pong Festival_Redacted for Privacy.pdf
Vice governor Ye Zhenqin of Guangdong Province and the delegation (2)_Redacted for Privacy.pdf
1317 20th Avenue Water Department Work Order Issued letter_Redacted for Privacy.pdf
Bell Shaped and Snowflake LED.pdf
Revised invitation for Vice Governor (1)_Redacted for Privacy.pdf
Sink hole at 110 Alta Street_Redacted for Privacy.pdf
Sunset Boulevard Greenway Project - Funding Problems with SFPUC_Redacted for Privacy.pdf
Sunset Boulevard Greenway Project - Funding Problems with SFPUC_Redacted for Privacy.pdf
Vice governor Ye Zhenqin of Guangdong Province and the delegation_Redacted for Privacy.pdf
叶贞琴副省长Name list_Nov visit_Redacted for Privacy.pdf
Drawing of Fire Hydrant Location 1_Redacted for Privacy.pdf

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 and instead that
Dear Muckrock News,

Apologies and thanks for letting us know. Please use this link for Bates numbers 161 to 219. https://sfpuc.sharefile.com/d-sfaf513caac747dcb
Please note that it will expire in 7 days.

Bates 001 through 160 are under review and will be provided once they are ready.

Thanks for your patience.

SFPUC Public Records

From: Anonymous Person 07/07/2020
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (SF PUC)

Public Utilities Commission and Harlan Kelly Jr.:

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.

You appear to have partially obscured some of the text messages between Harlan Kelly Jr. and Walter Wong, but the text of some of those records is still visible in "Walter redacted final.pdf". It's unclear why these communications - regarding meetings, contracting, and travel between the two persons, have been partially obscured - they are neither completely redacted nor plainly visible as they have black rectangles on top of them, but they remain part of the record.

Therefore, below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to SFPUC and Harlan Kelly Jr. Your response is required by July 8, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All calendar entries of any kind, with all details, invitee lists, attachments, and metadata, for Harlan Kelly Jr. for any meetings or travel with Walter Wong (including but not limited to jaidin@pacbell.net, jdngrp@pacbell.net, or any email address ending with jaidin.net ) (you must search

https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992
personal accounts pursuant to City of San Jose v Superior Court (2017)); see also SOTF 19047 Anonymous v. Breed

2. All payments made by Harlan Kelly Jr. to Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

3. All payments made by Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies to Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All contracts between Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies and Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

Please provide rolling responses, starting with the most recent records going backwards. Messages to/from before your current department head became the department head must still be provided.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
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Thank you for your anticipated cooperation in this matter.

Sincerely,

Anonymous

From: Anonymous Person

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Therefore, below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to SFPUC and Harlan Kelly Jr. Your response is required by July 8, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

1. All calendar entries of any kind, with all details, invitee lists, attachments, and metadata, for Harlan Kelly Jr. for any meetings or travel with Walter Wong (including but not limited to jaidin@pacbell.net, jdngrp@pacbell.net, or any email address ending with jaidin.net ) (you must search personal accounts pursuant to City of San Jose v Superior Court (2017)); see also SOTF 19047 Anonymous v. Breed

2. All payments made by Harlan Kelly Jr. to Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

3. All payments made by Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies to Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

4. All contracts between Walter Wong/Jaidin Consulting Group/Jaidin Associates/affiliated companies and Harlan Kelly Jr. (you must search personal accounts pursuant to City of San Jose v Superior Court (2017))

Please provide rolling responses, starting with the most recent records going backwards.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember Mr. Kelly has an obligation to maintain in a professional and businesslike manner their correspondence and release them as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly.

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).

You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).

Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website like NextRequest to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City’s procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

Thank you for your anticipated cooperation in this matter.

Sincerely,

Anonymous
February 23, 2021

Sent via email (88549-63926635@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition sent via email to the Supervisor of Records concerning your February 22, 2020 requests to the City Attorney’s Office for the following:

1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions).

In response to Request 1 above, we understand that the City Attorney’s Office responded to this request, and that it withheld records on the basis of the attorney-client privilege and attorney work product exemptions. We further understand that you contest the withholding of records by the City Attorney’s Office on the basis of the attorney work-product exemption based on your assertion that “fact gathering records by the office's attorneys without any legal opinions are not work-product.”
We disagree. The applicable statute, California Civil Code of Procedure section 2018.030(a), does not limit work-product protection to formal legal opinions: “[a] writing that reflects an attorney’s impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” Thus, not only formal legal opinions, but also writings that “reflect” an attorney’s opinions, as well as writings that reflect an attorney’s “impressions,” “conclusions,” or “legal research,” are protected. See also Cal. Code Civ. Proc. § 2018.030(b) (qualified protection for all other attorney work-product). The particular facts and records the office’s attorneys choose to research for the office’s internal files reflect the attorneys’ legal judgment, research, and analysis, and are therefore exempt from disclosure.

Work-product protection can apply to fact-gathering by attorneys, as well as to fact-gathering done by non-attorney staff at the direction of attorneys. See, e.g., Coito v. Superior Court (2012) 54 Cal.4th 480, 499 (witness statements); People v. Superior Court (Jones) (2019) 34 Cal.App.5th 75, 81 (factual materials compiled by investigators and other agents working at the direction of an attorney).

You have also requested a determination that the City Attorney’s Office violated Section 67.21(c) of the Sunshine Ordinance. Section 67.21(c) places certain obligations on departments to assist requesters in identifying the existence, quantity, form and nature of records relating to a particular subject. Whether the City Attorney’s Office has complied with this section of the Ordinance is beyond the scope of our jurisdiction.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/
Lauren Curry
Deputy City Attorney
Buta, Odaya (CAT)

From: 88549-63926635@requests.muckrock.com
Sent: Tuesday, July 14, 2020 2:57 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #20074
Attachments: 88549-petition201.pdf

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

July 14, 2020

This is a follow up to request number 20074:

Supervisor of Records Herrera,

This is a new 67.21(d) petition. Please determine in writing some or all of the requested records are public and order their disclosure.

I requested:

1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Note that the request and the violation both occurred prior to the Mayor's supposed suspension of parts of the Sunshine Ordinance.

Respondents replied:
"All records in our possession are exempt from disclosure under 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). As explained in SOTF File No. 19120, because these privileges apply, we cannot provide further information pursuant to your section
67.21(c) request. We would only be able to provide you a section 67.21(c) statement with respect to documents that do not fall under these privileges, and there are no such documents in this case."

SFAC 67.21(c) requires Respondent to indicate existence and quantity "whether or not the contents of those records are exempt from disclosure." They refuse.

Not every single record Herrera's office may have retained is privileged under Attorney Client and Work Product privileges, and they must conduct an actual search and identify which are exempt and are not. Instead of searching, they just tell me everything is privileged. Here are examples of records not privileged:

1) fact gathering records by the office's attorneys without any legal opinions are not work product,
2) copies of SB 1421 personnel records collected by DPA (prev. OCC) or SFPD that they have simply retained (Becerra v Superior Court).

Attorney General Becerra is of course also an attorney and he was unable to keep such records from the public by blanket privilege.

See attached timeline.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 88549-63926635@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAuFBUDtfkMOOfB1vmHOOfvaDhtg%3A1jvHgm%3AEq


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 88549
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 14, 2020:
Subject: RE: California Public Records Act Request #20074
SOTF - Was this complaint 20074 ever properly noticed to Herrera's office? Thanks.

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On July 1, 2020:
Subject: RE: California Public Records Act Request #20074
Cheryl - I filled out the webform you asked for this File 20074.
However, I don't think you sent to Herrera's office the actual complaint - your email seems empty to me.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

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On June 29, 2020:
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20074

Good Afternoon:

The City Attorney has been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the attached 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.

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On June 29, 2020:
Subject: SOTF - Complaint 20074
Hello Anonymous: You have submitted a new complaint against the City Attorney. I have assigned case no. 20074 for this action. Please complete the Complaint form included in the attached link. I need this form in order to process your complaint. Thank you.

https://sfgov.org/sunshine/filing-complaint-sunshine-ordinance-task-force

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
Fax: 415-554-5163
www.sfbos.org


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 June 10, 2020:
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF City Attorney
This is a new complaint:
Anonymous v City Attorney's Office, Dennis Herrera, and Elizabeth Coolbrith
Please provide a file number and include me on the notice to respondents.

Alleged violations: SFAC 67.21(b) incomplete response to public records request, SFAC 67.21(c) failure to provide written statement as to the existence, quantity, form and nature of records

I requested:

1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Note that the request and the violation both occurred prior to the Mayor's supposed suspension of parts of the Sunshine Ordinance.

Respondents replied:

"All records in our possession are exempt from disclosure under 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). As explained in SOTF File No. 19120, because these privileges apply, we cannot provide further information pursuant to your section 67.21(c) request. We would only be able to provide you a section 67.21(c) statement with respect to documents that do not fall under these privileges, and there are no such documents in this case."

SFAC 67.21(c) requires Respondent to indicate existence and quantity "whether or not the contents of those records are exempt from disclosure." They refuse.

Not every single record Herrera's office may have retained is privileged under Attorney Client and Work Product privileges, and they must conduct an actual search and identify which are exempt and are not. Instead of searching, they just tell me everything is privileged. Here are examples of records not privileged: 1) fact gathering records by the office's attorneys without any legal opinions are not work product, 2) copies of SB 1421 personnel records collected by DPA (prev. OCC) or SFPD that they have simply retained (Becerra v Superior Court).

Attorney General Becerra is of course also an attorney and he was unable to keep such records from the public by blanket privilege.

See attached timeline.

Sincerely,
Anonymous
On Feb. 22, 2020:
Subject: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF City Attorney
City Attorney's Office:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head.
Your initial response is required by Feb 25, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records.
Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG, if you retained any police misconduct records you must release your own copies, regardless of what SFPD/DPA do. Like you, the AG is a lawyer/law office, and he must still release it, not only for his own employee's misconduct but every record he retained. But here's the full request:

1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all
incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven’t read Becerra v Superior Court, the Court of Appeals held: “We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called “catchall exemption” of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure."

However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 88549-63926635@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 88549
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.
From: Anonymous Person

Subject: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court - Immediate Disclosure Request)

City Attorney's Office:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

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- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG, if you retained any police misconduct records you must release your own copies, regardless...
of what SFPD/DPA do. Like you, the AG is a lawyer/law office, and he must still release it, not only for his own employee's misconduct but every record he retained. But here's the full request:

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2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven't read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called "catchall exemption" of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure."

However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous

From: San Francisco City Attorney 02/25/2020
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su...

Dear requester,

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 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 standard deadlines.

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: San Francisco City Attorney
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su... Email

Dear requester,

All records in our possession are exempt from disclosure under 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). As explained in SOTF File No. 19120, because these privileges apply, we cannot provide further information pursuant to your section 67.21(c) request. We would only be able to provide you a section 67.21(c) statement with respect to documents that do not fall under these privileges, and there are no such documents in this case. We suggest you follow up with the Police Commission, SFPD, and/or the Department of Police Accountability to see if they have responsive records.

Please send replies to cityattorney@sfcityatty.org

Sincerely,

[clid:image002.jpg@01D5F0AF.A9B0B190]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  03/02/2020

Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su...

My argument in a nutshell is that not every single record your office may have retained is privileged under A-C and W-P, and you must conduct an actual search and identify which are and are not. I'll put my full argument in the complaint. Here are examples of records not privileged: 1) fact gathering records by your office's attorneys without any legal opinions are not work product, 2) copies of SB 1421 personnel records collected by DPA (prev. OCC) or SFPD that you have simply retained (Becerra v Superior Court).

From: Muckrock Staff  03/18/2020

Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su...

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 22, 2020. 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.

From: Muckrock Staff  06/08/2020

Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su...

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 22, 2020. 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.

From: San Francisco City Attorney  06/10/2020

Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su...

Dear requester,

Thank you for your email. Our response to your request, sent on 3/02/20, still stands.
Please send replies to cityattorney@sfcityatty.org

Sincerely,

[signature]

Elizbeth 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/>
September 25, 2020

VIA EMAIL: [redacted]

Maya Zubkovskaya

Re: Petition to Supervisor of Records

Dear Madam:

This letter responds to your petitions to the Supervisor of Records sent via email on June 1, 2020 and July 15, 2020 concerning public records requests to the Department of Emergency Management (“DEM”). Both requests sought records regarding an incident that occurred on February 14, 2020, documented in the computer automated dispatch (“CAD”) record No. 200452356. DEM produced the CAD record and an audio recording of a 911 call. DEM redacted information that would identify the individual who called 911 to report the incident. In addition, DEM redacted information pertaining to the subject of the incident. Your petition seeks a determination from the Supervisor of Records regarding whether there is a legal basis to support DEM’s redactions of the identity of the reporting party and protected health information.

The incident at issue in the report involved a 911 call reporting a person with suicidal ideation and a mental health detention. DEM redacted the name and contact information for the reporting party and protected health information.

DEM routinely redacts identifying information pertaining to 911 callers. Specifically, DEM redacts the name, address, phone number, and any other identifying information for the callers. DEM redacts this information because it has determined that disclosing that information would constitute an unwarranted invasion of the caller’s privacy and potentially jeopardize a caller’s safety. Cal. Const., Art. I, Sec. 1 (through Gov’t Code §6254(k)); Gov’t Code §6245(c) (personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of privacy); Gov’t Code §6254(f) (requiring disclosure of crime witness names only to certain people, and authorizing withholding if disclosure would endanger the safety of a witness or other person involved in the investigation); SF Admin Code §67.24(d)(2) (personal or private information in a law enforcement investigative record if disclosure would constitute an unwarranted invasion of privacy). For these reasons, DEM redacted identifying information pertaining to the reporting parties from the CAD and audio recording. We determine that DEM lawfully redacted both.

DEM also routinely redacts protected health information from both the CAD and audio recordings because it has determined that disclosing that information would constitute an unwarranted invasion of the subject’s privacy. Cal. Const., Art. I, Sec. 1 (through Gov’t Code §6254(k)); Gov’t Code §6245(c) (personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of privacy); SF Admin Code §67.24(d)(2) (personal or
private information in a law enforcement investigative record if disclosure would constitute an unwarranted invasion of privacy). DEM may not disclose a record to one member of the public and withhold the record from another member of the public. Gov’t Code 6254.5. Therefore, DEM redacts protected health information regardless of the identity of the requestor. For these reasons, DEM redacted protected health information pertaining to the subject of the call from the CAD and audio recording. We determine that DEM lawfully redacted both.

For the reasons stated above, the Supervisor of Records denies your Petition.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/ JANA CLARK
Deputy City Attorney
I have attached an appeal of a decision of the Department of Emergency Management in response to my records request.

You may reply by mail or e-mail.

Thank you.

Maya Zubkovskaya
Attention: General Government Team  
City Attorney / Supervisor of Records  
1 Dr. Carlton B. Goodlett Pl Rm 234  
San Francisco CA 94102

Dear Sir or Madam:

On July 3, 2020, I mailed a request (copy enclosed) to the Department of Emergency Management for telephone audio records of a call that resulted in the dispatch of police to my residence on February 14, 2020. Along with a letter (copy enclosed) dated July 7, 2020, the department disclosed an audio recording but redacted portions thereof. The letter states, “Portions of your requested record(s) that include personal information have been redacted because disclosure would constitute an unwarranted invasion of privacy per California Government Code 6254(c) and San Francisco Administrative code 67.24.d.2.” I assume that the redacted information relates to the identity of the reporting party and to me. Pursuant to Administrative Code section 67.21(d), I am writing to appeal.

Information Relating to the Reporting Party

Government Code section 6254(c) does not require disclosure of “[p]ersonnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.” The redacted records in question that relate to the reporting party are not personnel, medical, or similar files. Instead, they presumably relate to the identity of an employee at a medical clinic in Colorado who contacted San Francisco police. Therefore, the records fail to meet the threshold definition of section 6254(c).

If, however, the records somehow comprise personnel, medical, or similar files, the disclosure would not constitute an “invasion of personal privacy.” Except, perhaps, when reporting information to a confidential tip line, people who report information to the police do not have an expectation of privacy. They are, or should be, aware that their report creates a public record, and they know that they eventually could be subpoenaed to testify in a public court proceeding. And they should know that records relating to their report could be subpoenaed through discovery in a civil proceeding.

Even if reporting parties have an expectation of privacy, section 6254(c) allows an agency to withhold records that might constitute an “invasion of privacy” only if this “invasion” would be “unwarranted.” The statute envisions a balance between the privacy rights of the individual and the public interest in disclosure.
Here, the public interest in disclosure is substantial. I contend that the medical worker(s) involved in disclosing protected health information to the police violated the Health Insurance Portability and Accountability Act (HIPAA) and the licensing and ethical standards of the profession(s). Although HIPAA may permit disclosure of information without a patient’s consent if “necessary to prevent or lessen a serious and imminent threat to the health or safety of a person”, 45 C.F.R. § 164.512(j)(1), I have contended in a complaint filed with the Department of Police Accountability (case number 200113619) that no such threat existed. And even if a threat did exist, the person who contacted San Francisco police disclosed more information from my medical records than was “necessary” to address a perceived threat when this person revealed the nature of my treatment and the outcome. I know that the reporting party released this information because references to it appear in the computer-aided dispatch record that the Department of Emergency Management has already released to me. (This records request is the subject of a pending appeal to your office dated June 1, 2020.) Despite this prior disclosure, the Department of Emergency Management redacted this portion of the audio recording. Discovering whether the clinic employee volunteered this information to the police dispatcher or, instead, provided the information in response to a question from the dispatcher is essential to my evaluation of a possible HIPAA violation and a breach of licensing and ethical standards of the profession(s).

Pending my review of the entire contents of the audio recording, I expect to file complaints with the appropriate state licensing agencies and the Office for Civil Rights in the Department of Health and Human Services, which administers HIPAA. In order to do so, I need to know the identity of the persons involved in this incident and, specifically, who contacted San Francisco police. State and federal agencies provide complaint processes to allow members of the public to seek redress for their grievances. In fact, without the reporting party’s name, I also do not know the person’s profession. A substantial public interest therefore exists in allowing me to obtain the identity of medical workers to enable me to avail myself of these complaint processes. The public interest in facilitating orderly administration of justice through administrative complaint processes outweighs the reporting party’s unarticulated and unconfirmed interest in hiding her identity and actions and shielding herself from complaints.

While the Government Code allows but does not require disclosure of “[p]ersonnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy[,]” section 67.24(d)(2) favors disclosure. A department may withhold “[p]ersonal or otherwise private information” related to a law enforcement investigation only if disclosure would “constitute an unwarranted invasion of privacy” and if “the public interest in nondisclosure clearly and substantially outweighs the public interest in disclosure[,]” Any unspecified public interest
in nondisclosure here certainly does not “clearly and substantially” outweigh the articulated public interest in disclosure. Therefore, by law, the department must release records relating to the reporting party.

**Information Relating to Me**

Some of the portions of the audio recording that the Department of Emergency Management withheld likely are medical records relating to me. Release to me of medical records relating to me does not create an invasion of privacy, let alone an unwarranted one. Neither the Government Code nor the San Francisco Administrative Code permits an agency to withhold records relating to me. In fact, the California Information Practices Act of 1977 requires an agency to permit a person to “inspect all the personal information in any record containing personal information[,]” See Cal. Civ. Code §§ 1798.34 and 1798.3. The Department of Emergency Management cannot withhold records in response to a public-records request from me that contain personal information that the Information Practices Act requires the department to disclose to me.

Finally, as I mentioned previously, the Department of Emergency Management withheld portions of the call in which the parties discussed information that appears in the computer-aided dispatch record that the department already released to me. One example is the nature and outcome of my medical treatment. Even if the Government Code or the San Francisco Administrative Code somehow might have permitted the department to redact portions of the audio recording to protect privacy, no privacy interest continued to exist at the time of disclosure of the audio recording because the department had already disclosed this information in the computer-aided dispatch record.

I request that the department provide the audio recording without redacting any portion. Please explain any contrary decision in writing.

Thank you for your time.

Sincerely,

Maya Zubkovskaya

Enclosures
Date of Request: July 3, 2020

Requestor Name: Maya Zubkovskaya
Address: [Redacted]
City/State/Zip: [Redacted] Telephone: [Redacted]

Records Requested: [ ] CAD Printout [ ] Telephone Audio ($35 – mail request with payment)
[ ] Other (specify): 200452356

CAD Number: 200452356 Case or Incident Number: 200113619
Date of Incident: 02/14/2020 Time of Incident: 3:45 PM
Incident Location: [Redacted]

You may email the completed form to us at dem.records@sfgov.org. (If you are requesting audio files, please mail the request form with exact payment to avoid delay in receipt of the records requested.)

While you may request a CAD by email, we currently cannot distribute records by email.

I would like to inspect records, please mail the records to the address above. I understand I must pay any applicable fees before the Department will send the records.

Fee Schedule for Non-City & County Entities: (City & County Departments DO NOT use this request form)

Audio = $35.00 per audio request (To avoid a delay in receipt of records, please include payment with request)
Please pay the exact amount due. We cannot make change or accept partial payments.
Other Records = no charge if under 100 pgs.; $0.10 per pg. if greater than 100 pgs.

For Office Use Only

Date Completed: ____________________________ Completed By: ____________________________
Comments: __________________________________________________________________________
To: MAYA ZUBKOVSKAYA

From: Custodian of Records Unit

Date: July 7, 2020

RE: Records Request

Enclosed are your requested records.

Portions of your requested record(s) that include personal information have been redacted because disclosure would constitute an unwarranted invasion of privacy per California Government Code 6254© and San Francisco Administrative code 67.24.d.2.

If you have any questions, please contact the Custodian of Records at (415) 558-3826 Monday through Friday 08:00am to 4:00pm or visit https://index.sfgov.org/#/home
Buta, Odaya (CAT)

From: Hall, Arlene (CAT) on behalf of Supervisor Records (CAT)
Sent: Tuesday, November 3, 2020 12:10 PM
To: 'Examiner, Medical (ADM)'; James Chadwick
Cc: Tenaya Rodewald; Robin Regnier; Supervisor Records (CAT)
Subject: RE: Request for Public Records by Bay Area News Group

Dear Mr. Chadwick-

We are following up on your petition to the Supervisor of Records regarding Bay Area News Group’s record request to the Office of the Medical Examiner (OME). We understand that OME supplemented its response to the request on October 2, 2020. It appears this petition has been resolved. If you have any other concerns regarding OME’s response that you wish to raise with the Supervisor of Records at this time, please let us know. Thank you.

From: Examiner, Medical (ADM) <medical.examiner@sfgov.org>
Sent: Friday, October 2, 2020 3:59 PM
To: James Chadwick <jchadwick@sheppardmullin.com>
Cc: Tenaya Rodewald <TRodewald@sheppardmullin.com>; Robin Regnier <RRegnier@sheppardmullin.com>; Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>; Examiner, Medical (ADM) <medical.examiner@sfgov.org>
Subject: RE: Request for Public Records by Bay Area News Group

Mr. Chadwick,

In response to your email of September 18, 2020 on behalf of Bay Area News Group, attached are new responsive records to the previously-requested listings of deaths in San Francisco from April 1 to June 17, 2020.

As requested in your email, the information in response to this request is attached here in spreadsheet form. One spreadsheet lists deaths investigated by the Office of the Chief Medical Examiner. The other spreadsheet lists deaths reported to the Office of the Chief Medical Examiner by area hospitals.

The Department is withholding some medical information disclosed by hospitals to the Office of the Chief Medical Examiner but which the Office of the Chief Medical Examiner is prohibited from further disclosing per California Civil Code § 56.10 (b)(8). However, cause-of-death is provided here in all cases where the Department has that information, as requested.

Thank you,

Office of the Chief Medical Examiner
City and County of San Francisco
1 Newhall Street
San Francisco, CA 94124
Dear Mr. Russi:

The Medical Examiner’s latest response to our client’s public records request is inadequate on at least two counts:

(1) In the email of September 4, 2020 below, the Medical Examiner refers to information provided to us in "Tab 2" of its prior response. Assuming it is referring to the attachment to the Medical Examiner’s July 28, 2020 email to us (included with this email for your reference), we note that information was provided as a pdf and did not include any tabs. Rather, it includes eleven pages that all appear to have been generated from a single worksheet. However, the original spreadsheet from which the attachment was apparently generated may include such tabs. Government Code section 6253.9 requires that agencies provide a requester electronic records in any form in which they are held. Therefore, we request that the Medical Examiner provide the entire original spreadsheet, which it apparently intended to do originally, and that you provide it electronic form. (If the original spreadsheet is not in a common electronic format, such as Excel, then pursuant to Government Code 6253.1 we request that you provide us with a description of all electronic formats in which the original spreadsheet and the data in any database from which the information in the original spreadsheet was obtained are maintained.) To be unmistakably clear, it is our desire to obtain the same list of deaths, but also including information for each case as to whether and how the death was COVID-related, as we initially requested.

(2) The information provided in the July 28 email contains a large number of cases where the cause of death is listed as pending, even for cases that date back many months. In your Sep. 4 email, the Medical Examiner contends, as it has before, that "pending" cases are those in which no final determination has been made. That is not sufficient. We call your attention to our email to you of August 3, 2020, in which we advised you of your legal duty to provide information on whether there has been a preliminary determination that deaths are COVID-related, not simply a final determination. It is clear from the information that San Francisco is posting on its public website and providing to the state that such determinations are being made. Therefore, we are asking again for those preliminary determinations for each death reviewed. We can assure you that we previously understood the department's definition of "pending" from earlier correspondence, so there is no need to repeat that definition in your prompt response to this email. If you will simply provide the data, that will be sufficient.
We note that despite Medical Examiner’s assertion to the contrary, it is withholding information that our client has requested. In doing so, it has violated the Public Records Act and the San Francisco Sunshine Ordinance not only by failing to provide information that is clearly subject to disclosure, but also by failing to provide any explanation of the reasons why information is being withheld (Gov. Code § 6253, subd. (c)) and by failing to identify the names and titles of each person responsible for denying access to the requested information (Gov. Code § 6253, subd. (d)(3)). We request and expect compliance with these requirements if any of the requested information continues to be withheld.

At this point, we request a prompt and complete determination of the merits of our petition by the Supervisor of Records, and direction from the Supervisor to the Medical Examiner to comply with our client’s request. If you have any questions after reviewing the above, I suggest a phone call to address them. At this point, that would seem to be a wiser course.

James Chadwick
+1 650-815-2605 | direct
jchadwick@sheppardmullin.com | Bio

Sheppard Mullin
379 Lytton Avenue
Palo Alto, CA 94301-1479
+1 650-815-2600 | main
www.sheppardmullin.com | LinkedIn | Twitter

From: Russi, Brad (CAT) <Brad.Russi@sfcityatty.org> On Behalf Of Supervisor Records (CAT)
Sent: Wednesday, September 16, 2020 8:53 AM
To: James Chadwick <jchadwick@sheppardmullin.com>
Subject: RE: Request for Public Records by Bay Area News Group

Mr. Chadwick –

Please let us know if you continue to contest the Medical Examiner’s response to this public records request. If we do not hear from you, we will 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

From: Examiner, Medical (ADM) <medical.examiner@sfgov.org>
Sent: Friday, September 4, 2020 8:53 AM
To: James Chadwick <jchadwick@sheppardmullin.com>; Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>; Examiner, Medical (ADM) <medical.examiner@sfgov.org>; Robin Regnier <RRegnier@sheppardmullin.com>; Tenaya Rodewald <TRodewald@sheppardmullin.com>
Cc: Ries, David (CAT) <David.Ries@sfcityatty.org>; Bukowski, Kenneth (ADM) <kenneth.bukowski@sfgov.org>
Subject: RE: Request for Public Records by Bay Area News Group

Mr. Chadwick,
Attached is a listing of deaths reported to the Medical Examiner by area hospitals, in which the Medical Examiner did not conduct an investigation, since the last report provided to Bay Area News Group for deaths through March 2020. In response to Bay Area News Group’s prior records request, the same information pertaining to that request’s data range was included as “Tab 2” of the response. As in the department’s prior response to Bay Area News Group, medical information disclosed to the department pursuant to California Civil Code § 56.10 (b)(8) is withheld pursuant to that same paragraph of California’s Confidentiality of Medical Information Act, as exempt under Cal. Gov. Code § 6254(k).

The Department’s prior response did not withhold information on the Department’s own investigations. In cases where determination of cause and manner of death remains “pending”, the Department has not finally determined the cause and manner of death.

Thank you,

Office of the Chief Medical Examiner
City and County of San Francisco
1 Newhall Street
San Francisco, CA 94124

---

From: James Chadwick <jchadwick@sheppardmullin.com>
Sent: Thursday, September 3, 2020 10:57 AM
To: Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>; Examiner, Medical (ADM) <medical.examiner@sfgov.org>; Robin Regnier <RRegnier@sheppardmullin.com>; Tenaya Rodewald <TRodewald@sheppardmullin.com>
Subject: RE: Request for Public Records by Bay Area News Group

Dear Ms. Lopez:

As you are no doubt aware, the San Francisco Sunshine Ordinance provides as follows:

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.

(S.F. Muni. Code § 67.21, subd. d.) The Medical Examiner’s Office has failed to fully comply with Bay Area News Group’s request, in violation of the Sunshine Ordinance, the Public Records Act, the California Constitution, and California law. You were required to inform us of your determination as to whether the information being improperly withheld by the Medical Examiner must be disclosed within ten days, at most. Our petition was submitted on August 3,
2020. You did not respond until August 26, 2020. You then promised a response “soon.” More than a week has passed and no response has been received. Therefore, the San Francisco City Attorney, as Supervisor of Records, is also violating the Sunshine Ordinance. Furthermore, the Public Records Act requires, at a minimum, a prompt response to a request for public records. More than two and a half months have now passed since BANG’s request, and the City still has not fully complied with the request. Thus, the City is also violating the PRA. The requirement for disclosure of public writings is now codified in the California Constitution, so the City is violating the Constitution as well. BANG’s patience is now exhausted. If we do not hear from you by the close of business today, we will assume that the Medical Examiner, the City Attorney and the City generally intend to continue violating the law and we will proceed accordingly.

James Chadwick  
+1 650-815-2605 | direct  
jchadwick@sheppardmullin.com | Bio

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+1 650-815-2600 | main  
www.sheppardmullin.com | LinkedIn | Twitter

From: Lopez, Reyna (CAT) <Reyna.Lopez@sfcityatty.org> On Behalf Of Supervisor Records (CAT)  
Sent: Wednesday, August 26, 2020 11:53 AM  
To: James Chadwick <jchadwick@sheppardmullin.com>; Examiner, Medical (ADM) <medical.examiner@sfgov.org>; Robin Regnier <RRegnier@sheppardmullin.com>; Tenaya Rodewald <TRodewald@sheppardmullin.com>  
Cc: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>  
Subject: RE: Request for Public Records by Bay Area News Group

Mr. Chadwick,

I am just writing to acknowledge that the Supervisor of Records has received and is reviewing your email. We will send a response soon. Thank you for your patience."

Thanks!-
Manu

From: James Chadwick <jchadwick@sheppardmullin.com>  
Sent: Monday, August 3, 2020 1:20 PM  
To: Examiner, Medical (ADM) <medical.examiner@sfgov.org>; Robin Regnier <RRegnier@sheppardmullin.com>; Tenaya Rodewald <TRodewald@sheppardmullin.com>  
Cc: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>  
Subject: RE: Request for Public Records by Bay Area News Group

Dear Mr. Russi:

You may not have read our correspondence, and therefore you may not have realized that it came from me, even though it was sent to you by my assistant, Ms. Robin Regnier. In any event, we do not consider this matter closed.
The Medical Examiner’s response is not sufficient. In particular, it omits information on the cause of death and related conditions, including information showing which deaths involved COVID-19 infections. This is information the Medical Examiner’s office clearly has, because it has previously provided it. No explanation for the withholding of this information (or any other omitted information) has been provided. As you know, the Public Records Act and the San Francisco Sunshine ordinance require an explanation of the reasons for withholding or redacting any information. (Gov. Code § 6253(a); S.F. Muni. Code § 67.27.) I assume that no explanation has been provided because there is no justification for withholding any of the requested information.

Furthermore, in numerous cases (perhaps the majority) there is no information regarding manner of death and the cause of death is listed as “pending.” This is true even of cases from early April. Unless the Medical Examiner’s office is incredibly inefficient, it is highly unlikely that it has not completed its investigation in all of the cases identified as “pending.” In any event, to the extent that the Medical Examiner’s office has records of preliminary determinations as to manner or cause of death or related conditions, it can and must provide them. (S.F. Muni. Code § 67.24(a)(1).)

It is well established that, except in circumstances not present here, coroner’s or medical examiner’s reports are public records. (Walker v. Superior Court of Mendocino County (1957) 155 Cal.App.2d 134, 138-139; Dixon v. Superior Court (2009) 170 Cal.App.4th 1271, 1277-1279.) I note also that other counties are providing complete and timely information on COVID-19 related deaths, demonstrating (if further evidence was required) that the information requested is not exempt from disclosure.

Thus, the Medical Examiner’s Office is still violating the California Constitution, the Public Records Act, and the San Francisco Sunshine Ordinance. Please consider this message and my prior correspondence to constitute our petition to the Supervisor of Records for disclosure, and please ensure that the requested information is provided promptly. Feel free to call me if you have questions. Thank you.

James Chadwick
+1 650-815-2605 | direct
jchadwick@sheppardmullin.com | Bio

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379 Lytton Avenue
Palo Alto, CA 94301-1479
+1 650-815-2600 | main
www.sheppardmullin.com | LinkedIn | Twitter

From: Examiner, Medical (ADM) <medical.examiner@sfgov.org>
Sent: Tuesday, July 28, 2020 10:01 AM
To: Robin Regnier <RRegnier@sheppardmullin.com>; James Chadwick <jchadwick@sheppardmullin.com>; Tenaya Rodewald <TRodewald@sheppardmullin.com>
Cc: Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>; Examiner, Medical (ADM)
Hello Mr. Reigner,

Thank you for the inquiry. The decedent records requested from April 1, 2020 to June 17, 2020 are attached.

Please let us know if you have any questions.

Regards,

Office of the Chief Medical Examiner
City & County of San Francisco
1 Newhall Street
San Francisco, CA 94124
(415)641-3600

From: Robin Regnier <RRegnier@sheppardmullin.com>
Sent: Tuesday, July 21, 2020 10:10 AM
To: Examiner, Medical (ADM) <medical.examiner@sfgov.org>
Cc: Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>; James Chadwick <jchadwick@sheppardmullin.com>; Tenaya Rodewald <TRodewald@sheppardmullin.com>
Subject: Request for Public Records by Bay Area News Group

Attached please find correspondence from Mr. Chadwick, counsel for Bay Area News Group.

Regards,

Robin Regnier | Litigation Secretary
Assistant to James M. Chadwick, Paul S. Cowie
Tenaya M. Rodewald and Danielle Thompson
RRegnier@sheppardmullin.com
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Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.
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July 21, 2020

VIA ELECTRONIC MAIL

Director of Operations
City & County of San Francisco
Office of the Chief Medical Examiner
1 Newhall Street
San Francisco, California 94124
Email: medical.examiner@sfgov.org

Re: Request for Public Records by Bay Area News Group

Dear Sir or Madam:

As you know, this firm represents the Bay Area News Group (BANG), publisher of the Mercury News, East Bay Times, and many other Bay Area newspapers. On June 17, 2020, David DeBolt of the Bay Area News Group sent your office a request for records. Mr. DeBolt requested the following information:

[Record]s of deaths in San Francisco County for the period of April 1, 2020 to June 17, 2020. In particular, we request records that include the following information regarding the deceased:

1. Full name
2. Date of death
3. Location of death
4. Residence zip code
5. Gender
6. Age
7. Race
8. Causes of death
9. Other significant conditions, including — but not limited to — COVID-19.

Your Office has not responded to this inquiry in any way. Your failure to respond is a violation of the California Constitution, the California Public Records Act, and the San Francisco Sunshine Ordinance.

The California Constitution states: “The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” (Cal. Const., Art. I, sec. 3, subd. (b)(1).)
The California Public Records Act provides as follows: “Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. . . . 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.” (Gov. Code § 6253, subds. (b) and (c).)

The San Francisco Sunshine Ordinance provides as follows: “A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail.” (San Francisco Muni. Code § 67.21(b).)

As you are aware, your office previously provided the same information for March of 2019 and March of 2020 in response to a prior request by BANG. Therefore, you obviously do not and cannot contend that this information is exempt from disclosure. Moreover, for the reasons explained in our correspondence of April 30, 2020, there is no basis for asserting that the requested information is exempt. It should therefore be provided forthwith, and certainly no later than July 24, 2020. To the extent you fail or decline to provide the requested records by then, this letter (together with our prior correspondence of April 30, 2020) constitutes our petition to the Supervisor of Records for disclosure.

Please get back to us immediately to confirm receipt of this correspondence and to inform us whether and when you will provide the requested records.

Sincerely,

James M. Chadwick
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: Mr. Dennis J. Herrera, City Attorney & San Francisco Supervisor of Records
    Ms. Tenaya Rodewald

Enc. Letter to Office of the Chief Medical Examiner dated April 30, 2020

SMRH:4814-4026-7195.1
April 30, 2020

VIA ELECTRONIC MAIL

Christopher J. Wirowek  
Director of Operations  
City & County of San Francisco  
Office of the Chief Medical Examiner  
1 Newhall Street  
San Francisco, California 94124  
Email: christopher.wirowek@sfgov.org  
Email: medical.examiner@sfgov.org

Re: Request for Public Records by Bay Area News Group

Dear Mr. Wirowek:

This firm represents the Bay Area News Group, publisher of the Mercury News, East Bay Times, and many other Bay Area Newspapers.

On Friday, April 10, 2020, Robert Salonga of the Bay Area News group sent your Office a request for information. Mr. Salonga requested the following information:

[W]hatever available data can be publicly released about death cases your agency has been called out to in March 2020, including but not limited to:

- Decedents Name
- Death time
- Death Date
- Death Zip
- Gender
- Age
- Race
- City of Residence
- Cause of Death
- Other Significant Conditions

In the absence of a releasable identity, we'd like to gather whatever other descriptive information is available as listed above.

We're also seeking the same data for the March 2019 for comparative purposes.
Your Office did not respond to this inquiry or Mr. Salonga’s follow-up messages on April 13 and April 14. On April 20, Mr. Salonga followed up again, repeating his request for this information and formally invoking his rights under the California Public Records Act (Gov. Code §§ 6250, et seq., the “PRA”) and the California Constitution (Art., I, § 3, subd. (b)). Only then, on April 21, 2020, did your Office respond, stating as follows:

Via a records request, you may request an identifiable record or category of records from the Office of the Chief Medical Examiner. (Cal. Gov. Code § 6253(b)) However, a public records request may not properly ask a public department to create a responsive record such as a spreadsheet with comparative information.

Insofar as your April 10, 2020 request seeks raw data on deaths, the California Department of Public Health maintains and makes available Vital Statistics Data Files which include data from death certificates. You can access those at: https://www.cdph.ca.gov/Programs/CHSI/Pages/Vital-Statistics-Data-.aspx#.

The position your office has taken, and hence the denial of Mr. Salonga’s request, is contrary to the law. Furthermore, it is directly contrary to the profound public interest in the information he has requested. We therefore request that you provide the requested records.

The need for information regarding the likely extent of undiagnosed COVID-19 deaths is critical to understanding the real nature and impact of the virus, and to determining whether, when and how to begin relaxing the restrictions imposed by public health orders. Governor Newsom, among others, has recognized the importance of this information by, among other things, ordering coroners and medical examiners across the state to determine whether deaths going back to the beginning of this year were likely the result of COVID-19. Moreover, on Friday, April 17, 2020, Dr. Mark Ghaly, secretary of the California Department of Health and Human Services, acknowledged that quantifying undiagnosed coronavirus deaths is a matter of great public concern. He said:

We absolutely are looking closely at the number of deaths in California, and as we report it out every single day we are aware there are a number of other people in California that are dying in our hospitals and our healthcare delivery system and understanding how that will contribute to our overall COVID death toll number in the state of California is important. We are still working hard with our hospitals, our morgues, our coroners, to manage that issue for us, and unlike New York we haven’t been adjusting that number up, but we are very aware that is something in the next weeks to come that we will be working on to make sure that we communicate clearly to the public what that death toll number is in California as it relates to COVID-19, but it’s also very important as we plan in the future, and we look not just at hospitalization and ICU numbers, but that total death number to understand how it’s affecting our communities and our readiness to modify the stay at home order and other initiatives the state has taken.

The Santa Clara County Office of the Medical Examiner-Coroner has recognized the importance of the information Mr. Salonga has requested, and has already released it to the Bay Area News Group. Solano County has done the same. Simply based on the vital need for this information to
inform public discussion and scientific analysis, we hope you will reconsider your denial of Mr. Salonga’s request and provide the requested information.

To the extent these vital needs are not sufficient to persuade you to provide this information, we must explain why your denial of Mr. Salonga’s request is legally insupportable, and constitutes a violation of both the PRA and the San Francisco Sunshine Ordinance.

First, the assertion that a public agency cannot be required to create a record compiling information obtained from its electronic databases is wrong. The PRA expressly requires public agencies to respond to requests even if the response will entail “[t]he need to compile data, to write programming language or a computer program, or to construct a computer report to extract data” (Gov. Code § 6253, subd. (c)(4)) and/or “data compilation, extraction, or programming to produce the record” (Gov. Code § 6253.9, subd. (b)(2)).

Second, contrary to the Office’s assertion, Mr. Salonga’s request does not seek or require your Office to “create a responsive record such as a spreadsheet with comparative information.” Rather, it seeks records, presumably but not necessarily stored in electronic form. It does not require your Office to compile the information into a spreadsheet or to provide any comparison. There is no need for your office to do anything except to provide the requested information. If the requested information is not already maintained in a format that correlates it by individual, as it almost certainly is, then the Office need only provide a name, assigned unique ID, or record location code for each item of information so that the information can be correlated by individual. It seems clear that your Office maintains most if not all of the requested information. (See, e.g., https://sfgov.org/medexaminer/procedures).

Third, as you are surely aware, the PRA applies to both hardcopy and electronic records. To the extent the information sought is maintained by your Office exclusively in electronic form (although this does not appear to be the case), it must still be provided. The PRA provides as follows:

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.

(Gov. Code § 6253.9, subd. (a).) Therefore, your Office must provide the requested information regardless of the form in which it is maintained.

Fourth, your Office has not identified any information responsive to Mr. Salonga’s request that is exempt from disclosure. Presumably this is because there are no applicable exemptions. In
particular, you have not identified any privacy concerns, and because the requested information concerns persons who are deceased there likely are none. However, the Bay Area News Group is sensitive to the potential concerns of family members and loved ones. As Mr. Salonga expressed to you in his original request, he is willing to forego the identities of the deceased if other information can be provided.

In any event, as you no doubt know, both the PRA and the San Francisco Sunshine Ordinance expressly require that to the extent the records responsive to Mr. Salonga’s request include any information that is exempt from disclosure you must provide any and all reasonably segregable information that is not. The PRA states: “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.” (Gov. Code § 6253, subd. (a).) The San Francisco Sunshine Ordinance provides:

> Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(San Francisco Admin. Code § 67.21, subd. (a).) Thus, even if your Office believes that some information responsive is exempt from disclosure, it must provide all other information requested.

In addition, the PRA requires the Office to provide written explanations for any redactions to records. It provides that “[a] response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.” (Gov. Code § 6255, subd. b.) Furthermore, it specifies that “[e]ach 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.” (Gov. Code § 6253, subd. c, emphasis added.) Similarly, the San Francisco Sunshine Ordinance mandates that:

> 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.

(San Francisco Admin. Code § 67.21, subd. (b).) Your office has failed to comply with these requirements. If you withhold any information requested by Mr. Salonga, you must provide the required written justifications.
Fourth, any suggestion that Mr. Salonga’s request does not “reasonably describe[s] an identifiable record or records” (Gov. Code § 6253, subd. (b)) is baseless. It clearly defines clear, precise, and limited categories of information. Furthermore, to the extent you believe the request is somehow unclear, you have an obligation to assist Mr. Salonga in clarifying it and in identifying the records your office maintains that are responsive to his request. The PRA provides as follows:

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.

(Gov. Code § 6253.1 subd. (a).) In his message to you on April 10, 2020, Mr. Salonga reminded you of these obligations. Furthermore, the San Francisco Sunshine Ordinance provides as follows:

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 relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b).

(San Francisco Admin. Code § 67.21, subd. (c).) If there is anything about Mr. Salonga’s request that you believe requires greater precision, we ask that you comply fully with these requirements.

Under the PRA and the San Francisco Sunshine Ordinance, requested records must be provided promptly. In particular, under the San Francisco Sunshine Ordinance:

Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall 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 by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this Article.
(San Francisco Admin. Code § 67.25, subd. (d).) We therefore request and expect that the information requested by Mr. Salonga will be provided forthwith.

If your office declines to provide the information sought by Mr. Salonga, the Bay Area News Group hereby requests, pursuant to the Public Records Act and the San Francisco Sunshine Ordinance, that the Medical Examiner’s Office provide the following categories of records:

- Records identifying all databases maintained or used by the Medical Examiner’s Office that include any of the requested categories or data, records describing the contents of those databases, records constituting record layouts (column and row descriptions) for those databases, and all user manuals or instructions for accessing or using those databases;

- Any and all electronic forms used by the Medical Examiner’s Office that include any of the requested categories of data;

- Records that list or describe any and all reports generated by the Medical Examiner’s Office in the past that include any of the requested categories of data; and

- Any and all reports generated by the Medical Examiner’s Office in the past that include any of the requested categories of data.

In making this contingent, supplemental request, we remind you that under the PRA and the San Francisco Sunshine Ordinance you have a legal duty to assist the Bay Area News Group, as described in detail above, and we request that you do so.

Please get back to us as soon as possible.

Sincerely,

James M. Chadwick
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: Ms. Tenaya Rodewald

SMRH:4814-4026-7195.1
Dear Mr. Russi:

You may not have read our correspondence, and therefore you may not have realized that it came from me, even though it was sent to you by my assistant, Ms. Robin Regnier. In any event, we do not consider this matter closed.

The Medical Examiner’s response is not sufficient. In particular, it omits information on the cause of death and related conditions, including information showing which deaths involved COVID-19 infections. This is information the Medical Examiner’s office clearly has, because it has previously provided it. No explanation for the withholding of this information (or any other omitted information) has been provided. As you know, the Public Records Act and the San Francisco Sunshine ordinance require an explanation of the reasons for withholding or redacting any information. (Gov. Code § 6253(a); S.F. Muni. Code § 67.27.) I assume that no explanation has been provided because there is no justification for withholding any of the requested information.

Furthermore, in numerous cases (perhaps the majority) there is no information regarding manner of death and the cause of death is listed as “pending.” This is true even of cases from early April. Unless the Medical Examiner’s office is incredibly inefficient, it is highly unlikely that it has not completed its investigation in all of the cases identified as “pending.” In any event, to the extent that the Medical Examiner’s office has records of preliminary determinations as to manner or cause of death or related conditions, it can and must provide them. (S.F. Muni. Code § 67.24(a)(1).)

It is well established that, except in circumstances not present here, coroner’s or medical examiner’s reports are public records. (Walker v. Superior Court of Mendocino County (1957) 155 Cal.App.2d 134, 138-139; Dixon v. Superior Court (2009) 170 Cal.App.4th 1271, 1277-1279.) I note also that other counties are providing complete and timely information on COVID-19 related deaths, demonstrating (if further evidence was required) that the information requested is not exempt from disclosure.
Thus, the Medical Examiner’s Office is still violating the California Constitution, the Public Records Act, and the San Francisco Sunshine Ordinance. Please consider this message and my prior correspondence to constitute our petition to the Supervisor of Records for disclosure, and please ensure that the requested information is provided promptly. Feel free to call me if you have questions. Thank you.

James Chadwick  
+1 650-815-2605 | direct  
jchadwick@sheppardmullin.com | Bio

SheppardMullin  
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From: Examiner, Medical (ADM) <medical.examiner@sfgov.org>  
Sent: Tuesday, July 28, 2020 10:01 AM  
To: Robin Regnier <RRegnier@sheppardmullin.com>; James Chadwick <jchadwick@sheppardmullin.com>; Tenaya Rodewald <TRodewald@sheppardmullin.com>  
Cc: Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>; Examiner, Medical (ADM) <medical.examiner@sfgov.org>  
Subject: RE: Request for Public Records by Bay Area News Group

Hello Mr. Reigner,

Thank you for the inquiry. The decedent records requested from April 1, 2020 to June 17, 2020 are attached.

Please let us know if you have any questions.

Regards,

Office of the Chief Medical Examiner  
City & County of San Francisco  
1 Newhall Street  
San Francisco, CA 94124  
(415)641-3600

From: Robin Regnier <RRegnier@sheppardmullin.com>  
Sent: Tuesday, July 21, 2020 10:10 AM  
To: Examiner, Medical (ADM) <medical.examiner@sfgov.org>  
Cc: Records, Supervisor (CAT) <Supervisor.records@sfcityatty.org>; James Chadwick <jchadwick@sheppardmullin.com>; Tenaya Rodewald <TRodewald@sheppardmullin.com>  
Subject: Request for Public Records by Bay Area News Group

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July 21, 2020

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James M. Chadwick
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: Mr. Dennis J. Herrera, City Attorney & San Francisco Supervisor of Records
Ms. Tenaya Rodewald

Enc. Letter to Office of the Chief Medical Examiner dated April 30, 2020
April 30, 2020

VIA ELECTRONIC MAIL

Christopher J. Wirowek  
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City & County of San Francisco  
Office of the Chief Medical Examiner  
1 Newhall Street  
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First, the assertion that a public agency cannot be required to create a record compiling information obtained from its electronic databases is wrong. The PRA expressly requires public agencies to respond to requests even if the response will entail “[t]he need to compile data, to write programming language or a computer program, or to construct a computer report to extract data” (Gov. Code § 6253, subd. (c)(4)) and/or “data compilation, extraction, or programming to produce the record” (Gov. Code § 6253.9, subd. (b)(2)).

Second, contrary to the Office’s assertion, Mr. Salonga’s request does not seek or require your Office to “create a responsive record such as a spreadsheet with comparative information.” Rather, it seeks records, presumably but not necessarily stored in electronic form. It does not require your Office to compile the information into a spreadsheet or to provide any comparison. There is no need for your office to do anything except to provide the requested information. If the requested information is not already maintained in a format that correlates it by individual, as it almost certainly is, then the Office need only provide a name, assigned unique ID, or record location code for each item of information so that the information can be correlated by individual. It seems clear that your Office maintains most if not all of the requested information. (See, e.g., https://sfgov.org/medexaminer/procedures).

Third, as you are surely aware, the PRA applies to both hardcopy and electronic records. To the extent the information sought is maintained by your Office exclusively in electronic form (although this does not appear to be the case), it must still be provided. The PRA provides as follows:

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.

(Gov. Code § 6253.9, subd. (a).) Therefore, your Office must provide the requested information regardless of the form in which it is maintained.

Fourth, your Office has not identified any information responsive to Mr. Salonga’s request that is exempt from disclosure. Presumably this is because there are no applicable exemptions. In
particular, you have not identified any privacy concerns, and because the requested information concerns persons who are deceased there likely are none. However, the Bay Area News Group is sensitive to the potential concerns of family members and loved ones. As Mr. Salonga expressed to you in his original request, he is willing to forego the identities of the deceased if other information can be provided.

In any event, as you no doubt know, both the PRA and the San Francisco Sunshine Ordinance expressly require that to the extent the records responsive to Mr. Salonga’s request include any information that is exempt from disclosure you must provide any and all reasonably segregable information that is not. The PRA states: “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.” (Gov. Code § 6253, subd. (a).) The San Francisco Sunshine Ordinance provides:

Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(San Francisco Admin. Code § 67.21, subd. (a).) Thus, even if your Office believes that some information responsive is exempt from disclosure, it must provide all other information requested.

In addition, the PRA requires the Office to provide written explanations for any redactions to records. It provides that “[a] response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.” (Gov. Code § 6255, subd. b.) Furthermore, it specifies that “[e]ach 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.” (Gov. Code § 6253, subd. c, emphasis added.) Similarly, the San Francisco Sunshine Ordinance mandates that:

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.

(San Francisco Admin. Code § 67.21, subd. (b).) Your office has failed to comply with these requirements. If you withhold any information requested by Mr. Salonga, you must provide the required written justifications.
Fourth, any suggestion that Mr. Salonga’s request does not “reasonably describe[s] an identifiable record or records” (Gov. Code § 6253, subd. (b)) is baseless. It clearly defines clear, precise, and limited categories of information. Furthermore, to the extent you believe the request is somehow unclear, you have an obligation to assist Mr. Salonga in clarifying it and in identifying the records your office maintains that are responsive to his request. The PRA provides as follows:

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.

(Gov. Code § 6253.1 subd. (a).) In his message to you on April 10, 2020, Mr. Salonga reminded you of these obligations. Furthermore, the San Francisco Sunshine Ordinance provides as follows:

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 relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b).

(San Francisco Admin. Code § 67.21, subd. (c).) If there is anything about Mr. Salonga’s request that you believe requires greater precision, we ask that you comply fully with these requirements.

Under the PRA and the San Francisco Sunshine Ordinance, requested records must be provided promptly. In particular, under the San Francisco Sunshine Ordinance:

Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall 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 by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this Article.
(San Francisco Admin. Code § 67.25, subd. (d).) We therefore request and expect that the information requested by Mr. Salonga will be provided forthwith.

If your office declines to provide the information sought by Mr. Salonga, the Bay Area News Group hereby requests, pursuant to the Public Records Act and the San Francisco Sunshine Ordinance, that the Medical Examiner’s Office provide the following categories of records:

- Records identifying all databases maintained or used by the Medical Examiner’s Office that include any of the requested categories or data, records describing the contents of those databases, records constituting record layouts (column and row descriptions) for those databases, and all user manuals or instructions for accessing or using those databases;

- Any and all electronic forms used by the Medical Examiner’s Office that include any of the requested categories of data;

- Records that list or describe any and all reports generated by the Medical Examiner’s Office in the past that include any of the requested categories of data; and

- Any and all reports generated by the Medical Examiner’s Office in the past that include any of the requested categories of data.

In making this contingent, supplemental request, we remind you that under the PRA and the San Francisco Sunshine Ordinance you have a legal duty to assist the Bay Area News Group, as described in detail above, and we request that you do so.

Please get back to us as soon as possible.

Sincerely,

James M. Chadwick
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: Ms. Tenaya Rodewald

SMRH:4814-4026-7195.1
Dear Mr. Dratler:

This is a response to your July 28, 2020 petition to the Supervisor of Records concerning the requests for public records to the Planning Department and the Department of Building Inspection referenced below. Both the Planning Department and the Department of Building Inspection confirmed that they have not withheld documents in response to your requests. 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.” Here, the departments have not withheld or redacted any records. Therefore, there is no issue for the Supervisor of Records to address, and we consider this petition closed. Thank you.

Regards,
Deputy City Attorney Neha Gupta
Supervisor of Records

Neha Gupta
Deputy City Attorney
Office of City Attorney Dennis Herrera
www.sfcityattorney.org
Find us on: Facebook Twitter Instagram

I am petitioning the S. F. Supervisor of Records under Code Sec.67.21 of the City's Administrative Code.

It appears the Planning Department and the Department of Building Inspection gave the property owner at 846 34th Avenue highly preferential code enforcement treatment. I believe this is why the Department of Building Inspection and the Planning
Department are unwilling to provide the documents related to that property in my attached Sunshine requests.

Planning Department Sunshine request

The Planning Department Accela system lists two Notices of Enforcement (NOEs) for serious violations at 846 34th Avenue: 1) 2019-002554 ENF deals with construction of a home that is 3 feet taller than was approved on the notice to the neighbors and the addition of parapets which were not on the drawings and 2) 2020-001401 ENF deals with the construction of two decks beyond the scope of what was shown on the approved drawings.

Planning Director Hillis and his staff claim the two NOEs I requested were not issued. However, in the documents Planning did provide in response to my Sunshine request I received documentation that on March 21, 2020, the Planning Department sent the property owner an email waiving the NOE enforcement fee (below). This action indicates the two NOEs were in fact issued along with penalty fees.

Department of Building Inspection Sunshine request

I received an email from S. F. Department of Building Inspection Assistant Director Christine Gasparac in response to my Sunshine request that stated that 1) no Notices of Violation (NOV) exist for 846 34th Avenue, 2) no building permit addendum exists for the property and 3) there was no assessment of NOV penalty fees.

I find Ms. Gasparac’s response troubling because S. F. Zoning Administrator Corey Teague sent an email to DBI Director Hui requesting the suspension of building permit 2016.0517.7657 to allow the Planning Department the opportunity to review the August 2018 building permit addendum that included the construction of solid firewalls along the property line that was not approved by the Planning Department.

The lack of accountability and transparency illustrated by both departments in this instance is troubling and demonstrates a pattern of selective code enforcement that I have observed in these departments.

I anticipate that you will find the documents are public records and will arrange for me to obtain the requested documents in the period prescribed in the City ordinance. I look forward to receiving the requested documents.
I am petitioning the S. F. Supervisor of Records under Code Sec.67.21 of the City’s Administrative Code.

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The lack of accountability and transparency illustrated by both departments in this instance is troubling and demonstrates a pattern of selective code enforcement that I have observed in these departments.

I anticipate that you will find the documents are public records and will arrange for me to obtain the requested documents in the period prescribed in the City ordinance. I look forward to receiving the requested documents.
Subject: Sunshine Request for 846 34th Avenue documents
From: Jerry Dratler [REDACTED]
Date: 7/12/2020, 4:26 PM
To: Joel Koppel <joel.koppel@sfgov.org>, Kathrin Moore <Kathrin.moore@sfgov.org>, Milicent Johnson <milicent.johnson@sfgov.org>, Theresa Imperial <theresa.imperial@sfgov.org>, Deland Chan <deland.chan@sfgov.org>, Sue Diamond <sue.diamond@sfgov.org>, Frank Fung <frank.fung@sfgov.org>

I write to you today regarding two instances of actions by Planning Department staff that I feel should be brought to your attention.

The first instance relates to a Sunshine Request I made on June 8, 2020 that has not been responded to. Attached is a Sunshine Request for 846 34th Avenue that I sent the Planning Department on June 8, 2020. (I have updated the date of the Sunshine Request to July 13, 2020 and replaced CPC record request@sfgov.org with names of the President and Vice President of the Planning Commission.) It has been over a month, and I have not received the documents I requested. My only option is to escalate my Sunshine request to the Planning Commission.

When the Planning Department staff refused to send me copies of the two Notices of Enforcement issued against 846 34th Avenue and a copy of the permit amendment, I escalated my document request to Planning Department Director Hillis. On June 21, 2020 I forwarded to Director Hillis a copy of the June 08, 2020 Sunshine request (attached) and requested the documents I had not received.

On June 29, 2020 Mr. Hillis said in his email to me, “you will get a response to your Sunshine Request today with all the remaining documentation we have on this issue”. I have not received copies of the two NOEs and the permit amendment along with the other documents I requested.

For background, the Planning Code violations that occurred at 846 34th Avenue are serious. On February 7, 2020 Zoning Administrator Corey Teague sent an email to former Department of Building Inspection (DBI) Director Hui (attached) requesting that building permit #2016.0517.7657 be suspended to allow for Planning Department review. The permit was suspended but then DBI removed the permit suspension 11 days later (February 18, 2020). I have received no documentation that the Planning Department staff completed their review.

Permit 2020.0214.4593, a revision to the suspended permit 2016.0517.7657 calling for the removal of the unpermitted firewalls alongside property lines and the extended deck guardrails atop the first floor expansion required to comply with 2020-001401 ENF was also issued and approved on February 18, 2020. The certificate of final completion for this building permit was issued on June 18, 2020.

It appears the permit suspension was removed 4 months before the certificate of final...
completion was issued. The picture below from the real estate listing shows the unpermitted parapets in the modern grey and white house remain.

Planning Director Hillis and Chambory Son, Executive Secretary, Commission Affairs, told me the two Notices of Enforcement I requested were never issued. I responded that “my request pertains to all relevant documents irrespective of whether a document was issued or not”. The information on the Planning Department’s Accela website shows that both NOEs were issued.

NOE 2019-00025ENF – constructing a house 3 feet taller than approved and construction of an unpermitted parapet. **Case closed no violation.**

NOE 2020-001401ENF- construction of two roof decks beyond the scope of what is in the approved plans and the decks are too close to the property line. Removal of unpermitted rear firewalls.

There are two additional violations on this property.

- The installation of Illegal windows on the second and third floors of the south wall of 846 36th Avenue which did not result in a NOE. The windows were removed after the neighbor south of 846 36th Avenue filed a permit appeal with the Board of Appeals.

- The Department of Building Inspection approved a permit addendum on August 17, 2018 that was not sent to the Planning Department for approval. In his February 7, 2020 email to Mr. Hui, Mr. Teague mentions the approved revisions included the construction of solid firewalls along the property lines which require approval from the Planning Department.

On June 8, 2020 I sent the Department of Building Inspection a Sunshine Request for 846 34th Avenue documents. I requested a copy of each DBI Notice of Violation (NOV) issued to 846 34th Avenue and the amount of penalties assessed on each NOV. On June 30, 2020 I received an email from DBI Assistant Director Christine
Gasparac (attached). In the email Ms. Gasparac said, “we do not have any Notices of Violation for this property. As a result, there would be no assessment of fees. Likewise, no addendum exists for this property. We believe that all documents that were responsive to your request were produced”. I find Ms. Gasparac’s response troubling.

The incomplete data I have received from the Planning Department and DBI indicate the owner of 846 34th Avenue may have received highly preferential treatment from the Planning Department and the Department of Building Inspection. I believe this is why the Planning Department and the Department of Building Inspection are unwilling to provide the documents in my Sunshine requests.

This is not the first-time developer/realtor Tim Brown or one of his associates may have received preferential treatment from the Planning Department on their project.

At the July 25, 2019 Planning Commission Design Review for 25 17th Avenue, the Planning Commission approved a building permit for a 5,589 square foot house and restoration of the 3-story bay Mr. Brown removed without a building permit (DRA 0657 attached).

On January 30, 2020, the Planning Department Planner for 25 17th Avenue approved architectural plans that overrode the Planning Commission’s July 25th decision. The planner approved plans for 1) a 206 square foot larger house (the square feet in the illegally demolished bay) and 2) a windowless restoration of the 3-story bay.

It was not the intent of the Planning Commission to reward Mr. Brown with a 206 square foot larger home. The Planning Commission expected Mr. Brown to reduce the existing dimensions of 25 17th Avenue by 206 square feet to accommodate a full restoration of the 3-story bay. The plans that were approved also did not restore the south and west wall windows of the 3-story bay as required in DRA 0657. A picture of the bay that was removed and the plans that were approved are attached.

I filed a brief (attached) with the Board of Appeals which includes the Deputy Zoning Administrator’s justification for the Planning Department’s staff decision to override the Planning Commission’s decision.

I believe only the S. F. Planning Director may exercise the Director’s discretionary authority to override a Planning Commission decision and only for the express purpose of bringing architectural plans into compliance with the Planning Commission Residential Design Guidelines. It was not necessary to increase the size of 25 17th Avenue by 206 square feet to comply with the Residential Design Guidelines.

The S. F. Planning Director did not approve the January 30, 2020 architectural plans for 25 17th Avenue and Director Hillis should either approve the January 30, 2020 plans for 25 17th Avenue or require the property owner to submit plans that fully
comply with DRA 0657.

I look forward to receiving the requested documents.

Attached documents

1. July 13, 2020 Sunshine Request issued to Planning Commission President Koppel and Vice President Moore.

2. June 21, 2020 email to Planning Director Hillis.

3. Planning Department February 7, 2020 email to DBI requesting the suspension of building permit 2016.0517.7657.

4. June 30, 2020 email from DBI Assistant Director Gasparac.

5. Planning Department DRA-0657.

6. Pictures of the 3-story bay that was removed and the windowless 25 17th Avenue south wall bay plans approved on January 30, 2020.

7. My brief filed with the Board of Appeals regarding the plans issued by the Planning Department staff that overrode DRA-0657.

Attachments:

Back up documentation July 13 2020 email to Planning Commission.pdf 1.5 MB
To: President Koppel, Vice President Moore  
From: Jerry Dratler  
Subject: Planning Department request for Public Records- Immediate Disclosure Request 846 34th Avenue.  
Date: July 13, 2020  
Pursuant to the California Public Records Act and the San Francisco Sunshine Ordinance I request the S. F. Planning Department to immediately produce for inspection and copying the following records: 

1. Request for a copy of NOE 2019-00025ENF and the entire Planning Dept. file for the NOE. To include but not limited to:  
   a. All Planning Department inter department correspondence sent or received from any Planning Department employee regarding NOE 2019-00025ENF.  
   b. All correspondence sent or received by the Planning Department from the Department of Building Inspection regarding NOE 2019-00025ENF.  
   c. All correspondence sent or received by the Planning Department from the property owner or their agents regarding NOE 2019-00025ENF.  
   d. All correspondence sent or received by the Planning Department from any S.F. City Commission member, Board member or any City department employee other than Planning and DBI employees regarding NOE 2019-00025ENF.  

2. Request for a copy of NOE 2020-001401ENF and the entire Planning Dept. file for the NOE. To include but not limited to:
a. All Planning Department inter department correspondence sent or received from any Planning Department employee regarding NOE 2020-001401ENF.
b. All correspondence sent or received by the Planning Department from the Department of Building Inspection regarding NOE 2020-001401ENF.
c. All correspondence sent or received by the Planning Department from the property owner or their agents regarding NOE 2020-001401ENF.
d. All correspondence sent or received by the Planning Department from any S.F. City Commission member, Board member or any City department employee other than Planning and DBI employees regarding NOE 2020-001401ENF.

3. Any correspondence sent or received by the Planning Department to or from the Department of Building Inspection or the property owner or their agents regarding the reinstatement of building permit # 201605177657.

4. Copies of all correspondence sent or received by any Planning Department employee and the neighbor of 846 34th Ave who filed and withdrew Board of Appeal # 19-132 at 846 34th Avenue.
   a. All correspondence sent or received by the Planning Department from the Department of Building Inspection regarding the appeal.
   b. All correspondence sent or received by the Planning Department from the property owner or their agents regarding the appeal.
   c. All correspondence sent or received by the Planning Department from any S.F. City Commission member, Board member or any City department employee other than
Planning and DBI employees regarding Board of Appeal # 19-132.

5. A copy of the permit (201605177657) addendum issued in August 2018 and all correspondence regarding the permit addendum with the Department of Building Inspection and the property owner or their agents.

6. A copy of demolition calculations for the home at 846 34th Avenue and all correspondence between the Department of Building Inspection and the property owner or owner's agents regarding the rear firewalls.

7. A copy of the entire CEQA file for 846 34th Avenue including but not limited to the Preservation Team documents and report.

Thank you,

Jerry Dratler

[Redacted]

Cell [Redacted]
To: S. F. Planning Director Hillis

From: Jerry Dratler

Subject: Sunshine Request June 08, 2020, 846 34th Avenue.

Date: June 21, 2020

Mr. Hillis,

I have no choice but to forward my Sunshine Request (attached) to you. As you can see from the email chain (attached) your employees are unwilling to send me the two Notices of Enforcement and the permit amendment along with all the related correspondence and file documents.

As a former member of the Planning Commission you are aware of the Sunshine Ordinance training required by San Francisco Administrative Code Section 67.33, which requires your department to send me the documents requested in my June 08, 2020 Sunshine Request.

Please arrange to have the documents forwarded to me.

Regards,

Jerry Dratler
Planning Department Complaints
Active
2020-001401 ENF Enforcement (ENF) 846 34th Ave
Opened: 1/30/2020 Status: On Hold 2/10/2020
Assigned Planner: Josephine Chen: josephine.chen@sfgov.org / 415-575-9199
Contractor built two roof decks beyond the scope of what was shown on the approved drawings. Drawing shows roof deck held back 5ft from property line. The contractor has built them larger and closer to the property line, right up to the property line on the 2nd floor and within 3ft of property line on 3rd floor.

Address: [Redacted]

Further Info:
Related Records: None
Related Documents
Accela Citizen Access
Hide Details
Completed
2019-002554 ENF Enforcement (ENF) 846 34th Ave
Opened: 2/15/2019 Status: Closed - No Violation 3/1/2019
Assigned Planner: Josephine Chen: josephine.chen@sfgov.org / 415-575-9199
Built 3 feet taller than what was approved on the notice to neighbors, under 2016.0517.7657, added parapet which was not on the drawing.

Address: [Redacted]

Further Info:
Related Records: None
Related Documents
Accela Citizen Access
Hide Details
Department of Building Inspection Complaints
View Complaint 202027186 (846 34TH AV)
View Complaint 202015981 (846 34TH AV)
View Complaint 202010801 (846 34TH AV)
View Complaint 201929934 (846 34TH AV)
View Complaint 201929411 (846 34TH AV)
Map Layers
Complaints - Planning
Suspension Request

February 7, 2020

Tom Hui, CBO
Director
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103

Building Permit No.: 201605177657
Property Address: 846 34th Avenue
Block and Lot: 1676/015
Zoning District: RH-2 (Residential-House, Two Family)
Staff Contact: Sylvia Jimenez – (415) 575-9187, sylvia.jimenez@sfgov.org

Dear Mr. Hui,

This letter is to request that the Department of Building Inspection (DBI) suspend Building Permit No. 201605177657 for the property at 846 34th Avenue. The subject permit was approved by the Planning Department on February 5, 2018 and subsequently reviewed and issued by DBI on May 9, 2018. The scope of work included the renovation of an existing single family residence, including a one-story vertical addition and two-story horizontal addition at the rear. The project also included two roof decks atop the rear additions with glass guardrails.

Subsequently on August 17, 2018, an architectural addendum including revisions to the original scope of work was approved and issued by DBI without Planning Department Review. The approved revisions included the construction of solid firewalls along the side property lines, which requires approval from the Planning Department.

Additionally, Planning confirmed that exterior alterations have occurred that exceed the approved scope of work of the permit, and an enforcement case was opened on January 30, 2020 (2020-001401ENF). Therefore, the Planning Department respectfully requests that DBI suspend Building Permit No. 201605177657 to allow the required Planning Department review.

APPEAL: Any aggrieved person may appeal this letter to the Board of Appeals within fifteen (15) days after the date of the issuance of this letter. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, or call 575-6880.

Sincerely,

Corey A. Teague, AICP
Zoning Administrator

CC: Mark Brown, 846 34th Avenue, San Francisco, CA 94121 (Property Owner)
    Ed Sweeney, Deputy Director, Department of Building Inspection
    Patrick O’Riordan, Chief Building Inspector, Department of Building Inspection
    Tina Tam, Code Enforcement Manager, Planning Department
    Sylvia Jimenez, Planning Department
Dear Mr. Dratler:

Thank you for your follow-up inquiry. I checked with our communications staff who are handling this request. They confirmed that we do not have any Notices of Violation issued for this property. As a result, there would be no assessment of fees.

Likewise, no addendum exists for this property, which is why it wasn’t produced. For more information on the site permit process, please see Administrative Bulletin 32: https://sfdbi.org/sites/default/files/AB-032.pdf

We believe that all documents that were responsive to your request were produced. Please let me know if you have additional questions.

Regards, Christine

Christine Gasparac
Assistant Director
Department of Building Inspection
christine.gasparac@sfgov.org
415-558-6250 (office)

PREAMBLE

On July 7, 2017, Jon Kantor filed for Building Permit Application No. 2017.0707.1206 proposing a three-story horizontal rear addition to an existing 4-story, one-family residence at 25 17th Avenue within the RH-1 (Residential House, One-Family) zoning district and 40-X height and bulk district.


The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 3 categorical exemption.

On July 25, 2019, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2017-000987DRP-02.
The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

**ACTION**

The Commission finds exceptional and extraordinary circumstances with respect to the project and hereby takes Discretionary Review requested in Record No. 2017-000987DRP-02 and approves Building Permit Application 2017.0707.1206 with the conditions enumerated below:

1. Revert the existing building to its previous existing condition by restoring the 3-story bay.
APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals only after the Department of Building Inspection (DBI) takes action (issuing or disapproving) the permit. Such appeal must be made within fifteen (15) days of DBI's action on the permit. For further information, please contact the Board of Appeals at (415) 415-575-6880, 1650 Mission Street #304, San Francisco, CA, 94103-2481.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission took Discretionary Review and approved the building permit referenced in this action memo on July 25, 2019.

[Signature]
Commission Secretary

AYES: Johnson, Koppel, Melgar, Moore, Richards

NAYS: Fung

ABSENT: Hillis

ADOPTED: July 25, 2019
Door and windows on the West and South walls of the 3-story bay at 25 17th Ave. that was removed without a permit.
Windowless south bay wall on January 30, 2020 plans approved by DBI and Planning
REHEARING REQUEST

Jerry Dratler, Appellant, seeks a rehearing of Appeal No. 20-013 which was decided on April 22, 2020. This request for a rehearing will be considered by the Board of Appeals on Wednesday, May 13, 2020, via the Zoom platform.

The permit holder has agreed to provide a response on or before May 7, 2020 so that the matter may be heard on May 13, 2020. The response shall be a maximum of (6) double-spaced pages in length, with an unlimited number of exhibits. The response must be submitted electronically to boardofappeals@sfgov.org and also served by email on the requesting party.

You or your representative MUST be present at the hearing. It is the general practice of the Board that only up to three minutes of testimony from each side will be allowed. Except in extraordinary cases, and to prevent manifest injustice, the Board may grant a Rehearing Request only upon a showing that new or different material facts or circumstances have arisen, where such facts or circumstances, if known at the time, could have affected the outcome of the original hearing.

Based on the evidence and testimony submitted, the Board will make a decision to either grant or deny your request. Four votes are necessary to grant a rehearing. If your request is denied, a rehearing will not be scheduled and the decision of the Board will become final. If your request is granted, a rehearing will be scheduled, the original decision of the Board will be set aside, and after the rehearing, a second decision will be made. Only one request for rehearing and one rehearing are permitted under the Rules of the Board.

Requestor or Agent (Circle One)

Signature: Via Email

Print Name: Jerry Dratler
After reviewing a transcript of Zoning Administrator Scott Sanchez’s testimony (exhibit 1) at the April 22, 2020 Board of Appeals hearing and researching the Planning Department Residential Design Guidelines, I learned the Planning Department improperly approved the plans for permit 2017.0707.1206 because the plans were not approved by S. F. Planning Director Rahaim.

I was not told that the Planning Department’s justification for approving plans that overrode the Planning Commission’s July 25\textsuperscript{th} decision was to bring the plans into conformity with the Planning Department Residential Design Guidelines. The April 22, 2020 BOA hearing was the first time I learned the Planning Department’s justification. Had I known the Planning Department’s justification, my BOA appeal brief, exclusive of the Certificate of Compliance concerns, would have been this very simple brief.

The Planning Department Residential Design Guidelines are approved by the Planning Commission. The paragraph below is from Page 3 of the Guidelines (exhibit 2).

“The Director of Planning may require modifications to the exterior of a proposed new residential building or proposed alteration of an existing residential building in order to bring it in to conformity with the ‘Residential Design Guidelines’ and with the General Plan.”

The Planning Commission granted the Director of Planning the authority to approve plan alterations to bring a plan into conformity with the Residential Design Guidelines. S. F. Planning Department Director Rahaim did not approve the 25 17\textsuperscript{th} Avenue plans which override the Planning Commission’s July 25, 2019 hearing decision.
I believe that the Board of Appeals would have approved my appeal had the Board known the plans for building permit 2017.0707.1206 violated the S. F. Planning Code. The permitholder’s attorney has tried to frame this project and the permit approval as nothing unusual, and the Zoning Administrator has framed the permit approval as one of the thousands received by the Planning Department and not worthy of Zoning Administrator review.

Both characterizations are incorrect. Overriding a Planning Commission decision is a power only granted to the S. F. Planning Director and only to bring a Planning Commission decision into compliance with the Residential Design Guidelines. Plan changes for reasons other than bringing a plan into compliance with the Residential Design Guidelines are not permissible.

The plans approved by Planner Sylvia Jimenez, are for a house 206 square feet larger than approved by the Planning Commission and fail to restore the 3-story bay. Ms. Jimenez was not authorized to approve the plans; the plans required S. F. Planning Director Rahaim’s approval. Only the Planning Director is empowered to override the Planning Commission’s July 25, 2019 decision.

In Mr. Sanchez’s April 22, 2020 testimony he said restoration of the bay windows on the south and west walls of the 3-story bay violated Planning Department Residential Design Guidelines. This is a decision the Planning Commission delegated to the S. F. Planning Director and not the planner who approved the plans.
In Mr. Sanchez’s April 22, 2020 testimony he did not address how increasing the house by 206 square feet would bring the plans into compliance with the Residential Design Guidelines. The Planning Department lacks the legal authority to approve a larger house because approval of a larger house is not required to bring the 25 17th Avenue plans into compliance with the Residential Design Guidelines.

Building permit 2017.0707.1206 approved by the Planning Department violates the Planning Code and is illegal because the plans were not approved by Planning Director Rahaim. Plans that fail to restore the south and west bay walls could have been approved if the plans were approved by Planning Director Rahaim. Plans that increase the size of 25 17th Avenue beyond the 5,589 square feet approved by the Planning Commission could have been approved by Planning Director Rahaim if he believed the additional 206 square feet was necessary to bringing the plans into compliance with the Residential Design Guidelines. Increasing the size of 25 17th Avenue by 206 square feet to accommodate the partial restoration of the bay is inconsistent with the Residential Design Guidelines and, therefore, not a valid reason for overriding the Planning Commission’s approval of the 5,589 square foot house.

I apologize for not fully understanding the issues in my original Board of Appeals appeal. The issues are now clear, and the Board of Appeals needs to decide if the Board wants to approve a building permit with an illegally approved set of plans or require the Planning Department to revise the plans to make the plans compliant with the S. F. Planning Code.
Exhibit 1

Transcript of Mr. Sanchez’s BOA testimony April 22, 2020 appeal NO. 20-013

Mr. Sanchez- the subject property in reality, the properties 25 and 27 17th Avenue although the subject building permit is for 25 17th Avenue. Located in a RH1 zoning district single family zoning district with a 40-foot height and bulk district. The lots are approximately 25 by 120 feet deep as has been stated in the past they had been viewed as one lot apparently and although that was never officially recorded as one lot I'll get to that a bit more, I would like to begin with a time line of the history here given this is fairly complex.

In 2015 the current owner bought the subject property, in January of 2016 the property owner obtained permits for a foundation replacement these plans which were prepared by engineer Rodrigo Santos, to be clear it was not Rodrigo Sanchez. They depicted a bay window in the foundation replacement permit. On June 26th, the property owner obtained a permit for a dry rot repair and the plans are prepared by the same engineer as the foundation permit, however they do not show the Bay window.

Subsequent to that, the city began to receive complaints. The first complaint dealt with work on the existing deck which was not the scope of any of the permits and also complaints related to the Bay window or lack thereof. Because I think by this point it had been removed. In July of 2016, the property owner obtained a permit for temporary shoring. Those plans were prepared by the same engineer as for the foundation repair and dry rot permit and also do not show the bay window. At this time, the Planning Department received a complaint with concerns about alterations to a historic resource and prepared our Notice of Enforcement. Once you get a Notice of Enforcement we generally will give some initial direction, in this case it was for them to restore the Bay window but if they took the proper processes there are other alternatives and so in January of 2017 they submitted an Environmental Review application and part of that environmental review scope of work was the removal of the Bay window.
In February of 2017, the Department of Public works issues a Certificate of Compliance document that two legal lots exist and to note both of those lots comply with the planning code. A 25 by 120-foot lot is completely code compliant. In March of 2017, the Planning Department issued our CEQA finding the subject property is not a historic resource and part of that determination was the scope of work that include the removal of the Bay window. The CEQA decision which would be appealable to the Board of Supervisors was not appealed to the Board Supervisors and is final. The building is not a historic resource on our record.

In May of 2017, the property owner submitted a permit to legalize the removal of the bay and perform interior strengthening work. In July of 2017, the property owner submits the subject permit which included a horizontal expansion. In August of 2017, the City issues the permit to legalize the removal of the bay and allow the interior strengthening. That permit was subsequently appealed to this Board and on October 18th 2017 the Board of Appeals heard that matter and granted the appeal and upheld the issuance of the permit with a condition limiting work to interior ground floor strengthening only. At this hearing there were concerns raised by the property owner that given where they were in terms of the work they needed to provide additional shoring and strengthening of the ground floor for safety of the building. The Board found that to be reasonable and allowed that element but did not allow the bay window removal as part of that scope of work.

In June 2018, the property owner submits permits for the adjacent property 27 17th Avenue for new construction of a single-family dwelling and demolition of an existing garage. Between February 21st and March 25th of 2019, the neighborhood notification under Section 311 was performed for the subject permit, actually both permits. The subject permit and the new construction permit on the adjacent lot.

Two discretionary review requests were filed by the appellants in this matter tonight and on July 25th of 2019 the Planning Commission held a public hearing on the DR request for both properties, for 25 and for 27. At this hearing the commission took DR and approved the subject permit, with the condition that it revert the existing building to its previous condition by restoring the 3-story bay in a corresponding condition is imposed on the new construction permit that acknowledges the bay restoration. The fact that the bay is to remain required the adjacent new construction be
redesigned because it is now encroaching over the property line and is within the buildable area.

A couple of issues that have been raised here primarily is the question of the reconstruction without the windows and a debate on what exactly did the Planning Commission mean by their decision. Ultimately the applicant submitted the plans as they are now, the department staff reviewed them. The staff planner, multiple planners working on this at the staff level reviewed this with the Zoning Administrator and the Zoning Administrator last year found it to be consistent with the Planning Commission’s decision. The fact that requiring the restoration of the windows would render it to be non-compliant with the Residential Design Guidelines because then you have the privacy and window adjacency issues the permitholder’s representative sited. So I think that really from a design perspective it is not appropriate for those windows to be restored. It would cause a condition that we would not approve typically. We would find it to be non-consistent with the Residential Design Guidelines.

The other issue raised is the Certificate of Compliance. I think this has been addressed at length with the Department of Public works. I know Bruce Storrs has had multiple letters between Mr. Dratler and Public Works and I think Mr. Dratler raised many good issues to discuss and debate and my understanding DPW has considered all of those and found the Certificate of Compliance to be properly issued. Basically, they are finding that the lots were never legally merged together, this is not uncommon.

I mean Certificates of Compliance do happen and are handled by DPW relatively administrative matters it is not uncommon for properties as I understand it. I am not a surveyor and not speaking for DPW but as I understand it people will for tax convenience purposes and the Assessor will effectively merge 2 lots, not merging a lot legally under what we would look at for Public Works requirements. But they do it for tax convenience and that appears to be what was done in this case and so they have found it to be eligible for the Certificate of Compliance and that has been issued and finaled.

There have been questions raised about square footage calculations. Everything that we have with the plans we find to be code compliant. I know the appellant has provided reports from an independent expert and I reviewed them. I do not see anything inconsistent with what we have on the
plans and the project sponsor has obtained their own separate consultant or architect to review the plans and find it be consistent. Maybe one of the issues is that the appellant’s consultant they seem to have been reviewing it against other standards or other requirements the planning code wasn’t reference they don’t seem to have been making that those calculations based on the definition of floor area and the Planning Code which is separate and distinct and also floor area is not regulated in this district.

For residential uses we look at the setbacks so the primary issue and concern for us on the plans will be the setbacks the distances from the property line the height of the building ensuring that that envelope is properly permitted and that appears to be the case here.

Another issue that is been referenced is the Zoning Administrator did not approve the subject permit. The Zoning Administrator does not typically approve permits, we receive thousands of permits a year. I think they were relying on the title under the Department of Building Inspection Permit Tracking System. They have a code for CP-ZOC and that stands for City Planning Zoning Plan Clerk. That is not the Zoning Administrator, every permit that comes to planning for review is CP-ZOC. That does not mean that the Zoning Administrator has to approve that. If that were the case the Zoning Administrator would have to approve all permits and given that workload no permits would get approved.

There is another code CP-ZA that is in the system, that is City Planning Zoning Administration that’s not commonly used and I can’t recall a time that it has been used but as I understand the appellants concerned they looked at CP-ZOC and thought the Zoning Administrator needs approve the permit, that is not the case.

There is an easement that has also been prepared as part of this that is primarily with the City Attorney’s Office and the Department of Building Inspection. That is a somewhat standard process, and everything seems to have been properly performed.

Lastly, I guess I would want to maybe just remind the Board I know you already know this is a de novo hearing, this is how the Board of Appeals feels this project should be approved. The Board could uphold it as it's currently proposed, they could require the restoration of the windows although the Planning Department’s opinion is that it does not comply with
residential design guidelines they could also remove the Bay or make other changes the Board finds necessary to the permit. It is my understanding that the other permit for the new construction on the adjacent lot has not yet been approved by the Planning Department, it might be on hold because of this appeal and the permitholder may be able to better address the status but it's my understanding that it is not yet been approved. So, with that I am available for any question the Board may have.
LEGAL BASIS

Section 311(c)(1) of the Planning Code provides that Residential Design Guidelines shall be used to review plans for all new construction and alterations. Specifically, it states:

“The construction of new residential buildings and alteration of existing residential buildings in R districts shall be consistent with the design polices and guidelines of the General Plan and with the “Residential Design Guidelines” as adopted and periodically amended for specific areas or conditions by the City Planning Commission.

The Director of Planning may require modifications to the exterior of a proposed new residential building or proposed alteration of an existing residential building in order to bring it in to conformity with the “Residential Design Guidelines” and with the General Plan. These modifications may include, but are not limited to, changes in siting, building envelope, scale, texture and detailing, and landscaping.”

The Planning Commission adopted the first Guidelines on November 2, 1989. This version of the Guidelines was adopted by the Planning Commission on December 4, 2003.
To: Building Inspection Commission President McCarthy, Vice President Moss  
CC: Building Inspection Commissioners Ms. Alexander-Tut, Mr. Clinch, Mr. Jacobo, Mr. Tam  
From: Jerry Dratler  
July 19, 2020  
Subject: Sunshine Request for 846 34th Avenue documents

I write to you today regarding serious building code violations that occurred at 846 34th Avenue that did not result in the issuance of Notices of Violation by the San Francisco Department of Building Inspection (DBI). I sent DBI a Sunshine Request for 846 34th Avenue documents on June 10, 2020 and have not received the most important documents in my Sunshine Request, copies of the two Planning Department Notices of Enforcement and the Permit Addendum approved by DBI but not sent to the Planning Department for their approval.

My only option is to escalate my Sunshine request to the Building Inspection Commission. I have reissued my Sunshine Request to BIC President McCarthy and Vice President Moss in a separate email. The Sunshine Request is also included in the first three pages of the attached documentation file.

The incomplete data I have received from the Department of Building Inspection indicates the owner of 846 34th Avenue may have received highly preferential treatment from both the Department of Building Inspection and the S. F. Planning Department. I believe this is why the Department of Building Inspection is unwilling to provide the documents in my Sunshine requests.

I received a response from DBI that totaled 888 pages; none of the pages included the copies of the two NOEs, and the permit addendum and only 133 pages (12%) were relevant to 846 34th Avenue. On June 23, 2020 I communicated my frustration to DBI Director O’Riordan. On June 27, 2020 Mr. O’Riordan copied me on an email where he asked DBI Assistant Director Christine Gasparac to follow up with me. A copy of the email thread is attached.

On June 30, 2020 I received an email from DBI Assistant Director Christine Gasparac. In the email Ms. Gasparac said, “we do not have any Notices of...”
Violation for this property. As a result, there would be no assessment of fees. Likewise, no addendum exists for this property. We believe that all documents that were responsive to your request were produced”.

I find Ms. Gasparac’s response troubling because Mr. Teague’s February 7, 2020 email to Mr. Hui references the August 17, 2018 permit addendum DBI claims does not exist and requests Mr. Hui suspend building permit 2016.0517.7657. DBI suspended the building permit on February 7, 2020.

Background information

The Planning Department issued two Notices of Enforcement regarding the violations at 846 34th Avenue.

2020-001401 ENF
Contractor built two roof decks beyond the scope of what was shown on the approved drawings. Drawings show roof deck held back 5 ft. from property line. The contractor has built them larger and closer to the property line, right up to the property line on the 2nd floor and within 3 ft. of the property line on the 3rd floor.

The Planning Department Accela system (below) shows this NOE to be open and under review as of July 18, 2020. Why did DBI close out the complaint?
2019-002554 ENF
Built 3 feet taller than what was approved on the notice to the neighbors, under 2016.0517.7657, added parapet which was not on the drawing.

The plans that were submitted for the front and rear of 846 34th Avenue are shown below. Note the planned house is lower than the two adjoining homes.
The other two material violations are:

1. The installation of Illegal windows on the second and third floors of the south wall of 846 36th Avenue. The windows were removed after the neighbor south of 846 36th Avenue filed a permit appeal (pictures attached) with the Board of Appeals. A Notice of Violation should have been issued for this building code violation and penalties assessed.

2. The Department of Building Inspection approved a permit addendum on August 17, 2018 that was not sent to the Planning Department for approval. In his February 7, 2020 email to Mr. Hui, (attached) Zoning Administrator Corey Teague mentioned the approved revisions included the construction of solid firewalls along the property lines that require approval from the Planning Department. Mr. Teague requested Mr. Hui suspend building permit # 2016.0517.7657 to allow the Planning Department to review the revised building plans.

   a. The Department of Building Inspection suspended permit 2016.01577.7657 on February 07, 2020 and the permit was reinstated 11 days later on February 18, 2020. A copy of the permit is attached. The permit reinstatement occurred 4 months prior to the property owner completing the required work and DBI issuing a final inspection certificate on June 18, 2020.

   b. On June 18, 2020, ten days after I sent my Sunshine request to DBI, final inspections were approved on three revisions to the original remodel building permit and the remodel permit. This information is summarized in the attached summary of complaints.

The picture below from the real estate listing shows the unpermitted parapets in the modern grey and white house were not removed.
I look forward to receiving the requested documents.

**Attached documents**

1. July 19, 2020 Sunshine Request issued to Building Inspection Commission President McCarthy and Vice President Moss.
2. February 7, 2020 email from Zoning Administrator Corey Teague to Department of Building Inspector Director Tom Hui requesting the suspension of building permit 2016.0517.7657.
4. A picture of the illegal windows from the BOA appeal filed by the neighbor of 846 34th Avenue.
5. Summary of DBI complaints at 846 34th Avenue
6. Email correspondence chain with DBI
7. Building permit to convert illegal windows to fixed windows.
8. Building permit to remove illegal windows on south wall.
9. Building permit to remove unpermitted firewalls.
To: Building Inspection Commission President McCarthy, V. P. Moss  
Cc: Building Inspection Commissioners Ms. Alexander-Tut, Mr. Clinch,  
Mr. Jacobo, Mr. Tam

From: Jerry Dratler

Subject: Request for Public Records Building Inspection Commission-  
Immediate Disclosure Request 846 34th Avenue

Date: July 19, 2020

Pursuant to the California Public Records Act and the San Francisco  
Sunshine Ordinance, I request the S. F. Building Inspection Commission  
to immediately produce for inspection and copying the following records:

1. **NOE 2019-00025ENF**-  
   a. A copy of the NOE.  
   b. A copy of the NOV issued by DBI and penalties levied for the  
   violations covered in the NOE.  
   c. All correspondence sent by DBI or received by DBI from Tim  
   Brown, Mark Brown, Jingbo Yang, or their agents or  
   attorneys regarding the violations.  
   d. All correspondence received from employees in other City  
   Departments or members of City Commissions or Boards  
   regarding the violations covered in this NOE.

2. **NOE 2020-001401ENF** –  
   a. A copy of the NOE.  
   b. Copy of the NOV issued by DBI and penalties levied for the  
   violations covered in the NOE.  
   c. All correspondence sent by DBI or received by DBI from Tim  
   Brown, Mark Brown, Jingbo Yang, or their agents or  
   attorneys regarding the violations in the NOE.
d. All correspondence received from employees in other City Departments or members of City Commissions or Boards regarding the violations covered in this NOE.

3. Permit #2020002144593 –
   a. A copy of the DBI NOV that was issued, and penalties levied.
   b. Copies of all correspondence between DBI and owner or owner's agents regarding permit #2020002144593 to remove unpermitted rear firewalls.
   c. A copy of all correspondence sent by DBI to or received from Tim Brown, Mark Brown, Jingbo Yang, or their agents or attorneys regarding the unpermitted firewalls.
   d. All correspondence received from employees in other City Departments or members of City Commissions or Boards regarding the violations covered in this permit.

4. Permit #2020003056325 -
   a. A copy of the DBI NOV issued and penalties levied for the installation of illegal windows on the south wall of 846 34th Avenue.
   b. Copies of all correspondence between DBI and the owner or owner's agents regarding permit #2020003056325, including but not limited to a copy of all correspondence sent by DBI to or received from Tim Brown, Mark Brown, Jingbo Yang, or their agents or attorneys regarding this permit.
   c. Copies of all correspondence between DBI and the neighbor of 846 34th Avenue who filed and withdrew Board of Appeal # 19-132 at 846 34th Avenue.
   d. All correspondence received from employees in other City Departments or members of City Commissions or Boards regarding the violations covered in this permit.
5. **Reinstatement of permit 201605177657**-
   a. A copy the entire correspondence file supporting reinstatement of permit #201605177657 after it was suspended by the Planning Department.
   b. All correspondence sent by DBI or received from the S. F. Planning Department, the property owner and owner's agents regarding the permit reinstatement, including but not limited to correspondence sent to or received from Tim Brown, Mark Brown, Jingbo Yang, or their agents or attorneys.
   c. All correspondence received from employees in other City Departments or members of City Commissions or Boards regarding the violations covered in this permit.

6. **Permit addendum** –
   a. A copy of the August 17, 2018 addendum to permit #201605177657.
   b. All correspondence and plan drawings between DBI and the S. F. Planning Department and the property owner or owner's agents regarding the permit addendum. Including but not limited to correspondence sent by DBI to or received from Tim Brown, Mark Brown, Jingbo Yang, or their agents or attorneys.
   c. All correspondence received from employees in other City Departments or members of City Commissions or Boards regarding the violations covered in this permit addendum.
7. Copies of 846 34th Avenue special inspection reports-
   a. Copies of special inspection reports for; concrete placement and sampling, steel framing, foundations, hold-downs, shear walls and floor systems used as per shear diaphragms, single pass fillet welds, reinforcing steel and pretressing tendowns, bolts installed in concrete and wood framing.

Thank you,

Jerry Dratler
Suspension Request

February 7, 2020

Tom Hui, CBO
Director
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103

Building Permit No.: 201605177657
Property Address: 846 34th Avenue
Block and Lot: 1676/015
Zoning District: RH-2 (Residential-House, Two Family)
Staff Contact: Sylvia Jimenez – (415) 575-9187, sylvia.jimenez@sfgov.org

Dear Mr. Hui,

This letter is to request that the Department of Building Inspection (DBI) suspend Building Permit No. 201605177657 for the property at 846 34th Avenue. The subject permit was approved by the Planning Department on February 5, 2018 and subsequently reviewed and issued by DBI on May 9, 2018. The scope of work included the renovation of an existing single family residence, including a one-story vertical addition and two-story horizontal addition at the rear. The project also included two roof decks atop the rear additions with glass guardrails.

Subsequently on August 17, 2018, an architectural addendum including revisions to the original scope of work was approved and issued by DBI without Planning Department Review. The approved revisions included the construction of solid firewalls along the side property lines, which requires approval from the Planning Department.

Additionally, Planning confirmed that exterior alterations have occurred that exceed the approved scope of work of the permit, and an enforcement case was opened on January 30, 2020 (2020-001401ENF). Therefore, the Planning Department respectfully requests that DBI suspend Building Permit No. 201605177657 to allow the required Planning Department review.

APPEAL: Any aggrieved person may appeal this letter to the Board of Appeals within fifteen (15) days after the date of the issuance of this letter. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, or call 575-6880.

Sincerely,

Corey A. Teague, AICP
Zoning Administrator

CC: Mark Brown, 846 34th Avenue, San Francisco, CA 94121 (Property Owner)
    Ed Sweeney, Deputy Director, Department of Building Inspection
    Patrick O'Riordan, Chief Building Inspector, Department of Building Inspection
    Tina Tam, Code Enforcement Manager, Planning Department
    Sylvia Jimenez, Planning Department

www.sfplanning.org
Welcome to our Permit / Complaint Tracking System!

Permit Details Report

**Report Date:** 7/19/2020 1:19:23 PM

Application Number: 201605177657
Form Number: 3
Address(es): 1676 / 015 / 0 846 34TH AV

Description: VERTICAL & HORIZONTAL ADDITION, AND CHANGE FRONT OF BUILDING PER PLANS. 1ST FLR: ADD ADDITIONAL 1 CAR GARAGE SPACE, 1 MEDIA ROOM, 1 BATHROOM, 1 FAMILY ROOMS & 1 WET BAR. NEW PATIO AT REAR. 2ND FLR: TOTAL REMODEL, ADD 1 HOME OFFICE & ROOF DECK. 3RD FLR: ADD 3 BEDROOMS, 2 BATHS & 1 LAUNDRY.

Cost: $300,000.00
Occupancy Code: R-3
Building Use: 27 - 1 FAMILY DWELLING

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Contractor Details:

License Number: OWN
Addenda Details:

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<td>Approved SITE Permit only. 2/28/18: ADDENDUM requirement(s) for sign off: Street Improvement (final inspection), Minor Sidewalk Encroachment (existing driveway, planting strip, pedestrian walkway and 12&quot; step) and Bureau of Urban Forestry (tree planting). Download sidewalk application(s) at <a href="http://www.sfpublicworks.org/services/permits/application-forms">http://www.sfpublicworks.org/services/permits/application-forms</a> and submit them at 1155 Market, 3rd Floor. Only new trees can be applied ONLINE and UPLOAD plans through <a href="http://bsm.sfpdpw.org/buftrees2/treeplanting.aspx">http://bsm.sfpdpw.org/buftrees2/treeplanting.aspx</a>. Your construction addendum will be ON-HOLD until all necessary permit(s) are approved or the assigned BSM plan checker(s) may recommend sign off to the satellite office via email. Please call BSM main office at (415) 554-5810 or view <a href="http://www.sfpublicworks.org/informationalbrochure">http://www.sfpublicworks.org/informationalbrochure</a> s for permit application information. -CC</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>RELEASED HOLD - 3/27/18 ON HOLD until PDFs of the requested drawings are received. Send front cover, site plan, existing/proposed floor plans to Bill Tom, <a href="mailto:btom@sfwater.org">btom@sfwater.org</a> Reviewed &amp; assessed for capacity</td>
<td></td>
</tr>
</tbody>
</table>
charges. DBI will collect charges. See invoice and meter upgrade letter attached to application. Route submittal to PPC 3/17/18.

<table>
<thead>
<tr>
<th>No.</th>
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<th>End Date</th>
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<td>CP-ZOC</td>
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<td>5/3/18</td>
<td>JIMENEZ SYLVIA</td>
<td>Restamped plans</td>
</tr>
<tr>
<td>8</td>
<td>PPC</td>
<td>5/4/18</td>
<td>5/4/18</td>
<td>USER GSA</td>
<td>5/4/18: To CPB; HP 4/27/18: To DCP for restamp 3/19/18: To HOLD bin; HP 3/1/18: to PUC; EC. 2/23/18: to BSM; EC. 2/15/18: to BLDG; EC. 2/8/18pm: R3 to DCP. ibb</td>
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<td>9</td>
<td>CPB</td>
<td>5/4/18</td>
<td>5/9/18</td>
<td>SONG SUSIE</td>
<td>14 PAGES. APPROVED AND ISSUED.</td>
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</table>

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

### Appointments:

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<th>Appointment AM/PM</th>
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### Inspections:

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<th>Inspection Description</th>
<th>Inspection Status</th>
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<td>4/10/2020</td>
<td>Robert Power</td>
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<td>7/12/2019</td>
<td>Michael (Yuet) Chan</td>
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<td>SHEETROCK NAILING</td>
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### Special Inspections:

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<th>Inspection Code</th>
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<th>Remarks</th>
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<td>1</td>
<td>6/16/2020</td>
<td>MGREENE</td>
<td>18A</td>
<td>BOLTS INSTALLED IN EXISTING CONCRETE</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Name</td>
<td>Code</td>
<td>Description</td>
<td></td>
<td></td>
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<td>----------------------------------------------------------</td>
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</tr>
<tr>
<td>6/15/2020</td>
<td>MGREENE</td>
<td>5A1</td>
<td>SINGLE PASS FILLET WELDS &lt; 5/16&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6/15/2020</td>
<td>MGREENE</td>
<td>4</td>
<td>REINFORCING STEEL AND PRETRESSING TENDONS</td>
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<tr>
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<td>MGREENE</td>
<td>2</td>
<td>BOLTS INSTALLED IN CONCRETE</td>
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<tr>
<td>6/15/2020</td>
<td>MGREENE</td>
<td>1</td>
<td>CONCRETE (PLACEMENT &amp; SAMPLING)</td>
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<td>24B</td>
<td>STEEL FRAMING</td>
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<td></td>
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<tr>
<td>6/9/2020</td>
<td>MGREENE</td>
<td>24E</td>
<td>WOOD FRAMING</td>
<td></td>
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<tr>
<td>6/9/2020</td>
<td>MGREENE</td>
<td>24A</td>
<td>FOUNDATIONS</td>
<td></td>
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<tr>
<td>6/9/2020</td>
<td>MGREENE</td>
<td>20</td>
<td>HOLDOWNS</td>
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<tr>
<td>6/9/2020</td>
<td>MGREENE</td>
<td>19</td>
<td>SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS</td>
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</tr>
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</table>

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.
Permit Application No. 201911147330, 846 34th Avenue, San Francisco, CA 94121

Windows on the sides of the rectangular bays do not comply with San Francisco Building Code. Windows less than 3 feet from the property line are prohibited by SF/CA Building Code Section 705.8. The windows are approximately 28" from the property line. Further, the windows do not conform with SF form AB-009, Condition 3, which states, "The openings shall be located...at least six feet laterally beyond any wall of an adjoining building." The windows are approximately four feet laterally beyond the wall at the main and upper levels or my house, and zero feet laterally beyond the wall at the garage level. Please see the photos, below.

One of the windows in question sits directly adjacent to my front door, under a small roof over my porch. If that house were to catch fire, it could quickly spread to my porch. My front door and porch are my family's only means of egress on the front of my house. By the same token, if my porch were to catch fire, it could spread to this house, endangering the lives of its occupants.

I have repeatedly raised the issue of this illegal construction with the District Building Inspector and his superior (as well as Planning) since July 1 of this year, without any resolution or action being taken that corrects the illegal condition. The safety of my family and the value of my home are negatively impacted by the ongoing presence of an illegal and dangerous condition.

Photo 1: Approved plan, one of the windows in question circled. Note lack of dimension from window to property line.

Photo 2: Windows in question circled (third window on opposite side with similar condition not shown). My house at 850 34th Avenue on the right.

Photo 3: Window as seen from my porch, adj. to my front door.

Photo 4: Measuring the distance from the window to the property line: Less than the required minimum 3 feet.

Photo 5: Measuring the lateral distance of the window beyond the wall of my house: Less than the required minimum 6 feet.
## Summary of complaints

### 846 34th Avenue

<table>
<thead>
<tr>
<th>Complaint #</th>
<th>Date Filed</th>
<th>Status</th>
<th>Div</th>
<th>Complaint</th>
<th>status</th>
</tr>
</thead>
<tbody>
<tr>
<td>202027186</td>
<td>4/9/2020</td>
<td>CLOSED</td>
<td>BID</td>
<td>846 34th Ave. --- Caller states this home has been vacant for several years. There are quite a few construction workers coming in and out remodeling this house and this is not an essential construction.</td>
<td>case closed no working happening 4/13/2020</td>
</tr>
<tr>
<td>202015981</td>
<td>2/4/2020</td>
<td>CLOSED</td>
<td>BID</td>
<td>Work without permit. Two roof decks beyond scope of what is shown on the approved drawings.</td>
<td>Closed June 18, 2020. Work has been completed DHR.</td>
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<tr>
<td>202010801</td>
<td>1/9/2020</td>
<td>CLOSED</td>
<td>BID</td>
<td>Work Beyond the drawing</td>
<td>case closed contractor will put guard rails per approved plans before final</td>
</tr>
<tr>
<td>201929934</td>
<td>2/19/2019</td>
<td>CLOSED</td>
<td>BID</td>
<td>date last observed: 31-JAN-19; time last observed: Ongoing; identity of person performing the work: An Dun Construction SF, Inc.; floor: Top; exact location: Main Bldg; building type: Residence/Dwelling WORK BEYOND SCOPE OF PERMIT; additional information: Parapet added, <strong>brining height of building 3' above approved height.</strong></td>
<td>case closed building height per approved plans</td>
</tr>
<tr>
<td>201929411</td>
<td>2/15/2019</td>
<td>CLOSED</td>
<td>BID</td>
<td>Building taller than approved by permit</td>
<td>case closed building height per approved plans</td>
</tr>
</tbody>
</table>
Dear Mr. Dratler:

Thank you for your follow-up inquiry. I checked with our communications staff who are handling this request. They confirmed that we do not have any Notices of Violation issued for this property. As a result, there would be no assessment of fees. Likewise, no addendum exists for this property, which is why it wasn’t produced. For more information on the site permit process, please see Administrative Bulletin 32: [https://sfdbi.org/sites/default/files/AB-032.pdf](https://sfdbi.org/sites/default/files/AB-032.pdf)

We believe that all documents that were responsive to your request were produced. Please let me know if you have additional questions.

Regards, Christine

Christine Gasparac
Assistant Director
Department of Building Inspection

christine.gasparac@sfgov.org

415-558-6250 (office)
From: O’Riordan, Patrick (DBI) <patrick.oriordan@sfgov.org>
Sent: Saturday, June 27, 2020 1:29 PM
To: Gasparac, Christine (DBI) <christine.gasparac@sfgov.org>
Cc: Jerry Dratler <>
Subject: Fwd: Follow up on Sunshine Request

Hi Christine,

Can you please have please follow up with Mr. Dratler?

Thanks,

Patrick O’Riordan
Interim Director
1660 Mission Street, 6th floor
San Francisco, CA. 94103
patrick.oriordan@sfgov.org
415 558 6105

Begin forwarded message:

From: Jerry Dratler <>
Date: June 27, 2020 at 1:21:10 PM PDT
To: "O’Riordan, Patrick (DBI)" <patrick.oriordan@sfgov.org>
Subject: Follow up on Sunshine Request

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Mr. O’Riordan,

I am following up on the email I sent on Tuesday of this week regarding my Sunshine Request for 846 34th Ave.

I have not received any additional documents since I sent the email, will your department be sending me copies of the permit Addendum, NOVs that were issued and the penalties that were assessed?

Please respond by Tuesday June 30.

Regards,

Jerry Dratler
Mr. O’Riordan,

I would not normally bother you with a Sunshine Request.

I submitted the attached Sunshine Request and DBI’s response has been unsatisfactory and I need your assistance.

DBI sent me two PDF files. At 19-page file with building permits and an 888-page pdf file where only approximately 113 pages or 12% of the pages pertained to 846 34th Avenue. Were the extra pages an accident or intentional?

There were significant code violations on the project at 846 34th Avenue. The illegal windows on the south wall, the parapets and 2nd and 3rd floor rear decks. I requested a copy of the NOVs issued by DBI and the financial penalties assessed. I have received nothing.

I also requested information on the permit Addendum that DBI approved without forwarding the addendum to the Planning Department and have not receiving any documentation.

Please have you staff send me the requested documents.

Regards,

Jerry Dratler
Welcome to our Permit / Complaint Tracking System!

Permit Details Report

**Report Date:** 7/19/2020 1:25:06 PM

Application Number: 202003056325

Form Number: 8

Address(es): 1676 / 015 / 0 846 34TH AV

Description: REVISION TO BPA #201605177657. TWO PREVIOUSLY DRAWN AND APPROVED BAY WINDOW OPENINGS ON SOUTHSIDE OF FRONT BAY TO BE REMOVED. WALL TO BE PATCHED TO MATCH EXISTING SIDING. REF COMPLAINT #202015981

Cost: $1.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

<table>
<thead>
<tr>
<th>Action Date</th>
<th>Stage</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/5/2020</td>
<td>TRIAGE</td>
<td></td>
</tr>
<tr>
<td>3/5/2020</td>
<td>FILING</td>
<td></td>
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<tr>
<td>3/5/2020</td>
<td>FILED</td>
<td></td>
</tr>
<tr>
<td>3/9/2020</td>
<td>APPROVED</td>
<td></td>
</tr>
<tr>
<td>3/9/2020</td>
<td>ISSUED</td>
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</tr>
<tr>
<td>6/18/2020</td>
<td>COMPLETE</td>
<td>5474539 Final Inspection/Approved</td>
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Contact Details:

Contractor Details:

License Number: OWN

Name: OWNER

Company Name: OWNER

Address: OWNER * OWNER CA 00000-0000

Phone:
Addenda Details:

Description:

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<th>Out Hold</th>
<th>Finish</th>
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<th>Hold Description</th>
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</thead>
<tbody>
<tr>
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<td>BLDG</td>
<td>3/6/20</td>
<td>3/6/20</td>
<td>3/6/20</td>
<td>3/6/20</td>
<td>LAU (NELSON) CHIU</td>
<td>approved Otc</td>
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This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

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<th>Appointment AM/PM</th>
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<th>Appointment Type</th>
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<th>Time Slots</th>
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Inspections:

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<th>Inspection Status</th>
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<td>6/18/2020</td>
<td>Robert Power</td>
<td>FINAL INSPECT/APPRVD</td>
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Special Inspections:

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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.
Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 7/19/2020 1:31:41 PM

Application Number: 201911147330
Form Number: 8
Address(es): 1676 / 015 / 0 846 34TH AV

Description: REVISION TO APP#201605177657. REVISE WINDOW OPERATION TYPE TO FIX AT FRONT BAYS AND DOCUMENT DISTANCE TO ADJACENT BUILDINGS.

Cost: $1.00
Occupancy Code: R-3
Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

<table>
<thead>
<tr>
<th>Action Date</th>
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Contact Details:

Contractor Details:

License Number: 919465
Name: DECLAN MCKEVITT
Company Name: AN DUN CONSTRUCTION
Address: P.O. BOX 27144 * SAN FRANCISCO CA 94127-0000
Phone:

Addenda Details:

Description:

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<td>11/14/19</td>
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<td>BROWN SHARAE</td>
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This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

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</tr>
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<td>SITE VERIFICATION</td>
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<td>Michael (Yuet) Chan</td>
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Special Inspections:

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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.
Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 7/19/2020 1:28:40 PM

Application Number: 202002144593
Form Number: 8
Address(es): 1676 / 015 / 0 846 34TH AV

Description: REVISION TO BPA#201605177657, S1. Remove unpermitted firewalls along side property lines (rear) and extended deck guardrails atop first floor expansion to comply with #2020-001401ENF AND ADDRESSED 2016-006786PRJ. New roof deck atop first floor to be fire rated.

Cost: $1,000.00
Occupancy Code: R-3
Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

<table>
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<tr>
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<tr>
<td>2/14/2020</td>
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<tr>
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<tr>
<td>6/18/2020</td>
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Contact Details:

Contractor Details:

License Number: 919465
Name: DECLAN MCKEVITT
Company Name: AN DUN CONSTRUCTION
Address: P.O. BOX 27144 * SAN FRANCISCO CA 94127-0000
### Addenda Details:

#### Description:

<table>
<thead>
<tr>
<th>Step</th>
<th>Station</th>
<th>Arrive</th>
<th>Start</th>
<th>In Hold</th>
<th>Out Hold</th>
<th>Finish</th>
<th>Checked By</th>
<th>Hold Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CP-ZOC</td>
<td>2/14/20</td>
<td>2/14/20</td>
<td></td>
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<td></td>
<td>JIMENEZ SYLVIA</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>BLDG</td>
<td>2/18/20</td>
<td>2/18/20</td>
<td></td>
<td>2/18/20</td>
<td></td>
<td>MCELROY CAREY</td>
<td>APPROVED OTC</td>
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<tr>
<td>3</td>
<td>CPB</td>
<td>2/18/20</td>
<td>2/18/20</td>
<td></td>
<td>2/18/20</td>
<td></td>
<td>MARIA RAGASA</td>
<td></td>
</tr>
</tbody>
</table>

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

### Appointments:

<table>
<thead>
<tr>
<th>Appointment Date</th>
<th>Appointment AM/PM</th>
<th>Appointment Code</th>
<th>Appointment Type</th>
<th>Description</th>
<th>Time Slots</th>
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<tbody>
<tr>
<td>6/18/2020</td>
<td>AM</td>
<td>WS</td>
<td>Web Scheduled</td>
<td>FINAL INSPECT/APPRVD</td>
<td>1</td>
</tr>
<tr>
<td>3/2/2020</td>
<td>PM</td>
<td>VS</td>
<td>IVR Scheduled</td>
<td>ROUGH FRAME, PARTIAL</td>
<td>1</td>
</tr>
</tbody>
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### Inspections:

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<th>Inspector</th>
<th>Inspection Description</th>
<th>Inspection Status</th>
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<tbody>
<tr>
<td>6/18/2020</td>
<td>Robert Power</td>
<td>FINAL INSPECT/APPRVD</td>
<td>FINAL INSPECT/APPRVD</td>
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<tr>
<td>3/2/2020</td>
<td>Daniel Helminiak</td>
<td>ROUGH FRAME, PARTIAL</td>
<td>OK TO COVER</td>
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### Special Inspections:

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<th>Addenda No.</th>
<th>Completed Date</th>
<th>Inspected By</th>
<th>Inspection Code</th>
<th>Description</th>
<th>Remarks</th>
</tr>
</thead>
</table>

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.
FYI, Muckrock withdrew the petition, below.

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

July 30, 2020

This is a follow up to a previous request:

Ok, then this 67.21(d) petition is withdrawn. Thanks.

Filed via MuckRock.com
E-mail (Preferred): 86480-05425568@requests.muckrock.com
Upload documents directly:
mHOvDHt%3A1kJ1DJn%3AiexSwBAWdez8g0lmPkg3vSWaUh8
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

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On July 29, 2020:
Subject: RE: California Public Records Act Request: Resources Allocated to Public Records - Immediate Disclosure Request
Dear requester,

Regarding the 1/02/19 request in row 2 of the spreadsheet, the redaction in the “CONTENT OF REQUEST” column is exempt from disclosure as attorney work product because it contained our internal notes regarding the request. In addition, references in row 2 to the requester’s name are exempt in this case because the requester stated that the request related to a confidential whistleblower complaint submitted by the requester.

Please send replies to cityattorney@sfcityatty.org.<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D66595.D1C6D690]Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

---

On July 28, 2020:
Subject: RE: California Public Records Act Request: Resources Allocated to Public Records - Immediate Disclosure Request
Supervisor of Records,

I am challenging under 67.21(d) the attached single redaction under the official information privilege. Please determine all or some part of the redaction to be actually public and order it disclosed. Coolbrith states "California Evidence Code section 1040 provides an exception under state law for official information. This includes information acquired in confidence by a public employee in the course of his or her duties.". There is nothing to indicate that this or other public records requests were received in confidence, nor somehow that that specific part of the request is confidential. It's just a public records request like any other.

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
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Anonymous

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Subject: RE: California Public Records Act Request: Resources Allocated to Public Records - Immediate Disclosure Request
Dear requester,

I am responding on behalf of the City Attorney’s Office to your below records request. Attached please find the responsive record. Please note we redacted personal contact information on page 11 due to privacy reasons. See Cal Const., Article I, section 1; Cal. Government Code Section 6254(c), (k); Admin. Code Section 67.1(g).
Please also note we redacted information exempt from disclosure as attorney work product on pages 1, 3, 4, and 6-23 (Cal. Gov’t Code § 6276.04; Cal. Code of Civil Pro. § 2018.030). We also redacted information protected from disclosure by the official information privilege on pages 1, 12, and 19-21. California Government Code section 6254(k) provides an exemption for records "the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege." California Evidence Code section 1040 provides an exception under state law for official information. This includes information acquired in confidence by a public employee in the course of his or her duties. A public entity may refuse to disclose official information and to prevent another from disclosing such information.

Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,

Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org
On Jan. 22, 2020:
Subject: California Public Records Act Request: Resources Allocated to Public Records - Immediate Disclosure Request
RE: A Word Document and an Excel File - Immediate Disclosure Request (SF City Atty)

Manu Pradhan, Dennis Herrera, and Office of City Attorney:

Below are Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to Manu Pradhan, Dennis Herrera, and Office of City Attorney. Your response is required by Jan 23, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, or print and scan electronic records, convert to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations: All withholding of any information must be justified (SFAC 67.27). All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to justification and only the minimal exempt portion of a record may be withheld (SFAC 67.26). Respond to emailed requests (SFAC 67.21(b)). You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)). You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)). You must do all of this in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until your procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

1. All org charts showing Manu Pradhan's organization including all superiors and subordinates (direct or indirect)
2. All records showing the staff resource allocation used for fulfilling City Attorney's office CPRA/Sunshine duties (for example: which staff do CPRA duties, what their job descriptions and titles are, what percentage of their time they are allocated to public records issues)

Because I do not know what kind of records you possess, I ask for SFAC 67.21(c) assistance in identifying the records related to the following topic: The resources (quantity, hours, job descriptions, titles, employee name) that your office dedicates to public records disclosure for your own office (i.e. not including attorneys advising other departments nor Supervisor of Records work).

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

Filed via MuckRock.com
E-mail (Preferred): 86480-05425568@requests.muckrock.com
Upload documents directly:
mHOfaDHtg%3A1k1DJn%3AiexSwBAWdez8g0ImPkz3vSWaUh8
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 86480
411A Highland Ave
Somerville, MA 02144-2516

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21st Annual SOR Report
APPENDIX - Page 472
Hi Brad,

See below SOR complaint from Muckrock with screenshot attachment. Also attached is our updated response to him regarding the contested redaction.

Thanks,

Elizabeth

---

From: 86480-05425568@requests.muckrock.com <86480-05425568@requests.muckrock.com>
Sent: Tuesday, July 28, 2020 2:03 PM
To: CityAttorney (CAT) <cityattorney@SFCITYATTY.ORG>
Subject: RE: California Public Records Act Request: Resources Allocated to Public Records ‐ Immediate Disclosure Request

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

July 28, 2020

This is a follow up to a previous request:

Supervisor of Records,

I am challenging under 67.21(d) the attached single redaction under the official information privilege. Please determine all or some part of the redaction to be actually public and order it disclosed. Coolbrith states "California Evidence Code section 1040 provides an exception under state law for official information. This includes information acquired in confidence by a public employee in the course of his or her duties.". There is nothing to indicate that this or other public records requests were received in confidence, nor somehow that that specific part of the request is confidential. It's just a public records request like any other.

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On July 28, 2020:
Subject: RE: California Public Records Act Request: Resources Allocated to Public Records - Immediate Disclosure Request
The redaction in the “notes” column are exempt as attorney work product. The redactions in the “requestor” and “content of request” columns are exempt under the official info privilege.

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The redaction in the “notes” column are exempt as attorney work product. The redactions in the “requestor” and “content of request” columns are exempt under the official info privilege.
Disclosure Request
Dear requester,

I am responding on behalf of the City Attorney’s Office to your below records request. Attached please find the responsive record. Please note we redacted personal contact information on page 11 due to privacy reasons. See Cal Const., Article I, section 1; Cal. Government Code Section 6254(c), (k); Admin. Code Section 67.1(g). Please also note we redacted information exempt from disclosure as attorney work product on pages 1, 3, 4, and 6-23 (Cal. Gov’t Code § 6276.04; Cal. Code of Civil Pro. § 2018.030). We also redacted information protected from disclosure by the official information privilege on pages 1, 12, and 19-21. California Government Code section 6254(k) provides an exemption for records "the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege." California Evidence Code section 1040 provides an exception under state law for official information. This includes information acquired in confidence by a public employee in the course of his or her duties. A public entity may refuse to disclose official information and to prevent another from disclosing such information.

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Sincerely,

Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

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On July 16, 2020:
Subject: RE: California Public Records Act Request: Resources Allocated to Public Records - Immediate Disclosure Request
Please provide as an immediate disclosure request the 2019 and 2020 records request logs/spreadsheets showing all columns of data.

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Sincerely,

Anonymous
---
On March 19, 2020:
Subject: RE: California Public Records Act Request: Resources Allocated to Public Records - Immediate Disclosure Request
Dear requester,

I am responding on behalf of the City Attorney's Office to your below request. After a diligent and reasonable search, our office determined that all responsive records in our custody are 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).

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Paralegal
Office of City Attorney Dennis Herrera
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---

On Jan. 22, 2020:
Subject: California Public Records Act Request: Resources Allocated to Public Records - Immediate Disclosure Request
RE: A Word Document and an Excel File - Immediate Disclosure Request (SF City Atty)

Manu Pradhan, Dennis Herrera, and Office of City Attorney:

Below are Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to Manu Pradhan, Dennis Herrera, and Office of City Attorney. Your response is required by Jan 23, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, or print and scan electronic records, convert to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations: All withholding of any information must be justified (SFAC 67.27). All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to justification and only the minimal exempt portion of a record may be withheld (SFAC 67.26). Respond to emailed requests (SFAC 67.21(b)). You must notify us of whether or not responsive records exist and/or were
withheld for each below request (Gov Code 6253(c), 6255(b)). You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)). You must do all of this in your response, and you cannot wait until we file complaints.

******* We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until your procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *******

1. All org charts showing Manu Pradhan's organization including all superiors and subordinates (direct or indirect)
2. All records showing the staff resource allocation used for fulfilling City Attorney's office CPRA/Sunshine duties (for example: which staff do CPRA duties, what their job descriptions and titles are, what percentage of their time they are allocated to public records issues)

Because I do not know what kind of records you possess, I ask for SFAC 67.21(c) assistance in identifying the records related to the following topic: The resources (quantity, hours, job descriptions, titles, employee name) that your office dedicates to public records disclosure for your own office (i.e. not including attorneys advising other departments nor Supervisor of Records work).

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

Filed via MuckRock.com
E-mail (Preferred): 86480-05425568@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 86480
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.
<table>
<thead>
<tr>
<th>Date Request Rec'd</th>
<th>Standard</th>
<th>IDR</th>
<th>Initial Deadline</th>
<th>Extension</th>
<th>Deadline</th>
<th>Content of Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/2/19</td>
<td>Y</td>
<td>N</td>
<td>1/14/19</td>
<td>1/15/2019</td>
<td></td>
<td>copy of all emails/letters that he has sent to the CAO investigative team re alleged crimes submitted by the PUC [REDACTED]</td>
</tr>
<tr>
<td>1/2/19</td>
<td>N</td>
<td>Y</td>
<td>1/3/19</td>
<td>1/3/2019</td>
<td>1/17/2019</td>
<td>All investigation reports, findings and recommendations along with recordings, and transcripts regarding the following officers and incidents. And any disciplinary records related to the incident.</td>
</tr>
<tr>
<td>1/8/19</td>
<td>N</td>
<td>Y</td>
<td>1/18/19</td>
<td></td>
<td></td>
<td>copy of the settlement agreement (or the documentation) of Troon and their paying $400,000 to SF for the demolition of the Lombard Willis-Polk home</td>
</tr>
</tbody>
</table>

*Requesting electronic copies of all emails, email attachments, email form submissions, written correspondence, transcripts, documents, press releases, faxes, photos, video, texts and all other forms of communication.*
February 3, 2021

Sent via email (81227-34819567@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 7, 2020, concerning a request to the San Francisco Police Department ("SFPD") for records regarding an officer involved shooting, specifically an SFPD Internal Affairs Division Report, Officer Involved Shooting, 2013-002. You contend that SFPD unlawfully redacted information from documents it produced on this incident.

As you may know, SFPD issued a revised production of records pertaining to this incident on January 5, 2021, which can be found at https://sb1421publicarchive-sanfranciscopd.mycusthelp.com/WEBAPP/_rs/(S(o2evd0ycfed1mox205umtc4))/RequestArchiveDetails.aspx?rid=23068&view=45. Each redaction is labeled with a basis for the redaction found in a separate key, available at the same location online.

We have carefully reviewed each item in your petition and the revised SFPD disclosure, and we find that SFPD properly redacted the records on the bases cited for the redactions.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/ Lisa Powell
Lisa Powell
Deputy City Attorney
San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

August 7, 2020

This is a follow up to request number P009436-101619, SOTF 19124:

Superintendent of Records,

Attached is an amended petition. Issues #6 and #8 have been updated to note that dates of hire of peace officers and their names have been deemed explicitly non-exempt by the Supreme Court (Comm. on Peace Off. Stand. v. Superior Court, 42 Cal.4th 278 (Cal. 2007)). Please carefully consider these arguments.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81227-34819567@requests.muckrock.com

Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAlhqR2FqwIRG0aqbkhSFkpyl%3A1k4CH7%3AsZOso5BhIquvLY2Y8o0Y-SE3t-8&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_logi
n%252Fsan-francisco-police-department-367%252Fpolice-misconduct-audit-sfpd-immediate-disclosure-request-and-6721c-request-81227%252F%2523Femail%252Dsupervisor.records%252Dsfcityatty.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 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 Aug. 7, 2020:
Subject: RE: California Public Records Act Request #P009436-101619, SOTF 19124
Supervisor of Records,

Please see the attached.

-- Anonymous

---

On Aug. 7, 2020:
Subject: RE: California Public Records Act Request #P009436-101619, SOTF 19124

Thank you for your email. We will not be further responding to this petition, as we have already addressed the issues that you have raised.

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 Aug. 7, 2020:
Subject: RE: California Public Records Act Request #P009436-101619, SOTF 19124

Thank you for your response.

First, since you have determined that "the identity of individuals who made public records requests is not private and should be produced if it has not been already" (subject to the exceptions you listed in your letter), please order SFPD to unredact that information from the responsive records it has produced to me in this request. By way of example, but not limitation, SFPD has redacted such information in the records documenting prior records request PRA 6443.

Second, it does not appear you have actually considered the SB 1421 redactions to determine whether or not they were lawful, or in other words, you have failed to determine whether or not the parts of the records I petitioned for were in fact public or not. It is impossible for you to verify even a single redaction, because SFPD does not indicate which redaction is justified by which exemption. This of course is the reason why the Sunshine Ordinance requires footnotes or other clear references for all redactions (SFAC 67.26), yet the City Attorney's office appears not to care about upholding this portion of the law.

Therefore, this is a further 67.21(d) petition to determine that all or some of the currently withheld (redacted) portions of the following record are public and order their disclosure:

13-002_-_130188386_-_production_1.pdf at https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsoslXbuEgm-2FN-2B3kuuYZYHnuXVUop6SBUj6ZI2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPktPrLi0CPeV6JhPmxHQrvEirqHqz6u edWfsFdwvV57bc0xXqe-2BBoVO4d4AUI5mrVb8oCfCzYfcOs0v3Od2AFU6W8JedEBkwL4q9ccfaspmX6VHNCGFVy6P0ywjQz1hh7E-2Fn8RH7g9I2MZJ4Y0ehG4-3D_IYcLe-2FsBaxpVrnweThVZTLrJH6avRFAPzxChO0XzzFxe-2FbbfTNjHqoyaKS2OEtvv-2FPH-2B1GwzLGfc-2FQqgcf1gYF3K3V-2BFINBoHy9XDzKh1bFD11DTRQzpZv4sSfXznc4o-2F0dAyxrl2xNvncXqfb6y2NF7VkJhxN8NQ5s8VSrGozKjFMf-2B8Pi-2BrWhhkR4c3JrrdM7i7sgTswFgool0vEhgP-2BFb8kP-
I will pursue the remainder of the violations before the SOTF in the pending complaint.

Sincerely,

Anonymous

---

On Aug. 7, 2020:
Subject: RE: California Public Records Act Request #P009436-101619
To Whom It May Concern:

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

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On Feb. 18, 2020:
Subject: RE: California Public Records Act Request #P009436-101619, SOTF 19124
Any determination and/or order in the Nov 26 2019 petition from this email address?

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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/?url_auth_token=AAAlhqR2FqwilRG0aqpbkhSFkpyl%3A1k4CH7%3AsZOs05BhlQuyLY2Y8o0Y-SE3t-8&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Fagency_login%252Fsan-francisco-police-department-367%252Fpolice-misconduct-audit-sfpd-immediate-disclosure-request-and-6721c-request-81227%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.

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DEPT MR 81227
411A Highland Ave
Somerville, MA 02144-2516

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Supervisor of Records,

This amended petition contains revisions to Issues #6 and #8 - which have been previously explicitly determined to be non-exempt under the PRA by the Supreme Court.

**Herrera must order disclosure of parts of records he already determined are public**

You previously determined that some part of the SB1421 withheld records were public (record requester identity, minus personal email/phone and home address). Yet you have not completed your duty under the Ordinance: "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)). Please "immediately order" disclosure of those parts of the record that you have in fact already determined are public. Note that the 5 day grace period for SFPD is after you issue the order, not between your determination and your order. There is no lawful justification to refuse to issue this order.

**New petition for records was never considered in prior petition**

The new record I petitioned last night, 13-002_-_130188386_-_production_1.pdf (SFPD link), has never been considered by the Supervisor of Records previously, as it was not provided (with redacted info) to me until after I had filed my earlier petition which you replied to yesterday. This is a new SFAC 67.21(d) petition for a determination that some or all withheld portions of records described below are public and an associated order for their disclosure by the SFPD. Here are examples of disputed redactions. You have an obligation to actually consider these redactions and my arguments - you will uncover routine, inappropriate, redactions being made by SFPD that are not in fact exempt in SB 1421 records. I've explained them below by Bates number:

1. Bates 137 - the official govt email address and official govt phone number of the Assistant DA are redacted from a letter (not email headers) without justification
2. The identity of the suspect is redacted in various parts of the document, yet the suspect was arrested, charged (see Bates 9), and pled guilty, so his identity should not be withheld (GC 6254(f)(1)). In fact on pg. 10 (only) it states, without redaction "Tillman would later plea guilty to the 254(c)PC - Assault Peace Officer/Great Bodily Injury- 2yr State Prison." All other instances of the arrested suspect’s name should be unredacted.

3. Bates 47-49 must be unredacted pursuant to Gov Code 6254(f)(2)(A), including the redacted locations (addresses and store names), and the contents of the quotes made by suspects to victims as "factual circumstances surrounding the crime or incident." Note that the mere fact that an incident report is physically being kept in officers’ personnel records does not exempt the information within the incident report that is ordinarily non-exempt. “The fact that information is in a personnel file does not necessarily make it exempt information.” (Summary of the California Public Records Act 2004, California Attorney General’s Office, citing New York Times Co. v. Superior Court (1997) 52 Cal.App.4th 97, 103.)

4. Bates 1 and 2 (and elsewhere) - the address of the police shooting is not exempt. It is in fact the location of the arrest, so must be disclosed per Gov Code 6254(f)(1).

5. Incident report Bates 50-60 must be unredacted also pursuant to Gov Code 6254(f)(2)(A) and Gov Code 6254(f)(1). Basic information on arrested individuals' identity, their charges, and descriptions of the incidents' locations and factual circumstances cannot be redacted. See #3 above as well.

6. Bates 3 (and elsewhere) - the date of hire of the officers involved in the shooting should not be exempt. Date of hire is part of the employment contract, and “in California, employment contracts are public records and may not be considered exempt…The letters were memoranda of [employee’s] appointment to a position and the rescission thereof; they therefore manifested his employment contract. Because the letters regarded business transactions and contained no personal information, the court properly ordered disclosure of the letters.” (Braun v. City of Taft, 154 Cal. App. 3d 332, 342 (1984)). Furthermore, the Supreme Court has directly addressed hiring dates of peace officers and deemed them not within any of the exemptions of the PRA: “This case presents the question whether the California Public Records Act (Gov. Code, § 6250 et seq.) requires the Commission on Peace Officer Standards and Training (Commission) to disclose the names, employing departments, and hiring and termination dates of California peace officers included in the Commission's database. The Court of Appeal reversed the judgment rendered by the superior court, which directed that the records be disclosed, because of the appellate court's conclusion that this information is obtained from peace officer personnel records which, under Penal Code sections 832.7 and 832.8, may not be disclosed except under certain statutorily prescribed circumstances. We conclude that the records at issue are not rendered confidential by those two statutes and that the records do not come within any of the exemptions contained in the Public Records Act.” (Comm. on Peace Off. Stand. v. Superior Court, 42 Cal.4th 278, 283 (Cal. 2007))
7. Bates 6 - first 3 redactions of the gender pronouns of the witness/victim of a related incident. Yet that info is in fact unredacted in 'her silver BMW' in the same sentence.
8. Bates 9 - redactions 3 and 4 - the names of the officers in the chain of custody for the video evidence are redacted without justification. See once more Comm. on Peace Off. Stand. v. Superior Court, 42 Cal.4th 278 (Cal. 2007) - the names of peace officers are not exempt information.
9. Bates 12 - suspect's license plate and firearm serial numbers redacted without justification
10. Bates 14 - the type of lab results redacted without justification
11. Bates 105 - identity of arrested person cannot be redacted (Gov Code 6254(f)(1))
12. Bates 141-144 - notes of post-incident training. “Information such as an individual’s qualifications, training, or employment background, which are generally public in nature, ordinarily are not exempt.” (Summary of the California Public Records Act 2004, California Attorney General’s Office, citing Eskaton Monterey Hospital v. Myers (1982) 134 Cal.App.3d 788.)

Yours,

Anonymous
Buta, Odaya (CAT)

From: Russi, Brad (CAT) on behalf of Supervisor Records (CAT)
Sent: Wednesday, September 16, 2020 9:47 AM
To: 'president@sanfranciscodsa.com'
Subject: RE: CJ2 Elevator Maintenance Contract

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Lomba – I’m checking on the status of whether you have received a response from the department concerning this request. 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: president@sanfranciscodsa.com <president@sanfranciscodsa.com>
Sent: Friday, August 28, 2020 7:17 PM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: FWD: CJ2 Elevator Maintenance Contract

To the Supervisor of Records,

I have not received documents that I have requested.

Best regards,

Ken Lomba
SFDSA President
415-513-8973
SanFranciscoDeputySheriffs.com
SanFranciscoDSA.com

-------- Original Message --------
Subject: CJ2 Elevator Maintenance Contract
From: "president@sanfranciscodsa.com" <president@sanfranciscodsa.com>
Date: 8/17/20 1:18 pm
To: "kevin.mcconnell@sfgov.org" <kevin.mcconnell@sfgov.org>

HI Captain McConnell,

Good afternoon,
We would like to have a copy of the Star Inc. elevator contract with the SFSD for County Jail 2 please. Members have reported to me there have been multiple elevator problems with them getting stuck in the elevators.

We have requested that Cal/Osha Department of Industrial Relations inspect the elevators at County Jail 2.

A Inspector will be there Thursday to conduct an inspection. Would you like him to contact you or Captain Murphy?

Best regards,

Ken Lomba
SFDSA President
415-513-8973
SanFranciscoDeputySheriffs.com
SanFranciscoDSA.com
To the Supervisor of Records,

I have not received documents that I have requested.

Best regards,

Ken Lomba
SFDSA President
415-513-8973
SanFranciscoDeputySheriffs.com
SanFranciscoDSA.com

-------- Original Message --------
Subject: CJ2 Elevator Maintenance Contract
From: "president@sanfranciscodsa.com" <president@sanfranciscodsa.com>
Date: 8/17/20 1:18 pm
To: "kevin.mcconnell@sfgov.org" <kevin.mcconnell@sfgov.org>

HI Captain McConnell,

Good afternoon,

We would like to have a copy of the Star Inc. elevator contract with the SFSO for County Jail 2 please. Members have reported to me there have been multiple elevator problems with them getting stuck in the elevators.

We have requested that Cal/Osha Department of Industrial Relations inspect the elevators at County Jail 2.

A Inspector will be there Thursday to conduct an inspection. Would you like him to contact you or Captain Murphy?

Best regards,

Ken Lomba
SFDSA President
415-513-8973
SanFranciscoDeputySheriffs.com
SanFranciscoDSA.com
March 9, 2021

Sent via email (101873-82886409@requests.muckrock.com
101881-59039007@requests.muckrock
101880-62496108@requests.muckrock.com
arecordsrequestor@protonmail.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to the following petitions to the Supervisor of Records concerning prospective calendars of certain public officials:

1. A petition against the San Francisco Police Department (“SFPD”) dated September 16, 2020, from 101873-82886409@requests.muckrock.com, alleging SFPD unlawfully withheld parts of the prospective calendar of the Chief of Police

2. A petition against the City Attorney’s Office dated October 1, 2020, from 101881-59039007@requests.muckrock.com, alleging the City Attorney’s Office unlawfully withheld parts of the City Attorney’s prospective calendar

3. A petition against the Mayor’s Office, dated October 1, 2020, from 101880-62496108@requests.muckrock.com, alleging the Mayor’s Office unlawfully withheld parts of the Mayor’s prospective calendar

4. A petition against the City Attorney’s Office dated December 14, 2020, from arecordsrequestor@protonmail.com, alleging the City Attorney’s Office unlawfully withheld parts of the City Attorney’s prospective calendar

5. A petition against the City Attorney’s Office dated December 17, 2020, from arecordsrequestor@protonmail.com, which we understand contests the withholding of recurrence information concerning the City Attorney’s meetings

6. A petition against the Mayor’s Office, dated December 29, 2020, from arecordsrequestor@protonmail.com, alleging the Mayor’s Office unlawfully withheld parts of the Mayor’s prospective calendar

7. A petition dated February 12, 2021, from arecordsrequestor@protonmail.com that the requester states concerns the following requests for prospective calendars to several departments:
a. A request from 81242-04060798@requests.muckrock.com dated October 4, 2019 for the Mayor's October 21-28 calendar

b. A request from 81411-90616367@requests.muckrock.com dated December 8, 2019 for the City Attorney’s December 18-26 calendar entries

c. A request from 81411-90616367@requests.muckrock.com dated October 8, 2019 for the City Attorney’s October 21-28 calendar

d. A request from arecordsrequestor@protonmail.com dated January 23, 2020, numbered 1, 2, and 7 for the City Attorney’s future calendar

e. A request from 81412-71801448@requests.muckrock.com dated October 8, 2019 for the Chief of Police’s October 21-28 calendar

f. A request from 81412-71801448@requests.muckrock.com dated September 29, 2020 for the Chief of Police’s October 1-14 calendar

g. A request from 84168-39742724@requests.muckrock.com dated November 6, 2020 for the Sheriff’s February 14-28 calendar

h. A request from 84161-98819586@requests.muckrock.com dated December 7, 2019 for the Controller’s future calendar, specifically certain future recurrence information

i. Various requests from arecordsrequestor@protonmail dated December 29, 2020 for the Mayor’s future calendar

j. Various requests from 82814-07144940@requests.muckrock.com for the Mayor’s future calendar

We previously determined that the Mayor and the Chief of Police may withhold prospective calendar entries to protect their personal safety, and we have also withheld the City Attorney’s prospective calendar on this basis. After further consideration of this issue, we have now concluded that these officials may safely and legally disclose certain information about future meetings, including the subject matter of the meeting and the attendees, if that information is recorded in their calendars, and the week during which the meeting will occur. Due to security concerns, the departments may continue to withhold the location, time, and specific date of each meeting. See Gov’t Code Sec. 6254(f), (k), Evid. Code Sec. 1040; Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991); County of Los Angeles v. Superior Court, 82 Cal. App. 4th 819, 834-35 (2000).
Accordingly, we understand that the departments will respond to your requests consistent with this determination if they have not done so already. This response resolves the petitions above and we now consider them closed.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Buta, Odaya (CAT)

From: 101873-82886409@requests.muckrock.com
Sent: Wednesday, September 16, 2020 8:25 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #P013417-090620

San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

September 16, 2020

This is a follow up to request number P013417-090620:

Supervisor of Records Herrera,

This is a 67.21(d) petition against Chief Scott, Lt. Cox, and SFPD. They provided the following records reply: https://cdn.muckrock.com/foia_files/2020/09/15/P013417_-_2020.09.15_SFPD_response.pdf

In SOTF 19112 testimony, SFPD represented that SFPD had changed their position and would provide future Scott calendars (SFPD was found in violation of, inter alia, 67.26 for refusing to provide future Scott calendars, instead of minimally redacting them). SFPD lied.

SFAC 67.26 requires each and every part on a record to be exempt for the record to be completely withheld. In order for the Supervisor of Records to agree with SFPD’s determination to withhold in this specific case the entire future calendar information, you must agree that every single word on the record pages is exempt.

As you know, Outlook calendar entries, even when printed out, include subject lines, attendee lists, and body content describing what is being discussed. That information (provided while redacting for example time, date, and location info) is not security-sensitive, and withholding that from the public serves purely to prevent the public from knowing what and with whom a public official discusses matters. Namely withholding subject, body, and attendee info serves to advance the official’s deliberative process, not their safety or security. However, the deliberative process privilege is prohibited as an exemption in San Francisco (and remains so even under the Mayor’s emergency COVID orders), SF Admin Code 67.24(h).

Please determine in writing that one or more parts of the future calendars is public and order them disclosed.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 101873-82886409@requests.muckrock.com
%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Fcalendars-and-meetings-round-2-immediate-disclosure-request-
101873%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAlho6-kUH0n-
On Sept. 16, 2020:
Subject: RE: California Public Records Act Request #P013417-090620
Lt. Cox,

You stated during SOTF testimony that SFPD had changed its position, that its attorneys were wrong, and that you would produce future calendars. That is apparently false and you misled the Task Force.

I will be asking the SOTF to consider SFPD's compliance with the SOTF's determinations in SOTF 19112 at the Compliance Committee in light of your present response to find you, Chief Scott, and the SFPD in willful violation of the Sunshine Ordinance (SFAC 67.34), and then forward that finding to the Ethics Commission to find Chief Scott and you guilty of official misconduct under SFAC 67.34, and pursuant to the SOTF's procedures.


Sincerely,
Anonymous

---

On Sept. 16, 2020:
Subject: RE: California Public Records Act Request #P013417-090620
Chief William Scott,

Yesterday, your department refused to provide under the Sunshine Ordinance any portion of your future calendars as public records. SOTF found on Sept 2, 2020 that you violated, among other laws, SF Admin Code 67.26 for failing to provide your future calendars instead of providing them in minimally redacted form.

Lt. Cox on behalf of SFPD stated during SOTF hearing testimony that SFPD had changed its position, that its attorneys were wrong, and that you would in fact produce future calendars. That is apparently false and SFPD misled the Task Force.

I will be asking the SOTF to consider SFPD's compliance with the SOTF's determinations in SOTF 19112 at the in light of your present response to find you, Lt. Cox, and the SFPD in willful violation of the Sunshine Ordinance (SFAC 67.34), and then forward that finding to the Ethics Commission to find you guilty of official misconduct under SFAC 67.34, and pursuant to the SOTF’s procedures.


Sincerely,
Anonymous

---
---

On Sept. 15, 2020:
Subject: Public Records Request :: P013417-090620

Attachments:
08.24_to_09.01.20_Calendar_Redacted_final.pdf
ChiefOfficeResponse_Redaction_Codes.pdf
P013417_-_2020.09.15_SFPD_response.pdf

--- Please respond above this line ---

September 15, 2020 Via email 101873-82886409@requests.muckrock.com
Anonymous Anonymous
MuckRock News DEPT MR 101873 411A Highland Ave
Somerville, MA 02144

RE: Public Records Request, dated September 06, 2020, Reference # P013417-090620

Dear Anonymous Anonymous:

In response to your request, please see attached documents.

If you have any questions, please contact Briseida Walton at 415-837-7180.

Thank you for your attention.

Sincerely,

Lieutenant R. Andrew Cox #287

21st Annual SOR Report
APPENDIX - Page 502
Officer in Charge
Risk Management - Legal Division

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

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On Sept. 8, 2020:
Subject: Public Records Request :: P013417-090620
Attachments:
P013417_-_SFPD_response_letter.pdf

---

September 08, 2020
Via email 101873-82886409@requests.muckrock.com
Anonymous Anonymous
MuckRock News DEPT MR 101873 411A Highland Ave
Somerville, MA 02144

RE: Public Records Request, dated September 06, 2020, Reference # P013417-090620

Dear Anonymous Anonymous:

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

Sincerely,
Lieutenant R. Andrew Cox #287
Risk Management - Legal Division

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

---

On Sept. 6, 2020:
Subject: San Francisco Police Public Records Request :: P013417-090620
Dear Anonymous Anonymous:

Thank you for your interest in public records of the San Francisco Police Department ("SFPD").

The San Francisco Police Department ("SFPD") received your request, dated September 06, 2020 and given the reference number P013417-090620 for tracking purposes.

Record(s) Requested: SFPD and Lt. Cox,
On Sept. 2, 2020, in SOTF 19112 Anonymous v. Scott, et al., SOTF found a violation by SFPD of, inter alia, SFAC 67.26 for not providing future/prospective calendars for Chief Scott at all (instead of with minimal redactions) and SFAC 67.27 for citing Prop G for withholding non-Prop G calendars. Lt. Cox also appeared to state that SFPD had changed its own position re: disclosure policies of calendars to properly disclose future and non-Prop G calendars, notwithstanding the position of the City Attorney’s office.

Therefore, this is an immediate disclosure request for all calendars/schedule records (with all meeting details in Outlook or anywhere else, including all attachments and metadata) for Chief William Scott (both Prop G and non-Prop G) for (a) Oct 1 through Oct 14, 2020 as the schedule exists at this time and (b) Aug 24-Sep 1, 2020 (all dates inclusive). Pursuant to SFAC 67.21(l) and SOTF 19047, please provide the records in PDF format *without* printing and scanning.

Also, you mentioned that you had created a specific email address for records requests - could you please indicate what that email is? I am aware of sfpdlegal@sfgov.org and sfpdmediarelations@sfgov.org . (There are various, independent, anonymous requesters who use MuckRock - so I cannot control what the other users do, but I am happy to request MuckRock use a different email address for SFPD if it will work better.)

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.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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

Upload documents directly:

Your request is being forwarded to the appropriate department(s) for processing and you will be notified once the request is complete.

You can monitor request progress at the link below. Thank you for using the San Francisco Public Records Center.

San Francisco Police Department

---
On Sept. 4, 2020:
Subject: California Public Records Act Request: Calendars and Meetings, Round 2 - Immediate Disclosure Request
SFPD and Lt. Cox,

On Sept. 2, 2020, in SOTF 19112 Anonymous v. Scott, et al., SOTF found a violation by SFPD of, inter alia, SFAC 67.26 for not providing future/prospective calendars for Chief Scott at all (instead of with minimal redactions) and SFAC 67.27 for citing Prop G for withholding non-Prop G calendars. Lt. Cox also appeared to state that SFPD had changed its own position re: disclosure policies of calendars to properly disclose future and non-Prop G calendars, notwithstanding the position of the City Attorney’s office.

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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.

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Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 101873-82886409@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2FSF%3FnetxT3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Fcalle...meetings-round-2-immediate-disclosure-request-101873%252F%2525Femail%2525Dsupervisor.records%2525Dsfcityatty.org&url_auth_token=AAAlho6-kUH0nqo3T6PAL_wX5Q%3A1klI3F%3AjNvx9HM8ISgYyyVyVgpCp-srhM

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
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.
March 9, 2021

Sent via email (101873-82886409@requests.muckrock.com
101881-59039007@requests.muckrock
101880-62496108@requests.muckrock.com
arecordsrequestor@protonmail.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to the following petitions to the Supervisor of Records concerning prospective calendars of certain public officials:

1. A petition against the San Francisco Police Department (“SFPD”) dated September 16, 2020, from 101873-82886409@requests.muckrock.com, alleging SFPD unlawfully withheld parts of the prospective calendar of the Chief of Police

2. A petition against the City Attorney’s Office dated October 1, 2020, from 101881-59039007@requests.muckrock.com, alleging the City Attorney’s Office unlawfully withheld parts of the City Attorney’s prospective calendar

3. A petition against the Mayor’s Office, dated October 1, 2020, from 101880-62496108@requests.muckrock.com, alleging the Mayor’s Office unlawfully withheld parts of the Mayor’s prospective calendar

4. A petition against the City Attorney’s Office dated December 14, 2020, from arecordsrequestor@protonmail.com, alleging the City Attorney’s Office unlawfully withheld parts of the City Attorney’s prospective calendar

5. A petition against the City Attorney’s Office dated December 17, 2020, from arecordsrequestor@protonmail.com, which we understand contests the withholding of recurrence information concerning the City Attorney’s meetings

6. A petition against the Mayor’s Office, dated December 29, 2020, from arecordsrequestor@protonmail.com, alleging the Mayor’s Office unlawfully withheld parts of the Mayor’s prospective calendar

7. A petition dated February 12, 2021, from arecordsrequestor@protonmail.com that the requester states concerns the following requests for prospective calendars to several departments:
a. A request from 81242-04060798@requests.muckrock.com dated October 4, 2019 for the Mayor’s October 21-28 calendar

b. A request from 81411-90616367@requests.muckrock.com dated December 8, 2019 for the City Attorney’s December 18-26 calendar entries

c. A request from 81411-90616367@requests.muckrock.com dated October 8, 2019 for the City Attorney’s October 21-28 calendar

d. A request from arecordsrequestor@protonmail.com dated January 23, 2020, numbered 1, 2, and 7 for the City Attorney’s future calendar

e. A request from 81412-71801448@requests.muckrock.com dated October 8, 2019 for the Chief of Police’s October 21-28 calendar

f. A request from 81412-71801448@requests.muckrock.com dated September 29, 2020 for the Chief of Police’s October 1-14 calendar

g. A request from 84168-39742724@requests.muckrock.com dated November 6, 2020 for the Sheriff’s February 14-28 calendar

h. A request from 84161-98819586@requests.muckrock.com dated December 7, 2019 for the Controller’s future calendar, specifically certain future recurrence information

i. Various requests from arecordsrequestor@protonmail dated December 29, 2020 for the Mayor’s future calendar

j. Various requests from 82814-07144940@requests.muckrock.com for the Mayor’s future calendar

We previously determined that the Mayor and the Chief of Police may withhold prospective calendar entries to protect their personal safety, and we have also withheld the City Attorney’s prospective calendar on this basis. After further consideration of this issue, we have now concluded that these officials may safely and legally disclose certain information about future meetings, including the subject matter of the meeting and the attendees, if that information is recorded in their calendars, and the week during which the meeting will occur. Due to security concerns, the departments may continue to withhold the location, time, and specific date of each meeting. See Gov’t Code Sec. 6254(f), (k), Evid. Code Sec. 1040; Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991); County of Los Angeles v. Superior Court, 82 Cal. App. 4th 819, 834-35 (2000).
Accordingly, we understand that the departments will respond to your requests consistent with this determination if they have not done so already. This response resolves the petitions above and we now consider them closed.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Buta, Odaya (CAT)

From: 101881-59039007@requests.muckrock.com
Sent: Thursday, October 1, 2020 12:28 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request

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

October 1, 2020

This is a follow up to a previous request:

Supervisor of Records,

This is a 67.21(d) petition against Dennis Herrera and the City Attorney's Office.

On Sept. 5, I requested: "all prospective/future calendars/scheduling records (with each Outlook invite or meeting provided as a separate record, not using the daily summary view, and showing all meeting details in Outlook, including all subject lines, body messages, attachments, images, attendees, attendance status, invitees, begin and end dates and times, recurrence, and other metadata) for your department head for Oct 8 through Oct 22, 2020 as the schedule exists at the time of this request (dates inclusive). Pursuant to SFAC 67.21(l), wherein you must provide any electronic format I request if it is either available or easily generated: please provide all electronic records in PDF format generated by Outlook's meeting/event details view *without* printing on physical paper and scanning. Rolling responses and exact copies of records are requested."

On Oct 1, 2020, all records were withheld: "We respectfully decline to share the calendar for the first two weeks of October at this time, as those dates are not yet past, based on Government Code section 6254(f), Evidence Code section 1040, and Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991). If you would like to receive a copy of the calendar for those dates after they have passed, please submit another request at the appropriate time."

Please determine that any part of these records are public and order them disclosed. In order to agree with the City Attorney's Office, pursuant to SFAC 67.26, you would have to agree that each and every word on the record was exempt under at least one of the 3 citations provided. The subject matter and attendees (i.e. a portion of the meeting entry records), esp. for virtual meetings, cannot possibly constitute a security record of a law enforcement agency (6254(f)) nor pose a physical threat to Herrera's security (Times Mirror). Furthermore Herrera could not have received *his own* records in confidence, so EC 1040 simply cannot apply.

A full communication record is available at: https://www.muckrock.com/foi/san-francisco-141/future-calendars-and-meetings-round-2-immediate-disclosure-request-101881/

Sincerely,
Anonymous
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 101881
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. 1, 2020:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request
Willful violation complaints will be filed against Dennis Herrera and his office, based on SOTF Order 19112.

Sincerely,
Anonymous

---

On Oct. 1, 2020:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request
Dear Requester,

We respectfully decline to share the calendar for the first two weeks of October at this time, as those dates are not yet past, based on Government Code section 6254(f), Evidence Code section 1040, and Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991). If you would like to receive a copy of the calendar for those dates after they have passed, please submit another request at the appropriate time.

Sincerely,

[signature_540561676]Odaya Buta
Paralegal
Office of City Attorney Dennis Herrera

On Sept. 29, 2020:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request
We intend to file intentional violation complaints if the records are not provided strictly prior to Oct. 8. We picked those dates specifically to ensure you had enough time to produce what should not be a voluminous number of records, and the dates would still be in the future. It cannot take a month to produce 2 weeks of calendar entries.

--Anonymous

On Sept. 28, 2020:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request
Dear requester,

We need additional time to review the additional potentially responsive records, and currently expect to have our review complete by the end of the week (10/02/20).

Thank you for your patience.

Please send replies to cityattorney@sfcityatty.org

Sincerely,

[signature_540561676]Odaya Buta
Paralegal
Office of City Attorney Dennis Herrera
www.sfcityattorney.org

Find us on: Facebook Twitter Instagram

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. 23, 2020:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request
I will repeat my email of Sept. 16:

Please provide records in a rolling fashion, namely pursuant to SFAC 67.25(d) each record should be produced “by the end of the same business day that they are reviewed and collected”. Also, note that each calendar entry/meeting invite should be produced as linked here: https://cdn.muckrock.com/foia_files/2020/01/31/Memo_Style_45.pdf
This is Outlook Memo Style, and will allow you to redact some part of the PDF, but leave, at least, subject lines, meeting attendee lists and similar even if you decide to redact some other things in each meeting entry. If you produce the records using a daily or weekly view you will unlawfully withhold more than the minimal information.

--Anonymous
---

On Sept. 5, 2020:
Subject: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request
Dennis Herrera and City Attorney's Office:

On Sept. 2, 2020, in SOTF 19112 Anonymous v. Scott, et al., SOTF found that SFPD violated, inter alia, SFAC 67.26 for not providing future/prospective calendars for Chief Scott at all (instead of with minimal redactions) and SFAC 67.27 for citing Prop G for withholding non-Prop G calendars. SFPD also stated during the hearing that SFPD has now changed its own position re: disclosure policies for calendars and will properly disclose future calendars and non-Prop G information, and they had determined that the advice of their Deputy City Attorneys to withhold future calendars or redact non-Prop G info was in fact wrong.

The agency and/or department head addressed in this request has previously and/or currently refuses to provide, at all, future calendars and/or non-Prop G calendars.
We will request these one more time, and if they are not provided, will allege intentional violation and official misconduct by your department head in light of the SOTF's decision in Anonymous v. Scott.

Therefore, this is an immediate disclosure request for all prospective/future calendars/scheduling records (with each Outlook invite or meeting provided as a separate record, not using the daily summary view, and showing all meeting details in Outlook, including all subject lines, body messages, attachments, images, attendees, attendance status, invitees, begin and end dates and times, recurrence, and other metadata) for your department head for Oct 8 through Oct 22, 2020 as the schedule exists at the time of this request (dates inclusive). Pursuant to SFAC 67.21(l), wherein you must provide any electronic format I request if it is either available or easily generated: please provide all electronic records in PDF format generated by Outlook's meeting/event details view *without* printing on physical paper and scanning. Rolling responses and exact copies of records are requested.

If you attempt to use Times-Mirror v Superior Court or Gov Code 6255(a), remember that it is the SOTF and courts (not you) that will judge whether or not the Mayor's sunshine suspension of SFAC 67.24(g,i) is valid, and if it is, whether the public interest in non-disclosure of a record clearly outweights the public interest in disclosure.

Furthermore, Times-Mirror has two arguments which both rely on 6255(a) - a safety of the Governor part and a deliberative process part. The deliberative process privilege ban has been explicitly preserved by the Mayor.

In SOTF 19103 Anonymous v. Breed re: the Mayor's future calendar, Mayoral Compliance Officer Heckel, while using Times-Mirror and GC 6254(f) as a defense, states "topics that were going to be discussed or something without any reference to date or times or places" may be provided - at the very least, we will expect your agency to provide that (though we do not concede that everything else is exempt).

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.

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(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.

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Anonymous

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March 9, 2021

Sent via email (101873-82886409@requests.muckrock.com
101881-59039007@requests.muckrock
101880-62496108@requests.muckrock.com
arecordsrequestor@protonmail.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to the following petitions to the Supervisor of Records concerning prospective calendars of certain public officials:

1. A petition against the San Francisco Police Department (“SFPD”) dated September 16, 2020, from 101873-82886409@requests.muckrock.com, alleging SFPD unlawfully withheld parts of the prospective calendar of the Chief of Police

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3. A petition against the Mayor’s Office, dated October 1, 2020, from 101880-62496108@requests.muckrock.com, alleging the Mayor’s Office unlawfully withheld parts of the Mayor’s prospective calendar

4. A petition against the City Attorney’s Office dated December 14, 2020, from arecordsrequestor@protonmail.com, alleging the City Attorney’s Office unlawfully withheld parts of the City Attorney’s prospective calendar

5. A petition against the City Attorney’s Office dated December 17, 2020, from arecordsrequestor@protonmail.com, which we understand contests the withholding of recurrence information concerning the City Attorney’s meetings

6. A petition against the Mayor’s Office, dated December 29, 2020, from arecordsrequestor@protonmail.com, alleging the Mayor’s Office unlawfully withheld parts of the Mayor’s prospective calendar

7. A petition dated February 12, 2021, from arecordsrequestor@protonmail.com that the requester states concerns the following requests for prospective calendars to several departments:
Letter to Anonymous
March 9, 2021
Page 2

a. A request from 81242-04060798@requests.muckrock.com dated October 4, 2019 for the Mayor's October 21-28 calendar

b. A request from 81411-90616367@requests.muckrock.com dated December 8, 2019 for the City Attorney’s December 18-26 calendar entries

c. A request from 81411-90616367@requests.muckrock.com dated October 8, 2019 for the City Attorney’s October 21-28 calendar

d. A request from arecordsrequestor@protonmail.com dated January 23, 2020, numbered 1, 2, and 7 for the City Attorney’s future calendar

e. A request from 81412-71801448@requests.muckrock.com dated October 8, 2019 for the Chief of Police’s October 21-28 calendar

f. A request from 81412-71801448@requests.muckrock.com dated September 29, 2020 for the Chief of Police’s October 1-14 calendar

g. A request from 84168-39742724@requests.muckrock.com dated November 6, 2020 for the Sheriff’s February 14-28 calendar

h. A request from 84161-98819586@requests.muckrock.com dated December 7, 2019 for the Controller’s future calendar, specifically certain future recurrence information

i. Various requests from arecordsrequestor@protonmail dated December 29, 2020 for the Mayor’s future calendar

j. Various requests from 82814-07144940@requests.muckrock.com for the Mayor’s future calendar

We previously determined that the Mayor and the Chief of Police may withhold prospective calendar entries to protect their personal safety, and we have also withheld the City Attorney’s prospective calendar on this basis. After further consideration of this issue, we have now concluded that these officials may safely and legally disclose certain information about future meetings, including the subject matter of the meeting and the attendees, if that information is recorded in their calendars, and the week during which the meeting will occur. Due to security concerns, the departments may continue to withhold the location, time, and specific date of each meeting. See Gov’t Code Sec. 6254(f), (k), Evid. Code Sec. 1040; Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991); County of Los Angeles v. Superior Court, 82 Cal. App. 4th 819, 834-35 (2000).
Accordingly, we understand that the departments will respond to your requests consistent with this determination if they have not done so already. This response resolves the petitions above and we now consider them closed.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Buta, Odaya (CAT)

From: 101880-62496108@requests.muckrock.com
Sent: Thursday, October 1, 2020 1:12 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request
Attachments: Breed20-20Future20Calendars20and20Meetings2C20Round20220-20Immediate20Disclosure20Re_oqSzBYu.pdf

October 1, 2020

This is a follow up to a previous request:

[Signatures]

Sincerely,
Anonymous
Filed via MuckRock.com
E-mail (Preferred): 101880-62496108@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 101880
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. 1, 2020:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request
Please file a New Complaint vs London Breed, Hank Heckel, Mayor’s Office. I will also file a web form.

Complainant: Anonymous (this email)
Respondents: London Breed, Hank Heckel, Mayor’s Office
Violations: 67.21 (incomplete response), 67.26 (non-minimal withholding), 67.27 (inappropriate citation), 67.34 (willful violation and official misconduct)

London Breed willfully refuses to provide her future calendar entries with minimal redactions, after being warned about the Sept 2 ruling of the SOTF re: SFPD Chief Scott's future calendars.

They have cited: "Thus, this information is exempt from disclosure pursuant to Cal. Gov. Code §§ 6245(f); 6254(k); Cal. Evid. Code §1040 and the rationale of Times Mirror v. Superior Court (State of California) (1991) at 53 Cal. 3d 1325 1346." [sic - while Heckel cites 6245(f), we will assume he means 6254(f)]

First, this is an incomplete response - they must provide the calendars and redact them, pursuant to SOTF 19112. Second, they have failed to review each and every part of the record and determined which minimal parts of the records are exempt under which citation - violating 67.26.
Third, Times Mirror is not a permitted citation under 67.27. It is not a court case prohibiting the release or creating liability on the City for releasing this info, it merely permitted the Governor not to provide his past calendars. London Breed is not, contrary to her imagined beliefs, the Governor of California.

Furthermore, while the Mayor purports to unilaterally disable 67.24(g) and 67.24(i), she did not disable 67.24(h) - the deliberative process privilege. Times Mirror depends *both* on the physical security interest of the Governor and the deliberative process privilege. While Respondents could argue (but I do not concede) that the location of the Mayor in the future may pose a security threat under Times Mirror (or under 6254(f), a security record of law enforcement IF AND ONLY IF those meetings receives police protection, which is unclear), that has no relevance for virtual meetings (which most are under COVID), and also has no relevance to withholding the subject matter, bodies, and attendees of future meetings. They withhold that information solely to prevent people from knowing what Breed is considering - i.e. the deliberative process. But the deliberative process privilege is prohibited in San Francisco.

6254(k) is not relevant unless they cite which state or federal laws prohibit this disclosure.

Furthermore, Evid Code 1040 has no relevance to this record because Breed could not receive *her own* records in "confidence." They are her records, not someone else's. Regardless, unless the meeting subject matter was regarding a confidential investigation, informant, or witness, no harm to "justice" would occur by disclosing the subject matter and attendees at a meeting in the future. EC 1040 is inapposite.
These violations are all willful violations because they were put on notice re: SOTF's decision in SOTF 19112 and because Heckel conceded at SOTF that the topics of the meeting or something without any reference to date or times or places "can be disclosed." While I don't agree that that is sufficient, they have thus conceded that you did in SOTF 19103 and are also in this request violating SFAC 67.26 for withholding in entirety a record when *at least some* part of the record is not exempt *in their own view*.

SOTF 19103 Transcript (see https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=98&clip_id=34616):

25:04 CHAIR LAHOOD: And correct me if I'm wrong, but you did not release any of the calendar.
25:09 Was there a discussion about redacting what you perceived to be sensitive aspects of it and releasing the rest of the information?
25:15 Or why was the whole thing withheld?
25:19 HECKEL, RESPONDENT: I mean, it just. Well.
25:21 All of them were future meetings at the time of their request.
25:24 I mean, he's just requesting the calendar entries.
25:28 I mean, it's all the sort of, you know, who, what, where, when of the meeting, which is, you know, our Argument is that all of that impacts the security procedures that are sort of inextricably linked with those meetings.
25:46 I mean, I, I'm not sure what Anonymous would accept.
25:53 You know, I don't know what else is left to disclose after that.
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26:07 I mean, maybe that's something that can be disclosed.
26:10 But it seems he wanted the calendar.
26:11 So in terms of when he says calendar, you know, I'm really we're really viewing it as, you know, the time and place.

The Respondents do not have the right under the Mayor's COVID orders or the Sunshine Ordinance to indefinitely delay a hearing in this matter. If Breed wants to prohibit the SOTF from considering cases when she doesn't respond, she will have to issue a specific order to do so (which would be challenged as having no association with the public health exigencies), and which would require her to make her contempt for sunshine publicly explicit.

If they refuse to respond, I invite the SOTF to proceed without them.

A full copy of the communications are attached.

Sincerely,
Anonymous
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If they refuse to respond, I invite the SOTF to proceed without them.

A full copy of the communications are attached.

Sincerely,
Anonymous
---

On Sept. 25, 2020:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request
As you wish: Willful violation and official misconduct complaints against you and the Mayor will be filed later today.

Let's get rid of your supposed "narrow range" excuse:

This is an immediate disclosure request for all calendars/schedule records (with all meeting details in Outlook or anywhere else, including all attachments, images, attendees, attendance status, invitees, dates and times, recurrence, and other metadata) for your department head for Dec. 1, 2020 through Mar. 15, 2021 as the schedule exists at the time of this request (dates inclusive). Pursuant to SFAC 67.21(l), wherein you must provide any electronic format I request if it is either available or easily generated: please provide all electronic records in PDF format generated by Outlook *without* printing and scanning.

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.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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
---
On Sept. 25, 2020:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request
Anonymous,

Our original position that the Mayor’s future calendar entries cannot be disclosed due to security considerations remains.

As set forth previously, disclosure of information concerning the particulars of the Mayor’s upcoming non-public meetings, including date, time and location poses a security risk by jeopardizing the safety of the Mayor and confounding the ability of the San Francisco Police Department to provide effective security procedures for those meetings as it is charged to do. Future calendars provide information on when the Mayor will be arriving at and departing from specific locations, persons she is with or times she may be unattended. The SFPD plans and implements security procedures for the Mayor’s scheduled activities and disclosing such details in advance compromises their ability to do so and reveals information that may be misused by those seeking to disrupt meetings and potentially pose harm to the Mayor and other city officials, employees and other parties with whom she is meeting. Thus, this information is exempt from disclosure pursuant to Cal. Gov. Code §§ 6245(f); 6254(k); Cal. Evid. Code §1040 and the rationale of Times Mirror v. Superior Court (State of California) (1991) at 53 Cal. 3d 1325 1346.

You have sought calendars in a very narrow window of time and thus even providing calendar information with date and location information redacted still reveals information implicating the same concerns. One could narrow the range of possible times for a particular meeting on a given subject with certain individuals and estimate the date and location in an effort to disrupt such meetings if so inclined. Further, the subjects and attendees of future meetings could reveal activity patterns of the Mayor, thereby creating a security risk. As set forth in Times Mirror with regard to the Governor, “it is plausible to believe that an individual intent on doing harm could use such information to discern activity patterns … and identify areas of particular vulnerability.” Times Mirror, 53 Cal. 3d at 1346.

The Mayor’s Prop G calendar reveals past information, including information as recent as three days prior, and thus, as required by the Sunshine Ordinance, provides a thorough record of all the actual particulars of meetings that actually occurred. Therefore, nothing is being concealed with regard to Mayoral meetings that actually occur. Future calendars include information about prospective proposed meetings that may in some instances not occur at all and are only tentatively calendared as staff recommendations. These internal recommendations and plans do not necessarily reflect the actual City business ultimately carried out by the Mayor as shown in the Prop G calendar and therefore any interest in their disclosure is substantially outweighed by the security risks posed by their disclosure as outlined above. Cal. Gov. Code §§ 6245(f); 6254(k); Cal. Evid. Code §1040.

If you wish to seek other forms of scheduling information other than future calendars, please let us know.
Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

On Sept. 24, 2020:
Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request
I need your determination now, Mr. Heckel, esp. given your comments to SOTF on Sept. 22.
Is the Mayor providing minimally redacted records of her Oct. 1-14 individual Outlook entries (without date/time/location) or are you withholding them entirely instead? We specifically picked the Oct. 1-14 dates so you can't escape by just waiting the request out.
Given the unanimous position of the Compliance committee last night, I highly doubt SOTF will give you and Mayor Breed any more leeway here, and rightfully so. No amount of wordplay around "calendar" is going to avoid the argument here.

--Anonymous

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On Sept. 4, 2020:
Subject: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request
Office of the Mayor and London Breed:

On Sept. 2, 2020, in SOTF 19112 Anonymous v. Scott, et al., SOTF found that SFPD violated, inter alia, SFAC 67.26 for not providing future/prospective calendars for Chief Scott at all (instead of with minimal redactions) and SFAC 67.27 for citing Prop G for withholding non-Prop G calendars. SFPD Lt. Cox also stated during the hearing that SFPD has now changed its own position re: disclosure policies for calendars and will properly disclose future calendars, and they had determined that the advice of their Deputy City Attorneys to withhold future calendars was in fact wrong.

Your agency and/or department head has previously and/or currently refuses to provide, at all, future calendars, and has one or more cases pending before the SOTF for that violation.
We will request these one more time, and if they are not provided, will allege intentional violation and official misconduct by your department head in light of the SOTF's decision in Anonymous v. Scott.

Therefore, this is an immediate disclosure request for all calendars/schedule records (with all meeting details in Outlook or anywhere else, including all attachments, images, attendees, attendance status, invitees, dates and times, recurrence, and other metadata) for your department head for Oct 1 through Oct 14, 2020 as the schedule exists at the time of this request (dates inclusive). Pursuant to SFAC 67.21(l), wherein you must provide any electronic format I request if it is either available or easily generated: please provide all electronic records in PDF format generated by Outlook *without* printing and scanning.

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.

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Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 101880-62496108@requests.muckrock.com
Upload documents directly:
%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Ffuture-calendars-and-meetings-round-2-immediate-disclosure-request-101880%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAxJOK2OUULoYu4xv2F8WXKz5U%3A1kO4vl%3AsGrJYr_eX669Pwmwnuze8ipKvd0

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 101880
411A Highland Ave
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On Sept. 2, 2020, in SOTF 19112 Anonymous v. Scott, et al., SOTF found that SFPD violated, inter alia, SFAC 67.26 for not providing future/prospective calendars for Chief Scott at all (instead of with minimal redactions) and SFAC 67.27 for citing Prop G for withholding non-Prop G calendars. SFPD Lt. Cox also stated during the hearing that SFPD has now changed its own position re: disclosure policies for calendars and will properly disclose future calendars, and they had determined that the advice of their Deputy City Attorneys to withhold future calendars was in fact wrong.

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Sincerely,

Anonymous
Anonymous,

The matter to which you refer was an SFPD response regarding Chief Scott's calendars, as I understand it. That was the result of SFPD's analysis of particular calendar entries in consultation with their own counsel.

Different calendar entries for different department heads may pose different issues and security concerns. That matter does not change the analysis with respect to the security considerations relating to future meetings, scheduling and locations concerning the Mayor.

Our position regarding future calendars of the Mayor has not changed. The unique security considerations associated with the Mayor's future whereabouts and attendant SFPD security warrant withholding such entries pursuant to the Times Mirror case, attached, and Gov. Code 6254(f).

Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

Times-Mirror

Mr. Heckel, during the initial hearing for SOTF 19103, you conceded that the topics of the meeting or something without any reference to date or times or places "can be disclosed." While I don't agree that that is sufficient, you have thus conceded that you did in SOTF 19103 and are also in this request violating SFAC 67.26 for withholding in entirety a record when *at least some* part of the record is not exempt *in your own view*.

We will thus be filing an intentional violation and official misconduct complaint against you, the Mayor, and the Office of the Mayor.

SOTF 19103 Transcript (see https://sanfrancisco.granicus.com/MediaPlayer.php?view_id=98&clip_id=34616):

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--Anonymous

From: Office of the Mayor

Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request

Anonymous,

I went back and reviewed that section of the transcript and the larger discussion of File No. 19103 and want to clarify this issue. Again, I understood your request this evening to seek the "calendars" for October 1 through October 14, 2020, as in the standard definition of calendar, ie "a schedule of events" (See https://www.thefreedictionary.com/calendar) including the dates, times, places, attendees and other details of future meetings. My initial response was only to indicate that we have not abandoned our original position that the Mayor's future calendar is protected from disclosure under the security procedures exemption of 6254(f) and the rationale of the Times Mirror case.

However, to the extent you are requesting "topics of the meeting" or "schedule records" more generally, apart from any information of date, time and place, that may be a different matter. In the context of "calendars" I was assuming you were asking us to necessarily reveal such details which comprise what is traditionally understood to be a calendar. We can consider whether any such other information can be provided and will further respond within the normal records request timeframe (considering the emergency suspension of IDR). We would thus ask that you refrain from heated language about alleged intentional violations and refrain from presently pursuing that in File No. 19103 or another file.

Our overall position regarding the security-sensitive nature of details of future meetings remains, given that the security procedures of 6254(f) required for the Mayor's upcoming meetings are implicated in such requests. I also understand that the holding of Times Mirror was based statutorily in the balancing test of PRA 6255 which weighed the decision-making processes of the Governor, but also weighed the security interests. That latter factual rationale fits just as easily under the rubric of 6254(f) as it does under 6255 and applies to the Mayor here: "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.'" Times Mirror v. Superior Court (State of California) (1991) at 53 Cal. 3d 1346.

I would also note that the balancing test of PRA 6255 may currently be invoked under the Fifth Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency, March 23, 2020. Specifically, Section 7(d) of that emergency order suspends the restrictions of Admin Code Sections 67.24(g) and 67.24(i) on the City's ability to rely on the balancing test of 6255(a). PRA 6255 thus currently provides an additional basis for generally withholding the details of
future meetings because the public interest in maintaining the security of the Mayor from harm or disruption and the integrity of attendant security procedures outweighs the public interest in nondisclosure, particularly given the backdrop of already strained City first responder resources in addressing the pandemic.

All of that said, to the extent you are requesting information regarding upcoming meetings outside of the "calendar" details we will review whether any such information may be disclosed and get back to you.

Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

---

From: Anonymous Person 09/05/2020

Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request

Mr. Heckel,

Thank you for reconsidering.

Please check the words of the current request carefully: "an immediate disclosure request for all calendars/schedule records (with all meeting details in Outlook or anywhere else, including all attachments, images, attendees, attendance status, invitees, dates and times, recurrence, and other metadata) for your department head for Oct 1 through Oct 14, 2020 as the schedule exists at the time of this request (dates inclusive)."

As I think your office and other offices have unsuccessfully attempted to argue at SOTF (I believe since 19047) - the summaries are not sufficient. You do need to provide "all meeting details in Outlook". In this case I don't care about ICS files, but Outlook certainly shows on the "face" of each record at least the subject, start, end, location, body message, attendees, and attachments, some of which may constitute "topics that were going to be discussed or something without any reference to date or times or places" (Heckel, SOTF 19103) which we will expect you to disclose (at the least).

Please provide rolling responses (SFAC 67.25(d)). If you provide a few of these records, then we can determine whether you are minimally withholding the records and delay the new complaint.

As an aside the original request at issue in SOTF 19103 (which I assume will be coming back up to the SOTF shortly) also stated "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." Same thing applied there. We also know that the Mayor's Office is well aware of the requirement to print out the detailed meeting view from Outlook since SOTF 19047 last October (if you remember the hearing, the summary view...
will "cut off" information - which is an unlawful and unjustified withholding of the information that is not displayed).

If the Mayor believes she has created the ultimate loophole to shutoff sunshine via unilaterally purporting to enable Gov Code 6255(a) withholding, I will remind the City that, even if the Mayor's proclamation is deemed valid (and we do not concede that it is), it is the SOTF and/or the courts, not the Mayor, that will determine whether or not in a particular record the public interest in non-disclosure *clearly outweighs* the public interest in disclosure.

Given that your withholding in 19103 long predates COVID-19, this loophole would not make legal your then-use of Times-Mirror (which depends on 6255). As the SOTF discussed in SOTF 19112, it is what occurred at the time I filed the complaint that matters. For example, SFPD was in violation because *at the time of filing my complaint* the SFPD did in fact violate the IDR timeliness requirement and others, even though IDR timelines are purportedly suspended at this moment. Otherwise, city agencies have a perverse incentive to delay compliance until the day a complaint is heard, and simply claim that the violation has been cured at that point, and avoid all violation findings.

Finally, Times-Mirror has both a security of the Governor component and a deliberative process component - both relying on 6255. Copying from my complaint:
> Preventing the public from knowing the Mayor's future meeting topics and attendees serves no Gov Code 6254(f) purpose -- there is no security procedure information in that part of the record. It does not even serve the vaguer "safety of the Mayor" argument that Respondents raise with reference to the Times Mirror case (that we do not concede is valid in San Francisco, regardless).
> Instead, preventing the public from knowing this information serves a purely political purpose: to ensure the Mayor can meet with whomever about whatever without public scrutiny before the fact. Outside of San Francisco, public agencies may try to argue that this is a valid purpose - to further a public official's deliberative process. However, the deliberative process privilege is banned in San Francisco (even under the Mayor's COVID-19 proclamations suspending parts of the Sunshine Ordinance, which we do not concede are valid, the deliberative process privilege ban has been retained).

Sincerely,
Anonymous

From: Anonymous Person  09/16/2020
Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request

I have delayed my intentional violation complaint for this request until today and I will not do so further. Rolling response is requested which means you must provide records no later than the end of the business day that you collect and review that record. I will expect at least some records of calendar entries that are in the future by end of today, properly redacted.

Given that the Mayor's Office has provided individual meeting entires previously, it clearly knows how to do so: https://cdn.muckrock.com/foia_files/2020/01/31/Memo_Style_45.pdf

While I do not concede it is sufficient, one can easily reduct the values of the Start and End and Location rows (but not their row names, so we know what was redacted), justify each of those redactions, and preserve everything else in the meeting entry to alleviate your supposed security concerns.
NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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

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From: Office of the Mayor

09/16/2020

Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request

Anonymous,

We will begin producing the requested scheduling documents. Your threats of filing “intentional violation” complaints are unwarranted and unhelpful. We can discuss the other aspects of your request.

---

From: Anonymous Person

09/16/2020

Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request

Mr. Heckel:

Prior experience with your office and SOTF orders is that you have continued not to comply with the provision of ICS calendars from SOTF 19047, notwithstanding the Order personally against you and Mayor Breed and your office in that case, and your non-compliance continues through this day even after the separate metadata hearings you stated that you were waiting for, which resulted in an even broader decision against your office's position.

In the case of calendars, in general:
1. You/your office were instructed in 19047 about individual Outlook entries.
2. You/your office clearly know how to produce individual entries as you have done so in the past
3. The instant request asks for "all calendars/schedule records (with all meeting details in Outlook or anywhere else, including all attachments, images, attendees, attendance status, invitees, dates and times, recurrence, and other metadata)".
4. You/your office had an obligation under SFAC 67.26 in both SOTF 19103 and this request to examine every responsive record for *any information* that was non-exempt: "No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 67.27 of this Article. This work shall be done personally by the attorney or other staff member conducting the exemption review. " You were personally responsible for this work.
Withholding all documents and then only analyzing the records to determine if any part was disclosable when someone files a complaint and you are forced to defend your position at SOTF is unacceptable.

There is no description other than willful or intentional for your office's behavior with regards to calendar disclosure or lack thereof.

--Anonymous

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From: Anonymous Person

Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request

I need your determination now, Mr. Heckel, esp. given your comments to SOTF on Sept. 22. Is the Mayor providing minimally redacted records of her Oct. 1-14 individual Outlook entries (without date/time/location) or are you withholding them entirely instead? We specifically picked the Oct. 1-14 dates so you can't escape by just waiting the request out.

Given the unanimous position of the Compliance committee last night, I highly doubt SOTF will give you and Mayor Breed any more leeway here, and rightfully so. No amount of wordplay around "calendar" is going to avoid the argument here.

--Anonymous

---

From: Office of the Mayor

Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immediate Disclosure Request

Anonymous,

Our original position that the Mayor’s future calendar entries cannot be disclosed due to security considerations remains.

As set forth previously, disclosure of information concerning the particulars of the Mayor’s upcoming non-public meetings, including date, time and location poses a security risk by jeopardizing the safety of the Mayor and confounding the ability of the San Francisco Police Department to provide effective security procedures for those meetings as it is charged to do. Future calendars provide information on when the Mayor will be arriving at and departing from specific locations, persons she is with or times she may be unattended. The SFPD plans and implements security procedures for the Mayor’s scheduled activities and disclosing such details in advance compromises their ability to do so and reveals information that may be misused by those seeking to disrupt meetings and potentially pose harm to the Mayor and other city officials, employees and other parties with whom she is meeting. Thus, this information is exempt from disclosure pursuant to Cal. Gov. Code §§ 6245(f); 6254(k); Cal. Evid. Code §1040 and the rationale of Times Mirror v. Superior Court (State of California) (1991) at 53 Cal. 3d 1325 1346.

You have sought calendars in a very narrow window of time and thus even providing calendar information with date and location information redacted still reveals information implicating the same concerns. One could narrow the range of possible times for a particular meeting on a given subject with certain individuals and estimate the date and location in an effort to disrupt such meetings if so inclined. Further, the subjects and attendees of future meetings could reveal activity patterns of the Mayor, thereby creating a security risk. As set forth in Times Mirror with regard to the Governor, “it is plausible to believe that an individual intent on doing harm could...
use such information to discern activity patterns ... and identify areas of particular vulnerability.”
Times Mirror, 53 Cal. 3d at 1346.

The Mayor’s Prop G calendar reveals past information, including information as recent as three
days prior, and thus, as required by the Sunshine Ordinance, provides a thorough record of all the
actual particulars of meetings that actually occurred. Therefore, nothing is being concealed with
regard to Mayoral meetings that actually occur. Future calendars include information about
prospective proposed meetings that may in some instances not occur at all and are only
tentatively calendared as staff recommendations. These internal recommendations and plans do
not necessarily reflect the actual City business ultimately carried out by the Mayor as shown in
the Prop G calendar and therefore any interest in their disclosure is substantially outweighed by
the security risks posed by their disclosure as outlined above. Cal. Gov. Code §§ 6245(f);
6254(k); Cal. Evid. Code §1040.

If you wish to seek other forms of scheduling information other than future calendars, please let
us know.
Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

From: Anonymous Person

Subject: RE: California Public Records Act Request: Future Calendars and Meetings, Round 2 - Immedi...

As you wish: Willful violation and official misconduct complaints against you and the Mayor will
be filed later today.

Let’s get rid of your supposed "narrow range" excuse:

This is an immediate disclosure request for all calendars/schedule records (with all meeting
details in Outlook or anywhere else, including all attachments, images, attendees, attendance
status, invitees, dates and times, recurrence, and other metadata) for your department head for
Dec. 1, 2020 through Mar. 15, 2021 as the schedule exists at the time of this request (dates
inclusive). Pursuant to SFAC 67.21(I), wherein you must provide any electronic format I request if
it is either available or easily generated: please provide all electronic records in PDF format
generated by Outlook *without* printing and scanning.

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.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX.
Please be certain you have properly redacted all of your responses. Once you send them to us,
there is no going back. 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
October 8, 2020

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 dated October 6, 2020, concerning a request to the Department of Human Resources (“DHR”). You contend that DHR unlawfully redacted information from one email it produced in response to your request.

We have reviewed an unredacted copy of the email and find that DHR properly applied the redactions. DHR redacted information constituting personnel information about a City employee including the employee’s name and other information that could lead to the employee’s identity. DHR also redacted personal contact information and other private information regarding the sender of the email. The disclosure of this information would constitute an unwarranted invasion of personal privacy, and the redactions were therefore proper. See Government Code Secs. 6254(c), (k); Cal. Const. Art. I, Sec. 1.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Human Resources
PRA Office
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

October 6, 2020

This is a follow up to a previous request:

To clarify:

Supervisor of Records,

This is a 67.21(d) petition against DHR specifically for the record attached.

The sole justification provided is:
"To protect employee privacy, names of individual City employees have been redacted. See CA Govt Code section 6254(c), section 6254(k), California Constitution, Art I, Sec 1, and SF Admin Code section 67.1(g)."

I challenge all redactions because (1) many are clearly not the names of city employees and thus not justified in any way and (2) the existence of a named person as a city employee is not a valid privacy interest. Public employee contracts - including all of their details including the parties’ names - are public, Gov. Code, § 6254.8.

NEW: Please determine in writing that the record or parts thereof are public and order them disclosed.

--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
On Oct. 5, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
Supervisor of Records,

This is a 67.21(d) petition against DHR specifically for the record attached.

The sole justification provided is:
"To protect employee privacy, names of individual City employees have been redacted. See CA Govt Code section 6254(c), section 6254(k), California Constitution, Art I, Sec 1, and SF Admin Code section 67.1(g)."

I challenge all redactions because (1) many are clearly not the names of city employees and thus not justified in any way and (2) the existence of a named person as a city employee is not a valid privacy interest. Public employee contracts - including all of their details including the parties’ names - are public, Gov. Code, § 6254.8.

--Anonymous

On Oct. 5, 2020:
Subject: Re: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
I write to follow up on my previous response to your record request. Attached is the resignation email you have requested. To protect employee privacy, names of individual City employees have been redacted. See CA Govt Code section 6254(c), section 6254(k), California Constitution, Art I, Sec 1, and SF Admin Code section 67.1(g).

DHR will continue to provide responsive documents on a rolling basis as they become available.

Thank you

[DHR-6@1.5x]  
Paul Greene, Supervising Human Resources Consultant  
Department of Human Resources  
One South Van Ness Ave., 4th Floor  
San Francisco, CA 94103  
Phone: (415) 551-8939  
Website: www.sfdhr.org

---
On Sept. 29, 2020:
Subject: Re: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
I write in response to your record requests received by the Department of Human Resources. Due to the voluminous nature of your request, DHR will be providing responsive records on a rolling basis. Attached are the responsive records that have been identified so far.

Additionally, the Department of Human Resources is hereby invoking an extension of time to respond to your request for records pursuant to Government Code Section 6253(c) and San Francisco Administrative Code Section 67.25(b), in order to search for, collect, and appropriately examine a voluminous amount of separate and distinct records included in your request, and to consult with another department or agency that has a substantial interest in the response to the request.

We will respond as promptly as possible to your request, and without unreasonable delay, and in no event than fourteen calendar days from the date of this e-mail.

Thank you

[DHR-6@1.5x]

Paul Greene, Supervising Human Resources Consultant
Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 551-8939
Website: www.sfdhr.org

---

On Sept. 23, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
Good afternoon,

I write in response to your email received by The Department of Human Resources (DHR) on September 19, 2020, making an immediate disclosure request for public records. The purpose of the immediate disclosure request is to expedite the City’s response to a "simple, routine, or otherwise readily answerable request." S.F. Admin. Code § 67.25(a). The Sunshine Ordinance specifies that for more extensive or demanding requests, the maximum deadlines for responding to a request apply. S.F. Admin. Code § 67.25(a). Your request seeks several categories of records, records from multiple people, and emails that need to be electronically searched for and retrieved. Accordingly, your request is not "simple, routine, or otherwise readily answerable" and DHR will apply the standard timelines for responding to a request. Under the standard timeline, the response will be due in 10 calendar days, or not later than September 29, 2020.

Best,

Dave

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On Sept. 23, 2020:
Subject: Re: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
Good afternoon,
I write in response to your email received by The Department of Human Resources (DHR) on September 19, 2020, making an immediate disclosure request for public records. The purpose of the immediate disclosure request is to expedite the City’s response to a "simple, routine, or otherwise readily answerable request." S.F. Admin. Code § 67.25(a). The Sunshine Ordinance specifies that for more extensive or demanding requests, the maximum deadlines for responding to a request apply. S.F. Admin. Code § 67.25(a). Your request seeks several categories of records, records from multiple people, and emails that need to be electronically searched for and retrieved. Accordingly, your request is not "simple, routine, or otherwise readily answerable" and DHR will apply the standard timelines for responding to a request. Under the standard timeline, the response will be due in 10 calendar days, or not later than September 29, 2020.

Best,

Dave

---

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%2F3Fnext%3D%252Faccounts%252Fagency_login%252Fhuman-resources-19337%252Fcalendars-and-emails-immediate-disclosure-request-sf-dhr-84500%252F%253Femail%253Dsupervisor.records%2540sfcityatty.org&url_auth_token=AABqPr2D2w6mdMIDVRUEjwqPKdY%3A1kPoIR%3Av9v6vyDsPrJk9tpyDqsZoXRQ4nk
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.
Katie:

I am writing this to you because I made a terrible decision that I followed with a series of additional terrible decisions, and have created a giant mess. Now is only exacerbating the existing anxiety I had about how to disclose this. I shouldn’t have gotten into this to begin with, and should have, at so many points along the way tried to make this right. I resigned this morning and will fully cooperate with whatever the process is from here on out.

In late 2017, filed an EEO complaint. At the time, was trying to have a court overturn the CSC’s administrative decision to uphold the closure/no finding in past EEO complaint. I reviewed past complaints, understood the then-current allegations (ongoing retaliation, e.g., ignoring, hostility in the workplace from coworkers and managers, etc.) also provided new information regarding closed complaint that I believed warranted review. I wanted to investigate.

At the time, I spoke with Matthew about it, who heard me out and said he’d back me in bringing the matter to Linda. I did, explained the new information and the narrow review of the proposed investigation, and she said ok but that there would not be a finding.

Sometime in the coming weeks, I drafted a Charge for review and signature. I began investigating. During this time, based on my review of the past investigation, general discussions during the first investigation and at the then-present time, I got the general sense that people in DHR EEO and SFMTA viewed as not credible, that the complaint had no merit, and generally a complainer. My view was different. was consistent in statements, the prior investigation was rushed and I did not believe the record supported the conclusion – the Respondent was not credible, and there were problems with the recruitment for the manager position that was denied (and which was the basis, in part, of complaint). Anyway, none of this is the point right now except to say that the evidence suggested to me that there should have been a finding on many of the previously closed claims and that based on the general sentiments about, my recommendation would not be popular.

That is where I made my first terrible decision. I shared with my take on the merits of complaint and immediately filed an external complaint requesting an immediate right to sue, and filed suit based on my comments.

At the time, and clearly still, I was too passive and conflicted to tell that. I was also certain – in my head and not necessarily because it is what actually would have happened – that my recommendation for a finding and appropriate make whole remedy would not find consensus. I told the process – that I was going to share my findings and recommendations with my manager, and then it would go to Ed (at the time). And then I froze. I did nothing for so long and was spinning out because I was afraid to have those difficult conversations, whatever the substance.
I lied to my recommended findings were under review and then kept lying to buy time because I had truly convinced myself that I would write the report, present it to Linda, et al, and stand my ground on the findings. I didn’t and I kept lying to buy more time. I told they agreed and asked whether be given the remedies requested – appointment to the position, backpay and restoration of leave taken. I told it was under review.

In November 2019, I told that CAT would have to review and consider the requested remedies and potentially propose a settlement. I explained the actual process, but lied about where complaint was along that process. To make a long story short, I continued to do that – explain the actual process, but lie about where complaint was along that process – until now. As time went on, the lies got bigger as I continued to explain why hadn’t seen a determination, settlement offer, etc. Ultimately, I drafted a document based on other settlement agreements I’d seen, met with and showed it to, but continued to lie about why couldn’t have a copy, why it wasn’t signed, etc. I made things up like, “oh, they’re considering XX term now” or “they’re reviewing possible positions for appointment.” It was all a lie and I continued to make it worse and worse.

The longer I let this go on, the more impossible it was to see a way out. I truly do not even know all of the little lies I told to explain delays or why things weren’t happening the way I said they would. I also grew to like a lot and my lack of ability to stay neutral contributed to my unwillingness to tell the truth.

Again, I can and will absolutely go through every single step and misstep and will fully cooperate with whatever process/consequences comes from my actions. But for purposes of my explaining now to you now what I did, before I lose the will to say it – I drafted a document appearing to be a proposed settlement agreement, I electronically imposed fake signatures, and I sent it to and held it out as though it were real. Based on that, moved to dismiss case. Obviously, since has not received the money, is suspicious, confused, upset and while I continued to lie for awhile, there is clearly no way out other than to confess. I told I fucked up.

I am currently , and told I would call shortly. I plan to explain/confess the same. I am sure will either contact your office or you or SFMTA. I don’t have the words right now to explain the embarrassment, shame, regret I feel. Again, I will fully cooperate with whatever investigation, process, consequences that are to come for me and I will do my best to try to right the many wrongs I’ve made.

Rebecca Sherman
December 9, 2020

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 dated October 8, 2020, concerning a request to the Department of Human Resources (“DHR”). You contend that DHR unlawfully redacted information from a document it produced in response to your request.

We find that DHR properly applied the redactions. DHR redacted information to protect the privacy of a City employee. In the circumstances presented here, the disclosure of the identity of the City employee and information that could lead to the employee’s identity, such as the court case number, would constitute an unwarranted invasion of personal privacy, and the redactions were therefore lawful. See Government Code Secs. 6254(c), (k); Cal. Const. Art. I, Sec. 1.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
From: 84500-13253092@requests.muckrock.com on behalf of ‘84500-13253092@requests.muckrock.com’
Sent: Thursday, October 8, 2020 6:56 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
Attachments: RS_Settlement_Agreement_Redacted.pdf

Human Resources
PRA Office
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

October 8, 2020

This is a follow up to a previous request:

Supervisor of Records,

This is a new 67.21(d) petition for the specific record attached and also available at:

No justifications whatsoever for any redactions were provide; thus by law all redactions are unlawful as they do not comply with SFAC 67.26 (no footnote or other clear reference) and SFAC 67.27 (failure to justify in writing withholding of any information).

Furthermore, we challenge the 3 redactions on the 4th paragraph of the first page for the following additional reasons: These are case captions and numbers. Legal case captions are completely public.
See for example the SF Superior Court's own website, which discloses (as can be searched for by MTA as party), for example case CGC-19-574719 which is Hale Guerra vs CCSF, SFMTA, et al. for alleged harassment and sexual discrimination.
The fact that the court case is about a personnel matter does not make information about the court case exempt from disclosure. Court filings, unless under seal, are public.

Please determine in writing that one or more of these redactions are actually public and order them disclosed.

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%3Fnext%3D%252Faccounts%252Fagency_login%252Fhuman-resources-19337%252Fcalendars-and-emails-immediate-disclosure-request-sf-dhr-84500%252F%253Femail%253Dsupervisor.records%252Fsfcityatty.org&url_auth_token=AABqPr2D2w6mdMIDVREj
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 Oct. 8, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
Please see attached.

Bradley Russi
Deputy City Attorney
Office of City Attorney Dennis Herrera
www.sfcityattorney.org

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On Oct. 6, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
To clarify:

Supervisor of Records,

This is a 67.21(d) petition against DHR specifically for the record attached.

The sole justification provided is:
"To protect employee privacy, names of individual City employees have been redacted. See CA Govt Code section 6254(c), section 6254(k), California Constitution, Art I, Sec 1, and SF Admin Code section 67.1(g)."

I challenge all redactions because (1) many are clearly not the names of city employees and thus not justified in any way and (2) the existence of a named person as a city employee is not a valid privacy interest. Public employee contracts - including all of their details including the parties' names - are public, Gov. Code, § 6254.8.

NEW: Please determine in writing that the record or parts thereof are public and order them disclosed.

--Anonymous

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On Oct. 5, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
Supervisor of Records,
This is a 67.21(d) petition against DHR specifically for the record attached.

The sole justification provided is:
"To protect employee privacy, names of individual City employees have been redacted. See CA Govt Code section 6254(c), section 6254(k), California Constitution, Art I, Sec 1, and SF Admin Code section 67.1(g)."

I challenge all redactions because (1) many are clearly not the names of city employees and thus not justified in any way and (2) the existence of a named person as a city employee is not a valid privacy interest. Public employee contracts - including all of their details including the parties' names - are public, Gov. Code, § 6254.8.

--Anonymous

On Oct. 5, 2020:
Subject: Re: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
I write to follow up on my previous response to your record request. Attached is the resignation email you have requested. To protect employee privacy, names of individual City employees have been redacted. See CA Govt Code section 6254(c), section 6254(k), California Constitution, Art I, Sec 1, and SF Admin Code section 67.1(g).

DHR will continue to provide responsive documents on a rolling basis as they become available.

Thank you

[DHR-6@1.5x]

Paul Greene, Supervising Human Resources Consultant

Department of Human Resources

One South Van Ness Ave., 4th Floor

San Francisco, CA 94103

Phone: (415) 551-8939

Website: www.sfdhr.org<http://www.sfdhr.org/>

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On Sept. 29, 2020:
Subject: Re: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF DHR)
I write in response to your record requests received by the Department of Human Resources. Due to the voluminous nature of your request, DHR will be providing responsive records on a rolling basis. Attached are the responsive records that have been identified so far.

Additionally, the Department of Human Resources is hereby invoking an extension of time to respond to your request for records pursuant to Government Code Section 6253(c) and San Francisco Administrative Code Section 67.25(b), in order to search for, collect, and appropriately examine a voluminous amount of separate and distinct records included in your request, and to consult with another department or agency that has a substantial interest in the response to the request.

We will respond as promptly as possible to your request, and without unreasonable delay, and in no event than fourteen calendar days from the date of this e-mail.
Thank you

[DHR-6@1.5x]

Paul Greene, Supervising Human Resources Consultant

Department of Human Resources

One South Van Ness Ave., 4th Floor

San Francisco, CA 94103

Phone: (415) 551-8939

Website: www.sfdhr.org<http://www.sfdhr.org/>

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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:
%3Fnext%3D%252Faccounts%252Fagency_login%252Fhuman-resources-19337%252Fcalendars-and-emails-immediate-disclosure-request-sf-dhr-
84500%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABqPr2D2w6mdMIDVRUEj
wqPKdY%3A1kQhjo%3AKwSt3CftrTHeL1JkrOsoCj1VC94
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
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.
SETTLEMENT AGREEMENT, GENERAL RELEASE AND COVENANT NOT TO SUE

THIS SETTLEMENT AGREEMENT, GENERAL RELEASE AND COVENANT NOT TO SUE ("Agreement") relating to claims against the City and County of San Francisco Municipal Transportation Agency ("SFMTA" or "Agency") and the City and County of San Francisco ("City"), is made by and between [REDACTED] ("Complainant") and the City.

WHEREAS, Complainant is employed by the City as a Classification [REDACTED] with the SFMTA; and

WHEREAS, Complainant claims that during and as a result of the Complainant’s employment with the City, Complainant suffered damages on account of wrongful conduct by the SFMTA and the City, including without limitation, employment discrimination in violation of Government Code section 12940(a) et seq., and retaliation in violation of Government Code section 12940(m)(2) and 12940(h); and

WHEREAS, Complainant filed Charge No. [REDACTED] with the United States Equal Employment Opportunity Commission ("EEOC") (the "Proceeding"); and WHEREAS, Complainant filed the following in San Francisco Superior Court: [REDACTED] v. City and County of San Francisco, Metropolitan Transit Authority, Case No. [REDACTED] (the "Action"); and

WHEREAS, the parties now desire to avoid the expense, burden and delay of litigation and without admitting or acknowledging any liability, to resolve all of the Complainant’s claims, as well as the Action, the Proceeding, and any and all lawsuits and claims brought by Complainant against the City, fully and forever in consideration of the promises contained herein;

[REDACTED] v. CCSF, SFMTA, Case No. [REDACTED]
NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. In exchange for the promises by plaintiff in this Agreement, including but not limited to the releases in Paragraph 2, and complete settlement of Complainant’s claims, the Action and the Proceeding, and subject to the condition in precedent paragraph 4, the City will pay the total amount of five hundred and two thousand two hundred and forty-eight dollars ($502,248.00) (the “Settlement Amount”) allocated as follows:

   a. Four Hundred and Seventy-Nine Thousand Seven Hundred Dollars and Fifty-Two Cents ($479,700.52) of the Settlement Amount will be considered and treated as general damages for personal injury, including allegations of emotional injury. This amount will not be considered or treated as back wages. No taxes, deductions or withholdings will be deducted from this amount. In the event the appropriate taxing authorities should determine contrary to the intention of the parties, that the City should have withheld the amounts for tax purposes, Complainant agrees to indemnify the City for any and all tax liabilities which may result from such failure to withhold. This amount shall be paid by check and made payable to “[Name of Complainant]” and delivered to Complainant at [Address] CA.

   b. Twenty-Two Thousand Five Hundred Forty-Eight Dollars and Fifteen Cents ($22,548.15) of the Settlement is payment for compensatory time accrued during the relevant time of the claims. This amount will not be considered or treated as back wages. No taxes, deductions or withholdings will be deducted from this amount. In the event the appropriate taxing authorities should determine contrary to the intention of the parties, that the City should have withheld the amounts for tax purposes, Complainant agrees to indemnify the City for any and all tax liabilities which may result from such failure to withhold. This amount shall be paid

   v. CCSF; SFMTA, Case No. [Redacted]
by check and made payable to ‘[redacted]’ and delivered to Complainant CA [redacted].

2. In addition to paying the Settlement Amount, and subject to current and future operational needs of the SFMTA, the City agrees to appoint Complainant to the following position: permanent civil service (PCS) [redacted], or to a similarly situated position within the SFMTA. The City agrees to make the appointment within one month of the date this Agreement is fully executed. The appointment is subject to future vacancies and may include appointment to an exempt position, should position [redacted] be eliminated as a part of the Mayor’s approved Fiscal Year 2020/2021 budget. The City agrees to offer the right of first refusal to Complainant.

3. a. In consideration of the Settlement Amount and for other promises in this Agreement, and for other good and sufficient consideration, Complainant, for Complainant, Complainant’s heirs, executors, administrators, assigns and successors, fully and forever releases and discharges the City, its constituent departments (including the Agency), commissions, agencies, boards, predecessors, successors, subsidiaries, related entities, and current and former officers, directors, trustees, agents, employees and assigns (collectively “Releasees”) from any and all liabilities, claims, demands, contracts, debts, damages, acts of omissions, obligations and causes of action of every nature, kind and description, in law, equity or otherwise, whether or not now known or unknown, which heretofore do or may exist, in any way arising out of, connected with or related to Complainant’s employment with the City, the Proceeding, the Action, and the negotiation, terms and execution of this Agreement up to and including the date Complainant signs this Agreement (the “Signature Date”). The release in this Paragraph 3 includes, but is not limited to, release of any matter, cause or thing in any way arising out of, connected with or

[redacted] v. CCSF; SFMTA, Case No. [redacted]
related to the Action and the Proceeding, and any and all past, pending or contemplated lawsuits; claims; EEOC, DFEH or other administrative charges; and grievances brought by or on behalf of Complainant against any Releasee not set forth herein, in any way arising out of, connected with or relating to Plaintiff’s employment within the City through the Signature Date.

b. The release contained in this Paragraph 3 is a complete and general release that will forever bar Complainant from pursuing any released claims or rights against any Releasee. Complainant covenants not to sue or otherwise institute or in any way actively participate in or voluntarily assist in the prosecution of any legal or administrative proceedings against any Releasee. However, this Agreement does not prevent Complainant from responding as required by law to any court order, subpoena, or government investigation (such as by the EEOC or similar agency) or providing other disclosures as required by law in any action against Releasees, or from initiating or participating in proceedings about matters other than the Released Claims. Complainant understands and agrees that Complainant is waiving any rights Complainant may have had, now has, or in the future may have to pursue any and all remedies available to Complainant under any cause of action or in any way arising out of, connected with or related to the Released Claims. Such causes of action shall include without limitation claims of wrongful discharge, defamation, invasion of privacy, intentional infliction of emotional distress, negligent infliction of emotional distress, breach of contract, breach of the covenant of good faith and fair dealing, violation of the provisions of the California Labor Code, the City’s Charter, Administrative Code, ordinances, Civil Service Commission Rules and other City enactments, the Meyers-Milias-Brown Act, violation of any memoranda of understanding covering Complainant, and claims under Title VII of the 1964 Civil Rights Act, as amended, the Civil Rights Act of 1991, the California Fair Employment and Housing Act, the Americans with
Disabilities Act, the Rehabilitation Act, the Family and Medical Leave Act, the California Fair Employment and Housing Act, the Americans with Disabilities Act, the Rehabilitation Act, the Family and Medical Leave Act, the California and United States Constitution, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, the Older Workers Benefit Protection Act, the Civil Rights Acts of 1866, and any other laws and regulations relating to employment or to discrimination.

c. Complainant understands and expressly agrees that the release contained in this Paragraph 3 extends to all release claims of every nature and kind, known or unknown, suspected or unsuspected, past, present or future, and that any and all rights under Section 1542 of the California Civil Code or any analogous state law or federal law or regulation are hereby expressly waived. Section 1542 of the California Civil Code reads as follows:

A general release does not extent to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

4. In further consideration of the foregoing, Complainant hereby agrees, acknowledges, and recognizes that this Agreement is a “no fault” settlement in light of disputed claims, and that nothing contained in this Agreement shall constitute or be treated as an admission of liability or wrongdoing by the Complainant or the City, which liability or wrongdoing is expressly denied by both parties.

5. Complainant represents that either (a) there are no existing liens or partial liens in existence, including without limitation any attorney’s fees, medical reimbursement, unemployment or disability compensation liens, which attach to the Action, the Proceeding, the amounts specified in this Agreement, or to any recovery paid to Complainant in connection with the settlement of the Action or the Proceeding, nor is any person or entity entitled to establish a
lien for any payment or payments they have made or will make to Complainant or on behalf of Plaintiff as a consequence of any of the matters arising out of, connected with or relating to Complainant's employment with the City, the Action of the Proceeding, or (b) to the extent there are any such liens, Complainant will pay and retire all such liens. Complainant agrees to defend, indemnify and hold harmless the City against any and all claims by any person or entity purporting to hold any lien, interest, or other claim, whether for medical care, unemployment and/or disability compensation, attorney's fees, or otherwise, involving Complainant in any way arising from, or connected with or related to Complainant's employment with the City, the Action or the Proceeding.

6. Complainant represents and warrants that Complainant has full power to make the releases and agreements contained herein. Complainant expressly represents and warrants that Complainant has not assigned, encumbered or in any manner transferred all or any portion of the claims covered by the releases and agreements contained herein. Complainant acknowledges and agrees that this warranty and representation is an essential and material term of this Agreement. Complainant agrees to indemnify the affected Releasee for any claims brought against any Releasee by purported assignees of Complainant, including costs of judgment and reasonable attorney's fees.

7. Complainant agrees that within three (3) court days of receiving the Settlement Amount, Complainant will dismiss the Action in its entirety and with prejudice by filing a "Dismissal with Prejudice." Complainant agrees to serve an endorsed filed copy of the dismissal on City's counsel. In addition, Complainant represents that either (a) there are no outstanding DFEH, EEOC, or other administrative charges that are or may be pending relating to Complainant's employment with the City through the Signature Date, or (b) to the extent any
such charges have been or are filed by the Complainant or on the Complainant’s behalf, Complainant agrees to dismiss or withdraw any such charges, with prejudice. Complainant expressly acknowledges that the list of outstanding matters may not be exhaustive, but the Complainant nevertheless agrees to dismiss with prejudice all litigation, claims, grievances, and administrative charges or any nature, kind and description against and Releassee that arise out of any right or claim released in this Agreement, whether or not listed in this Agreement.

8. All parties shall bear their own attorney’s fees, legal expenses and costs.

9. Complainant acknowledges that this Agreement is contingent upon approval by the SFMTA Board of Directors and that this Agreement will not become effective absent such approval. The City agrees to recommend the SFMTA Board of Directors approve the Agreement, and if approved, to make good faith efforts to pay the Settlement Amount by September 1, 2020.

10. The parties acknowledge that this Agreement constitutes the sole agreement in this matter, that it supersedes any prior oral or written agreements, and that it may be modified only by a writing signed by all parties to this Agreement, and approved by the SFMTA Board of Directors.

11. If any provision of this Agreement is found unenforceable, then the remaining provisions shall be valid and enforceable.

12. This Agreement is made and entered into within and shall be governed by, construed, interpreted and enforced in accordance with the laws of the State of California, without regard to the principles of conflicts of laws. The parties agree that the San Francisco Superior Court shall have jurisdiction to enforce this Agreement. All disputes arising out of this Agreement shall be resolved by the San Francisco Superior Court.
13. Complainant acknowledges that Complainant has the right to consult with any attorney concerning this Agreement, including any releases contained herein.

14. Complainant acknowledges that Complainant has read and understands this Agreement and that Complainant agrees to its terms and signs this Agreement voluntarily and without coercion. Complainant further acknowledges that the release and waivers Complainant has made herein are knowing, conscious and with full appreciation that Complainant is forever foreclosed from pursuing any of the rights or claims so released or waived.

15. Complainant acknowledges the following: (a) that this Agreement is written in a manner calculated to be understood by Complainant and Complainant in fact understands the Agreement; (b) that this Agreement specifically refers to and waives rights or claims arising under the FEHA; (c) that this Agreement applies only to claims arising up to and including the date that the Complainant signs this Agreement; (d) that in exchange for this Agreement, Complainant received value beyond that to which Complainant is already entitled; (e) that the City has advised Complainant in writing that Complainant may consult with an attorney; and (f) that Complainant has been provided with an adequate period of time to review this Agreement. Complainant is entitled to consider this Agreement for twenty-one (21) days before signing and that Complainant has made a knowing and voluntary decision to sign this Agreement before the expiration of the twenty-one (21) day period. Complainant may revoke this Agreement for a period of seven days after executing the Agreement. This Agreement shall not become effective or enforceable until the revocation period has expired.

16. This Agreement may be executed in separate counterparts, each of which shall be deemed an original, and all of which shall constitute one single instrument.
Complainant

JEFFREY TUMLIN
Director of Transportation

Dated: 8/18/20

By: RALPH HEMSKY
Deputy City Attorney

Dated: 8/18/20

By: KATHARINE PORTER
Chief Labor Attorney

Dated: 8/16/20

Attorneys for Defendant
City and County of San Francisco

Cosigned

By: BEN ROSENFIELD
Controller

Dated: 
DATED: 8/15/20

Complainant

DATED: 8/15/20

JEFFREY TUMLIN
Director of Transportation

By: RAPAL O'HERSK
Deputy City Attorney

DATED: 8/15/20

By: KATHARINE PORTER
Chief Labor Attorney

Attorneys for Defendant
City and County of San Francisco

DATED:

Cosigned

By: BEN ROSENFIELD
Controller
To Whom It May Concern:

We understand that the Department of Technology provided an updated response to your request on April 30, 2021. If you continue to contest the department’s response, please let us know. Thank you.

Odaya Buta  
Paralegal  
Office of City Attorney Dennis J. Herrera  
odaya.buta@sfcityatty.org  
www.sfcityattorney.org  
Find us on: Facebook Twitter Instagram

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.

From: 87729-01347257@requests.muckrock.com <87729-01347257@requests.muckrock.com>  
Sent: Friday, October 9, 2020 8:43 PM  
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>  
Subject: RE: California Public Records Act Request #20-643

San Francisco Department Of Technology  
PRA Office  
1 S. Van Ness Ave, 2nd floor  
San Francisco, CA 94103

October 9, 2020

This is a follow up to request number 20-643:

Supervisor of Records Dennis Herrera,  

Please see the attached 67.21(d) petition.

Sincerely,  
Anonymous
On Oct. 9, 2020:
Subject: RE: California Public Records Act Request #20-643
Supervisor of Records Dennis Herrera,

Please see the attached 67.21(d) petition.

Sincerely,
Anonymous

On Feb. 11, 2020:
Subject: [ACTION REQUIRED] Your City and County of San Francisco public records portal account
Use this to confirm your account. The link is only valid for 24 hours.

City and County of San Francisco

Hello Anonymous!

You can confirm your City and County of San Francisco public records portal account by copying and pasting the URL below into your web browser. This link is only valid for the next 24 hours.

Magic link: https://sanfrancisco.nextrequest.com/users/confirmation?confirmation_token=qyhbyU-fxyMDRdQN8EQK

Questions? Check out our help page (https://www.nextrequest.com/support) or email us at support@nextrequest.com.
On Feb. 11, 2020:
Subject: Your City and County of San Francisco public records request #20-643 has been published.
City and County of San Francisco

Hi there

Record request #20-643 has been published and is now available for public view.

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 Feb. 11, 2020:
Subject: Your City and County of San Francisco public records request #20-643 has been closed.
City and County of San Francisco

Hi there

Record request #20-643 has been closed. The closure reason supplied was:

Anonymous,

We received your Immediate Disclosure Request on Saturday, dated February 8, 2020, on Monday, February 10, 2020 at 9:06 am. Public records requests received after the close of business, or received on a weekend or holiday, are considered received on the next business day.

You have requested the following records:

* An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Department Head on their government account. Note that you will have to search directly from the Head’s computer or account in their Sent folder specifically (In many email systems, no other method will allow you to see the BCC recipients). In modern Outlook systems, the search query is as follows: (bcc:*)
We have found records responsive to your request. The documents are now released to you completely public in our NextRequest portal "DOCUMENTS" section. You will be able to access the document without any login or sign-in. The documents are in PDF format for ease of transferability and accessibility, consistent with Cal. Gov 6253.9(a)(1).

Please note pursuant to 6254.19, the Public Records Act now protects from disclosure an information security record .... That would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology systems of the city.

Let me know if you are having a problem accessing your documents publicly without any login or sign-in.

This concludes your public record request.

Sincerely,

Arlene Licudine

This concludes your public records request.

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 Feb. 11, 2020:
Subject: [Document Released] City and County of San Francisco public records request #20-643
City and County of San Francisco

Hi there

A document has been released for record request #20-643:
On Feb. 8, 2020:
Subject: California Public Records Act Request: BCC Emails - Immediate Disclosure Request (SF DT)
RE: BCC Emails - Immediate Disclosure Request

To the Department Head:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by Feb 11, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253). Emails are requested in the easily-generated EML or MSG formats (SFAC 67.21(l)).

I am now auditing how the City appears to unlawfully withhold the BCC recipients of emails when they print out emails in certain formats. The identity of BCC recipients is not exempt. BCC is not an information security record that reveals vulnerabilities or increases chance of an attack. The BCC names was typed in by a human being and are not metadata. You must provide BCC just like you provide To or CC recipients. There is no legal authority to keep secret the identities of persons communicating with government officials, unless they are specifically confidential informants and such. If you withhold the BCC names, I will file complaints, separate and apart from email metadata complaints, which at this point I have already won (see SOTF 19044).

Your non-exhaustive obligations: All withholding of any information must be justified in writing (SFAC 67.27). All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26). You must respond to emailed requests (SFAC 67.21(b)). You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)). You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)). Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

1. An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Department Head on their government account. Note that you will have to search directly from the Head's computer or
account in their Sent folder specifically (In many email systems, no other method will allow you to see the BCC recipients). In modern Outlook systems, the search query is as follows: (bcc:*)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

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

Filed via MuckRock.com
E-mail (Preferred): 87729-01347257@requests.muckrock.com
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.
Buta, Odaya (CAT)

From: 87729-01347257@requests.muckrock.com
Sent: Friday, October 9, 2020 8:43 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #20-643

San Francisco Department Of Technology
PRA Office
1 S. Van Ness Ave, 2nd floor
San Francisco, CA 94103

October 9, 2020

This is a follow up to request number 20-643:

Supervisor of Records Dennis Herrera,

Please see the attached 67.21(d) petition.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 87729-01347257@requests.muckrock.com
Upload documents directly:
%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-department-of-technology-20057%252Fbcc-emails-immediate-disclosure-request-sf-dt-
87729%252F%253Femail%253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AABxrATJopjoclw3zzZ9Xx7IAhc%3A1kr5mI%3AMVAItSobJFIIZNYm1Wfw8DLjs-M
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 87729
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. 9, 2020:
Subject: RE: California Public Records Act Request #20-643
Supervisor of Records Dennis Herrera,

Please see the attached 67.21(d) petition.

Sincerely,
Anonymous
---

On Feb. 11, 2020:
Subject: [ACTION REQUIRED] Your City and County of San Francisco public records portal account
Use this to confirm your account. The link is only valid for 24 hours.

City and County of San Francisco

************************************************************************
Hello Anonymous!
************************************************************************

You can confirm your City and County of San Francisco public records portal account by copying and pasting the URL below into your web browser. This link is only valid for the next 24 hours.

Magic link: https://sanfrancisco.nextrequest.com/users/confirmation?confirmation_token=qyhbyU-fxyMDRdQN8EQK

************************************************************************
Questions? Check out our help page (https://www.nextrequest.com/support) or email us at support@nextrequest.com.
************************************************************************


---

On Feb. 11, 2020:
Subject: Your City and County of San Francisco public records request #20-643 has been published.
City and County of San Francisco

************************************************************************
Hi there
************************************************************************

Record request #20-643 has been published and is now available for public view.

************************************************************************
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
************************************************************************

---
On Feb. 11, 2020:
Subject: Your City and County of San Francisco public records request #20-643 has been closed.

City and County of San Francisco

************************************************************************

Hi there

Record request #20-643 has been closed. The closure reason supplied was:

Anonymous,

We received your Immediate Disclosure Request on Saturday, dated February 8, 2020, on Monday, February 10, 2020 at 9:06 am. Public records requests received after the close of business, or received on a weekend or holiday, are considered received on the next business day.

You have requested the following records:

* An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Department Head on their government account. Note that you will have to search directly from the Head's computer or account in their Sent folder specifically (In many email systems, no other method will allow you to see the BCC recipients). In modern Outlook systems, the search query is as follows: (bcc:*)

We have found records responsive to your request. The documents are now released to you completely public in our NextRequest portal "DOCUMENTS" section. You will be able to access the document without any login or sign-in. The documents are in PDF format for ease of transferability and accessibility, consistent with Cal. Gov 6253.9(a)(1).

Please note pursuant to 6254.19, the Public Records Act now protects from disclosure an information security record ... That would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology systems of the city.

Let me know if you are having a problem accessing your documents publicly without any login or sign-in.

This concludes your public record request.
Sincerely,

Arlene Licudine

This concludes your public records request.

************************************************************************
<em>Questions about your request?</em> Reply to this email or sign in to contact staff at City and County of San Francisco.
<em>Technical support:</em> See our help page.

---

On Feb. 11, 2020:
Subject: [Document Released] City and County of San Francisco public records request #20-643
City and County of San Francisco

************************************************************************

Hi there

A document has been released for record request #20-643:

* 20-643_BCC-redacted.pdf

Document links are valid for one month. After March 11, you will need to sign in to view the document(s).

************************************************************************
<em>Questions about your request?</em> Reply to this email or sign in to contact staff at City and County of San Francisco.
<em>Technical support:</em> See our help page.

---

On Feb. 8, 2020:
Subject: California Public Records Act Request: BCC Emails - Immediate Disclosure Request (SF DT)
RE: BCC Emails - Immediate Disclosure Request

To the Department Head:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by Feb 11, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do
not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253). Emails are requested in the easily-generated EML or MSG formats (SFAC 67.21(l)).

I am now auditing how the City appears to unlawfully withhold the BCC recipients of emails when they print out emails in certain formats. The identity of BCC recipients is not exempt. BCC is not an information security record that reveals vulnerabilities or increases chance of an attack. The BCC names was typed in by a human being and are not metadata. You must provide BCC just like you provide To or CC recipients. There is no legal authority to keep secret the identities of persons communicating with government officials, unless they are specifically confidential informants and such. If you withhold the BCC names, I will file complaints, separate and apart from email metadata complaints, which at this point I have already won (see SOTF 19044).

Your non-exhaustive obligations: All withholding of any information must be justified in writing (SFAC 67.27). All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26). You must respond to emailed requests (SFAC 67.21(b)). You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)). You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)). Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City’s procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

1. An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Department Head on their government account. Note that you will have to search directly from the Head’s computer or account in their Sent folder specifically (In many email systems, no other method will allow you to see the BCC recipients). In modern Outlook systems, the search query is as follows: (bcc:*)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

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

Filed via MuckRock.com
E-mail (Preferred): 87729-01347257@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 87729
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.
Dennis Herrera  
Attn. General Government Team  
City Attorney/Supervisor of Records  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  

Via email o ` supervisor.records@sfcityatty.org

Supervisor of Records Dennis Herrera,

This is an SFAC 67.21(d) petition against the Department of Technology. Please determine, in writing, within 10 days, whether each of the contested parts of records in Appendix A are public, and order their disclosure.

The City’s response to electronic calendar records requests, at least in this case, has come a long way since summer 2019. There is, however, still some work remaining to achieve full compliance that is reflected in this petition.

Appendix A lists the contested redactions.  
(Appendix B is not included.)  
Appendix C has Bates numbered records produced thus far.

Sincerely,

Anonymous  

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 (signature.asc attachment), 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 government all be disclosable public records.
APPENDIX A - Challenged Redactions

All examples are non-exhaustive. We do not waive production of any record or part of record not mentioned below, nor do we concede that unmentioned records or parts of records are exempt or not public records.

1. City Govt email addresses (@sfgov.org, @sfwater.org) have been improperly withheld under Privacy (GC 6254(c, k), Art I Sec 1 Cal. Constitution). These addresses are owned by the City, and not the employee and are a matter of public business, not personal privacy. Examples:
   a. Bates 000004, all Privacy redactions except the very first
   b. Bates 000028, “MAILTO” redactions (mailto indicates an email address, source: https://tools.ietf.org/html/rfc2368 ) for the ORGANIZER/ATTENDEEs
   c. Bates 000031, “MAILTO” redactions for the ORGANIZER/ATTENDEEs
   d. Bates 000038, “MAILTO” redactions for the ORGANIZER/ATTENDEEs
   e. Bates 000041, “MAILTO” redactions for the ORGANIZER/ATTENDEEs
   f. Bates 000106-000112, “MAILTO” redactions for the ORGANIZER/ATTENDEEs
   g. Bates 000122, “MAILTO” redactions for the ORGANIZER/ATTENDEEs

2. Names of businesses, entities, or public agencies cannot be withheld under Privacy as they possess no personal privacy interests. Example: Privacy withholding on Bates 000007. The entity or agency named in that subject line must be disclosed.

3. Names of private individuals (without personal phone number, personal email, or home address) or business representatives who attend meetings with city officials cannot be withheld under Privacy. Note I am not arguing such names must be recorded outside of Prop G SFAC 67.29-5 requirements - but if information such as attendee names are recorded beyond the requirements of Prop G, they must be provided (SOTF 19047, SOTF 19112), unless for example there is some specific privacy implication (such as a medical condition) in that meeting. Examples:
   a. Privacy redactions on top of Bates 000013. In Bates 000013, the meeting is about City business (cybersecurity), and not a personal issue.
   b. “CN” redactions on Bates 000028 (CN means “Common Name” i.e. the visible name of the attendee, source: https://tools.ietf.org/html/rfc5545#section-3.2.2 )
   c. Privacy redactions on Bates 000095

4. Descriptions/bodies of meetings about City business cannot be withheld under Privacy, unless they implicate a specific individual’s protected privacy interest (such as medical condition). Example:
a. Meeting body on Bates 000013-000025,
b. Bottom of Bates 000133
c. Bottom of Bates 000136
d. Bottom of Bates 000139
e. Bottom of Bates 000142
f. Bottom of Bates 000146
g. Bottom of Bates 000149
h. Bottom of Bates 000164
i. Both sections at bottom of Bates 000167 and top of Bates 000168
j. Bottom of Bates 000172, top of 000173
k. Top of Bates 000204

5. Unknown information completely removed from Bates 211-234. At least the names of
the metadata should be preserved so it is known what was withheld.

6. Makstman message bodies generally withheld under GC 6254.19. Only that portion that
would reveal vulnerabilities or increase the potential for an attack on an IT system of a
public agency is exempt. Makstman email content is not automatically exempt, even as
CISO, notwithstanding the statement in his email footer that his messages are exempt
under GC 6254.19. Examples:
   a. Bottom of Bates 121,
   b. bottom 104 & top of 105,
   c. bottom of 094,
   d. bottom of 055 & top of 056,
   e. bates 049 through 053

7. Business/public agency email addresses cannot be withheld under Privacy as businesses
and public agencies do not possess personal privacy interests. Examples:
   a. Privacy withholding on Bates 000008. If Gavriely’s email is a business one - it
      must be disclosed as it does not implicate personal privacy.
   b. Privacy withholding on Bates 000012 for Matthew Shade.

8. TRIGGER indicates when an alarm (reminder) for a meeting will ring, such as
   “RELATED=START:-PT00H15M00S” (i.e. a 15 minute-early alarm). Source:
   https://tools.ietf.org/html/rfc5545#section-3.8.6.3 It cannot be withheld under GC
   6254.19 Info Security record. (Moreover DT did sometimes provide it proving that it has
   no infosec risk, like Bates 000116). Examples:
   a. Bates 000112

9. X-ALT-DESC and DESCRIPTION is the description (body) of the meeting. Source:
   https://docs.microsoft.com/en-us/openspecs/exchange_server_protocols/ms-oxcical/d7f28
   5da-9c7a-4597-803b-b74193c898a8 and
   https://tools.ietf.org/html/rfc5545#section-3.8.1.5 It cannot be generally withheld under
   GC 6254.19 Info Security record as it is the body of the meeting (except if the description
   is itself exempt under that provision). Examples:
a. Bates 000179, 183, 186, 190, 193, 197, 198, 199, 200, 202, 203,

10. X-MICROSOFT-CDO-REPLYTIME indicates the timestamp when a person replied to a meeting invite, such as 20200310T000641Z (which is March 10, 2020, around midnight UTC). Source:
https://docs.microsoft.com/en-us/openspecs/exchange_server_protocols/ms-oxcical/574496e5-5e5a-4f59-9028-0a8f49ab999c It cannot be withheld under GC 6254.19 Info Security record. (Moreover DT did sometimes provide it proving that it has no infosec risk, like Bates 000031). Examples:
   a. Bates 000009.

11. LAST-MODIFIED indicates the timestamp when a person modified a meeting invite, such as 20200310T000641Z (which is March 10, 2020, around midnight UTC). Source:
https://tools.ietf.org/html/rfc5545#section-3.8.7.3 It cannot be withheld under GC 6254.19 Info Security record. (Moreover DT did sometimes provide it proving that it has no infosec risk, like Bates 000037). Examples:
   a. Bates 000034.
   b. Bates 000082.
   c. Bates 000091.

12. RECURRENCE-ID indicates a specific instance of a recurring entry, such as
   “TZID="Pacific Time (US & Canada)";20200924T143000” which reflects Sept 24, 2020, 230pm. Source: https://tools.ietf.org/html/rfc5545#section-3.8.4.4 It cannot be withheld under GC 6254.19 Info Security record. (Moreover DT did sometimes provide it proving that it has no infosec risk, like Bates 000082). Examples:
   b. Bates 000194

13. CREATED indicates the date and time that the calendar information was created. Source:
https://tools.ietf.org/html/rfc5545#section-3.8.7.1 It cannot be withheld under GC 6254.19 Info Security record. (Moreover DT did sometimes provide it proving that it has no infosec risk, like Bates 000082). Examples:
   a. Bates 000194
Appendix C - October 8, 2020 Partial Release of Records by CCSF Dept of Tech
at https://sanfrancisco.nextrequest.com/requests/19-4376

Records as named by Respondents:
Wednesday 9-redacted.pdf
Wednesday 8-redacted-redacted.pdf
Wednesday 7-redacted.pdf
Wednesday 6-redacted.pdf
Wednesday 5-redacted.pdf
Wednesday 4-redacted.pdf
Wednesday 3-redacted.pdf
Wednesday 2-redacted.pdf
Wednesday 1-redacted.pdf
Tuesday 9-redacted.pdf
Tuesday 8-redacted.pdf
Tuesday 7-redacted.pdf
Tuesday 6-redacted.pdf
Tuesday 5-redacted.pdf
Tuesday 4-redacted.pdf
Tuesday 3-redacted.pdf
Tuesday 2-redacted.pdf
Tuesday 1-redacted.pdf
Thursday 9-redacted.pdf
Thursday 8-redacted.pdf
Thursday 7-redacted.pdf
Thursday 6-redacted.pdf
Thursday 5-redacted.pdf
Thursday 4-redacted.pdf
Thursday 3-redacted.pdf
Thursday 2-redacted.pdf
Thursday 1-redacted.pdf
Thursday 10-redacted.pdf
Monday 9-redacted.pdf
Monday 8-redacted.pdf
Monday 7-redacted.pdf
Monday 6-redacted.pdf
Monday 4-redacted.pdf
Monday 5-redacted.pdf
Monday 3-redacted.pdf
Monday 2-redacted.pdf
Monday 1-redacted.pdf
Monday 10-redacted.pdf
Friday 8-redacted.pdf
Friday 7-redacted.pdf

DT19119-000001
complete this effort on an accelerated timeline if feasible (This effort

DT19119-000003
must be completed NLT 11/15 or we risk delays to the 200P exit).

Join Microsoft Teams Meeting

+1 United States, San Francisco (Toll)

Conference ID:

Local numbers | Reset PIN | Learn more about Teams | Meeting options

LOCATION: Microsoft Teams Meeting
ORGANIZER: MAILTO:
SEQUENCE: 0
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Subramaniam, Chinna (TIS)"; PARTSTAT=ACCEPTED: MAILTO:
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Mohammed, Siddique (TIS)"; PARTSTAT=NEEDS-ACTION: MAILTO:
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Teal, Robert (TIS)"; PARTSTAT=ACCEPTED: MAILTO:
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Sian, Carl (TIS)"; PARTSTAT=NEEDS-ACTION: MAILTO:
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Lin, Wenjing (TIS)"; PARTSTAT=ACCEPTED: MAILTO:
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Rosario, JulieAnne (TIS)"; PARTSTAT=ACCEPTED: MAILTO:
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Brad Bell"; PARTSTAT=ACCEPTED: MAILTO:
ATTENDEE; ROLE=OPT-PARTICIPANT; RSVP=TRUE; CN="Desai, Payal (TIS)"; PARTSTAT=NEEDS-ACTION: MAILTO:
ATTENDEE; ROLE=OPT-PARTICIPANT; RSVP=TRUE; CN="Niesen, Ski (TIS)"; PARTSTAT=TENTATIVE: MAILTO:
ATTENDEE; ROLE=OPT-PARTICIPANT; RSVP=TRUE; CN="Gupta, Umesh (TIS)"; PARTSTAT=TENTATIVE: MAILTO:
ATTENDEE; ROLE=OPT-PARTICIPANT; RSVP=TRUE; CN="Makstman, Michael (TIS)"; PARTSTAT=NEEDS-ACTION: MAILTO:
ATTENDEE; ROLE=OPT-PARTICIPANT; RSVP=TRUE; CN="Ybanez, Glacier (TIS)"; PARTSTAT=NEEDS-ACTION: MAILTO:
ATTENDEE; ROLE=OPT-PARTICIPANT; RSVP=TRUE; CN="Reeves, Matt (TIS)"; PARTSTAT=NEEDS-ACTION: MAILTO:
ATTENDEE; ROLE=OPT-PARTICIPANT; RSVP=TRUE; CN="Kawas, Keith (TIS)"; PARTSTAT=ACCEPTED: MAILTO:
X-MICROSOFT-CDO-BUSYSTATUS: TENTATIVE
X-MICROSOFT-CDO-ALLDAYEVENT: FALSE

DT19119-000004
Information Security Cal. Govt. Code 6254.19
## Redaction Log

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<th>Reason</th>
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<th>Description</th>
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<td>Information Security</td>
<td>1 (6)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
</tr>
<tr>
<td>Cal. Govt. Code 6254.19</td>
<td>3 (1)</td>
<td></td>
</tr>
<tr>
<td>Passwords</td>
<td>2 (2)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] per California Evidence Code 1040.</td>
</tr>
<tr>
<td>Privacy</td>
<td>2 (20)</td>
<td>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.</td>
</tr>
</tbody>
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BEGIN:VCALENDAR
VERSION:2.0
PRODID:-//Microsoft Corporation//Outlook for Mac MIMEDIR//EN
METHOD:REQUEST
BEGIN:VTIMEZONE
TZID:Coordinated Universal Time
X-ENTOURAGE
BEGIN:STANDARD
TZOFFSETFROM:+0000
TZOFFSETTO:+0000
DTSTART:16010101T000000
END:STANDARD
END:VTIMEZONE
BEGIN:VEVENT
DTSTAMP:20200921T165116Z
DTSTART;TZID="Coordinated Universal Time":20200923T210000
DTEND;TZID="Coordinated Universal Time":20200923T220000
SUMMARY:Invitation: SF <> Discuss DLP Status updates @ Wed Sep 23, 2020 5pm - 6pm (EDT) (michael.makstman@sfgov.org)
END:VEVENT
END:VCALENDAR
# Redaction Log

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<th>Reason</th>
<th>Page (# of occurrences)</th>
<th>Description</th>
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<td>1 (2)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
</tr>
<tr>
<td>Cal. Govt. Code 6254.19</td>
<td>2 (1)</td>
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</tr>
<tr>
<td>Privacy</td>
<td>1 (1)</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>2 (1)</td>
<td></td>
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## Redaction Log

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<tr>
<th>Reason</th>
<th>Page (# of occurrences)</th>
<th>Description</th>
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<tbody>
<tr>
<td>Information Security</td>
<td>1 (1)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
</tr>
<tr>
<td>Cal. Govt. Code 6254.19</td>
<td>3 (2)</td>
<td></td>
</tr>
</tbody>
</table>

**DT19119-000011**
BEGIN:VEVENT
UID:000000000000000000
X-MICROSOFT-EXCHANGE-
DTSTAMP:20200922T104649Z
DTSTART;TZID="Eastern Time (US & Canada)";20200923T160000
DTEND;TZID="Eastern Time (US & Canada)";20200923T173000
SUMMARY:FW: Bay Area UASI Cyber Incident Regional Response Framework Final
DESCRIPTION: 

-----Original Appointment-----
From: Matthew Shade
Sent: Thursday, September 10, 2020 6:23 AM
To: Matthew Shade; Myhre, Janell (DEM); Brian M. Rodrigues;
Alison Yakabe; Kim-Molina, Mikyung (DEM); Cyndi Mellen; Drew Levey;

DT19119-000012
21st Annual SOR Report
APPENDIX - Page 586
# Redaction Log

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<tr>
<th>Reason</th>
<th>Page (# of occurrences)</th>
<th>Description</th>
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<tbody>
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<td>Information Security</td>
<td>1 (5)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
</tr>
<tr>
<td>Cal. Govt. Code 6254.19</td>
<td>14 (1)</td>
<td></td>
</tr>
<tr>
<td>Privacy</td>
<td>1 (1)</td>
<td>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.</td>
</tr>
<tr>
<td>2 (15)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 (1)</td>
<td></td>
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</tr>
<tr>
<td>4 (1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 (1)</td>
<td></td>
<td></td>
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TZOFFSETTO:-0800
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X-MICROSOFT-EXCHANGE-
X-ENTOURAGE-
UID:
X-ENTOURAGE_UUID:
X-MICROSOFT-EXCHANGE-
X-MICROSOFT-EXCHANGE-CHANGEKEY:
DTSTAMP:20200921T165139Z
DTSTART;TZID="Pacific Time (US & Canada)";20200923T130000
DTEND;TZID="Pacific Time (US & Canada)";20200923T140000
SUMMARY:CCD - Risk Assessment Review
DESCRIPTION:Update: Changing time at the request of the Chancellor.

\n\nHello Chancellor Dianna Gonzales, We will use this time to review the Risk Assessment for the City College of San Francisco.

Please let me know if this time doesn’t work for you since I don't have vision into your free/busy schedule. We look forward to this discussion and completing your risk assessment.

Thank you,

Stanley

DT19119-000027
## Redaction Log

<table>
<thead>
<tr>
<th>Reason</th>
<th>Page (# of occurrences)</th>
<th>Description</th>
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<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis</td>
</tr>
<tr>
<td>Cal. Govt. Code 6254.19</td>
<td>2 (1)</td>
<td>that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
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<td>Passwords</td>
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<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] per California Evidence Code 1040.</td>
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<tr>
<td>Privacy</td>
<td>2 (10)</td>
<td>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.</td>
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END:STANDARD
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END:VTIMEZONE
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DTSTAMP:20200826T185328Z
DTSTART;TZID="Eastern Time (US & Canada)";20200923T150000
DTEND;TZID="Eastern Time (US & Canada)";20200923T160000
SUMMARY:Invitation: C4 Monthly Call @ Monthly from 3pm to 4pm on the fourth Wednesday (EDT) (michael.makstman@sfgov.org)
DESCRIPTION: This message is from outside the City email system. Do not open links or attachments from untrusted sources.

You have been

Privacy

DT19119-000030

21st Annual SOR Report
APPENDIX - Page 604
# Redaction Log

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<tr>
<th>Reason</th>
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DTSTART;TZID="Pacific Time (US & Canada)";20200923T110000
DTEND;TZID="Pacific Time (US & Canada)";20200923T120000
LAST-MODIFIED:InformationSecurityCalGovtCode625419
SUMMARY:Sec Ops Status
DESCRIPTION:

Join Microsoft Teams Meeting
United States, San Francisco (Toll) Conference
Local numbers | Reset PIN | Learn more about Teams

ORGANIZER:MAILTO:
SEQUENCE:0
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Sinclair, Nathan (TIS)"
PARTSTAT=ACCEPTED;MAILTO:nathan.
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DTSTAMP:20200921T165502Z
END:VEVENT
END:VCALENDAR
## Redaction Log

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LAST-MODIFIED:20200922T162045Z
SUMMARY:Nathan and Mike 1:1
DESCRIPTION:__________________________________________________________
____________________________________________________________________
___

Information Security Cal. Govt. Code 6254.19

Join Microsoft Teams Meeting

United States, San Francisco (Toll) Conferen

Local numbers | Reset PIN | Learn more about Teams

DT19119-000037
## Redaction Log

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<td>1 (1)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] per California Evidence Code 1040.</td>
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DTSTAMP:20200921T165457Z
DTSTART;TZID="Pacific Time (US & Canada)":20200923T090000
DTEND;TZID="Pacific Time (US & Canada)":20200923T094500
SUMMARY:MD/CCSF Bi-weekly Sync
DESCRIPTION: This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Bi-weekly sync between Managed Defense and CCSF to discuss MD status, updates, and threat intel. Please forward to additional team members as appropriate.

Privacy
Meeting options 

DT19119-000040

21st Annual SOR Report
APPENDIX - Page 614
## Redaction Log

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<td>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.</td>
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DTSTART;TZID="Pacific Time (US & Canada)";20200923T083000
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SUMMARY:Morning stand up to review project key activities
DESCRIPTION:Added the following link to our Project/Staff Tracking Sheet which provides more info on upcoming project needs – per request from Network Team!

These Wednesday and Friday mornings are to do a quick run through of any hot items for the next few days. This is not meant to be a status meeting but instead a checkpoint to escalate any items requiring immediate attention, highlight resource impacting tasks for the week, and raise any questions that need answers.

Please visit our Project/Staff Tracking Sheet to get more info on upcoming

DT19119-000044
If you have a topic you want to discuss — add it to the day’s list in: Meeting Notes.

---

Join Microsoft Teams Meeting

United States, San Francisco (Toll)

Conference ID:

Local numbers | Reset PIN | Learn more about Teams | Meeting options

---

ORGANIZER: MAILTO: Keith.Kawas@sfgov.org
SEQUENCE: 0
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=FALSE;CN="Reeves, Matt (TIS)";PARTSTAT=NEEDS-ACTION:MAILTO:
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DT19119-000045
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<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] per California Evidence Code 1040.</td>
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Information Security Cal. Govt. Code 6254.19
X-ENTOURAGE_UUID

Information Security Cal. Govt. Code 6254.19
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DTSTAMP:20200921T171718Z
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DTEND;TZID="Pacific Time (US & Canada)":20200922T163000
Privacy
SUMMARY:Re:
[P4] assigned to TIS-CIO Review
DESCRIPTION:\n\n\nFrom: "Lakhmani\, Sunny (TIS)"

at

Privacy

8:13 AM\nTo: "Makstman\, Michael (TIS)"
Privacy
\,
Privacy
"Combs\, Simone (CHF)"
\nCc: "Krochik\,
Stanley
Privacy
(TIS)"
, "Ewing\, Shawn (CHF)"
Privacy
>\, "Liao\, Jay (CHF)"
Privacy
Privacy
>\nSubject: Re:
CIO

DT19119-000048
21st Annual SOR Report
APPENDIX - Page 622


Review

Hi – Tues 4 – 4:30 will work best for me.

Thanks,

Sunny

Sunny Lakhmani
CTO Enterprise Applications
City & County of San Francisco
Department of Technology

From: Michael Makstman
Date: Tuesday, September 15, 2020 at 7:07 PM
To: "Combs, Simone (CHF)"
Cc: Stanley Krochik, Shawn (CHF)
Sunny Lakhmani, Jay (CHF)
Subject: Re: P4 assigned to TIS-CIO Review

Friday 3:30-4:30 or Tuesday 4-4:30 will work.

Sunny, can you make any of these times?

Thanks,

Mike

Michael Makstman
City Chief Information Security Officer
City & County of San Francisco
Department of Technology

This communication is an information security record exempt from disclosure under California Gov. Code, § 6254.19

Information Security Cal. Govt. Code 6254.19
# Redaction Log

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DTEND;TZID="Pacific Time (US & Canada)";20200922T150000
SUMMARY:Government Technology/Tanium Webinar with Teri Takai - Coordination Call
DESCRIPTION: This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Time to discuss upcoming webinar with Teri Takai for Tanium.

Promotional info:

Title: How San Francisco and Sacramento County Improved IT Operations and Security

When the COVID-19 pandemic forced much

DT19119-000059
of the world to stay at home overnight, state and local government leaders swiftly pivoted their workforces remote so they could continue to deliver critical citizen services. But this rapid shift opened new cybersecurity vulnerabilities. Suddenly, attack surfaces expanded and endpoints became widely distributed, leading to an increase in cyber threats. In this second webcast in a three-part series, Government Technology will be joined by leaders from San Francisco and Sacramento County to discuss how they improved central IT operations and security in this new environment. Register now to learn:

- How they were able to address their most immediate security challenges with speed
- How they optimized costs while enhancing endpoint protection
- How they plan to scale capabilities for the future

Join Microsoft Teams Meeting

LOCATION: Microsoft Teams Meeting
ORGANIZER: MAILTO
SEQUENCE: 0
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ACTION:DISPLAY

DT19119-000060
## Redaction Log

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<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
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<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] per California Evidence Code 1040.</td>
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<td>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.</td>
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DTEND;TZID="Pacific Time (US & Canada)";20200922T110000
LAST-MODIFIED
SUMMARY:Security Architecture, Advisory, and Assessment team meeting
DESCRIPTION:

JOIN Microsoft Teams Meeting United States, San Francisco (Toll) Conference ID: 
Local numbers | Reset PIN | Learn more about Teams

DT19119-000063
## Redaction Log

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BYMO
   NTH=3
TZOFFSETFROM:-0800
TZOFFSETTO:-0700
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DTSTART;TZID="Pacific Time (US & Canada)";20200922T130000
DTEND;TZID="Pacific Time (US & Canada)";20200922T132500
LAST-MODIFIED: Information Security Cal.
SUMMARY:1:1 Eddie and Mike
DESCRIPTION:
\n________________________
\nJoin Microsoft Teams Meeting
United States, San Francisco (Toll) Conference
Local numbers | Reset PIN | Learn more about Teams

\n________________________

LOCATION:Mike's Office

DT19119-000066
## Redaction Log

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<tr>
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<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] per California Evidence Code 1040.</td>
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<tr>
<td>Privacy</td>
<td>1 (1) 2 (3)</td>
<td>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.</td>
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X-ENTOURAGE-
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TZOFFSETFROM:-0400
TZOFFSETTO:-0500
DTSTART:20071104T020000
END:STANDARD
BEGIN:DAYLIGHT
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TZOFFSETFROM:-0500
TZOFFSETTO:-0400
DTSTART:20070311T020000
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UID
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   00
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DTSTAMP:20200921T165107Z
DTSTART;TZID="Eastern Time (US & Canada)";20200922T130000
DTEND;TZID="Eastern Time (US & Canada)";20200922T134000
SUMMARY:Text Q&A: Avanan
DESCRIPTION: This message is from outside the City email system. Do not open links or attachments from untrusted sources. Hello, Hello, Please hold this time for Text Q&A following your Case Study at Security & Risk. It is important you are on time so you are prepared to answer questions from attendees. Instructions to access your session are below. Your session recording will begin playing at 1:15 PM EST. Be aware all sessions will cut off automatically at 1:40 PM

DT19119-000069

21st Annual SOR Report
APPENDIX - Page 643
EST.
   This will immediately prompt a feedback survey so please be cautious of
time as you answer questions. All questions submitted
during your session will only be accessible from the session within the
platform. These transcripts will not pull into your Data Portal
Session
Report following the session. These will be visible in the platform
during the 90-day on-demand period.

Day
Q&A:
Log into S&R Virtual Platform. Only those that registered for the
   event can participate in Q&A.
   Go to the Sessions Tab\, then click Case
   Studies. All Sessions will appear in chronological order. Find your
   session and click Watch or Early Entrance button.

Chat window will show
on left hand side of window. Once you arrive in your session\, we
highly recommend posting to attendees and encouraging them to submit
questions during the presentation. For example\, “Hello everyone – thank you for being here! We would love to hear from you. Please submit any questions in the chat field below”. You can start answering questions right away. You do not need to wait until the session concludes. The pre-recording stops playing at 24:43, the
video will stop playing, but you can still chat with attendees in the
chat window until 25 minutes is up. If you have any questions, please reach out to your Logistics Contact for assistance.

Good luck!

LOCATION: Follow instructions below
ORGANIZER: MCUJE@FORRESTER.COM
SEQUENCE: 0
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Makstman, Michael (TIS)"; PARTSTAT=ACCEPTED: MCUJE@FORRESTER.COM
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Michael Landewe"; PARTSTAT=NEEDS-ACTION: MCUJE@FORRESTER.COM
X-MICROSOFT-CDO-BUSYSTATUS: BUSY
X-MICROSOFT-CDO-ALLDAYEVENT: FALSE
X-MICROSOFT-DISALLOW-COUNTER: FALSE
X-MICROSOFT-DONOTFORWARDMEETING: FALSE
X-MICROSOFT-CDO-INSTTYPE: 0
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BEGIN: VALARM
ACTION: DISPLAY
DESCRIPTION: REMINDER

DT19119-000070
# Redaction Log

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<td>Information Security</td>
<td>1 (5)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
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<tr>
<td>Cal. Govt. Code 6254.19</td>
<td>2 (1)</td>
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<tr>
<td>Privacy</td>
<td>2 (2)</td>
<td>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.</td>
</tr>
</tbody>
</table>
You have been invited to the following event:

**PRESENTATION**

When: Tue Sep 22, 2020 1pm – 2pm Eastern Time - New York

Calendar: 

Who: 
- Michael Landewe - organizer

More details pending from Forrester.

Your speaking slot is Tuesday, September 22nd 1:15 PM – 1:35 PM EST (10:15 AM – 10:35 AM PST) You will have 20 minutes for your pre-recorded case study and then about 5 minutes of live Q&A following directly after. This can either be done live or via text/chat during your session.

Going? Yes – Maybe – No

Invitation from Google Calendar

You are receiving this email at the account because you are subscribed for.
invitations on calendar.

To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

ORGANIZER:MAILTO
SEQUENCE:0
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Makstman, Michael (TIS)";PARTSTAT=ACCEPTED:MAILTO
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X-MICROSOFT-DONOTFORWARDMEETING:FALSE
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ACTION:DISPLAY
DESCRIPTION:REMINDER
TRIGGER:
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END:VCALENDAR

Privacy Information Security Cal. Govt. Code 6254.19

DT19119-000074
## Redaction Log

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</tr>
<tr>
<td>Cal. Govt. Code 6254.19</td>
<td>2 (1)</td>
<td>that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
</tr>
<tr>
<td>no reason</td>
<td>2 (3)</td>
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<td>Privacy</td>
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<td>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.</td>
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TZOFFSETTO:-0700
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END:VTIMEZONE
BEGIN:VEVENT
UID:00000000000000000000000000
X-MICROSOFT-EXCHANGE-CHANGEKEY
DTSTAMP:20200922T154646Z
DTSTART;TZID=Arizona:20200922T090000
DTEND;TZID=Arizona:20200922T100000
SUMMARY:RiskLens - SFO Demo
DESCRIPTION: This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Joe Vinck is inviting you to a scheduled Zoom meeting.

Join Zoom

Privacy

DT19119-000076
## Redaction Log

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LAST-MODIFIED
SUMMARY:Weekly Ops Sync
DESCRIPTION:
Join Microsoft Teams Meeting
United States\, San Francisco (Toll) \nConference
Local numbers | Reset PIN | Learn more about Teams | Meeting options

ORGANIZER:MAILTO
SEQUENCE:0
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Reeves, Matt (TIS)";PARTSTAT=ACCEPTED:MAILTO

Information Security Cal. Govt. Code 6254.19
Privacy
Passwords

DT19119-000079

21st Annual SOR Report
APPENDIX - Page 653
# Redaction Log

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DTSTART;TZID="Pacific Time (US & Canada)":20200924T150000
DTEND;TZID="Pacific Time (US & Canada)":20200924T153000
LAST-MODIFIED:
SUMMARY:Aleksey and Mike Monthly 1:1
DESCRIPTION:__________________________________________________________
__________________
Join Microsoft Teams Meeting
United States, San Francisco (Toll)
Conference ID: _______________________
Local numbers | Reset PIN | Learn more about Teams | Meeting options

DT19119-000082

21st Annual SOR Report
APPENDIX - Page 656
# Redaction Log

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<td>Cal. Govt. Code 6254.19</td>
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<tr>
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<td>1 (1)</td>
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X-ENTOURAGE
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TZOFFSETFROM:-0700
TZOFFSETTO:-0800
DTSTART:20071104T020000
END:STANDARD
BEGIN:DAYLIGHT
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DTSTART:20070311T020000
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X-MICROSOFT-EXCHANGE-CHANGEKEY

X-MICROSOFT-EXCHANGE-

DTSTAMP:20200921T165136Z
DTSTART;TZID="Pacific Time (US & Canada)";20200924T140000
DTEND;TZID="Pacific Time (US & Canada)";20200924T150000
SUMMARY:FW: Follow-up discussion on City's current and desired state for employee identity
DESCRIPTION: This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Mike,
Chinna and Matt,
Does this time work for you?
Thank you,
John Reinecke
-----Original Appointment-----
Sent: Wednesday, September 16, 2020 9:59 AM
To: John Reinecke; Dan Jorenby (ASA); Paul

DT19119-000085
Pruden; Makstman, Michael (TIS); Subramaniam, Chinna (TIS); Matthew Reeves; Chad Bradford

Subject: Follow-up discussion on City's current and desired state for employee identity

When: Thursday, September 24, 2020 2:00 PM-3:00 PM (UTC-08:00) Pacific Time (US & Canada).

Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting

Or call in (audio only)

Phone Conference ID:

Find a local number | Reset

PIN

Learn More | Meeting options

Privacy

Passwords

Privacy

Privacy

Privacy

Privacy

Privacy

Privacy

Privacy
# Redaction Log

<table>
<thead>
<tr>
<th>Reason</th>
<th>Page (# of occurrences)</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>Information</td>
<td>1 (5)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
</tr>
<tr>
<td>Security</td>
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<tr>
<td>Cal. Govt. Code</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6254.19</td>
<td></td>
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</tr>
<tr>
<td>Passwords</td>
<td>2 (1)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] per California Evidence Code 1040.</td>
</tr>
<tr>
<td>Privacy</td>
<td>1 (1)</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>2 (6)</td>
<td></td>
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</table>
BEGIN:VCALENDAR
VERSION:2.0
PRODID:-//Microsoft Corporation//Outlook for Mac MIMEDIR//EN
METHOD:REQUEST
BEGIN:VTIMEZONE
TZID:Coordinated Universal Time
BEGIN:STANDARD
TZOFFSETFROM:+0000
TZOFFSETTO:+0000
DTSTART:16010101T000000
END:STANDARD
END:VTIMEZONE
BEGIN:VEVENT
DTSTAMP:20200921T165116Z
DTSTART;TZID="Coordinated Universal Time":20200924T210000
DTEND;TZID="Coordinated Universal Time":20200924T220000
SUMMARY:Updated invitation: SFUSD InfoSec Discussion @ Thu Sep 24, 2020
2pm – 3pm (PDT) (michael.makstman@sfgov.org)
DESCRIPTION: This message is from outside the City email system. Do not open links or attachments from untrusted sources.

You are receiving this email at the account because you are subscribed for updated invitations on calendar.

To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.

DT19119-000088
allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. Learn More.

ORGANIZER:MAILTO:kiferm@sfusd.edu
SEQUENCE:0
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN=;PARTSTAT=NEEDS-ACTION:MAILTO
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="David Malone";PARTSTAT=NEEDS-ACTION:MAILTO
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Makstman, Michael (TIS)";PARTSTAT=ACCEPTED:MAILTO
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Krochik, Stanley (TIS)";PARTSTAT=NEEDS-ACTION:MAILTO
X-MICROSOFT-CDO-BUSYSTATUS:BUSY
X-MICROSOFT-CDO-ALLDAYEVENT:FALSE
X-MICROSOFT-DISALLOW-COUNTER:FALSE
X-MICROSOFT-DONOTFORWARDMEETING:FALSE
X-MICROSOFT-CDO-INSTTYPE:0
X-MICROSOFT-CDO-REPLYTIME:20200916T054153Z
BEGIN:VALARM
ACTION:DISPLAY
DESCRIPTION:REMINDER
TRIGGER
END:VALARM
END:VEVENT
END:VCALENDAR

DT19119-000089
# Redaction Log

<table>
<thead>
<tr>
<th>Reason</th>
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<th>Description</th>
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<tbody>
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<td>Information Security</td>
<td>1 (5)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
</tr>
<tr>
<td>Cal. Govt. Code 6254.19</td>
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<tr>
<td>Passwords</td>
<td>1 (1)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] per California Evidence Code 1040.</td>
</tr>
<tr>
<td>Privacy</td>
<td>1 (2)</td>
<td>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.</td>
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<tr>
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RECURRENCE-ID:DTSTAMP:20200921T165119Z
DTSTART;TZID="Pacific Time (US & Canada)";20200924T130000
DTEND;TZID="Pacific Time (US & Canada)";20200924T140000
LAST-MODIFIED:DTSTAMP:20200921T165119Z
SUMMARY:IAM/AD Team Meeting
DESCRIPTION:__________________________________________________________

Join Microsoft Teams Meeting United States, San Francisco (Toll) Conference ID
Local numbers | Reset PIN | Learn more about Teams | Meeting options

ORGANIZER:MAILTO:Subramaniam, Chinna (TIS)
SEQUENCE:0
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Subramaniam, Chinna (TIS)";PARTSTAT=ACCEPTED:MAILTO:

DT19119-000091
## Redaction Log

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<th>Description</th>
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<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
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<td>Cal. Govt. Code 6254.19</td>
<td></td>
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<tr>
<td>Passwords</td>
<td>1 (1)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] per California Evidence Code 1040.</td>
</tr>
<tr>
<td>Privacy</td>
<td>1 (3)</td>
<td>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.</td>
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<td>2 (9)</td>
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</table>
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VERSION:2.0
PRODID:-//Microsoft Corporation//Outlook for Mac MIMEDIR//EN
METHOD:REQUEST
BEGIN:VTIMEZONE
TZID:Coordinated Universal Time
X-ENTOURAGE
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BEGIN:STANDARD
TZOFFSETFROM:+0000
TZOFFSETTO:+0000
DTSTART:16010101T000000
END:STANDARD
END:VTIMEZONE
BEGIN:VEVENT
X-ENTOURAGE_UUID
X-MICROSOFT-EXCHANGE-
DTSTAMP:20200921T165104Z
DTSTART;TZID="Coordinated Universal Time":20200924T180000
DTEND;TZID="Coordinated Universal Time":20200924T184500
SUMMARY:Invitation: CybeReady - Sep 24, 2020 9pm - 9:45pm (IDT)
DESCRIPTION: This message is from outside the City email system. Do not open links or attachments from untrusted sources.
You have been

DT19119-000094

21st Annual SOR Report
APPENDIX - Page 668
## Redaction Log

<table>
<thead>
<tr>
<th>Reason</th>
<th>Page (# of occurrences)</th>
<th>Description</th>
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<tbody>
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<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
</tr>
<tr>
<td>no reason</td>
<td>2 (1)</td>
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<tr>
<td>Passwords</td>
<td>2 (1)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] per California Evidence Code 1040.</td>
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<tr>
<td>Privacy</td>
<td>1 (1)</td>
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X-ENTOURAGE-
X-ENTOURAGE-
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BYMO
   NTH=11
TZOFFSETFROM:-0700
TZOFFSETTO:-0800
DTSTART:20071104T020000
END:STANDARD
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BYMO
   NTH=3
TZOFFSETFROM:-0800
TZOFFSETTO:-0700
DTSTART:20070311T020000
END:DAYLIGHT
END:VTIMEZONE
BEGIN:VEVENT
UID
000
X-ENTOURAGE_UUID
X-MICROSOFT-EXCHANGE-
X-MICROSOFT-EXCHANGE-CHANGEKEY
X-MICROSOFT-EXCHANGE-
DTSTAMP:20200921T165127Z
DTSTART;TZID="Pacific Time (US & Canada)";20200924T103000
DTEND;TZID="Pacific Time (US & Canada)";20200924T110000
SUMMARY:MyApps Infrastructure improvement and Resiliency - OCI Migration
DESCRIPTION:Hi All,

I am setting up this meeting to discuss with all of you about “MyApps Infrastructure improvement and Resiliency - OCI Migration”. Please let me know if you want me to re-schedule the meeting to different date and time.

________________________
Join Microsoft Teams Meeting
United States, San Francisco (Toll) 
Conference ID:

DT19119-000098
<table>
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<tr>
<th>Reason</th>
<th>Page (# of occurrences)</th>
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<tr>
<td>Cal. Govt. Code 6254.19</td>
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<tr>
<td>Passwords</td>
<td>1 (1)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] per California Evidence Code 1040.</td>
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<tr>
<td>Privacy</td>
<td>1 (1) 2 (5)</td>
<td>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.</td>
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TZID:Pacific Time (US & Canada)
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X-ENTOURAGE-
BEGIN:STANDARD
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BYM
NTH=11
TZOFFSETFROM:-0700
TZOFFSETTO:-0800
DTSTART:20071104T020000
END:STANDARD
BEGIN:DAYLIGHT
RRULE:FREQ=YEARLY;INTERVAL=1;BYSECOND=0;BYMINUTE=0;BYHOUR=2;BYDAY=2SU;
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NTH=3
TZOFFSETFROM:-0800
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DTSTART:20070311T020000
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END:VTIMEZONE
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RECURRENCE-ID:
DTSTAMP:20200921T165334Z
DTSTART;TZID="Pacific Time (US & Canada)";20200924T100000
DTEND;TZID="Pacific Time (US & Canada)";20200924T110000
LAST-MODIFIED:
SUMMARY:1:1 Chinna and Mike
DESCRIPTION:
\n__________________________
Join Microsoft Teams Meeting
__________________________
United States\, San Francisco (Toll) \nConference ID:
Local numbers | Reset PIN | Learn more about Teams

__________________________

ORGANIZER:MAILTO:Privacy
SEQUENCE:0
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Subramaniam, Chinna (TIS)";PARTSTAT=ACCEPTED:MAILTO:Privacy
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X-MICROSOFT-CDO-ALLDAYEVENT:FALSE
X-MICROSOFT-DISALLOW-COUNTER:FALSE

DT19119-000101

21st Annual SOR Report
APPENDIX - Page 675
## Redaction Log

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DT19119-000103
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  NTH=11
TZOFFSETFROM:-0700
TZOFFSETTO:-0800
DTSTART:20071104T020000
END:STANDARD
BEGIN:DAYLIGHT
RRULE:FREQ=YEARLY;INTERVAL=1;BYSECOND=0;BYMINUTE=0;BYHOUR=2;BYDAY=2SU;BYMO
  NTH=3
TZOFFSETFROM:-0800
TZOFFSETTO:-0700
DTSTART:20070311T020000
END:DAYLIGHT
END:VTIMEZONE
BEGIN:VEVENT
UID:0000000000000000000000000000000000000000000000000000000000000000
RECURRENCE-INTEGER:
DTSTAMP:20200921T165432Z
DTSTART;TZID="Pacific Time (US & Canada)";20200924T093000
DTEND;TZID="Pacific Time (US & Canada)";20200924T100000
SUMMARY:DT CHANGE CONTROL
DESCRIPTION:DT COMMUNICATIONS:

Scheduled Maintenance:
Secure FTP Server Upgrades and Patches
Saturday, August 22, 10:00 AM - 12:00 PM

ServiceNow ticket
What's Happening?

On Saturday, August 22, between the hours of 10:00 AM

DT19119-000104

21st Annual SOR Report
APPENDIX - Page 678
## Redaction Log

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<tr>
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<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] per California Evidence Code 1040.</td>
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<td>Privacy</td>
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<td>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.</td>
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<tr>
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<td>3 (20)</td>
<td>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.</td>
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TZOFFSETFROM:-0700
TZOFFSETTO:-0800
DTSTART:20071104T020000
END:STANDARD
BEGIN:DAYLIGHT
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TZOFFSETTO:-0700
DTSTART:20070311T020000
END:DAYLIGHT
END:VTIMEZONE
BEGIN:VEVENT
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X-MICROSOFT-EXCHANGE-KEY
RECURRENCE-ID
DTSTAMP:20200922T073021Z
DTSTART;TZID="Pacific Time (US & Canada)";20200924T083000
DTEND;TZID="Pacific Time (US & Canada)";20200924T093000
SUMMARY:THURSDAY Morning Meeting with CIO - COVID Project Review
DESCRIPTION:

__________________________________________________________________
___
___________

Join Microsoft Teams Meeting
United
States, San Francisco (Toll)
Conference I

Local
numbers | Reset PIN | Learn more about Teams | Meeting options

DT19119-000114

21st Annual SOR Report
APPENDIX - Page 688
LOCATION: Microsoft Teams Meeting
ORGANIZER: MAILTO: Privacy
SEQUENCE: 0
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Gerull, Linda (TIS)"; PARTSTAT=ACCEPTED: MAILTO: Privacy
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Lat, Michael (TIS)"; PARTSTAT=ACCEPTED: MAILTO: Privacy
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Makstman, Michael (TIS)"; PARTSTAT=ACCEPTED: MAILTO: Privacy
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Kawas, Keith (TIS)"; PARTSTAT=ACCEPTED: MAILTO: Privacy
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Reeves, Matt (TIS)"; PARTSTAT=ACCEPTED: MAILTO: Privacy
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="John, Joseph (TIS)"; PARTSTAT=NEEDS-ACTION: MAILTO: Privacy
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Bartley, Henry (TIS)"; PARTSTAT=NEEDS-ACTION: MAILTO: Privacy
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Ma, ChiaYu (TIS)"; PARTSTAT=ACCEPTED: MAILTO: Privacy
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Lakhmani, Sunny (TIS)"; PARTSTAT=ACCEPTED: MAILTO: Privacy
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Hong, Karen (TIS)"; PARTSTAT=ACCEPTED: MAILTO: Privacy
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ATTENDEE; ROLE=OPT-PARTICIPANT; RSVP=TRUE; CN="Lim, Ryan (TIS)"; PARTSTAT=NEEDS-ACTION: MAILTO: Privacy
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X-MICROSOFT-CDO-ALLDAYEVENT: FALSE
X-MICROSOFT-DISALLOW-COUNTER: FALSE
X-MICROSOFT-DONOTFORWARDMEETING: FALSE
X-MICROSOFT-CDO-INSTTYPE: 3
X-MICROSOFT-CDO-REPLYTIME: 20200730T182820Z
BEGIN:VALARM

DT19119-000115
## Redaction Log

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<th>Description</th>
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<tr>
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<td>1 (5)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
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<td>1 (1) 2 (19)</td>
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METHOD:REQUEST
BEGIN:VTIMEZONE
TZID:Pacific Time (US & Canada)
X-ENTOURAGE-
X-ENTOURAGE-
BEGIN:STANDARD
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   NTH=11
TZOFFSETFROM:-0700
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X-ENTOURAGE_UUID
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X-MICROSOFT-EXCHANGE-
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DTEND;TZID="Pacific Time (US & Canada)";20200924T163000
LAST-MODIFIED:
SUMMARY:Data Conversation
DESCRIPTION:__________________________________________________________
____
__________________ 
Join Microsoft Teams Meeting
 United States\, San Francisco (Toll) \nConference ID
 Local numbers | Reset PIN | Learn more about Teams | Meeting options

DT19119-000118
# Redaction Log

<table>
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<tr>
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<tr>
<td>Information Security</td>
<td>1 (7)</td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
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<td>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.</td>
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DTEND;TZID="Pacific Time (US & Canada)";20200921T143000
SUMMARY:Resch: Follow-up call with CI/CT team- CAT DSWs and CBOs IT needs
DESCRIPTION:As per request from Mivic\, rescheduling this meeting to another time. Hope this time works for all. Let me know on any conflict

Information Security Cal. Govt. Code 6254.19

DT19119-000121

21st Annual SOR Report
APPENDIX - Page 695
# Redaction Log

<table>
<thead>
<tr>
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<tr>
<td>Passwords</td>
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<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] per California Evidence Code 1040.</td>
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**DT19119-000123**

21st Annual SOR Report
APPENDIX - Page 697
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DTEND;TZID="Pacific Time (US & Canada)";20200921T140000
LAST-MODIFIED:20200921T212326Z
SUMMARY:Monthly Skip-Level William and Mike
DESCRIPTION:

Join Microsoft Teams Meeting
United States, San Francisco (Toll)
Conference ID:
Local numbers | Reset PIN | Learn more about Teams | Meeting options

____________________________________________________________________

Information Security Cal. Govt. Code 6254.19
Information Security Cal. Govt. Code 6254.19
Information Security Cal. Govt. Code 6254.19
Information Security Cal. Govt. Code 6254.19
Information Security Cal. Govt. Code 6254.19
Information Security Cal. Govt. Code 6254.19
Privacy
Privacy

APPENDIX - Page 698
## Redaction Log

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SUMMARY:DT 2008 Server Decommission and Contingency Plan
DESCRIPTION: Setting up time to discuss the decommission of 2008 servers as well as a contingency plan. Please forward to anyone else you feel should join this meeting.
## Redaction Log

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SUMMARY:CCC Tech branch huddle (Weekly twice) meeting
DESCRIPTION:Meeting Agenda:

Discuss new projects – DPH, DT, Data SF and H.S.A

Review current project status – DPH, DT, Data SF and H.S.A

Review 213RR request – DPH, DT, Data SF and H.S.A

Privacy

__________________________________________________________

DT19119-000133

21st Annual SOR Report
APPENDIX - Page 707
ORGANIZER:MAILTO:kamroonbanu.mohideen@sfgov.org
SEQUENCE:0
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DT19119-000134
## Redaction Log

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DT19119-000137
## Redaction Log

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SUMMARY:CalOES Alert Communication
DESCRIPTION:
Privacy

DT19119-000139
21st Annual SOR Report
APPENDIX - Page 713
## Redaction Log

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DESCRIPTION:
Privacy

DT19119-000142
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## Redaction Log

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DTEND;TZID="Pacific Time (US & Canada)";20200921T100000
LAST-MODIFIED:20200921T191122Z
SUMMARY:Weekly Cybersecurity Leadership meeting
DESCRIPTION:

Privacy

DT19119-000146
LOCATION: Mike's Office
ORGANIZER: MAILTO: Michael.Makstman@sfgov.org
SEQUENCE: 0
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Sinclair, Nathan (TIS)";PARTSTAT=ACCEPTED: MAILTO
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Gardner, Eddie (TIS)";PARTSTAT=ACCEPTED: MAILTO
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Mohideenbasha, Kamroonbanu (TIS)";PARTSTAT=ACCEPTED: MAILTO
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Subramaniam, Chinna (TIS)";PARTSTAT=ACCEPTED: MAILTO
ATTENDEE;ROLE=OPT-PARTICIPANT;RSVP=TRUE;CN="Geller, David (TIS)";PARTSTAT=DECLINED: MAILTO
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Krochik, Stanley (TIS)";PARTSTAT=ACCEPTED: MAILTO
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X-MICROSOFT-CDO-ALLDAYEVENT: FALSE
X-MICROSOFT-DISALLOW-COUNTER: FALSE
X-MICROSOFT-DONOTFORWARDMEETING: FALSE
X-MICROSOFT-CDO-INSTTYPE: 3
END:VEVENT
END:VCALENDAR

DT19119-000147
## Redaction Log

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<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
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DTSTAMP:20200921T212326Z
DTSTART;TZID="Pacific Time (US & Canada)";20200921T143000
DTEND;TZID="Pacific Time (US & Canada)";20200921T143000
SUMMARY:MOU with County Agencies
DESCRIPTION:
Information Security Cal. Gov't Code 6254.19
Privacy

21st Annual SOR Report
APPENDIX - Page 723
## Redaction Log

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END:VTIMEZONE
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X-MICROSOFT-EXCHANGE-DTSTAMP:20200921T165128Z
DTSTART;TZID="Pacific Time (US & Canada)";20200925T150000
DTEND;TZID="Pacific Time (US & Canada)";20200925T153000
SUMMARY:OCI & Fast-connect discussion
DESCRIPTION:Hi Mike & Matt,

I am setting up this meeting to discuss about OCI and fast-connect setup.

Privacy

DT19119-000152
LOCATION: Microsoft Teams Meeting
ORGANIZER: MAILTO: chinna.subramaniam@sfgov.org
SEQUENCE: 0
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Makstman, Michael (TIS)"; PARTSTAT=ACCEPTED: MAILTO: Privacy
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Reeves, Matt (TIS)"; PARTSTAT=ACCEPTED: MAILTO: Privacy
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Mohammed, Siddique (TIS)"; PARTSTAT=ACCEPTED: MAILTO: Privacy
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Chilakapati, Durga (TIS)"; PARTSTAT=ACCEPTED: MAILTO: Privacy
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X-MICROSOFT-CDO-ALLDAYEVENT: FALSE
X-MICROSOFT-DISALLOW-COUNTER: FALSE
X-MICROSOFT-DONOTFORWARDMEETING: FALSE
X-MICROSOFT-CDO-INSTTYPE: 0
X-MICROSOFT-CDO-REPLYTIME: 20200916T222322Z
BEGIN: VALARM
ACTION: DISPLAY
DESCRIPTION: REMINDER
END: VALARM
END: VEVENT
END: VCALENDAR

DT19119-000153
## Redaction Log

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END:VTIMEZONE
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DTSTART;TZID="Pacific Time (US & Canada)";20200925T143000
DTEND;TZID="Pacific Time (US & Canada)";20200925T150000
SUMMARY:SF Learning Notifications Discussion
DESCRIPTION:Setting up time to discuss notifications via SF Learning for Cybersecurity Awareness

DT19119-000155

Privacy

21st Annual SOR Report
APPENDIX - Page 729
# Redaction Log

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DTSTART;TZID="Pacific Time (US & Canada)";20200925T143000
DTEND;TZID="Pacific Time (US & Canada)";20200925T150000
DESCRIPTION:Setting up time to discuss notifications via SF Learning for
    Cybersecurity Awareness
SUMMARY:SF Learning Notifications Discussion
END:VEVENT
options

LOCATION: Microsoft Teams Meeting
ORGANIZER: MAILTO: stanley.krochik@sfgov.org
SEQUENCE: 0
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Makstman, Michael (TIS)"; PARTSTAT=ACCEPTED: MAILTO: Michael.Makstman@sfgov.org
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Arnold, Sharie (CON)"; PARTSTAT=ACCEPTED: MAILTO: Privacy
ATTENDEE; ROLE=REQ-PARTICIPANT; RSVP=TRUE; CN="Young, Brianna (HRD)"; PARTSTAT=ACCEPTED: Privacy
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X-MICROSOFT-CDO-REPLYTIME: 20200915T033336Z
BEGIN: VALARM
ACTION: DISPLAY
DESCRIPTION: REMINDER
TRIGGER; Information Security Cal. Govt. Code 6254.19
END: VALARM
END: VEVENT
END: VCALENDAR
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DTSTART;TZID="Pacific Time (US & Canada)"; 20200925T130000
DTEND;TZID="Pacific Time (US & Canada)"; 20200925T140000
LAST-MODIFIED:
SUMMARY:Stanley and Mike 1:1
DESCRIPTION:

--------------------------------------------------------------------------------
____________________________________________________________________
___
_________

ORGANIZER:MAILTO:Michael.Makstman@sfgov.org
SEQUENCE:0
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Krochik, Stanley

DT19119-000161

21st Annual SOR Report
APPENDIX - Page 735
Information Security Cal. Govt. Code  6254.19

DT19119-000162
# Redaction Log

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DTSTART;TZID="Pacific Time (US & Canada)";20200925T110000
DTEND;TZID="Pacific Time (US & Canada)";20200925T120000
SUMMARY:1:1 Mike and Banu
DESCRIPTION:

Privacy

ORGANIZER:MAILTO:Michael.Makstman@sfgov.org
SEQUENCE:0
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Mohideenbasha, Kamroonbanu
(TIS)";PARTSTAT=ACCEPTED:MAILTO:kamroonbanu.mohideen@sfgov.org
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DT19119-000164
# Redaction Log

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DTSTART;TZID="Pacific Time (US & Canada)";20200925T090000
DTEND;TZID="Pacific Time (US & Canada)";20200925T100000
LAST-MODIFIED Information Security Cal. Govt. Code 6254.19
SUMMARY:Cyber Breakfast
DESCRIPTION:

Privacy

Privacy

ORGANIZER:MAILTO:Michael.Makstman@sfgov.org
SEQUENCE:0

DT19119-000167
## Redaction Log

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DT19119-000169
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BEGIN:VEVENT
DTSTAMP:20200922T162004Z
DTSTART;TZID="Pacific Time (US & Canada)";20200925T083000
DTEND;TZID="Pacific Time (US & Canada)";20200925T090000
SUMMARY:Morning stand up to review project key activities
DESCRIPTION:Added the following link to our Project/Staff Tracking Sheet
which provides more info on upcoming project needs – per request from
Network Team!

These Wednesday and Friday mornings are to do a
quick run through of any hot items for the next few days. This is not
meant to be a status meeting but instead a checkpoint to escalate any
items requiring immediate attention, highlight resource impacting
tasks for the week, and raise any questions that need answers.

Please visit our Project/Staff Tracking Sheet to get more info on upcoming

DT19119-000171
If you have a topic you want to discuss – add it to the day’s list in: Meeting Notes.

Local

numbers | Reset PIN | Learn more about Teams | Meeting options
# Redaction Log

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BEGIN:VCALENDAR
VERSION:2.0
PRODID:-//Microsoft Corporation//Outlook for Mac MIMEDIR//EN
METHOD:REQUEST
BEGIN:VTIMEZONE
TZID:Pacific Time (US & Canada)
X-ENTOURAGE-CFTIMEZONE
X-ENTOURAGE-TZID
BEGIN:STANDARD
RRULE:FREQ=YEARLY;INTERVAL=1;BYSECOND=0;BYMINUTE=0;BYHOUR=2;BYDAY=1SU;
BYMO
   NTH=11
TZOFFSETFROM
TZOFFSETTO
DTSTART
END
BEGIN:DAYLIGHT
RRULE:FREQ=YEARLY;INTERVAL=1;BYSECOND=0;BYMINUTE=0;BYHOUR=2;BYDAY=2SU;
BYMO
   NTH=3
TZOFFSETFROM:
TZOFFSETTO:
DTSTART:20070311T020000
END:DAYLIGHT
END:VTIMEZONE
BEGIN:VEVENT
UID:
X-ENTOURAGE_UUID:
RECURRENCE-ID;
DTSTAMP:20200821T180015Z
DTSTART;TZID="Pacific Time (US & Canada)";20200925T080000
DTEND;TZID="Pacific Time (US & Canada)";20200925T083000
LAST-MODIFIED:
SUMMARY:Monthly touch base Steve and Mike
DESCRIPTION:Steve
Please let me know if this time works for a monthly touchbase. It seemed to be good for our last conversation.
ORGANIZER:MAILTO:Michael.Makstman@sfgov.org
SEQUENCE:0
ATTENDEE;ROLE=REQ-PARTICIPANT;RSVP=TRUE;CN="Stephen Katz";
PARTSTAT=NEEDS-ACTION:MAILTO:stevek01@mac.com
X-MICROSOFT-CDO-BUSYSTATUS:BUSY
X-MICROSOFT-CDO-ALLDAYEVENT:FALSE
X-MICROSOFT-DISALLOW-COUNTER:FALSE
X-MICROSOFT-DONOTFORWARDMEETING:FALSE
X-MICROSOFT-CDO-INSTTYPE:3
BEGIN:VALARM
ACTION:DISPLAY
DESCRIPTION:REMINDER
TRIGGER
END:VALARM
END:VEVENT

DT19119-000176
## Redaction Log

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**DT19119-000182**
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Information Security Cal. Govt. Code 6254.19
I'm forwarding you the invitation to the next JUSTIS Executive Governance Council meeting this October 22nd at City Hall. I’ve also attached the supporting materials presented as the last Council from May 21st 2019. Please let me know if you and/or the new District Attorney would like a consolidated briefing on JUSTIS before (or after) the Council meeting. I’m happy to answer any questions you may have and am happy you are planning to attend.

---

Categories: Important

Class: PUBLIC

Created: 20200927T230058Z

Description: Hello Eugene,

As requested, I’m forwarding you the invitation to the next JUSTIS Executive Governance Council meeting this October 22nd at City Hall. I’ve also attached the supporting materials presented as the last Council from May 21st 2019. Please let me know if you and/or the new District Attorney would like a consolidated briefing on JUSTIS before (or after) the Council meeting. I’m happy to answer any questions you may have and am happy you are planning to attend.

See the attached agenda. [City Hall Room 201]

ORGANIZER;CN="Castiglia, Rob (TIS)"

Privacy

DTSTAMP;TZID="Pacific Standard Time";20190913T183300Z

LAST-MODIFIED;20200927T230058Z

LOCATION;City Hall Room 201

ORGANIZER;CN="Castiglia, Rob (TIS)";invalid:nomail
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To Whom It May Concern:

We understand that the Department of Technology provided an updated response to your request on April 30, 2021. If you continue to contest the department’s response, please let us know. Thank you.

Odaya Buta
Paralegal
Office of City Attorney Dennis J. Herrera
odaya.buta@sfcityatty.org
www.sfcityattorney.org

Find us on: Facebook Twitter Instagram

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.

San Francisco Department Of Technology
PRA Office
1 S. Van Ness Ave, 2nd floor
San Francisco, CA 94103

October 11, 2020

This is a follow up to request number 20-643:

Supervisor of Records Dennis Herrera,

Please see the following additional attached 67.21(d) petition. It is separate and in addition to the one from Oct. 9. This one is about a single email record. Oct 9 was about calendars.

Sincerely,
Anonymous
Hello Anonymous!

Hello Anonymous!

21st Annual SOR Report
APPENDIX - Page 819
You can confirm your City and County of San Francisco public records portal account by copying and pasting the URL below into your web browser. This link is only valid for the next 24 hours.

Magic link: https://sanfrancisco.nextrequest.com/users/confirmation?confirmation_token=qyhbyU-fxyMDRdQN8EQK

Questions? Check out our help page (https://www.nextrequest.com/support) or email us at support@nextrequest.com.


---

On Feb. 11, 2020:
Subject: Your City and County of San Francisco public records request #20-643 has been published.
City and County of San Francisco

Hi there

Record request #20-643 has been published and is now available for public view.

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

---

On Feb. 11, 2020:
Subject: Your City and County of San Francisco public records request #20-643 has been closed.
City and County of San Francisco

Hi there

Record request #20-643 has been closed. The closure reason supplied was:

Anonymous,

We received your Immediate Disclosure Request on Saturday, dated February 8, 2020, on Monday, February 10, 2020 at 9:06 am. Public records requests received after the close of business, or received on a weekend or holiday, are considered received on the next business day.

You have requested the following records:
* An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Department Head on their government account. Note that you will have to search directly from the Head’s computer or account in their Sent folder specifically (In many email systems, no other method will allow you to see the BCC recipients). In modern Outlook systems, the search query is as follows: (bcc:*)

We have found records responsive to your request. The documents are now released to you completely public in our NextRequest portal "DOCUMENTS" section. You will be able to access the document without any login or sign-in. The documents are in PDF format for ease of transferability and accessibility, consistent with Cal. Gov 6253.9(a)(1).

Please note pursuant to 6254.19, the Public Records Act now protects from disclosure an information security record .... That would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology systems of the city.

Let me know if you are having a problem accessing your documents publicly without any login or sign-in.

This concludes your public record request.

Sincerely,

Arlene Licudine

This concludes your public records request.

**********************************************************************************************
<em>Questions about your request?</em> Reply to this email or sign in to contact staff at City and County of San Francisco.<br><em>Technical support:</em> See our <a href='https://www.nextrequest.com/support'>help page</a>

---
On Feb. 8, 2020:
Subject: California Public Records Act Request: BCC Emails - Immediate Disclosure Request (SF DT)
RE: BCC Emails - Immediate Disclosure Request

To the Department Head:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by Feb 11, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253). Emails are requested in the easily-generated EML or MSG formats (SFAC 67.21(l)).

I am now auditing how the City appears to unlawfully withhold the BCC recipients of emails when they print out emails in certain formats. The identity of BCC recipients is not exempt. BCC is not an information security record that reveals vulnerabilities or increases chance of an attack. The BCC names was typed in by a human being and are not metadata. You must provide BCC just like you provide To or CC recipients. There is no legal authority to keep secret the identities of persons communicating with government officials, unless they are specifically confidential informants and such. If you withhold the BCC names, I will file complaints, separate and apart from email metadata complaints, which at this point I have already won (see SOTF 19044).

Your non-exhaustive obligations: All withholding of any information must be justified in writing (SFAC 67.27). All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26). You must respond to emailed requests (SFAC 67.21(b)). You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)). You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)). Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

1. An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Department Head on their government account. Note that you will have to search directly from the Head's computer or account in their Sent folder specifically (In many email systems, no other method will allow you to see the BCC recipients). In modern Outlook systems, the search query is as follows: (bcc:*)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

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

Filed via MuckRock.com
E-mail (Preferred): 87729-01347257@requests.muckrock.com
Upload documents directly:
%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-department-of-technology-20057%252Fbcc-emails-
immediate-disclosure-request-sf-dt-
87729%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 87729
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.
From: 87729-01347257@requests.muckrock.com
Sent: Sunday, October 11, 2020 7:47 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #20-643
Attachments: 2020-10-1120-20Supervisor20of20Records20-20DT20Email-f.pdf

San Francisco Department Of Technology
PRA Office
1 S. Van Ness Ave, 2nd floor
San Francisco, CA 94103

October 11, 2020

This is a follow up to request number 20-643:

Supervisor of Records Dennis Herrera,

Please see the following additional attached 67.21(d) petition. It is separate and in addition to the one from Oct. 9. This one is about a single email record. Oct 9 was about calendars.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 87729-01347257@requests.muckrock.com
Upload documents directly:
%3Fnext%3D%252F2accounts%2F2Fagency_login%2F2
San-francisco-department-of-technology-20057%252Fbcc-emails-immediate-disclosure-request-sf-dt-
87729%252F%253Femail%253Dsupervisor.records%253Dsfcityatty.org&url_auth_token=AABxrATjopjociw3zzZ9Xx7IA
hc%3A1kRnrH%3AzGrykM9Q1KhsX8fAkJUI\VRfFZkI
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 87729
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. 9, 2020:
Subject: RE: California Public Records Act Request #20-643
Supervisor of Records Dennis Herrera,

Please see the attached 67.21(d) petition.

Sincerely,
Anonymous
---

On Oct. 9, 2020:
Subject: RE: California Public Records Act Request #20-643
Supervisor of Records Dennis Herrera,

Please see the attached 67.21(d) petition.

Sincerely,
Anonymous
---

On Feb. 11, 2020:
Subject: [ACTION REQUIRED] Your City and County of San Francisco public records portal account
Use this to confirm your account. The link is only valid for 24 hours.

City and County of San Francisco

************************************************************************
Hello Anonymous!
************************************************************************

You can confirm your City and County of San Francisco public records portal account by copying and pasting the URL below into your web browser. This link is only valid for the next 24 hours.

Magic link: https://sanfrancisco.nextrequest.com/users/confirmation?confirmation_token=qyhbyU-fxyMDRdQN8EOK

************************************************************************
Questions? Check out our help page (https://www.nextrequest.com/support) or email us at support@nextrequest.com.
************************************************************************


---

On Feb. 11, 2020:
Subject: Your City and County of San Francisco public records request #20-643 has been published.
City and County of San Francisco

************************************************************************
Hi there
************************************************************************

Record request #20-643 has been published and is now available for public view.
Hi there

Record request #20-643 has been closed. The closure reason supplied was:

Anonymous,

We received your Immediate Disclosure Request on Saturday, dated February 8, 2020, on Monday, February 10, 2020 at 9:06 am. Public records requests received after the close of business, or received on a weekend or holiday, are considered received on the next business day.

You have requested the following records:

* An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Department Head on their government account. Note that you will have to search directly from the Head's computer or account in their Sent folder specifically (In many email systems, no other method will allow you to see the BCC recipients). In modern Outlook systems, the search query is as follows: (bcc:*)

We have found records responsive to your request. The documents are now released to you completely public in our NextRequest portal "DOCUMENTS" section. You will be able to access the document without any login or sign-in. The documents are in PDF format for ease of transferability and accessibility, consistent with Cal. Gov 6253.9(a)(1).

Please note pursuant to 6254.19, the Public Records Act now protects from disclosure an information security record .... That would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology systems of the city.

Let me know if you are having a problem accessing your documents publicly without any login or sign-in.
This concludes your public record request.

Sincerely,

Arlene Licudine

This concludes your public records request.

************************************************************************
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

---

On Feb. 8, 2020:
Subject: California Public Records Act Request: BCC Emails - Immediate Disclosure Request (SF DT)
RE: BCC Emails - Immediate Disclosure Request

To the Department Head:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by Feb 11, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253). Emails are requested in the easily-generated EML or MSG formats (SFAC 67.21(l)).

I am now auditing how the City appears to unlawfully withhold the BCC recipients of emails when they print out emails in certain formats. The identity of BCC recipients is not exempt. BCC is not an information security record that reveals vulnerabilities or increases chance of an attack. The BCC names was typed in by a human being and are not metadata. You must provide BCC just like you provide To or CC recipients. There is no legal authority to keep secret the identities of persons communicating with government officials, unless they are specifically confidential informants and such. If you withhold the BCC names, I will file complaints, separate and apart from email metadata complaints, which at this point I have already won (see SOTF 19044).

Your non-exhaustive obligations: All withholding of any information must be justified in writing (SFAC 67.27). All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26). You must respond to emailed requests (SFAC 67.21(b)). You must notify us of whether or not responsive records exist and/or
were withheld for each below request (Gov Code 6253(c), 6255(b)). You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)). Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

1. An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Department Head on their government account. Note that you will have to search directly from the Head's computer or account in their Sent folder specifically (In many email systems, no other method will allow you to see the BCC recipients). In modern Outlook systems, the search query is as follows: (bcc:*)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

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

Filed via MuckRock.com

E-mail (Preferred): 87729-01347257@requests.muckrock.com

%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-department-of-technology-20057%252Fbcc-emails-immediate-disclosure-request-sf-dt-87729%252F%253Femail%253Dsupervisor.records%2540sfcityatty.org&url_auth_token=AABxrATjopcIw3zzZ9Xx7IAhc%3A1kRmrH%3AzGrykM9Q1KhsX8fAkJUjVRFZkI

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 87729
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.
Dennis Herrera  
Attn. General Government Team  
City Attorney/Supervisor of Records  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Via email o’ supervisor.records@sfcityattv.org

Supervisor of Records Dennis Herrera,

This is an SFAC 67.21(d) petition against the Department of Technology. Please determine, in writing, within 10 days, whether each of the contested parts of records in Appendix A are public, and order their disclosure.

The City’s response to email records requests, at least in this case, has come a long way since summer 2019. There is, however, still some work remaining to achieve full compliance that is reflected in this petition.

I will preempt your arguments here: To claim that the information is not reasonably segregable per GC 6253(a) has no bearing on my request. The CPRA provides the public with two separate rights: a right to inspect records in person pursuant to Gov Code 6253(a) and a right to get copies of records under Gov Code 6253(b).

1. I have only exercised my rights for copies under GC6253(b) and no reasonable segregation requirement exists under GC6253(b). This comports with common sense: partial redaction is not possible on an original record viewed in person, but is entirely possible to do for a copy. The Sunshine Ordinance does have an analog to the “reasonable segregation” requirement when viewing electronic records in person - see SFAC 67.21(l): “Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance.” Again, this is common sense: you cannot redact info on a computer monitor but you can on a copy.

2. Even if you were to wrongly state that the reasonable segregation requirement applies to copies, SFAC 67.26 has no such requirement and demands in San Francisco minimal withholding with citation to each part of the record withheld - the CPRA allows the local Sunshine Ordinance to require better access, as it does.

As a California licensed attorney subject to the Rules of Professional Conduct, you are warned not to intentionally mis-state or mis-cite these laws to achieve the outcome you want. I ask that you act honorably instead.

Appendix A lists the contested redactions. Appendix B has the record produced thus far.

Sincerely,

Anonymous

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 (signature.asc attachment), 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 government all be disclosable public records.
APPENDIX A - Challenged Redactions

All examples are non-exhaustive. We do not waive production of any record or part of record not mentioned below, nor do we concede that unmentioned records or parts of records are exempt or not public records.

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 (signature.asc attachment), 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 government all be disclosable public records.

1. A single City Govt email address (almost certainly hank.heckel@sfgov.org) has been improperly withheld under the line labeled “Return-Path”. It is the electronic analogue to a return address on a mail envelope - i.e. where to send. As long as it is a govt email address, and not a personal one (unless that personal address is used to conduct public business), it is disclosable. Source: https://tools.ietf.org/pdf/rfc5321.pdf, page 58.

2. The date/timestamp of receipt of the email has been improperly withheld under the lines labeled Received. Source: https://tools.ietf.org/pdf/rfc5321.pdf, page 59-60

Hi Mike,

Could you give me a call when you have a chance?

Thanks,

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

Could you give me a call when you have a chance?

Thanks,

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

<table>
<thead>
<tr>
<th>Reason</th>
<th>Page (# of occurrences)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information Security</td>
<td></td>
<td>We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.</td>
</tr>
<tr>
<td>Security Cal. Govt. Code 6254.19</td>
<td>1 (21) 2 (17)</td>
<td></td>
</tr>
<tr>
<td>no reason</td>
<td>1 (4) 2 (1)</td>
<td>---</td>
</tr>
</tbody>
</table>
In response to your October 29, 2020, email regarding Request # P011148-022520, we refer to the October 23, 2020, letter we previously provided, attached, and provide the following additional response:

SFPD has properly withheld the responsive cell phone numbers of SFPD employees based on the right of privacy under Article 1, Section 1 of the California Constitution, and under Evidence Code Section 1040(b)(2), as the public interest in withholding these numbers outweighs the public interest in disclosure of the numbers.

From: 88199-65424898@requests.muckrock.com <88199-65424898@requests.muckrock.com>
Sent: Thursday, October 29, 2020 8:49 PM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: RE: California Public Records Act Request #P011148-022520

San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

October 29, 2020

This is a follow up to request number P011148-022520:

Good Evening,

You replied to a July 5 petition on Oct 23. This is a further 67.21(d) petition on the same subject matter.

On the matter of unknown identities you stated:

"Failure to Disclose the Identity of All Participants in Communications
Your petition challenges SFPD’s failure to disclose the identities of certain recipients of responsive messages, and SFPD’s labeling of these unidentified recipients as “unknown.” As SFPD has indicated the identities of these undisclosed recipients are unknown, we are unable to make a determination as to whether or not these recipients’ identities were properly withheld."
If the identities cannot be known, it does not exempt the phone numbers themselves. Those should be determined in writing to be public and ordered disclosed. The burden of proof that a part of a record is exempt is on the City agency - so if it is not determinable whether or not a part of a record is exempt, it must be deemed non-exempt. If the phone number is a city-owned number by definition it is not personal and cannot be withheld under privacy exemptions. Furthermore if SFPD cannot show that it is in fact the personal phone number of an individual, it cannot prove any privacy exemption at all. In either case, the number should be disclosed.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 88199-65424898@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 88199
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. 23, 2020:
Subject: RE: California Public Records Act Request #P011148-022520
Attached please find our response to your petition. Thank you.

CONFIDENTIALITY NOTICE:
This e-mail contains information that may be confidential or protected by the attorney-client privilege and/or the work product doctrine and must not be disclosed. It is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any unauthorized interception, review, use, disclosure, dissemination, distribution, copying, or downloading of the information in this e-mail is strictly prohibited. If you have received this communication in error, please notify me immediately by reply e-mail and permanently delete the original message and attachments from your e-mail system and destroy all copies. Thank you.

---

On Aug. 18, 2020:
Subject: SOTF - Request for Waiver of 45 day Rule
Dear SOTF Petitioners, Respondents and other Stakeholders:
As you most likely know SOTF operations have been delayed over the last few months due to the Covid-19 emergency.
The SOTF have started to conduct remote meetings via videoconference and are working to establish procedures to resume all operations including the processing of complaints. While the Sunshine Ordinance requires that certain actions be taken within 45 days, the Covid-19 emergency has forced delays and immense new backlogs for complaint hearings. We write today to ask if you are willing to waive the 45 day rule for your complaint.

The SOTF intends to resume hearing complaints on a limited basis and complaints will be queued to be heard in the near future. We continue to work to address technical issues posed by remote meetings. We are aware of the time sensitivity of your records requests. Please be assured that the SOTF appreciates the urgency of your matters and the importance of handling them in a timely manner.

If you have further questions about your files or have other issues, please feel free to email the SOTF Administrator at the email below.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
Fax: 415-554-5163
www.sfbos.org

[CustomerSatisfactionIcon] 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 July 20, 2020:
Subject: Fw: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20083
Good afternoon,
In response to:
File No. 20083: Complaint filed by Anonymous against Chief William Scott for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 failing to respond to a records request in a timely and/or complete manner; 67.26 withholding kept to a minimum and 67.27 failing to provide justification for withholding responsive documents, Please see attached documents.

Sincerely,

Briseida Walton
On July 13, 2020:
Subject: RE: California Public Records Act Request #P011148-022520
Apologies: The Complaint and my original transmission email itself have the right allegations: 67.21, 67.26, 67.27, and 67.29-7. I mistakenly left off 67.29-7 from the webform.

NOTE: There are multiple distinct anonymous requesters sending requests using MuckRock.com, using similar request templates and form - do not assume that the same individual is sending all anonymous requests. Complainant is an anonymous user of MuckRock, but does not represent MuckRock, nor any other MuckRock user, whether anonymous or not. 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. 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.

--Anonymous

---

On July 13, 2020:
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20083
Good Afternoon:

Police Chief William Scott has been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the attached 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 Feb. 16, 2020:
Subject: California Public Records Act Request: Interagency Text Messages (SFPD) - Immediate Disclosure Request
To Whom It May Concern:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head. Your response is required by Feb 13, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC
67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

1. All text or chat messages in any form or application (SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams) sent by Chief Scott to Mayor Breed OR sent by Mayor Breed to Chief Scott, timestamps between June 1, 2019 and Aug 30, 2019 (inclusive), including a personal search under City of San Jose vs Superior Court (2017). Please also include any group messages where more than Chief Scott and Breed are on the message. While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), please provide a spreadsheet format or if you will use PDF, do not print and scan.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

Thank you for your anticipated cooperation in this matter.

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

Filed via MuckRock.com
E-mail (Preferred): 88199-65424898@requests.muckrock.com
Upload documents directly:
%3Fnext%3D%252Faccounts%2F252Fagency%252Fjoin%252Fsan-francisco-police-department%252F367%252Finteragency-text-messages-sfpd-immediate-disclosure-request-88199%252F%253Femail%253Dsupervisor.records%2540sfcityatty.org&url_auth_token=AAAlho6-kUH0n-qo3T6PAL_wx5Q%253A1kyYLPc%253A3NV-C-kkWoLMnPjyfzm6xW3Rxfc
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 88199
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 (88199-65424898@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 requests to the San Francisco Police Department (“SFPD”) dated February 16, 2020 (P011148-022520), and April 3, 2020 (P011562-040320), seeking messages exchanged via text and other messaging platforms between Chief of Police William Scott and Mayor London Breed. You filed a petition with the Supervisor of Records dated April 14, 2020, contesting SFPD’s responses to these two requests, and on July 6, 2020, we received your amended petition to further challenge SFPD’s failure to provide a timely response to a June 3, 2020, request (P012129-060320). The portion of your petition challenging SFPD’s failure to provide a timely response to the June 3, 2020, request is outside the jurisdiction of the Supervisor of Records under Section 67.21(d) of the Administrative Code, so will not be addressed here.

The remaining elements of your petition challenge SFPD’s responses to the February 16, 2020, and April 3, 2020, requests, asserting that SFPD improperly redacted personally identifying information for COVID-19 positive individuals referenced in messages, improperly redacted information regarding locations under investigation by the SFPD, improperly withheld the identities of certain message recipients, and improperly withheld media and other attachments to responsive messages.

We have reviewed unredacted versions of the messages at issue and find that SFPD appropriately redacted identifying information regarding COVID-19 positive individuals discussed in responsive messages and location information relating to SFPD investigations. We are unable to reach a determination regarding your claim that SFPD improperly failed to identify certain individuals included on responsive messages, as SFPD has indicated that the identities associated with the relevant phone numbers are unknown to them. We understand that the images attached to responsive messages have now been disclosed (with SFPD’s response to your April 3, 2020, request, number P011562-040320), so that portion of the petition is moot.

Redactions of Identifying Information Regarding COVID-19 Positive Individuals

Your petition challenges redactions in the body of messages exchanged on March 23, 2020, and March 24, 2020 (at page 7 of SFPD’s response to your February 16, 2020, request, number P011148-022520). The redacted information in these messages is all personally identifying information regarding SFPD employees identified as COVID-19 positive. This information is properly redacted on the basis of Government Code sections 6254(c) and (k), Article I, Section 1 of the California Constitution, Evidence Code 1040, and Penal Code sections 832.8(a)(2) and (a)(6).
Redactions of Location Information Relating to SFPD Investigations

Your petition challenges redactions, in messages exchanged between Chief Scott and members of the Mayor’s office, various information regarding law enforcement complaints and investigations, including identifying information for complainants, and details regarding locations under investigation by the SFPD. This information is properly redacted on the basis of Government Code sections 6254(c) and (f), Article I, Section 1 of the California Constitution, and Evidence Code 1040.

Failure to Disclose the Identity of All Participants in Communications

Your petition challenges SFPD’s failure to disclose the identities of certain recipients of responsive messages, and SFPD’s labeling of these unidentified recipients as “unknown.” As SFPD has indicated the identities of these undisclosed recipients are unknown, we are unable to make a determination as to whether or not these recipients’ identities were properly withheld.

Failure to Disclose Image Files and Other Message Attachments

Your petition challenges SFPD’s failure to disclose images attached to text messages responsive to your February 16, 2020, request, number P011148-022520. We understand that SFPD has disclosed all such text messages with its response to your April 3, 2020, request, number P011562-040320, so we find that this aspect of the petition is now moot.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/ Sarah A. Crowley

SARAH A. CROWLEY
Deputy City Attorney
Dear Anonymous –

We interpreted your initial complaint as contesting the ability of the Police Commission to rely on Section 832.7(b)(6) in any circumstance, and we are not revisiting our conclusion on that question as stated in our letter dated November 4, 2020. The Police Commission has now stated they cited Section 832.7(b)(6) in error in response to the request at issue here. As a result, there are no withheld documents for us to consider.

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: Anonymous <arecordsrequestor@protonmail.com>  
Sent: Wednesday, November 4, 2020 8:17 PM  
To: SOTF, (BOS) <sotf@sfgov.org>  
Cc: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>  

SOTF - Please include this email thread and all attached documents in File 20066, Anonymous v. Police Commission.

Supervisor of Records Dennis Herrera,

This is a further, new, SF Admin Code 67.21(d) petition against the Police Commission specifically for those SB 1421 records withheld under Penal Code 832.7(b)(6).

You have seemed to rule that the Police Commission may withhold any SB 1421 police misconduct records under Penal Code 832.7(b)(6) "where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information", without actually denying (or granting) our March 12, 2020 petition to determine that each of the withheld records are public, as required under SFAC 67.21(d). This allows the Police Commission to arbitrarily withhold any records or parts of records, specifically in violation of the voters' intent in enacting SF Admin Code 67.24(i) which prohibits such arbitrary withholding and requires instead explicit justifications to be used.

We raise three arguments:

1. Herrera's interpretation of SFAC 67.24(i) renders it superfluous in light of SFAC 67.24(g), and thus violates rules of statutory interpretation
You interpret SF Admin Code 67.24(i) to "prohibit[] city departments from relying on the general balancing provision of Government Code Sec. 6255, and allow[] City departments to rely on specific exemptions that involve a balancing element." But SF Admin Code 67.24(g) already prohibits Gov Code 6255 and all similar exemptions. Your interpretation contradicts Supreme Court direction on statutory interpretation and the Constitution, Art I, Sec 3(b)(2).

"When we interpret a statute, [o]ur fundamental task . . . is to determine the Legislature"s intent so as to effectuate the law's purpose. We first examine the statutory language, giving it a plain and commonsense meaning. We do not examine that language in isolation, but in the context of the statutory framework as a whole in order to determine its scope and purpose and to harmonize the various parts of the enactment. If the language is clear, courts must generally follow its plain meaning unless a literal interpretation would result in absurd consequences the Legislature did not intend. If the statutory language permits more than one reasonable interpretation, courts may consider other aids, such as the statute"s purpose, legislative history, and public policy." „Furthermore, we consider portions of a statute in the context of the entire statute and the statutory scheme of which it is a part, giving significance to every word, phrase, sentence, and part of an act in pursuance of the legislative purpose. “

(Sierra Club v. Superior Court (2013) 57 Cal.4th 157, 165-166, internal citations omitted).

Your interpretation fails to give significance to "every ... phrase" of the Sunshine Ordinance, namely you disregard SFAC 67.24(i) as distinct from SFAC 67.24(g).

"'Statutes must be interpreted, if possible, to give each word some operative effect.' 'We do not presume that the Legislature performs idle acts, nor do we construe statutory provisions so as to render them superfluous." (Imperial Merchant Ser. v. Hunt, 47 Cal.4th 381 (Cal. 2009), internal citations omitted).

Your interpretation of 67.24(i) makes subsection (i) completely coterminous with subsection (g) and thus superfluous.

Because the electorate enacted both SFAC 67.24(g) and 67.24(i), you should take the section as it is worded: that the electorate intended to prohibit all "exemption[s] for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure." (under 67.24(i)) and also prohibit Gov Code 6255 (under 67.24(g)).

The words of SFAC 67.24(i) match the contours of PC 832.7(b)(6), and thus PC 832.7(b)(6) is prohibited. There is no ambiguity in 67.24(i) so you may not go beyond the plain meaning of the subsection. Finally, your analysis does not comport with Art I, Sec 3 of the Constitution - under City of San Jose v Superior Court (2017), Prop 59 was held to modify the rules of statutory construction for public records cases:

"In CPRA cases, this standard approach to statutory interpretation is augmented by a constitutional imperative. (See Sierra Club v. Superior Court, supra, 57 Cal.4th at p. 166.) Proposition 59 amended the Constitution to provide: “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. I, § 3, subd. (b)(2), italics added.)” (City of San Jose v. Superior Court (2017))

You have instead chosen to interpret 67.24(i) so as to narrow the right of access, and thus broaden the permitted exemptions.

2. Penal Code 832.7(b)(6) remains prohibited even under Herrera's interpretation of SFAC 67.24(i)
Your office has apparently argued, in Attachment B to the Ethics Commission, that instead of taking SFAC 67.24(i) at the voters’ intent through its plain meaning, each potentially prohibited exemption must be analyzed under certain factors. First, I will note that the Ethics Commission does not have the power to "overrule" the Sunshine Ordinance Task Force's determination whether or not information is public; instead, the Commission merely judges whether or not a department head or elected official committed official misconduct by willfully violating the Sunshine Ordinance under SFAC 67.34; that is their sole jurisdiction - the willfulness of violation. Only you and the SOTF, and not the Ethics Commission, can administratively determine that a record is public.

We do not concede that 67.24(i) means anything but precisely what it says. However, even under your analysis, Penal Code 832.7(b)(6) must fall. Penal Code 832.7(b)(6) provides city agencies a means to exempt any SB 1421 police misconduct record whatsoever - i.e. to "abuse or over-use the catch-all balance". There is no narrower restriction on what may be withheld beyond the public-interest balancing test, as you argue exists in Evidence Code 1040 and 1041. This differentiates PC 832.7(b)(6) from the evidence code privileges.

If all information withheld under PC 832.7(b)(6) is solely personally identifying information which would also constitute a violation of the Constitutional right to personal privacy if disclosed, then there is no additional balancing act required, and such exemption may be claimed under Gov Code 6254(c) or under the privacy clause of the Constitution instead. However, it is unclear whether or not this is the case, or whether other, non-personally identifying information, is actually being withheld. For example, the Police Commission has previously drafted a policy to withhold some gory or disturbing content under PC 832.7(b)(6). Such subjective and arbitrary censorship must not be allowed to stand, and is not permitted in San Francisco.

Under SF Admin Code 67.26, only the specific PII should be redacted so as to not violate the right of privacy, and the remainder of the records released.

3. Even under Herrera's interpretation of SFAC 67.24(i), Herrera has failed to determine whether each record withheld in fact meets the requirements of Penal Code 832.7(b)(6)

You have not - it appears - actually reviewed those records withheld by the Police Commission and "determined" whether or not any of those records - or any portion of them - are public. Please do in fact review each such record and determine whether or not each such record does in fact meet the requirements of PC 832.7(b)(6). It may turn out that, even if you misinterpret SFAC 67.24(i), you may still disagree with the Police Commission that any specific particular record a part thereof so withheld does not in fact meet the requirements of PC 832.7(b)(6), and therefore must be disclosed. It is unclear what the different public interests are, and you must in fact actually review the records and judge that balance.

Request for Relief
Please determine in writing that one or more portions of any of the SB 1421 records currently withheld by the Police Commission pursuant to Penal Code 832.7(b)(6) are public, and order them disclosed, pursuant to SF Admin Code 67.21(d).

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,
Anonymous
On Wednesday, November 4th, 2020 at 5:01 PM, Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG> wrote:

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](http://www.sfcityattorney.org)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Thursday, March 12, 2020 11:46 AM
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>
Subject: New 67.21(d) Petition - Police Commission SB 1421 records

Supervisor of Records Herrera,

This is a SFAC 67.21(d) petition for a written determination that certain records or parts of records are public and an order to disclose against the Police Commission and Sgt. Kilshaw.

Pursuant to the argument in "Part 1" below the withheld recordings should be deemed public (or partially public) and disclosed.

Pursuant to the argument in "Part 2" below the redactions or full document withholdings pursuant to PC 832.7(b)(6) should be deemed public and disclosed.
The below email and attachment is incorporated into this petition.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous

------- Original Message -------

On Thursday, March 12, 2020 11:40 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:

SOTF,

Please file a new complaint and provide a file number: Anonymous (88550-29784388@requests.muckrock.com) vs San Francisco Police Commission and Sgt. Rachel Kilshaw

[Police Commission - this is also a public communication for publication.]

Allegations:

SFAC 67.21(b) incomplete response;

67.26 non-minimal withholding;
67.24(i) citation of unlawful public-interest balancing test;

67.27 failure to cite a specific provision of law for justification

I made a Feb 22, 2020 request for certain SB 1421 / Becerra v Superior Court records. They have provided rolling responses.

**Part 1 - Commission Recordings related to SB 1421 are partially disclosable**

Respondents have withheld certain recordings of commission discussion of SB 1421 issues that were discussed in closed session. Their argument is that the recording is the Chief’s personnel record, not the personnel record of the involved officers. This argument is not relevant. PC 832.7(b)(1) specifically states that records "relating to" the SB 1421 incidents (firearm discharge, certain injuries, and sustained findings of sexual assault and dishonesty) are disclosable "notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, or any other law..." This is very broad language. The portion of those recordings "relating to" SB 1421 incidents must be disclosed. This is an incomplete response (SFAC 67.21(b)), and non-minimal withholding (SFAC 67.26). If there is a genuine justification is must be cited with a specific provision in the law (SFAC 67.27). Instead they have cited: "Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record." PC 832.7 has many subdivision - which part allow this exemption? PC 832.7(a) (an exemption) is specifically overridden by PC 832.7(b)(1) (a required disclosure).

**Part 2 - Public Interest Balancing Test is Prohibited**

The Respondents have cited Penal Code 832.7(b)(6) as a reason to withhold certain information. This citation is a prohibited public-interest balancing test (see SFAC 67.24(i)). PC 832.7(b)(6) is an optional/permissive, not mandatory, exemption so it can be prohibited by local law. Any redactions pursuant to PC 832.7(b)(6) are unlawful and constitute non-minimal withholding (SFAC 67.26). Any documents withheld in full pursuant to PC 832.7(b)(6) must be disclosed and redacted only pursuant to other permitted justifications and constitute an incomplete response (SFAC 67.21(b)).

If redactions or full document withholdings are fully justifiable without using any prohibited public-interest balancing test, then Respondents must only cite (and defend their redactions with) the permitted exemptions for SB 1421 records (which are only PC 832.7(b)(5)'s four subsections). If the citation is not needed, then respondents should not be "overjustifying" their redactions.
I asked Respondents to reconsider, and they did not. **If the Commission issues a binding order/resolution** (in accordance with all Brown Act, Sunshine Ordinance, internal bylaws, and other rules regulating their actions) to solely redact or withhold information in the Commission's SB 1421 records based on Penal Code 832.7(b)(5)(i, ii, iii, or iv) and no other reasons, and re-releases any information previously unlawfully withheld, we will withdraw Part 2 of this complaint. The last known SB 1421 (draft) policy of the Commission permits public-interest balancing test exemptions, and this must be removed as unlawful in San Francisco.

Exhibits attached.

**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 (signature.asc attachment), 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 government all be disclosable public records.**

Sincerely,

Anonymous
SOTF - Please include this email thread and all attached documents in File 20066, Anonymous v. Police Commission.

Supervisor of Records Dennis Herrera,

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You have seemed to rule that the Police Commission may withhold any SB 1421 police misconduct records under Penal Code 832.7(b)(6) "where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information", without actually denying (or granting) our March 12, 2020 petition to determine that each of the withheld records are public, as required under SFAC 67.21(d). This allows the Police Commission to arbitrarily withhold any records or parts of records, specifically in violation of the voters' intent in enacting SF Admin Code 67.24(i) which prohibits such arbitrary withholding and requires instead explicit justifications to be used.

We raise three arguments:

1. Herrera's interpretation of SFAC 67.24(i) renders it superfluous in light of SFAC 67.24(g), and thus violates rules of statutory interpretation

You interpret SF Admin Code 67.24(i) to "prohibit[] city departments from relying on the general balancing provision of Government Code Sec. 6255, and allow[] City departments to rely on specific exemptions that involve a balancing element." But SF Admin Code 67.24(g) already prohibits Gov Code 6255 and all similar exemptions. Your interpretation contradicts Supreme Court direction on statutory interpretation and the Constitution, Art I, Sec 3(b)(2).

“When we interpret a statute, [o]ur fundamental task . . . is to determine the Legislature"s intent so as to effectuate the law's purpose. We first examine the statutory language, giving it a plain and commonsense meaning. We do not examine that language in isolation, but in the context of the statutory framework as a whole in order to determine its scope and purpose and to harmonize the various parts of the enactment. If the language is clear, courts must generally follow its plain meaning unless a literal interpretation would result in absurd consequences the Legislature did not intend. If the statutory language permits more than one reasonable interpretation, courts may consider other aids, such as the statute"s purpose, legislative history, and public policy. “ „Furthermore, we consider portions of a statute in the context of the entire statute and the statutory scheme of which it is a part, giving significance to every word, phrase, sentence, and part of an act in pursuance of the legislative purpose. “ (Sierra Club v. Superior Court (2013) 57 Cal.4th 157, 165-166, internal citations omitted).

Your interpretation fails to give significance to "every ... phrase" of the Sunshine Ordinance, namely you disregard SFAC 67.24(i) as distinct from SFAC 67.24(g).
"Statutes must be interpreted, if possible, to give each word some operative effect.’ 'We do not presume that the Legislature performs idle acts, nor do we construe statutory provisions so as to render them superfluous." (Imperial Merchant Ser. v. Hunt, 47 Cal.4th 381 (Cal. 2009), internal citations omitted).

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Because the electorate enacted both SFAC 67.24(g) and 67.24(i), you should take the section as it is worded: that the electorate intended to prohibit all "exemption[s] for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure." (under 67.24(i)) and also prohibit Gov Code 6255 (under 67.24(g)).

The words of SFAC 67.24(i) match the contours of PC 832.7(b)(6), and thus PC 832.7(b)(6) is prohibited. There is no ambiguity in 67.24(i) so you may not go beyond the plain meaning of the subsection. Finally, your analysis does not comport with Art I, Sec 3 of the Constitution - under City of San Jose v Superior Court (2017), Prop 59 was held to modify the rules of statutory construction for public records cases:

"In CPRA cases, this standard approach to statutory interpretation is augmented by a constitutional imperative. (See Sierra Club v. Superior Court, supra, 57 Cal.4th at p. 166.) Proposition 59 amended the Constitution to provide: “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. I, § 3, subd. (b)(2), italics added.)" (City of San Jose v. Superior Court (2017))

You have instead chosen to interpret 67.24(i) so as to narrow the right of access, and thus broaden the permitted exemptions.

2. Penal Code 832.7(b)(6) remains prohibited even under Herrera’s interpretation of SFAC 67.24(i)

Your office has apparently argued, in Attachment B to the Ethics Commission, that instead of taking SFAC 67.24(i) at the voters’ intent through its plain meaning, each potentially prohibited exemption must be analyzed under certain factors. First, I will note that the Ethics Commission does not have the power to "overrule" the Sunshine Ordinance Task Force’s determination whether or not information is public; instead, the Commission merely judges whether or not a department head or elected official committed official misconduct by willfully violating the Sunshine Ordinance under SFAC 67.34; that is their sole jurisdiction - the willfulness of violation. Only you and the SOTF, and not the Ethics Commission, can administratively determine that a record is public.

We do not concede that 67.24(i) means anything but precisely what it says. However, even under your analysis, Penal Code 832.7(b)(6) must fall. Penal Code 832.7(b)(6) provides city agencies a means to exempt any SB 1421 police misconduct record whatsoever - i.e. to "abuse or over-use the catch-all balance". There is no narrower restriction on what may be withheld beyond the public-interest balancing test, as you argue exists in Evidence Code 1040 and 1041. This differentiates PC 832.7(b)(6) from the evidence code privileges.

If all information withheld under PC 832.7(b)(6) is solely personally identifying information which would also constitute a violation of the Constitutional right to personal privacy if disclosed, then there is no additional balancing act required, and such exemption may be claimed under Gov Code 6254(c) or under the privacy clause of the Constitution instead. However, it is unclear whether or not this is the case, or whether other, non-personally identifying information, is actually being withheld. For example, the Police Commission has previously drafted a policy to withhold some gory or disturbing content under PC 832.7(b)(6). Such subjective and arbitrary censorship must not be allowed to stand, and is not permitted in San Francisco.
Under SF Admin Code 67.26, only the specific PII should be redacted so as to not violate the right of privacy, and the remainder of the records released.

3. Even under Herrera's interpretation of SFAC 67.24(i), Herrera has failed to determine whether each record withheld in fact meets the requirements of Penal Code 832.7(b)(6)

You have not - it appears - actually reviewed those records withheld by the Police Commission and "determined" whether or not any of those records - or any portion of them - are public. Please do in fact review each such record and determine whether or not each such record does in fact meet the requirements of PC 832.7(b)(6). It may turn out that, even if you misinterpret SFAC 67.24(i), you may still disagree with the Police Commission that any specific particular record a part thereof so withheld does not in fact meet the requirements of PC 832.7(b)(6), and therefore must be disclosed. It is unclear what the different public interests are, and you must in fact actually review the records and judge that balance.

Request for Relief
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Sincerely,

Anonymous

------- Original Message -------
On Wednesday, November 4th, 2020 at 5:01 PM, Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG> wrote:

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
From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Thursday, March 12, 2020 11:46 AM
To: Supervisor Records <supervisor.records@SFCITYATTY.ORG>
Subject: New 67.21(d) Petition - Police Commission SB 1421 records

Supervisor of Records Herrera,

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Pursuant to the argument in "Part 2" below the redactions or full document withholdings pursuant to PC 832.7(b)(6) should be deemed public and disclosed.

The below email and attachment is incorporated into this petition.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,
On Thursday, March 12, 2020 11:40 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:

SOTF,

Please file a new complaint and provide a file number: Anonymous (88550-29784388@requests.muckrock.com) vs San Francisco Police Commission and Sgt. Rachel Kilshaw

[Police Commission - this is also a public communication for publication.]

Allegations:

SFAC 67.21(b) incomplete response;

67.26 non-minimal withholding;

67.24(i) citation of unlawful public-interest balancing test;

67.27 failure to cite a specific provision of law for justification

I made a Feb 22, 2020 request for certain SB 1421 / Becerra v Superior Court records. They have provided rolling responses.

Part 1 - Commission Recordings related to SB 1421 are partially disclosable

Respondents have withheld certain recordings of commission discussion of SB 1421 issues that were discussed in closed session. Their argument is that the recording is the Chief’s personnel record, not the personnel record of the involved officers. This argument is not relevant. PC 832.7(b)(1) specifically states that records "relating to" the SB 1421 incidents (firearm discharge, certain injuries, and sustained findings of sexual assault and dishonesty) are disclosable "notwithstanding subdivision (a), subdivision (f)
of Section 6254 of the Government Code, or any other law..." This is very broad language. The portion of those recordings "relating to" SB 1421 incidents must be disclosed. This is an incomplete response (SFAC 67.21(b)), and non-minimal withholding (SFAC 67.26). If there is a genuine justification is must be cited with a specific provision in the law (SFAC 67.27). Instead they have cited: "Per Penal Code sec. 832.7 the Commission is declining to release the audio recording and additional documents related to the closed session item as they relate to an uninvolved officer's personnel record." PC 832.7 has many subdivision - which part allow this exemption? PC 832.7(a) (an exemption) is specifically overridden by PC 832.7(b)(1) (a required disclosure).

Part 2 - Public Interest Balancing Test is Prohibited

The Respondents have cited Penal Code 832.7(b)(6) as a reason to withhold certain information. This citation is a prohibited public-interest balancing test (see SFAC 67.24(i)). PC 832.7(b)(6) is an optional/permissive, not mandatory, exemption so it can be prohibited by local law. Any redactions pursuant to PC 832.7(b)(6) are unlawful and constitute non-minimal withholding (SFAC 67.26). Any documents withheld in full pursuant to PC 832.7(b)(6) must be disclosed and redacted only pursuant to other permitted justifications and constitute an incomplete response (SFAC 67.21(b)).

If redactions or full document withholdings are fully justifiable without using any prohibited public-interest balancing test, then Respondents must only cite (and defend their redactions with) the permitted exemptions for SB 1421 records (which are only PC 832.7(b)(5)'s four subsections). If the citation is not needed, then respondents should not be "overjustifying" their redactions.

I asked Respondents to reconsider, and they did not. If the Commission issues a binding order/resolution (in accordance with all Brown Act, Sunshine Ordinance, internal bylaws, and other rules regulating their actions) to solely redact or withhold information in the Commission's SB 1421 records based on Penal Code 832.7(b)(5)(i, ii, iii, or iv) and no other reasons, and re-releases any information previously unlawfully withheld, we will withdraw Part 2 of this complaint. The last known SB 1421 (draft) policy of the Commission permits public-interest balancing test exemptions, and this must be removed as unlawful in San Francisco.

Exhibits attached.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous
November 4, 2020

Sent via email (arecordsrequestor@protonmail.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 March 12, 2020, concerning a request to the Police Commission dated February 22, 2020 for certain peace officer personnel records made public under Senate Bill 1421 (2018).

You contend that the Police Commission improperly withheld recordings of closed session discussions concerning officer involved shootings. The recordings at issue relate to closed session items in which the Commission met to evaluate the performance of the Chief of Police in relation to his decision regarding whether to return officers to duty after an officer involved shooting. As discussed in the opinion attached as Attachment A, we find the Police Commission properly withheld such documents, as the personnel records of the Chief of Police. Gov’t Code Secs. 6254(c), (k); Penal Code Sec. 832.7; Cal. Const., Art. I, Sec. 1. Moreover, records of closed session proceedings cannot be disclosed unless the policy body authorizes the disclosure. See Gov’t Code Sec. 54963.

You also contend that the Police Commission improperly cited Penal Code Section 832.7(b)(6) as a basis to withhold documents. This section provides that the subset of peace officer personnel records required to be disclosed under Section 832.7 may be redacted “pursuant to this section, including personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information.” You argue that Section 67.24(i) of the Sunshine Ordinance prohibits the Police Commission from relying on this basis for non-disclosure. In similar circumstances, we have found that the City may rely on bases for non-disclosure like Section 832.7(b)(6) consistent with the Sunshine Ordinance. See Attachment B April 20, 2015 Letter from B. Delventhal, pgs. 4-6. While Section 832.7(b)(6) is not an evidentiary privilege like Sections 1040 and 1041 of the Evidence Code that we analyzed in the attached letter, for the reasons we discussed in the letter Section 67.24(i) prohibits City
departments from relying on the general balancing provision of Government Code Sec. 6255, and allows City departments to rely on specific exemptions that involve a balancing element. Thus, the Police Commission did not improperly cite this subsection of the Penal Code.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
TO: Police Commission
CC: William Scott
Chief of Police
FROM: Alicia Cabrera
Deputy City Attorney
DATE: October 14, 2020
RE: Confidentiality of Chief of Police Performance Evaluation

At the January 15, 2020, Police Commission meeting, the Commission met in closed session to evaluate the performance of Chief Scott in relation to his decision to return officers to duty after an officer-involved shooting (OIS). During that meeting, in response to a question from Commissioner Taylor, I publicly explained the legal basis for the Commission to evaluate the Chief’s performance in closed session. The Commission has authority to evaluate the Chief’s performance—including the Chief’s performance in deciding whether to return an officer to duty—in closed session, and the records the Commission reviews during that evaluation are confidential personnel records. Because we have received questions since the January 15 meeting, the City Attorney’s Office is providing a public memorandum consistent with the oral advice we provided in January.

The Commission is empowered to terminate the Chief of Police, acting alone or jointly with the Mayor. (Charter § 4.109.) Consistent with that authority, the Commission also has the power to evaluate the Chief’s performance. The Chief has a privacy interest in his performance evaluation. In addition, the Commission’s evaluation of the Chief’s performance constitutes a personnel record of the Chief, which is protected from disclosure under Penal Code section 832.7. (Penal Code § 832.8(a)(4).) Under both the Brown Act and Sunshine Ordinance, the Commission may conduct a performance evaluation of the Chief in closed session. (Cal. Govt. Code § 54957(b); S.F. Admin. Code § 67.10(b).) Under Penal Code section 832.7, the Commission must conduct the evaluation in closed session. The City Attorney’s Good Government Guide explains the authority and process for performance evaluation closed sessions in more detail on pages 165-167, available at www.sfcityattorney.org.

Consistent with the discussion in the Good Government Guide, the Commission has authority to meet in closed session to review the Chief’s performance, including his decision to return or not return officers to duty. A closed session evaluation by the Commission of the Chief’s performance need not be a regularly scheduled evaluation covering all aspects of his performance. It may be, as it was here, an evaluation of the Chief’s performance with respect to a particular event or decision. As the Good Government Guide states, at page 165: “Evaluation of an employee may include more than a formal or regular process such as an annual performance evaluation; it may include evaluation of the employee's performance regarding an incident involving that employee, or a specific matter within the employee’s responsibilities.”

1 DR. CARLTON B. GOODLETT PLACE, ROOM 234 • SAN FRANCISCO, CALIFORNIA 94102-5408
RECEPTION: (415) 554-4700 • FACSMILE: (415) 554-4699
TO:         Police Commission  
DATE:      October 14, 2020  
PAGE:   2  
RE:  Confidentiality of Chief of Police Performance Evaluation  

The Commission’s discussion in a closed session evaluation of the Chief’s decision to return or not return an officer to duty after an OIS must focus on the Chief’s performance in making that decision. But the Chief may provide facts about the OIS as background and context for his reasoning in making his decision, to assist the Commission in evaluating his performance. Even when the Chief provides that contextual information, the Commission should focus on the Chief’s actions and decisions, and not discuss at length the details of the OIS or department policies regarding such shootings in closed session, except as necessary to understand the Chief’s performance. Finally, the Commission does not have authority to direct the Chief—in open or closed session—to return or not return officers to duty following an OIS.

SB 1421, which amended Penal Code section 832.7, requires disclosure of certain peace officer personnel records upon request, without a court order. But SB 1421 does not require that the Commission’s performance evaluations occur in open session, even when they relate to the Chief’s decision on returning an officer to duty after an OIS. The California Court of Appeal made clear earlier this year that SB 1421 lifted the confidentiality provisions of Government Code section 6254(f) on specific investigatory files but did not affect the application of other laws including exemptions, exceptions, or privileges. (Becerra v. Superior Court (2020) 44 Cal. App. 5th 897.) Thus, municipalities may—and sometimes must—withhold documents from public disclosure based on other laws. Indeed, as noted above, the closed session discussion is a performance evaluation of the Chief, and therefore is a personnel record. And that evaluation is protected from disclosure under Penal Code section 832.7. Because the information the Chief prepares and provides to the Commission for use in those closed sessions relates to the Commission’s performance evaluation of the Chief, that information is protected under section 832.7 and not covered by SB 1421, and the Commission and Department may not disclose it.

Finally, the Commission is not legally required to schedule a closed session performance evaluation of the Chief following every OIS. The Commission has chosen as a policy matter to schedule closed sessions under Department General Order 8.11. The Commission may choose to hold hearings and receive reports regarding an OIS in open session at a Commission meeting, following a format similar to the town hall meetings that the Department convenes after an OIS. The Commission could schedule an open session discussion either instead of or in addition to a closed session performance evaluation of the Chief. But an open session discussion of an OIS could raise additional legal issues. If the Commission is interested in pursuing this approach, we can advise the Commission on how to structure the discussion to avoid compromising any ongoing investigations or revealing any private personnel information.
By U.S. Mail and E-mail (ethics.commission@sfgov.org)

Honorable Paul A. Renne, Chairperson
Honorable Members, San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102-6053

Re: Ethics Commission Complaint No. 03-150127
Paula Datesh, Complainant
Rebekah Krell/Arts Commission, Respondent

Dear Chairperson Renne and Honorable Commission Members:

The City Attorney’s Office takes note of the staff report in this matter, “Report and Recommendation Ethics Commission Complaint No. 03-150127,” dated April 8, 2015. We submit this letter to provide advice on an issue of general importance to City government that the staff report raises: Whether the City may rely on California Evidence Code Sections 1041 and 1040, the “identity of informer” and “official information” privileges, to withhold records in response to a public records request. As indicated in the City Attorney’s Good Government Guide, our office has consistently and widely advised City agencies that the Sunshine Ordinance does not affect the ability of the City to rely on each of these privileges, where applicable, in denying access to public records.¹

Background

The Public Records Act protects from disclosure “[r]ecords the disclosure of which is exempted or prohibited pursuant to federal or state law, including but not limited to, provisions of the Evidence Code relating to privilege.” (Cal. Gov. Code § 6254(k).) Two such provisions are the identity of informer privilege (Cal. Evid. Code § 1041) and the official information privilege (Cal. Evid. Code § 1040). The Act cross-references these Evidence Code sections in its listing of more than 500 California statutes that protect records from disclosure. (Cal. Gov. Code § 6276.32.)

The Sunshine Ordinance does not specifically preclude the City from relying on the identity of informer and official information privileges as grounds for declining to disclose a record in

¹ The staff report, at page 2, states that the Commission, under its own rules, may have discretion to dismiss the complaint without addressing its merits. Not knowing if the Commission will exercise that option, we submit this letter addressing the two privileges in the event the Commission considers the merits.
response to a public records request. Nevertheless, the staff report concludes, at page 7, that Section 67.24(i) of the Sunshine Ordinance (S.F. Admin. Code § 67.24(i)) "may" have that effect, and therefore recommends that the Commission find that the Respondent violated the Ordinance – though not willfully – by withholding a public record on the basis of these privileges.

As the staff report acknowledges, at page 5, its conclusion is contrary to the "standing advice" of the Deputy City Attorney advising the Arts Commission. We note that the staff report’s recommendation is contrary to the public advice that the City Attorney’s Office gives to all City departments, boards, commissions, officials, and employees. The City Attorney’s Good Government Guide, which explains open government rules that City officials and employees must follow, and which is available on the City Attorney’s website, states, at page 102:

> In some circumstances, departments may shield from disclosure the identity of persons complaining to the City about violations of law. Cal. Evidence Code § 1041. Privacy or other grounds may also authorize or require nondisclosure, even where the complaint does not allege a violation of law. Cal. Govt. Code § 6254(c). Substantial public interests often warrant withholding the identity of complainants. When, for example, a tenant complains about a landlord, a neighbor complains about a neighbor, an employee complains about an employer, or a citizen complains about a person making a public disturbance, disclosure of the identity of the complainant, the complaint, and/or the investigation could lead to retaliation against or harassment of the complainant and could also compromise the investigation. Under those circumstances the City may be able to withhold or redact the complaint and record of the investigation. See generally Cal. Evidence Code § 1040.

We elaborate below on these principles.

The Privileges

Identity of Informer Privilege

This privilege extends beyond informants in the criminal law context to those who "furnish[] information ... purporting to disclose a violation of a law ... of a public entity in this state ... in confidence ... to ... [a] representative of an administrative agency charged with the administration or enforcement of the law alleged to be violated ...." (Cal. Évid. Code § 1041.) The privilege applies where "[d]isclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice ...." (Id.) The privilege serves two interrelated functions.

Most obviously, the privilege protects individuals within its ambit from hassle, harassment, threats, retaliation, and potentially even violence (in a very small number of cases, typically impossible to identify in advance). The examples in the Good Government Guide of common situations outside of the criminal law context that are fraught with these possibilities illustrate the principle that persons who, in a non-public way, report suspected violations of law to responsible City officials should not thereby be subject to possible abuse, or worse, at the hands of those who may be violating the law. The principle applies in the context of many City programs, including the Street Artists Program, in which permittees operate in close physical proximity to one
another and the public, and City officials responsible for the Program receive complaints or other information about permittees' suspected violations from those with whom they interact.

When invoking the identity of informer privilege, the City is protecting those individuals who have come forward with information regarding violations of the law from the ire of persons the informer identified. The City must take seriously the protection of the personal interests of the informer. But the City’s interest in maintaining the anonymity of such individuals extends beyond its protective role. It is a virtual certainty that administration and enforcement of numerous City programs, including but by no means limited to the Street Artists Program, would suffer if the identities of persons complaining or otherwise supplying information of violations of law were customarily made known to the person or entity that is the subject of a complaint or investigation. Important aspects of code enforcement, traffic enforcement, and enforcement of ethics, labor, and landlord-tenant laws, to name a few examples, would suffer under such a legal regime. In some cases, possible wrongdoing would never be uncovered, in other cases investigations of wrongdoing would be hindered because people would be reluctant to come forward and initiate a complaint, or cooperate with an investigation.

Official Information Privilege

Under the identity of informer privilege, an entire record may be withheld if disclosure of the contents of the record would effectively enable the object of the complaint to identify the source of the information. (People v. Galland (2008) 45 Cal.4th 354, 364.) In such a circumstance, the City agency would not be required to rely on the official information privilege. Nevertheless, because the availability of the official information privilege and the identity of informer privilege under the Sunshine Ordinance presents similar questions and because the staff report addresses the official information privilege, this letter does so as well, though only briefly.

The official information privilege covers information acquired in confidence by the City where “[d]isclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice....” (Cal. Evid. Code § 1040.) Probably the most important function of this privilege is to protect the integrity and efficacy of active governmental investigations. Courts have repeatedly recognized this function of the privilege. (People v. Jackson (2003) 110 Cal.App.4th 280, 287; Suarez v. Office of Administrative Hearings (2004) 123 Cal.App.4th 1191, 1194-95.) If the City were unable to invoke this privilege in response to a public records request, and other exemptions (such as the law enforcement investigative records exemption in the Public Records Act, Cal. Evid. Code § 6254(f)) were inapplicable, then persons the City is investigating, and witnesses with information pertaining to the investigation, could use knowledge gained through a public records request to undermine or subvert an active investigation.

The official information privilege serves other important, though limited, functions. For example, in some cases, to obtain a company’s proprietary information necessary to the City’s use of a technology to assist its administrative functions or to obtain a researcher’s raw data, a City department may find it necessary to acquire the information in confidence by promising to protect it from disclosure to the extent permitted by law.
The Sunshine Ordinance

Section 67.24(i) of the Sunshine Ordinance states:

Neither the City, nor any office [sic], employee, or agent thereof, may assert an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this ordinance providing for withholding of the specific type of information in question or on an express and specific exemption provided by California Public Records Act [sic] that is not forbidden by this ordinance.

The staff report, at page 7, concludes that Section 67.24(i) – which the report acknowledges is ambiguous – precludes the City from relying on the identity of informer and official information privileges to withhold records in response to a public records request. The City Attorney’s Office has reached a contrary conclusion.

To begin with, it is not clear that Section 67.24(i), concerning “exemption[s],” was intended to apply to evidentiary privileges. An evidentiary privilege is not ordinarily thought of as an exemption. Rather, it is one of many State laws that gain their force from provisions external to the Public Records Act. Many but not all of these laws are listed for reference purposes at the end of the Act. (Cal. Gov. Code §§ 6276 et seq.) Many of these laws, such as the identity of informer and official information privileges, predate the Act. Section 6254(k) of the Act does not create these evidentiary privileges and other confidentiality laws or establish them as exemptions; rather, it makes clear that the Act does not supersede them and automatically require that records encompassed within evidentiary privileges or protected from disclosure by other confidentiality laws be disclosed in response to a public records request.

But if one does consider evidentiary privileges or Section 6254(k) of the Public Records Act to be “exemptions,” they are, in the words of the second sentence of Section 67.24(i), “not forbidden by [the Sunshine Ordinance].” They thus stand in sharp contrast to specific exemptions the use of which the Ordinance prohibits or limits. (E.g., S.F. Admin. Code §§ 67.24(g) (prohibiting use of “catch-all” balancing exemption, Cal. Gov. Code § 6255); 67.24(h) (prohibiting use of a deliberative process exemption); 67.24(a) (limiting use of draft memoranda exemption, Cal. Gov. Code § 67.24(a)); 67.24(c) (limiting use of personnel records exemption, Cal. Gov. Code § 6254(c)); 67.24(d) (limiting use of law enforcement investigative records exemption, Cal. Gov. Code § 67.24(f)).) Unlike its treatment of these exemptions, the Sunshine Ordinance evinces no obvious legislative intent to dispense with or limit the identity of informer and official information privileges in a public records context.

The staff report bases its conclusion that Section 67.24(i) embodies an intent to prohibit the use of the two evidentiary privileges in the public records context on the theory that the balancing test called for under the two privileges is akin to the catch-all balancing test in Section 6255 of the Public Records Act (Cal. Gov. Code § 6255) (“the public interest served by not disclosing the record clearly outweighs the public interest served by disclosing the record”), which the City may not use to prevent access to a record. But the analogy is not apt:
Letter to
Honorable Paul A. Renne, Chairperson
Page 5
April 20, 2015

- The catch-all balance can apply to any public record not encompassed within an exemption; to types of records the Legislature has never determined should be withheld from the public. Section 6255 thus gives to public entities broad discretion to decide for themselves what types of records may qualify for withholding under its balancing test.

- Under the catch-all balance, there are no limits on what considerations may go into the balance. Section 6255 thus gives to public entities broad latitude to invoke its exemption.

- Because of the open-ended nature of the catch-all balance, the justification for withholding a record on that basis may and often will be a post hoc justification.

For these reasons, one might conclude that a public entity could abuse or over-use the catch-all balance and thereby endanger the open government regime the Public Records Act establishes. But the identity of informer and official information privileges are much more circumscribed than Section 6255’s catch-all balance, and thus do not pose the same perceived danger to open government that presumably underlies the Sunshine Ordinance's ban on using the catch-all balance to deny access to a public record.

The identity of informer privilege encompasses a narrow category of records – those which identify persons who in a non-public way have informed City officials about suspected violations of law. Further, the public interests justifying withholding a record under this privilege are, as a practical matter, relatively limited; in almost all circumstances they will be one or both of those mentioned earlier – to protect the individuals reporting a suspected violation of law, and to ensure the effectiveness of enforcement efforts that depend in part on receiving complaints or other information from such individuals. Indeed, the first of these two interests – protecting the individuals involved – is as much a private interest as a public one.

The official information privilege encompasses only records the City has acquired in confidence, and, as a practical matter, has particular application in discrete contexts, such as records of active investigations, where there often will be an obvious public interest in withholding records to ensure the integrity of the investigation.

Courts strongly disfavor repeals by implication; that is, finding that one law has repealed another law without having expressly said so. (Garcia v. McCutchen (1997) 16 Cal.4th 469, 476-77.) Further, if there is a conflict between a specific provision of law and a general provision, courts typically find that the specific provision controls, whether or not enacted first. (Warne v. Harkness (1963) 60 Cal.2d 579, 588.) And courts disfavor construction of ambiguous laws in derogation of sovereignty. (Eden Memorial Park Ass’n v. Superior Court (1961) 189 Cal. App. 2d 421, 423-24.) The confidential informant and official information privileges are integral to the maintenance of the rule of law, a quintessential sovereign responsibility.

These basic principles of statutory construction aid us in determining the legislative intent behind Section 67.24(i). While the Sunshine Ordinance cannot repeal the Public Records Act, these basic principles would likely give a court pause to conclude that the voters who adopted Section 67.24(i) intended to strip from the City the authority to rely on such longstanding policies that serve important purposes that predate and stand apart from the objectives of either the Act or the Ordinance. Therefore a court would be reluctant to conclude that the Sunshine Ordinance has
superseded them without making its intent to do so clear. It is for these reasons that absent a clear statement in the Sunshine Ordinance – and Section 67.24(i) is anything but clear – our office has concluded and advised that the Ordinance does not limit the ability of the City to rely on two provisions of the Evidence Code that the Public Records Act specifically recognizes as examples of “[r]ecords the disclosure of which is exempted or prohibited pursuant to federal or state law, including but not limited to, provisions of the Evidence Code relating to privilege.” (Cal. Gov. Code § 6254(k).)

**Summary Conclusion**

The longstanding advice of the City Attorney’s Office is that California Evidence Code Sections 1041 and 1040, the identity of informer and official information privileges, where applicable, may serve as the basis for withholding records in response to a public records request. The Sunshine Ordinance does not preclude the City from relying on these privileges to not disclose a record involving a complaint or other communication that an individual made to responsible City officials about a possible violation of law.

Very truly yours,

DENNIS J. HERRERA
City Attorney

BURK E. DELVENTHAL
Deputy City Attorney

cc: Paula Datesh
Rebekah Krell
John St.Croix

---

2 A criminal, civil, or administrative proceeding may be commenced following the completion of an investigation of a possible violation of City law; for example, an administrative proceeding to suspend or revoke a City permit. In such proceedings, depending on the facts and circumstances, constitutional principles such as due process, as well as the agency’s rules governing the hearing, may in a particular case call for disclosure of information that is within the scope of the identity of informer privilege or official information privilege, or both. This letter does not address disclosure in that context, which is not governed by the Public Records Act but rather by constitutional principles or agency rules that apply to the hearing.
Dear Anonymous –

The Mayor’s Office confirmed that no text was withheld from the “quoted text hidden” portions of the emails, as the same text appears in the production. They have further confirmed that the email on pages 49-50 was not disclosed to third parties, and we therefore continue to find that it was properly redacted based on the attorney-client privilege. 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

November 5, 2020

This is a follow up to request number 20075:

Supervisor of Records Herrera,

This is a new 67.21(d) petition to determine in writing that the following parts of records are public and to issue an order for their disclosure:

1) Throughout the responsive records (referring to Exhibit B of https://cdn.muckrock.com/outbound_request_attachments/94383620Anonymous/81856/20200605-Sup-Records-Petition-Mayor-Float-1-A-B.pdf), portions of message bodies say "[quoted text hidden]." There is no way to know what text is in each of these bodies unlawfully withheld, and without any justification. Given that these are Gmail records, it is entirely possible to show all of these portions of messages merely by clicking on each such hidden marker. I am not required to try to guess what these parts of records are by piecing through the other records - which may or may not contain the quoted, hidden body. For example, I cannot be certain what Mason sent to Maggie on pg. 28, nor what Jaidin sent to Mason on pg. 23, etc. All [quoted text hidden] areas are challenged.

2) On at least the bottom of page 49 and top of page 50, it appears that the supposedly A/C privileged message withheld is in fact part of a message forwarded to Jaidin Consulting and Harlan Wong Street fair - who presumably do not work for the campaign nor the campaign's attorneys. This withholding is challenged.
Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 81856-14311352@requests.muckrock.com

Upload documents directly:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Fall%252Foffice%252Fagency-login%252Foffice-of-the-mayor-3891%252Fmayors-notes-immediate-disclosure-request-81856%252Femail%252Dcity%25540sfcityatty.org%26url_auth_token=AAAxJOK2OUULoYu4xv2F8W

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 81856
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. 4, 2020:
Subject: RE: California Public Records Act Request: Mayor's Notes - 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 Aug. 18, 2020:
Subject: SOTF - Request for Waiver of 45 day Rule
Dear SOTF Petitioners, Respondents and other Stakeholders:
As you most likely know SOTF operations have been delayed over the last few months due to the Covid-19 emergency. The SOTF have started to conduct remote meetings via videoconference and are working to establish procedures to resume all operations including the processing of complaints.
While the Sunshine Ordinance requires that certain actions be taken within 45 days, the Covid-19 emergency has forced delays and immense new backlogs for complaint hearings. We write today to ask if you are willing to waive the 45 day rule for your complaint.
The SOTF intends to resume hearing complaints on a limited basis and complaints will be queued to be heard in the near future. We continue to work to address technical issues posed by remote meetings. We are aware of the time sensitivity of your records requests. Please be assured that the SOTF appreciates the urgency of your matters and the importance
of handling them in a timely manner.
If you have further questions about your files or have other issues, please feel free to email the SOTF Administrator at the email below.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
Fax: 415-554-5163
www.sfbos.org

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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 July 22, 2020:
Subject: RE: California Public Records Act Request: Mayor's Notes - Immediate Disclosure Request
Anonymous,

See the supplemental production of an additional record responsive to your request below.
Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

On July 14, 2020:
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20075
Good Morning:

Mayor London Breed, Hank Heckel and the Office of the Mayor have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the attached 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.

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On July 7, 2020:
Subject: RE: California Public Records Act Request: Mayor’s Notes - Immediate Disclosure Request
See the additional responsive records to the request below. Please note that personal contact information has been redacted to protect personal privacy. Cal. Govt. Code Secs. 6254(c), California Constitution, Art. I, Sec. 1.

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On Oct. 17, 2019:
Subject: California Public Records Act Request: Mayor’s Notes - Immediate Disclosure Request
Mayor Breed,
** 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. 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.

All records must be provided in rolling fashion.

Please remember to justify all redactions with specificity - there is an Adobe Acrobat menu item designed exactly for this where you can code each redaction with a statute section number and then apply all the redactions, instead of writing a typed letter describing page locations (though it is your choice, Acrobat's functionality is superior).

Although you may not retain the records below formally, if you retain, own, use, or prepared them at the time of receipt of request you must provide them.

I am asking for very few documents, which should be readily available to the Mayor, and thus immediately disclosed.

Please provide:
1. IMMEDIATE DISCLOSURE: an electronic scanned copy of the last 5 non-blank pages of the Mayor's most recently used physical business memo- or note-book written in by her individually (not her staff on her behalf). If no such notebooks exist, you must indicate there are no responsive records.

2. IMMEDIATE DISCLOSURE: an electronic copy (in PDF format, without printing physically and scanning) of the last 5 business electronic writings (whether Word documents, emails, etc.) written by the Mayor individually (not her staff on her behalf) to any City staff. If no such electronic writings exist, you must indicate there are no responsive records.

3. IMMEDIATE DISCLOSURE: personal property responsive to #1 or #2 containing public business, from the Mayor, per City of San Jose v Superior Court

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): 81856-14311352@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
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 17, 2021

Sent via email (103410-67956918@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 6, 2020, concerning a request to Office of the Medical Examiner. On February 25, 2021, the Medical Examiner produced records responsive to your request. We have reviewed the redactions the Medical Examiner applied to the documents and conclude that all such redactions were proper based on privacy. See Gov’t Code Secs. 6254(c), (k), 6254.29; Cal. Const. Art. I, Sec. 1.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
San Francisco Medical Examiner  
PRA Office  
1 Newhall Street  
San Francisco, CA 94124  

November 6, 2020  

This is a follow up to a previous request:  

Supervisor of Records Dennis Herrera,  

This is a 67.21(d) petition against the Office of the Medical Examiner for a determination in writing that the records withheld are, in whole or in part, public, and for an order for their disclosure.  

We requested via this email address:  
> All records related to the shooting and death of Cesar Vargas by SFPD (including but not limited to incident reports, statements, photos, exhibits, attachments, bodycam footage, CAD reports, 911 calls, and audio recordings of officers and dispatch during the incident, "investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports;" (PC 832.7(b)(2)), and also any emails or text messages sent or received by the officers involved in the incident or by Chief Scott regarding the incident)  

Some of these records are disclosable under Gov Code 6254(f)(2)(A) and 6254(f)(4), SF Admin Code 67.24(d), and/or Penal Code 832.7(b)(1)(A), and 832.7(b)(2).  

Autopsy results of Vargas are explicitly disclosable, notwithstanding under any other exemption, under PC 832.7 / SB 1421. The fact that they are in the possession of the Medical Examiner instead of a police agency has no relevance (Becerra v Superior Court).  

The agency appears to claim that all of these records are "official information". First, if the interpretation is that official information overrides SB 1421, then essentially all SB 1421 records can be withheld. EC 1040 can be used to withhold nearly any record. SB 1421 makes autopsy reports in police shootings disclosable, notwithstanding any other exemption.  

Regardless, to be exempt pursuant to EC 1040, not only does information need to be "official information," but the agency *also* must make one of the following findings (EC 1040(b)):  
(1) Disclosure is forbidden by an act of the Congress of the United States or a statute of this state.  
(2) Disclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice; but no privilege may be claimed under this paragraph if any person authorized to do so has consented that the information be disclosed.
in the proceeding. In determining whether disclosure of the information is against the public interest, the interest of the public entity as a party in the outcome of the proceeding may not be considered.

No federal or state law has been identified forbidding the disclosure.

The public interest in understanding the circumstances of the death of a person at the hands of law enforcement is extraordinarily high, and thus even if you do consider the balancing in (2) (though you should not), thus the balance is in favor of disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 103410-67956918@requests.muckrock.com
Upload documents directly:
%3Fnext%3D%2Faccounts%2Fagency_login%2Fsan-francisco-medical-examiner-19748%2Frecent-police-critical-incident-records-immediate-disclosure-request-sf-medical-examiner-
103410%252F%252Femail%252Dsupervisor.records%252Dsfcityatty.org&url_auth_token=AABu1Ok6QVNdVCVGGqfr
U_RDzjc%3A1kb7TO%3A2kAJPLSwCfqPLNkStmy90tG3v8
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 103410
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. 6, 2020:
Subject: RE: California Public Records Act Request: Recent Police Critical Incident Records - Immediate Disclosure Request - SF Medical Examiner
Department Administrative Guidelines cannot create exemptions and have no bearing on whether or not information is disclosable.
We will file immediate appeals. Do not destroy any records.
---

On Nov. 6, 2020:
Subject: RE: California Public Records Act Request: Recent Police Critical Incident Records - Immediate Disclosure Request - SF Medical Examiner
Hello,

This is in response to your request under the California Public Records Act submitted on October 12, 2020.

At this time, the Office of the Chief Medical Examiner has no records in response to your request other than records that are exempt from release under the California Public Records Act. The Department does not maintain peace officer
personnel records described by Penal Code 832.7(b), nor law enforcement information pursuant to SF Admin Code 67.24(d). The Department does not possess recordings that relate to a critical incident pursuant to Gov Code 6254(f)(4). Insofar as the Department has information described in Gov Code 6254(f)(2)(A), pursuant to the Department’s Administrative Guidelines 19-3 and 19-4, case records are not available prior to case closure. At this time, the Department is not providing records that you have requested pertaining to this case because they are protected from disclosure by the official information privilege. California Government Code § 6254(k) provides an exemption for records “the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.” California Evidence Code § 1040 provides an exception under state law for official information. This includes information acquired in confidence by a public employee in the course of his or her duties.

When non-exempt records are available for release, the Department will produce them as soon as reasonably possible.

Thank you,

Office of the Chief Medical Examiner
City and County of San Francisco
1 Newhall Street
San Francisco, CA 94124

---

On Oct. 12, 2020:
Subject: California Public Records Act Request: Recent Police Critical Incident Records - Immediate Disclosure Request - SF Medical Examiner
To Whom It May Concern:

Pursuant to the CPRA and the Sunshine Ordinance, I hereby request the following records as an Immediate Disclosure Request:
- All records related to the shooting and death of Cesar Vargas by SFPD (including but not limited to incident reports, statements, photos, exhibits, attachments, bodycam footage, CAD reports, 911 calls, and audio recordings of officers and dispatch during the incident, “investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports;” (PC 832.7(b)(2)), and also any emails or text messages sent or received by the officers involved in the incident or by Chief Scott regarding the incident)

The records listed above are disclosable due to one or more portions of state or local law, including but not limited to:
- Gov Code 6254(f)(2)(A) and 6254(f)(4) - exceptions to the law enforcement investigation exemptions requiring disclosure
- SF Admin Code 67.24(d)
- Penal Code 832.7(b)(1)(A) "(A) A record relating to the report, investigation, or findings of any of the following: (i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer. (ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury."

Furthermore: "Records that shall be released pursuant to this subdivision include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly
or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action."

No complaint or misconduct need be alleged - these records are disclosable due to the shooting and death of person involved.

You must provide exact copies and rolling responses. Electronic records must not be printed and scanned as that does not constitute a "copy" (see ruling against SFPD in SOTF 19098). You must justify every withholding of any information in writing. You must provide footnotes or other clear references to justify each and every redaction (see ruling against SFPD in SOTF 19098). If you do not provide correct copies of electronic records or do not justify by footnote or other clear reference each and every redaction, we will ask SOTF to again file official misconduct charges against Chief Scott before the Ethics Commission, as we did in SOTF 19112, pursuant to SFAC 67.34.

Thank you in advance for your anticipated cooperation in this matter.

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

Filed via MuckRock.com
E-mail (Preferred): 103410-67956918@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%252F%252Fsan-francisco-medical-examiner-19748%252Frecent-police-critical-incident-records-immediate-disclosure-request-sf-medical-examiner-103410%252F%252Femail%25252Fsupervisor.records%25252Fsfcityatty.org&url_auth_token=AABu1Ok6QVNdVCVGqfrU_RDzjc%3A1kb7TO%3A2kAJPLSwCfqPLNKvStmy90tG3v8

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 103410
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.
Ms. Zubkovskaya –

This is a response to your petition to the Supervisor of Records below concerning a request for records to the Department of Emergency Management. You state that you requested records under the California Information Practices Act and contend the Department of Emergency Management improperly responded to your request under that statute.

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 requested under the Sunshine Ordinance and California Public Records Act, without a lawful basis for doing so – for determining “whether the record requested, or any part of the record requested, is public.” The Supervisor of Records lacks jurisdiction to consider a department’s compliance with the California Information Practices Act. Nonetheless, we note that the Information Practices Act appears to apply only to agencies of the state government and not local government agencies like San Francisco. See Civil Code Sec. 1798.3(b)(4). Therefore, there is no issue for the Supervisor of Records to address, and we consider this 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

From: Maya Zubkovskaya < ... >
Sent: Monday, November 9, 2020 12:42 PM
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>
Subject: Appeal - Emergency Management

I have attached an appeal of a decision of the Department of Emergency Management in response to my records request pursuant to the California Information Practices Act.

You may reply by mail or e-mail.

Thank you.

Maya Zubkovskaya
I have attached an appeal of a decision of the Department of Emergency Management in response to my records request pursuant to the California Information Practices Act.

You may reply by mail or e-mail.

Thank you.

Maya Zubkovskaya
Attention: General Government Team
City Attorney / Supervisor of Records
1 Dr. Carlton B. Goodlett Pl Rm 234
San Francisco CA 94102

Dear Sir or Madam:

On February 19, 2020, I mailed a request to the Department of Emergency Management for dispatch records relating to an incident at my residence on February 14, 2020. In a letter dated March 6, 2020, the department disclosed records but redacted portions. The letter stated, without further explanation, that “disclosure would constitute an unwarranted invasion of privacy per California Government Code 6254(c) and San Francisco Administrative code 67.24.d.2.” I submitted an appeal on June 1, 2020. Jana Clark, deputy city attorney, denied my appeal on September 25, 2020.

On October 26, 2020, I requested, pursuant to the California Information Practices Act, “a copy of all personal information that the Department of Emergency Management maintains about me as it relates to an incident at my residence on February 14, 2020.” In a letter (copy enclosed) dated October 29, 2020, the department denied my request. The department did not reference the Information Practices Act and instead wrote that “disclosure would constitute an unwarranted invasion of privacy per California Government Code 6254(c) and San Francisco Administrative code 67.24.d.2.” I am writing to appeal.

The Information Practices Act requires an agency to permit a person to “inspect all the personal information in any record containing personal information[].” See Cal. Civ. Code §§ 1798.34 and 1798.3. The department ignored the Information Practices Act and instead adjudicated my request under the California Public Records Act and the Sunshine Ordinance. Regardless of whether the information that I requested might be exempt from mandatory disclosure pursuant to the California Public Records Act or the Sunshine Ordinance, the Information Practices Act clearly requires the department to provide this information to me.

I request that the department provide the records that I requested without redacting any information.

Thank you for your time.

Sincerely,

Maya Zubkovskaya

Enclosures
Dear Sir or Madam:

Pursuant to the California Information Practices Act, I request a copy of all personal information that the Department of Emergency Management maintains about me as it relates to an incident at my residence on February 14, 2020. I have enclosed a Request for Dispatch Records. I have already received a copy of the dispatch record pursuant to a prior request, but portions were redacted. I am now specifically requesting the information under the California Information Practices Act, which would not permit some or all of these redactions.

Thank you for your time.

Sincerely,

Maya Zubkovskaya

Enclosure
Date of Request: October 26, 2020

Requestor Name: Maya Zubkovskaya
Address: [redacted]
City/State/Zip: [redacted] Telephone: [redacted]

Records Requested:

- CAD Printout
- Telephone Audio ($35 – mail request with payment)
- Radio Audio ($35 – mail request with payment)
- Other (specify):

CAD Number: 02/14/2020 Case or Incident Number: 200113619
Date of Incident: 02/14/2020 Time of Incident: 3:50 PM
Incident Location: [redacted]

Other identifying information or details (be specific):

You may email the completed form to us at dem.records@sfgov.org. (If you are requesting audio files, please mail the request form with exact payment to avoid delay in receipt of the records requested.)

While you may request a CAD by email, we currently cannot distribute records by email.

I would like to inspect records, please mail the records to the address above. I understand I must pay any applicable fees before the Department will send the records.

Fee Schedule for Non-City & County Entities: (City & County Departments DO NOT use this request form)

Audio = $35.00 per audio request (To avoid a delay in receipt of records, please include payment with request)

Please pay the exact amount due. We cannot make change or accept partial payments.
Other Records = no charge if under 100 pgs.; $0.10 per pg. if greater than 100 pgs.

21st Annual SOR Report
APPENDIX - Page 884
To: MAYA ZUBKOVASKAYA
PO BOX 2111

From: Custodian of Records Unit

Date: October 29, 2020

RE: Records Request

We are in receipt of your second request for records regarding SFPD CAD 200452356.

We have reviewed your request and determined that we are unable to release the records in an unredacted format as portions of your requested record(s) include personal information and disclosure would constitute an unwarranted invasion of privacy per California Government Code 6254© and San Francisco Administrative code 67.24.d.2.

If you have any questions, please contact the Custodian of Records at (415) 558-3826 Monday through Friday 08:00am to 4:00pm or visit https://index.sfgov.org/#/home
Dear Anonymous –

We understand that the City Attorney’s Office has produced additional records in response to this request. If you continue to take issue with the production please let us know. As you know, determining compliance with the calendar disclosure requirements of Prop G is not within the purview of the Supervisor of Records. 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: Anonymous <arecordsrequestor@protonmail.com>  
Sent: Friday, November 27, 2020 2:02 AM  
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>  
Subject: Fwd: New SOTF Complaint - RE: Prop G calendars Nov 1-14 - Immediate Disclosure Request

Supervisor of Records Dennis Herrera,

This is a new 67.21(d) petition to you, against yourself, for the complete disclosure of your Prop G calendars from Nov 1-14. Attached is your responsive record.

Part 1:
You withheld parts of at least the following records, without any lawful justification:
- 4pm meeting on Nov 9
- 12:30pm meeting on Nov 12
- 1pm meeting on Nov 12
- 1:30pm meeting on Nov 12
- 3:30pm meeting on Nov 12
- 4pm meeting on Nov 12

In your November 19, 2019 response on a similar type of petition you state that not providing the individual view of calendar events doesn’t withhold information. You should now see that you are wrong. If you could somehow provide a complete and exact “copy” of the entire underlying meeting record using the summary weekly view, that might be ok - but it is not possible to do so.

Part 2:
Presuming you complied with SFAC 67.29-5 and SOTF Order 19108 against you, you must have recorded the statement of issues discussed with the Mayor on Nov 12 and the full list of attendees at that meeting (since not all are your dept employees) in a part of that Outlook entries. Please disclose it. No justification for withholding was provided. If of course this part of the record doesn't exist and you can't disclose it, that is a 67.29-5 violation.
Presuming you complied with SFAC 67.29-5 and SOTF Order 19108 against you, you must have recorded the statement of issues discussed with your staff at the check-in on Nov 11 in a part of that Outlook entry. Please disclose it. If of course this part of the record doesn’t exist and you can’t disclose it, that is a 67.29-5 violation.

Please note I am not asking you to create a record. If a record (say a corrected record with full 67.29-5 info) did not exist as of the date of my request, it is not a responsive record and is not subject to this petition.

=====

Please determine in writing that some or all of these parts of records are public, and (order yourself to) disclose them.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,
Anonymous

Sent from ProtonMail Mobile

---------- Forwarded message ---------
From: Anonymous<arecordsrequestor@protonmail.com>
Date: On Tue, Nov 24, 2020 at 8:20 PM
Subject: Fwd: New SOTF Complaint - RE: Prop G calendars Nov 1-14 - Immediate Disclosure Request
To: CityAttorney (CAT) <cityattorney@SFCITYATTY.ORG>,SOTF (SF) <sotf@sfgov.org>
Cc: CityAttorney (CAT) <cityattorney@SFCITYATTY.ORG>,COTE, JOHN (CAT) <John.Cote@sfcityatty.org>,odaya.buta@sfcityatty.org <odaya.buta@sfcityatty.org>
SOTF,

Please file a new complaint Anonymous vs Dennis Herrera, Odaya Buta, and the Office of the City Attorney under this email address and provide me with a file number.
I will fill out a complaint form as well.

Summary:
I requested Prop G calendars for approximately 2 weeks to test the compliance of the City Attorney with prior order 19108.
They have not complied with my new request correctly either. The request and response are below in the email thread. Attached are the responsive records. Please include this full thread and the PDF attached in the formal complaint file.

Allegations:
You should take as proven any allegation that the Respondents do not specifically deny.

67.34 - willful violation and official misconduct by elected official
against Herrera personally
• In Order 19108, you found that Herrera personally violated SFAC 67.29-5, for not recording the locations and issued discussed at his meetings in his calendar.
• Herrera was therefore on notice that his conduct regarding Prop G calendars discussed below was illegal. He has thus willfully failed to comply with the Sunshine Ordinance and should, in addition to your orders against him, be referred to the Ethics Commission.

67.29-5(a) - failure by the City Attorney to record or cause to be recorded the statement of issues discussed in his Prop G calendar against Herrera personally

• We will use the example of Herrera's meeting with the Mayor on Nov 12 as it is the most egregious example, but there are more.
• What issues did Herrera discuss with the Mayor? It is not recorded in the calendar. Nowhere, either, is there a redaction with a justification if it was in fact recorded and for example allegedly exempt as A/C privileged.
• Consider also the 11am meeting on Nov 12: "Teleconference with Staff re: Check In" - what issue was discussed? Given that this one doesn't say "legal issues" this shouldn't be exempt.
• Herrera's calendar is rife with vague nonsense subject lines that tell how a meeting was generally conducted, but that fails to state the issues discussed as required by Order 19108 and SF Admin Code 67.29-5.
• This specific issue was ruled on in 19108, and Herrera's refusal to comply is official misconduct (see above). Because Prop G calendars are backwards looking at Herrera is permitted 3 business days after the event to construct the record there is no excuse for such vague non-statements of issues.

67.29-5(b,c,d,e) - failure by the City Attorney to record or cause to be recorded other attendees in his Prop G calendar against Herrera personally

• Herrera is permitted not to record attendees in a variety of circumstances, one of which is if every attendee is in his department. But in at least a few of these meetings, notably with the Mayor (Nov 12) and presumably for continuing legal education (Nov 5), there are likely attendees who are not his own employees, and thus he should record and disclose those attendees.
• This specific issue was not previously ruled on in 19108 so it is separated out here.

67.26 - withholding not kept to a minimum and/or 67.21 - incomplete response against Herrera, Buta, and the Office of the City Attorney

• Respondents failed even to produce the actual complete Prop G calendar record that currently exists.
• They have unlawfully provided only a portion by using an Outlook summary view that "cuts off" information that doesn't fit within the small "square" for each day (see Nov 9 and Nov 12 where the locations are cutoff). There exists on CAO computers a record that presumably has all parts of the Prop G elements that they actually recorded.
• This was discussed extensively in SOTF 19047 Anonymous v Breed. If the way that the City reproduces a calendar record to me withholds any part of the record by "cutting off" any information stored in Outlook, that does not constitute a "copy" of the underlying record,
and/or unlawfully withholds (by deletion) without justification that specific portion of the calendar record that was "cut off".

- The fact that this specific violation is likely due to the carelessness of CAO as opposed to intentional withholding is irrelevant. I've already informed the CAO many months ago and in various complaints that they should just provide the individual meeting entries which would not "cut off" such information (as I was able to force Breed to do in 19047), but persisting in their illegal way of providing partial copies of public records is by their choice.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous

-------- Original Message --------
On Tuesday, November 24th, 2020 at 5:13 PM, CityAttorney (CAT) <cityattorney@SFCITYATTY.ORG> wrote:

Dear requester,

I am responding on behalf of the City Attorney’s Office to your public records request. Attached to this email please find the responsive records. Please note that we redacted the calendar entries for the dates that you did not request.

Please send replies to cityattorney@sfcityatty.org

Sincerely,

Odaya Buta
Paralegal
Office of City Attorney Dennis Herrera
Dennis Herrera,

Please provide your "Prop G" (Admin Code 67.29-5) calendar records that already exist at the time you receive this request for the dates Nov 1 - Nov 14, 2020.

If you make these records after the time you receive this request, they are not responsive records.

You should have created (or required your staff to create) those records no later than 3 business days after each event day, and these entries should comply with SOTF 19108 where you were found to have violated the law for not recording the location and issues discussed at your meetings.

Please remember that if a record does not exist when a public records request is received, the answer is that you have no records responsive to the request. We will use further requests to determine exactly when you or your staff made the records, so please don't lie.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous
January 12, 2021

Sent via email (104501-34643874@requests.muckrock.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your December 10, 2020, petition to the Supervisor of Records seeking a determination whether the San Francisco District Attorney (“SFDA”) unlawfully withheld “Brady, Giglio, potential impeachment, or unreliable witness lists” created by the San SFDA, or created by another party but in the SFDA’s possession, in response to your November 3, 2020, request.

We have reviewed the SFDA’s response to your request and the categories of responsive records withheld by the SFDA, and we determine that the SFDA properly withheld all Brady, Giglio, potential impeachment, or unreliable witness lists in the SFDA’s possession because all responsive records are exempt from disclosure under California Public Records Act, Government Code 6250, et seq. and the San Francisco Sunshine Ordinance.

**The Requested Lists Are Exempt from Disclosure in Their Entirety.**

The requested lists created by the SFDA’s office are exempt from disclosure in their entirety as attorney work product under Government Code section 6254(k), Penal Code section 1054.5, and Code of Civil Procedure section 2018.030. The only lists in the requested categories that are created by an outside agency and maintained by the SFDA’s office are lists provided to the SFDA by the San Francisco Police Department (“SFPD”), and such lists are exempt from disclosure in their entirety under Government Code sections 6254.5(e) and 6254(k), and under Evidence Code 1040(b)(2) (the official information privilege), as the lists were provided to the SFDA by the SFPD with an explicit confidentiality designation, and the public interest in withholding the records outweighs the public interest in disclosure because disclosure of the requested lists would impede the SFDA’s ability to comply with its Brady and Giglio obligations while protecting the integrity of ongoing and future investigations. For the same reasons, the lists are exempt from disclosure in their entirety under Government Code section 6255 based on the fact that the interest in withholding these materials outweighs the public interest in disclosure. To the extent disclosure of the requested lists would impede the SFDA’s core state law prosecutorial function, the SFDA is not bound by any provision in the Sunshine Ordinance that would compel disclosure of these lists. See Rivero v. Superior Ct., 54 Cal. App. 4th 1048 (1997). In addition, the Mayor’s Fifth Supplement to the Proclamation of Local Emergency, dated March 23, 2020, at Section 7(d), waived the prohibition in Administrative Code section 67.24(g) and (i) on withholding records in reliance on the general balancing test in Government Code Section 6255.

//
Additional Privileges or Exemptions Apply to Much or All Included Information.

Much or all of the content of the lists are also exempt from disclosure on the following bases:

- Information in the lists that reflects peace officer personnel record information under Penal Code section 832.7 is protected from disclosure under that section, under Government Code section 6254(c), under Government Code section 6254(k), and under Article I, Section 1 of the California constitution because disclosure would constitute an unwarranted invasion of personal privacy. To the extent certain responsive information falls within the categories of peace officer information covered by SB 1421, which amended Penal Code section 832.7 to remove the confidentiality restrictions over specific categories of peace officer personnel records relating to several types of officer misconduct, that information is nonetheless subject to withholding on the bases set forth above. California courts have recognized that SB 1421 did not abrogate other exemptions available under the CPRA with regard to records made public by that bill. See Becerra v. Superior Ct., 44 Cal. App. 5th 897, 923-29 (2020).

- Records that reflect complaints to and investigations conducted by a law enforcement agency, or are maintained in the investigative files of a law enforcement agency, are protected from disclosure under Government Code section 6254(f), even after the investigation is completed, as disclosure may impede ongoing or future investigations and prosecutions. See also Rivero, 54 Cal. App. 4th 1048.

- Criminal offender record information is protected from disclosure under Penal Code section 13102.

For the reasons stated above, your petition is denied.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/ Jon Givner

JON GIVNER
Deputy City Attorney
San Francisco District Attorney's office  
PRA Office  
Room 322  
850 Bryant Street  
SF, CA 94103  

December 10, 2020  

This is a follow up to a previous request:  

Supervisor of Records Dennis Herrera,  

This is a 67.21(d) petition for a determination in writing whether any part of the following records not produced by the DA (which is "your office" below) are public and an order for their disclosure.  

1. All Brady, Giglio, potential impeachment, or unreliable witness lists ever created by the District Attorney's office, including every version you currently retain in any form. Such records do not escape the exceptions to the exemptions of PC 832.7 merely because the persons do not work for your office, Becerra v Superior Court (First Amendment Coalition, 2020).  

2. All Brady, Giglio, potential impeachment, or unreliable witness lists ever created by any other party in the possession of your office, including every version you currently retain in any form. Such records do not escape the exceptions to the exemptions of PC 832.7 merely because the persons do not work for your office, Becerra v Superior Court (First Amendment Coalition, 2020).  

--Anonymous  

Filed via MuckRock.com  
E-mail (Preferred): 104501-34643874@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 104501
On Dec. 10, 2020:
Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF District Attorney
Since you have violated the law (SFAC 67.26) and refused to answer, further appeals will be filed.

---

On Nov. 30, 2020:
Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF District Attorney
Thank you. Since you have denied access to some portions of records (i.e the SB 1421 redactions),
1) you must provide me the name and title of the person responsible for the denial pursuant to CPRA.
2) you must key each redaction by footnote or clear reference to a lawful justification, pursuant to SFAC 67.26

For example, the Police Commission uses https://cdn.muckrock.com/foia_files/2020/11/12/Commission_Redaction_Index.pdf as the key, and then puts the associated key number on every redaction in their SB 1421 records.

Have you forgotten to provide me this key, or has the DA not complied with that law?

--Anonymous

---

On Nov. 30, 2020:
Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF District Attorney
Here are the hyperlinks you requested:
https://app.box.com/folder/82573004142?s=7pj7dwzxm7025vjxmv24a1xfrpvtnpm9

https://sfdistrictattorney.org/policy/independent-investigations-bureau/

---

On Nov. 30, 2020:
Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF District Attorney
1) THe hyperlinks to your SB 1421 do not work in your pdf - please provide the full URLs in the email.
2) Since you have refused to within 24 days provide notice of disclosable public records for requests 1 and 2, appeals will be filed immediately.

--Anonymous

---
On Nov. 30, 2020:
Subject: RE: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF District Attorney
Please find an updated response to your request. Thank you again for your patience.
Sincerely,
SFDA Public Records.

---

On Nov. 3, 2020:
Subject: California Public Records Act Request: Brady, Giglio, and Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF District Attorney
District Attorney Boudin and Office of the District Attorney:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency. Your initial response is required by Nov 4, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints. We have and will continue to file appeals and complaints for every public records violation committed by the city (see rulings in our favor in SOTF 19044 Anonymous v City Attorney's Office, 19047 Anonymous v Breed, 19091 Anonymous v Office of the Mayor, 19098 Anonymous v SFPD, 19108 Anonymous v Herrera, 19112 Anonymous v Scott).

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******
1. All Brady, Giglio, potential impeachment, or unreliable witness lists ever created by the District Attorney's office, including every version you currently retain in any form. Such records do not escape the exceptions to the exemptions of PC 832.7 merely because the persons do not work for your office, Becerra v Superior Court (First Amendment Coalition, 2020).

2. All Brady, Giglio, potential impeachment, or unreliable witness lists ever created by any other party in the possession of your office, including every version you currently retain in any form. Such records do not escape the exceptions to the exemptions of PC 832.7 merely because the persons do not work for your office, Becerra v Superior Court (First Amendment Coalition, 2020).

3. In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any misconduct records you must release your own copies, regardless of what SFPD/DPA/SFSD do. But here's the full request: Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven’t read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called “catchall exemption” of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure."

However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 104501-34643874@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 104501
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.
March 9, 2021

Sent via email (101873-82886409@requests.muckrock.com
101881-59039007@requests.muckrock
101880-62496108@requests.muckrock.com
arecordsrequestor@protonmail.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to the following petitions to the Supervisor of Records concerning prospective calendars of certain public officials:

1. A petition against the San Francisco Police Department (“SFPD”) dated September 16, 2020, from 101873-82886409@requests.muckrock.com, alleging SFPD unlawfully withheld parts of the prospective calendar of the Chief of Police

2. A petition against the City Attorney’s Office dated October 1, 2020, from 101881-59039007@requests.muckrock.com, alleging the City Attorney’s Office unlawfully withheld parts of the City Attorney’s prospective calendar

3. A petition against the Mayor’s Office, dated October 1, 2020, from 101880-62496108@requests.muckrock.com, alleging the Mayor’s Office unlawfully withheld parts of the Mayor’s prospective calendar

4. A petition against the City Attorney’s Office dated December 14, 2020, from arecordsrequestor@protonmail.com, alleging the City Attorney’s Office unlawfully withheld parts of the City Attorney’s prospective calendar

5. A petition against the City Attorney’s Office dated December 17, 2020, from arecordsrequestor@protonmail.com, which we understand contests the withholding of recurrence information concerning the City Attorney’s meetings

6. A petition against the Mayor’s Office, dated December 29, 2020, from arecordsrequestor@protonmail.com, alleging the Mayor’s Office unlawfully withheld parts of the Mayor’s prospective calendar

7. A petition dated February 12, 2021, from arecordsrequestor@protonmail.com that the requester states concerns the following requests for prospective calendars to several departments:
We previously determined that the Mayor and the Chief of Police may withhold prospective calendar entries to protect their personal safety, and we have also withheld the City Attorney’s prospective calendar on this basis. After further consideration of this issue, we have now concluded that these officials may safely and legally disclose certain information about future meetings, including the subject matter of the meeting and the attendees, if that information is recorded in their calendars, and the week during which the meeting will occur. Due to security concerns, the departments may continue to withhold the location, time, and specific date of each meeting. See Gov’t Code Sec. 6254(f), (k), Evid. Code Sec. 1040; Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991); County of Los Angeles v. Superior Court, 82 Cal. App. 4th 819, 834-35 (2000).
Accordingly, we understand that the departments will respond to your requests consistent with this determination if they have not done so already. This response resolves the petitions above and we now consider them closed.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Buta, Odaya (CAT)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Monday, December 14, 2020 4:22 PM
To: SOTF, (BOS); Supervisor Records (CAT)
Cc: Buta, Odaya (CAT); CityAttorney (CAT); Feitelberg, Brittany (CAT)
Subject: New Complaint re Future Calendars - vs Herrera, Buta, and CAO

SOTF: Please file a new complaint Anonymous v Dennis Herrera, Odaya Buta, Office of the City Attorney

SUPERVISOR OF RECORDS: Please determine in writing one or more parts of these records are public and order their disclosure pursuant to 67.21(d).

Issue:

Buta rejected our Dec 3 request for future Herrera calendars in its entirety on Dec 14. It is frankly unclear why they wait 10 days to reject these requests in their entirety.

We thank you for your patience. Kindly note that our office respectfully decline to share the calendar dates you requested for 01/15/2021- 02/01/2021 at this time, as those dates are not yet past, based on Government Code section 6254(f), Evidence Code section 1040, and Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991). If you would like to receive a copy of the calendar for those dates after they have passed, please submit another request at the appropriate time.

Per your rulings in SOTF 18075 vs the District Attorney, SOTF 19112 vs the Chief of Police, and SOTF 19103 vs the Mayor herself, future calendars are public and disclosable and must be minimally redacted.

Note that Gov Code 6254(f) - security procedures - has relevance only to information such as the location of the meeting, not the entirety of the meeting.

Evidence Code 1040 has no relevance to these records. No harm to justice has been described. It is not possible for Herrera to refuse his own calendars in public.

This is the City’s new manifestation of Gov Code 6255, and should just be ignored.

Times Mirror relies on Gov Code 6255 and cannot be used.

Even if it is used, the topics/attendees of the future meeting has nothing to do with Herrera's security and protects only Herrera's deliberative process, banned by SF Admin Code 67.24(h) even under the purported COVID suspensions of the Sunshine Ordinance.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous
March 9, 2021

Sent via email (101873-82886409@requests.muckrock.com
101881-59039007@requests.muckrock
101880-62496108@requests.muckrock.com
arecordsrequestor@protonmail.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to the following petitions to the Supervisor of Records concerning prospective calendars of certain public officials:

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2. A petition against the City Attorney’s Office dated October 1, 2020, from 101881-59039007@requests.muckrock.com, alleging the City Attorney’s Office unlawfully withheld parts of the City Attorney’s prospective calendar

3. A petition against the Mayor’s Office, dated October 1, 2020, from 101880-62496108@requests.muckrock.com, alleging the Mayor’s Office unlawfully withheld parts of the Mayor’s prospective calendar

4. A petition against the City Attorney’s Office dated December 14, 2020, from arecordsrequestor@protonmail.com, alleging the City Attorney’s Office unlawfully withheld parts of the City Attorney’s prospective calendar

5. A petition against the City Attorney’s Office dated December 17, 2020, from arecordsrequestor@protonmail.com, which we understand contests the withholding of recurrence information concerning the City Attorney’s meetings

6. A petition against the Mayor’s Office, dated December 29, 2020, from arecordsrequestor@protonmail.com, alleging the Mayor’s Office unlawfully withheld parts of the Mayor’s prospective calendar

7. A petition dated February 12, 2021, from arecordsrequestor@protonmail.com that the requester states concerns the following requests for prospective calendars to several departments:
a. A request from 81242-04060798@requests.muckrock.com dated October 4, 2019 for the Mayor's October 21-28 calendar

b. A request from 81411-90616367@requests.muckrock.com dated December 8, 2019 for the City Attorney’s December 18-26 calendar entries

c. A request from 81411-90616367@requests.muckrock.com dated October 8, 2019 for the City Attorney’s October 21-28 calendar

d. A request from arecordsrequestor@protonmail.com dated January 23, 2020, numbered 1, 2, and 7 for the City Attorney’s future calendar

e. A request from 81412-71801448@requests.muckrock.com dated October 8, 2019 for the Chief of Police’s October 21-28 calendar

f. A request from 81412-71801448@requests.muckrock.com dated September 29, 2020 for the Chief of Police’s October 1-14 calendar

g. A request from 84168-39742724@requests.muckrock.com dated November 6, 2020 for the Sheriff’s February 14-28 calendar

h. A request from 84161-98819586@requests.muckrock.com dated December 7, 2019 for the Controller’s future calendar, specifically certain future recurrence information

i. Various requests from arecordsrequestor@protonmail dated December 29, 2020 for the Mayor’s future calendar

j. Various requests from 82814-07144940@requests.muckrock.com for the Mayor’s future calendar

We previously determined that the Mayor and the Chief of Police may withhold prospective calendar entries to protect their personal safety, and we have also withheld the City Attorney’s prospective calendar on this basis. After further consideration of this issue, we have now concluded that these officials may safely and legally disclose certain information about future meetings, including the subject matter of the meeting and the attendees, if that information is recorded in their calendars, and the week during which the meeting will occur. Due to security concerns, the departments may continue to withhold the location, time, and specific date of each meeting. See Gov’t Code Sec. 6254(f), (k), Evid. Code Sec. 1040; Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991); County of Los Angeles v. Superior Court, 82 Cal. App. 4th 819, 834-35 (2000).
Accordingly, we understand that the departments will respond to your requests consistent with this determination if they have not done so already. This response resolves the petitions above and we now consider them closed.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Supervisor of Records Dennis Herrera:

This is a 67.21(d) petition against yourself, Brittany Feitelberg, John Cote, Odaya Buta, and the Office of the City Attorney. Please determine in writing that one or more parts of the challenged records are public and order them disclosed. The request, response, and SOTF complaint are below. Records are attached. The arguments of the SOTF complaint below are incorporated by reference into this petition. I challenge two sets of withholdings:

1) The unknown records that were withheld in entirety for unknown privileges.

2) Brittney Feitelberg’s Recurrence and Recurrence Pattern on pages 1 and 2 of the responsive records (to prevent public knowledge of her future meetings). Times Mirror has no relevance to this record: Feitelberg is not a senior elected official (though we do not concede the Governor’s protection under Times Mirror can be broadened to include the Mayor or City Attorney anyway). She likely lacks any kind of police security detail so Gov Code 6254(f) does not apply; and knowledge of the times of a web conference call could not possibly endanger any security procedure. Evid Code 1040 require that Feitelberg have received the recurrence of her own meetings in confidence - that doesn’t make any sense, they are her own meetings. Also, no state or federal law outlawing disclosure has been demonstrated (1040(b)(1)); and knowledge of Feitelberg’s future meetings causes no harm to the interests of justice (1040(b)(2)). This is just an absurd overreach of these exemptions.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous

------- Original Message -------
On Thursday, December 17th, 2020 at 5:41 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

SOTF:

Please file a new complaint Anonymous v Dennis Herrera, Brittany Feitelberg, John Cote, Odaya Buta, and the Office of the City Attorney
Request and response are in the thread below. Records are attached.

Ms. Leger - there are numerous pending CAO complaints from me for all sorts of different reasons, I am happy to combine them if the SOTF would prefer that, but I am not willing to waive any one of the many different issues, and they are not really the same legal question. Please let me know if a phone call would help sort out all the recent CAO complaints.

Violations:

1. **SFAC 67.27:** The response states "Attached to this email please find the responsive non-privileged records." It appears that CAO is withholding some records in entirety based on unknown privileges. As you recently held in SOTF 19140 Malloy v Dept of Human Resources, merely stating "privilege" is not a specific enough written justification for withholding a record. Which privileges (i.e. Evid Code sections) apply must be specifically cited. It is not up to the requestor to infer or guess any justification for withholding, and no amount of "obviousness" matters - the specific sections must be cited in writing. It is also unknown against which of my 3 original requests the records were withheld. (If no John Cote records have been withheld, he can be dismissed as a respondent as there are no other issues for his records). As you will see below, the respondents also fail to be specific about which of numerous provisions actually exempt the information. They do this so that I cannot effectively argue here why the information does not meet the requirements of those exemptions. If the City is forced to take a specific position about which specific justifications were being used this whole process would be smoother.

2. **SFAC 67.26:** Feitelberg's future meeting information (via a recurrence) has been withheld. See your own rulings SOTF 19112 v Chief Scott and 19103 v Mayor Breed.

3. **SFAC 67.27:** What's interesting here is Feitelberg almost certainly lacks a police protection detail (she is apparently a "Sr. Claims Investigator"), so the Gov Code 6254(f) citation used for security procedures of a local police agency (as used by Mayor Breed in SOTF 19103) likely does not make sense. But the SOTF can only judge the 6254(f) citation with some more explanation of which of the numerous provision in 6254(f) apply here and the lack of detail makes this difficult for no reason. If you determine that 6254(f) is either irrelevant or not specific enough, find a 67.27 violation. The City cannot throw spaghetti at the wall and see what sticks, it must only use relevant justifications (otherwise they could merely cite all CPRA justifications as the Sheriff's office did).

4. **SFAC 67.24(g,h,i) and/or 67.27:** Times Mirror Co v Superior Court (1991) cannot be used by Feitelberg to withhold her future calendar information. She has no deliberative process privilege. Exemptions like Times Mirror must be narrowly construed: Feitelberg is not the Governor of California, nor is she another senior elected official (who we do not concede are covered by Times anyway). The case relies on Gov Code 6255 alone for its decision. Even if you were to consider the balancing test, SOTF should determine that the public interest in non-disclosure does not clearly outweigh the public interest in disclosure in Feitelberg's future meetings. Times Mirror's opinion is clear that it is not a blanket exemption and that on the facts of a particular case the balancing test may turn out differently.

5. **SFAC 67.27:** Evid Code 1040 is an invalid citation for Feitelberg's future calendar recurrences (I am not disputing the redacted conference call ids, though EC 1040 is hardly the right justification for it). First, Evid Code 1040 requires as a threshold issue that Feitelberg have "acquired in confidence" these records. How can a person acquire their own calendar records in confidence? Thus EC 1040 is simply irrelevant. Second, Evid Code 1040 contains two distinct exemptions (b)(1) and (b)(2). Respondents should have cited which justification applies. 1040 (b)(2) is a balancing test and cannot be used; but if were to be used, SOTF should find in favor of disclosure because knowing Feitelberg's future calendar poses no threat to the "interests of justice" which is the sole thing protected by 1040 (b)(2). 1040 (b)(1) requires a federal act of Congress or state statute outlawing the release - no such law has been cited, and it is unlikely
any such law exists. Moreover, Evid Code 1040 is meant to protect information whose disclosure would threaten the proper execution of justice - such as leaking the content of whistleblower evidence (protecting whistleblower identity is in the closely related Evid Code 1041). "Official information privilege" is being abused here in a way that has nothing to do with its intent. Herrera has found a new catch-all exemption because the people of San Francisco took away Gov Code 6255(a), and this abuse of Evid Code 1040 should not be allowed.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous

------- Original Message -------
On Thursday, December 17th, 2020 at 3:42 PM, CityAttorney (CAT) <cityattorney@SFCITYATTY.ORG> wrote:

Dear requester,

I am responding on behalf of the City Attorney's Office to your below records request. Attached to this email please find the responsive non-privileged records.


We have also redacted an email address on page 2 based on privacy. See Cal Const., Article I, section 1; Cal. Government Code Section 6254 (c), (k); Admin. Code Section 67.1(g)

And, information related to webex access was redacted on pages 1, 2, and 10. See Evidence Code section 1040.
This is an immediate disclosure request for:

1. “Each Outlook meeting or invite record for Dennis Herrera - on every calendar, government or personal - for December 1, 2020 in the following electronic form: a
"Memo Style" separate PDF of each event on the Outlook calendar, which is both available and easy to generate pursuant to SF Admin Code 67.21(L)

2. "Each Outlook meeting or invite record for Brittany Feitelberg - on every calendar, government or personal - for December 1, 2020 in the following electronic form: a "Memo Style" separate PDF of each event on the Outlook calendar, which is both available and easy to generate pursuant to SF Admin Code 67.21(L)"

2. "Each Outlook meeting or invite record for John Cote - on every calendar, government or personal - for Nov 24, 2020 in the following electronic form: a "Memo Style" separate PDF of each event on the Outlook calendar, which is both available and easy to generate pursuant to SF Admin Code 67.21(L)"

You recently provided this so you are well aware of what it is and how to provide it.

You must provide all records related to the conduct of public business on personal accounts/devices.

Don't forget to key every redaction with either a footnote or other clear reference to a justification.

Thanks!

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous
Feitelberg, Brittany (CAT)

Subject: 10:00am: WEBEX Daily Executive Call
Location: 
Start: Tue 12/1/2020 10:00 AM
End: Tue 12/1/2020 11:00 AM

Recurrence: [ ]
Recurrence Pattern: 

Meeting Status: Meeting organizer

Organizer: Feitelberg, Brittany (CAT)
Required Attendees Flynn, Ronald (CAT); Smith, Jesse (CAT)

Join by video system
Dial [__________]
You can also dial [______] and enter your meeting number.

Join by phone
United States Toll 1
United States Toll
Access code: [______]
Feitelberg, Brittany (CAT)

Subject: 3:30pm: WEBEX Daily Executive Call
Location: [redacted]
Start: Tue 12/1/2020 3:30 PM
End: Tue 12/1/2020 4:00 PM

Recurrence: [redacted]
Recurrence Pattern: [redacted]
Meeting Status: Meeting organizer

Organizer: Feitelberg, Brittany (CAT)
Required Attendees: Flynn, Ronald (CAT); Smith, Jesse (CAT); Walsh, Moira (CAT)
Optional Attendees: [redacted]

Join by video system
Dial [redacted] and enter your host PIN.
You can also dial [redacted] and enter your meeting number.

Join by phone
- United States Toll 1
- United States Toll
Access code: [redacted]
<table>
<thead>
<tr>
<th><strong>Subject:</strong></th>
<th>Review Advice/Staff Consultation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location:</strong></td>
<td>City Hall, Room 234</td>
</tr>
<tr>
<td><strong>Start:</strong></td>
<td>Tue 12/1/2020 8:00 AM</td>
</tr>
<tr>
<td><strong>End:</strong></td>
<td>Tue 12/1/2020 9:30 AM</td>
</tr>
<tr>
<td><strong>Recurrence:</strong></td>
<td>(none)</td>
</tr>
<tr>
<td><strong>Organizer:</strong></td>
<td>CityAttorney (CAT)</td>
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</tbody>
</table>
Feitelberg, Brittany (CAT)

Subject:   Teleconference with DCA re: Legal Issues
Location:  City Hall, Room 234

Start:     Tue 12/1/2020 9:30 AM
End:       Tue 12/1/2020 10:00 AM

Recurrence: (none)

Organizer: CityAttorney (CAT)
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<td><strong>Recurrence:</strong></td>
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<tr>
<td><strong>Organizer:</strong></td>
</tr>
</tbody>
</table>
Subject:    Teleconference with DCA re: Personnel Issue
Location:  City Hall, Room 234
Start:     Tue 12/1/2020 11:00 AM
End:       Tue 12/1/2020 11:30 AM
Recurrence: (none)
Organizer: CityAttorney (CAT)
Feitelberg, Brittany (CAT)

**Subject:** Review Advice/Staff Consultation  
**Location:** City Hall, Room 234

**Start:** Tue 12/1/2020 11:30 AM  
**End:** Tue 12/1/2020 3:30 PM

**Recurrence:** (none)  
**Organizer:** CityAttorney (CAT)
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<tr>
<th><strong>Subject:</strong></th>
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<tr>
<td><strong>End:</strong></td>
<td>Tue 12/1/2020 4:00 PM</td>
</tr>
<tr>
<td><strong>Recurrence:</strong></td>
<td>(none)</td>
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<td><strong>Organizer:</strong></td>
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Feitelberg, Brittany (CAT)

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<tr>
<td>Location</td>
<td>City Hall, Room 234</td>
</tr>
<tr>
<td>Start</td>
<td>Tue 12/1/2020 4:00 PM</td>
</tr>
<tr>
<td>End</td>
<td>Tue 12/1/2020 5:00 PM</td>
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<tr>
<td>Recurrence</td>
<td>(none)</td>
</tr>
<tr>
<td>Organizer</td>
<td>CityAttorney (CAT)</td>
</tr>
</tbody>
</table>
Subject: DPH/CAT Tuesday check in
Location: Microsoft Teams Meeting
Start: Tue 11/24/2020 2:00 PM
End: Tue 11/24/2020 2:30 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Tentatively accepted
Organizer: Varisto, Michaela (DPH)

Microsoft Teams meeting

Join on your computer or mobile app
Click here to join the meeting

Or call in (audio only)
Phone Conference ID:
Find a local number | Reset PIN

Learn More | Meeting options
File No. 20010: Complaint filed by Patrick Monette-Shaw against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b) and 67.25(d), by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.
January 15, 2021

Sent via email (103409-77350989@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 December 18, 2020, concerning a request to the San Francisco Police Department (“SFPD”) for records regarding an officer involved shooting of Cesar Vargas. SFPD produced records on October 23, 2020, including the notes from a town hall concerning the shooting, crime scene photos, body worn camera footage, surveillance video, and dispatch audio. SFPD declined to release other records due to the ongoing nature of the investigation under Government Code Section 6254(f). SFPD further stated that it was withholding records otherwise public under SB1421 pursuant to the delayed disclosure provision of Section 832.7(b)(7)(A)(ii), because disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer who used force.

We find that SFPD properly withheld records on the bases cited above.

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

December 18, 2020

This is a follow up to request number P016344-101620:

Supervisor of Records Dennis Herrera,

This is a petition under 67.21(d) - please issue a written determination that one or more records or parts thereof withheld are public and order them disclosed.

SFPD refuses to release records under Gov Code 6254(f) regarding a death by police shooting.

SB 1421 specifically excludes Gov Code 6254(f) as a lawful exemption for these records. P

These records must be released pursuant to the second phrase of 832.7(b)(1) ("Notwithstanding ... subdivision (f) of Section 6254 of the Government Code") and because they qualify under PC 832.7(b)(1)(A)(i) and 832.7(b)(1)(A)(ii)

Penal Code 832.7(b) states:

(b) (1) Notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, or any other law, the following peace officer or custodial officer personnel records and records maintained by any state or local agency shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code):

(A) A record relating to the report, investigation, or findings of any of the following:

(i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.

(ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 103409-77350989@requests.muckrock.com
Upload documents directly:
For mailed responses, please address (see note):
MuckRock News
DEPT MR 103409
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, 2020,
Subject: Public Records Request :: P016344-101620
Attachments:
PRA_16344_2nd_extension_letter.pdf

--- Please respond above this line ---

December 18, 2020
Via email 103409-77350989@requests.muckrock.com

Anonymous,

 RE: S.B. 1421 Public Records Request, dated October 16, 2020, Reference # P016344-101620

Dear Anonymous:

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

Sincerely,
Lieutenant Kathryn Waaland #1361
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. 23, 2020:

Subject: Public Records Request :: P016344-101620

Attachments:

PRA_16344_--_20-003_Response_10-23-20.pdf

---

October 23, 2020
Via email 103409-77350989@requests.muckrock.com

Anonymous,

RE: S.B. 1421 Public Records Request, dated October 16, 2020, Reference # P016344-101620

Dear Anonymous:

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

Sincerely,

Lieutenant Kathryn Waaland #1361
Officer in Charge

Risk Management - Legal Division

To monitor the progress or update this request please log into the SFPD Public Records Center.
21st Annual SOR Report
APPENDIX - Page 926

---

On Oct. 16, 2020:
Subject: Public Records Request :: P016344-101620
Attachments:
PRA_16344_extension_letter.pdf

--- Please respond above this line ---

October 16, 2020
Via email 103409-77350989@requests.muckrock.com

Anonymous,

RE: S.B. 1421 Public Records Request, dated October 16, 2020, Reference # P016344-101620

Dear Anonymous:

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

Sincerely,
Lieutenant Kathryn Waaland #1361
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 ---
On Oct. 12, 2020:
Subject: California Public Records Act Request: Recent Police Critical Incident Records - Immediate Disclosure Request - SFPD
To Whom It May Concern:

Pursuant to the CPRA and the Sunshine Ordinance, I hereby request the following records as an Immediate Disclosure Request:

- All records related to the shooting and death of Cesar Vargas by SFPD (including but not limited to incident reports, statements, photos, exhibits, attachments, bodycam footage, CAD reports, 911 calls, and audio recordings of officers and dispatch during the incident, "investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports;" (PC 832.7(b)(2)), and also any emails or text messages sent or received by the officers involved in the incident or by Chief Scott regarding the incident)

The records listed above are disclosable due to one or more portions of state or local law, including but not limited to:

- Gov Code 6254(f)(2)(A) and 6254(f)(4) - exceptions to the law enforcement investigation exemptions requiring disclosure
- SF Admin Code 67.24(d)
- Penal Code 832.7(b)(1)(A) "(A) A record relating to the report, investigation, or findings of any of the following:
(i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer. 
(ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury."

Furthermore: "Records that shall be released pursuant to this subdivision include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action."

No complaint or misconduct need be alleged - these records are disclosable due to the shooting and death of person involved.

You must provide exact copies and rolling responses. Electronic records must not be printed and scanned as that does not constitute a "copy" (see ruling against SFPD in SOTF 19098). You must justify every withholding of any information in writing. You must provide footnotes or other clear references to justify each and every redaction (see ruling against SFPD in SOTF 19098). If you do not provide correct copies of electronic records or do not justify by footnote or other clear reference each and every redaction, we will ask SOTF to again file official misconduct charges against Chief Scott before the Ethics Commission, as we did in SOTF 19112, pursuant to SFAC 67.34.

Thank you in advance for your anticipated cooperation in this matter.

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

Filed via MuckRock.com
E-mail (Preferred): 103409-77350989@requests.muckrock.com
%3Fnext%3D%252F2Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Frecent-police-critical
incident-records-immediate-disclosure-request-sfpd-103409%252F2Femail%252D3Dsupervisor.records%252D3Dfcityatty.org&url_auth_token=AAAIho6-kUH0n
qo3T6PAL_wX5Q%3A1kqM0f%3ALbkrMxrIgLxW-GLHitM7GE4Q4ibw

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 103409
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.
December 18, 2020

Anonymous,

RE: Public Records Request, dated October 12, 2020, Reference # P016344-101620

Dear Anonymous:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated October 12, 2020. On October 16, 2020, and October 23, 2020 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, "October 12, 2020 To Whom It May Concern: Pursuant to the CPRA and the Sunshine Ordinance, I hereby request the following records as an Immediate Disclosure Request: - All records related to the shooting and death of Cesar Vargas by SFPD (including but not limited to incident reports, statements, photos, exhibits, attachments, bodycam footage, CAD reports, 911 calls, and audio recordings of officers and dispatch during the incident, "investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports;” (PC 832.7(b)(2)), and also any emails or text messages sent or received by the officers involved in the incident or by Chief Scott regarding the incident) The records listed above are disclosable due to one or more portions of state or local law, including but not limited to: - Gov Code 6254(f)(2)(A) and 6254(f)(4) - exceptions to the law enforcement investigation exemptions requiring disclosure - SF Admin Code 67.24(d) - Penal Code 832.7(b)(1)(A) "(A) A record relating to the report, investigation, or findings of any of the following: (i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer. (ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury." Furthermore: "Records that shall be released pursuant to this subdivision include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. " No complaint or misconduct need be alleged - these records are disclosable due to the shooting and death of person involved. You must provide exact copies and rolling responses. Electronic records must not be printed and scanned as that does not constitute a "copy" (see ruling against SFPD in SOTF 19098). You must justify every withholding of any information in writing. You must provide footnotes or other clear references to justify each and every redaction (see ruling against SFPD in SOTF 19098). If you do not provide correct copies of electronic records or do not justify by footnote or other clear reference each and every redaction, we will ask SOTF to again file official misconduct
charges against Chief Scott before the Ethics Commission, as we did in SOTF 19112, pursuant to SFAC 67.34. Thank you in advance for your anticipated cooperation in this matter. 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.

On October 23, 2020, SFPD produced the Town hall notes, CSI photos, BWC footage, surveillance video, and dispatch audio (portal link OIS 20-003). SFPD also declined to “release records to an open investigation under California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies. As such, we are unable to provide you with the information you seek, as disclosure of information may endanger successful completion of the investigation.”

Additionally, SFPD continues to withhold additional responsive records under Penal Code Sec. 832.7(b)(7)(A)(ii). It states, “after 60 days from the use of force, the agency may continue to delay the disclosure of records or information if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer who used the force.” As such, the release of any additional materials and disclosure of evidence beyond the materials we have produced to date, may endanger successful completion of that investigation. The criminal investigation and administrative investigation are on-going. Disclosing the information at this point could impact individual witness statements, recollections, and perceptions that could hinder the investigation. SFPD will continue its review of records and will provide you with an update by Friday, January 15, 2021.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at 415-575-6700.

Sincerely,

Lieutenant Kathryn Waaland
Officer in Charge
Risk Management - Legal Division
On July 16, 2020, DEM responded to the request to Mr. Kositsky indicating that there were no responsive records. Accordingly, there is no issue for the Supervisor of Records to determine. 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: Anonymous <arecordsrequestor@protonmail.com>  
Sent: Friday, December 18, 2020 6:13 PM  
To: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>  
Subject: RE: Outstanding petitons

Thank you. Kositsky petition was sent to you on 2020-07-14: https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-jeff-kositsky-94375/#comm-916631 
It is also attached.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,  
Anonymous

------- Original Message -------
On Friday, December 18th, 2020 at 4:25 PM, Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG> wrote:

See attached responses that were already sent.

We received no petition regarding Jeff Kositsky.
July 14, 2020

This is a follow up to a previous request:

Supervisor of Records Herrera,

This is a new 67.21(d) petition.

Jeff Kositsky has not responded to our public records requests of June 4, 2020. See attached.

Remember your jurisdiction is *not* limited solely to active withholding of records as you sometimes claim. SFAC 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. ."

In this case, Jeff Kositsky has failed to comply - he simply will not reply to our public records requests.

Please determine some or all of the records requested to be public, and order Jeff Kositsky to disclose them.

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

Filed via MuckRock.com
E-mail (Preferred): 94375-24579709@requests.muckrock.com
Upload documents directly: https://accounts.muckrock.com/accounts/login/?url_auth_token=AAHy6W9HnKr8nK2sEr2z2CE:1jvH4xQ75f7oKP77x5KbH6Mm_PFo08X&next=https://www.muckrock.com/accounts%2Fagency%2Fhomelessness-and-supportive-housing-19251%2Finter-agency-text-messages-immediate-disclosure-request-jeff-kositsky-94375%2F%3Femail%3Dsupervisor.records%2540sfcityatty.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 94375
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 14, 2020:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (Jeff Kositsky)
Hi, Has this complaint against Kositsky been noticed with a number?

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On July 1, 2020:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (Jeff Kositsky)
Thank you - feel free to add DEM to the complaint, but Jeff Kositsky does need to be named as a respondent as well.

---

On July 1, 2020:
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (Jeff Kositsky)
Anonymous: I checked the City's email resources and those records show that Mr. Kositsky is with the Dept. of Emergency Management. FYI

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org<mailto:Cheryl.Leger@sfgov.org>
Tel: 415-554-7724  
Fax: 415-554-5163  
www.sfbos.org  


The Legislative Research Center[https://www.sfbos.org/index.aspx?page=9681> 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.

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On July 1, 2020:  
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (Jeff Kositsky)  
Jeff Kositsky is not the director of HSH - he was removed by Mayor Breed and transferred to another role in "HSOC." My complaint is against him personally, as custodian of his own text messages.

---

On July 1, 2020:  
Subject: SOTF - New Complaint form  
Dear Anonymous: I am in receipt of and thank you for your email documenting your complaint against Jeff Kositsky. He is the Director of the Dept. of Homelessness and Supportive Housing. Is your complaint against that particular city agency? Thank you.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Cheryl.Leger@sfgov.org<mailto:Cheryl.Leger@sfgov.org>  
Tel: 415-554-7724  
Fax: 415-554-5163  
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On June 4, 2020:  
Subject: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Request (Jeff Kositsky)  
Jeff Kositsky:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to you. Your response is required by June 5, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDF, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing (SAC 67.27).
- All withholding by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website like NextRequest to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

1. All text or chat messages (including group messages) in any form or application (including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams):
   - a) sent by you to/cc/bcc any of Mayor London Breed, Sean Elsbernd, SFPD Chief William Scott, Grant Colfax, Tomás Aragón, Dennis Herrera, Mohammed Nuru, Alaric Degrafinition, Andy Ynch, Hank Heckel, Mary Ellen Carroll, or Abigail Stewart-Kahn (the "Named Public Officials")
   - b) sent by any of the Named Public Officials and received by you (and possibly others, such as in a group message)
   - c) sent by a third party and received by both you and any of the Named Public Officials (such as in a group message) with timestamps between Jan 1, 2019 and June 3, 2020 (inclusive), including a personal property search under City of San Jose vs Superior Court (2017). While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response here: https://cdn.muckrock.com/foia_files/2020/04/14/ext_Messages_Breed_Scott_Redacted.pdf and clearly referenced redaction justifications here: https://cdn.muckrock.com/foia_files/2020/04/14/ChiefOfficeResponse201.pdf (though I do not concede all of them are appropriate redactions). Please provide rolling responses, starting with the most recent records going backwards.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember as department head you had an obligation to maintain in a professional and businesslike manner your correspondence and release it as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly. You have stated to the press that you were in fact part of some of the previously disclosed text messages.

Thank you for your anticipated cooperation in this matter.

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.

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   - b) sent by any of the Named Public Officials and received by you (and possibly others, such as in a group message) OR
   - c) sent by a third party and received by both you and any of the Named Public Officials (such as in a group message),
   with timestamps between Jan 1, 2019 and June 3, 2020 (inclusive), including a personal property search under City of San Jose vs Superior Court (2017). While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response here: https://cdn.muckrock.com/foia_files/2020/04/14/Text_Messages_Breed_Scott_Redacted.pdf and clearly referenced redaction justifications.
Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember as department head you had an obligation to maintain in a professional and businesslike manner your correspondence and release it as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly. You have stated to the press that you were in fact part of some of the previously disclosed text messages.

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Sincerely,
Anonymous

From: Muckrock Staff
06/15/2020
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosur...
Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on June 4, 2020. 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.

From: Department of Homelessness And Supportive Housing
06/15/2020
Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosur...
Email

Dear Anonymous,

We have received your request and we are processing our response.

Please note that due to the continuing public health emergency, City workers are naturally working under unusual and difficult conditions with many called in for service as disaster service workers or otherwise prioritizing work on the public health emergency and with many others working remotely while also providing care for children or other family members. This impacts the ability to respond to records requests, particularly in gathering documents when working from a remote location. The City’s emergency orders have suspended certain provisions of the Sunshine
Orderance in response, including immediate disclosure requests and the 10 day period in which to provide or withhold documents.

Please understand that compliance with the California Public Records Act and the Sunshine Orderance, subject to the scope of these orders, otherwise remains in effect and city departments are fulfilling those obligations while navigating the challenges of the health emergency. Further, your request is neither simple nor routine and does not seek easily accessible documents. It also requires consultation with another city department. Thus, it would not ordinarily be answered as an immediate disclosure request and would be treated as a regular request, irrespective of the emergency orders. See Cal. Gov. Code 6253 and Admin. Code 67.25(b).

With regard to your Public Records Request, are invoking an extension to allow the Department of Emergency Management to consult with other City departments. (S.F. Admin. Code § 67.25(b); Govt. Code § 6253(c) (authorizing an extension of up to 14 calendar days until June 29, 2020).

Please note that we are responding on behalf of the Department of Emergency Management only, and not on behalf of other City departments.

If you have any questions regarding your request or would like to send another public records request, please do not hesitate to contact the Department of Emergency Management.

Sincerely,
/s/
Victor Wai Ho Lim
External Affairs Officer

Department of Emergency Management

From: Muckrock Staff
07/01/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosures...

To Whom It May Concern:

I'm following up on the following California Public Records Act request, copied below, and originally submitted on June 4, 2020. You had previously indicated that it would be completed on June 29, 2020. 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: Department of Homelessness And Supportive Housing
07/01/2020

Subject: Automatic reply: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure...

San Francisco's Emergency Operations Center is active to support preparation and response to COVID-19 (Novel Coronavirus). Inquiries unrelated to COVID-19 may experience a delay in response.
I am working offsite at the City’s Emergency Operations Center as a Disaster Service Worker and this will delay my response.

The City of San Francisco takes the health and well-being of our community extremely seriously. We are taking extensive and proactive actions to prevent the spread of COVID-19 to our most vulnerable populations.

Know the facts: Risk for COVID-19 is based on travel, contacts and exposure to the virus. No racial, ethnic or cultural group is more at risk. The most common symptoms of COVID-19 are fever, cough and shortness of breath. If you are feeling sick, please first call your doctor, a nurse hotline, or an urgent care center. Do not go to the emergency room of a hospital unless you are having an actual emergency.

Stay at home: The City has issued a Public Health Order requiring people to stay home except for essential needs. Vulnerable populations, including adults over the age of 60 and people with health conditions, must stay home. Everyone else is required to stay home except to get food, care for a relative or friend, get necessary health care, or go to an essential job. Stay at least 6 feet apart if leaving your home for essential activities.

Access resources and services:

Find free meals for children<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.sfsu.edu%2Fservices%2Fhealth-wellness%2Fnutrition-school-meals&data=02%7C01%7Cvictor.lim%40sfgov.org%7Cee3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfacc0231f73f%7C0%7C0%7C637205014047709501&sdata=YO8ZK8FvD0kF96DMEwzvAt9I7iMj5m07v5Gx66OP3I9O2YMgk%3D&reserved=0>

Find out about emergency childcare centers<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsfs.gov%2Finformation%2Fsan-francisco-converts-rec-facilities-emergency-child-care-centers&data=02%7C01%7Cvictor.lim%40sfgov.org%7Cee3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfacc0231f73f%7C0%7C0%7C637205014047709501&sdata=Y%2B3Ry2ruNdfWsn1Mq4UlODh9vMk%2B3IgrdlxSkvPOqM%3D&reserved=0>

Get City help if your business or employment is impacted by COVID-19<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Foewd.org%2Fassistance-guidance-businesses-and-workers-impacted-covid-19%23Biz%2520and%2520Employers&data=02%7C01%7Cvictor.lim%40sfgov.org%7Cee3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfacc0231f73f%7C0%7C0%7C637205014047719490&sdata=wzcOXPJvDfMdpopRkruaTYHuoQby5JIAdkum0cX1W2oE%3D&reserved=0>

Find City services that are open during the coronavirus outbreak<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsfs.gov%2Finformation%2Fcity-services-whats-open&data=02%7C01%7Cvictor.lim%40sfgov.org%7Cee3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfacc0231f73f%7C0%7C0%7C637205014047719490&sdata=3BUb2D%2BUxWU0uGzm%2FLOUtNj1kVh5xXlIRM7KAxicBEDfE%3D&reserved=0>

Download fact sheets, social media graphics, or flyers<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsfgov.org%2Foutreach-toolkit-coronavirus-covid&data=02%7C01%7Cvictor.lim%40sfgov.org%7Cee3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfacc0231f73f%7C0%7C0%7C637205014047719490&sdata=3BUb2D%2BUxWU0uGzm%2FLOUtNj1kVh5xXlIRM7KAxicBEDfE%3D&reserved=0>
Jeff Kositsky,

As you have refused to provide your responsive records within the 10 + 14 days set out by law, complaints will be filed.

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
February 19, 2021

Sent via email (arecordsrequestor@protonmail.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to your petition to the Supervisor of Records dated December 22, 2020, concerning a request to the Department of Public Works (“DPW”). You contend that DPW unlawfully redacted information from a document produced in response to your request.

We find that DPW properly applied the redaction at issue based on personal privacy. See Government Code Sections 6254(c), (k); Cal. Const. Art. I, Sec. 1. While outside the scope of the jurisdiction of the Supervisor of Records, we understand the issue you raised concerning Government Code Section 6254.21 has been resolved.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Buta, Odaya

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, December 22, 2020 1:53 PM
To: Heckel, Hank (MYR)
Cc: Steinberg, David (DPW); Elsbernd, Sean (MYR); Bruss, Andrea (MYR); Breed, Mayor London (MYR);
MayorSunshineRequests, MYR (MYR); Supervisor Records (CAT)
Subject: RE: Mayor's Office Texts

Supervisor of Records Dennis Herrera - Please determine pursuant to SFAC 67.21(d) against DPW on Request 20-4788 that the phone number redacted on the top left of the attached redacted public record (CCSF source: https://sanfrancisco.nextrequest.com/documents/6192843) is not exempt under Gov Code 6254.21. I am aware of what the number is, as this record was initially provided unredacted - I do not believe it is exempt under 6254.21. Note that the number may still be exempt solely under Constitutional privacy, but that doesn't mean it is exempt under Gov Code 6254.21 which is a very narrow exemption for home telephone numbers (it doesn't make sense for a home number to be used in iMessage), and requires a written statement of threat or fear for safety from Breed. It is also unclear what authority the Mayor's Office - as opposed to DPW who produced the record - has to assert an exemption in another agency's disclosed record.

Mr. Heckel,

Is Mayor Breed issuing a written demand pursuant to Gov Code 6254.21? I have not publicly posted this record on the Internet.
If it was a demand, it fails to meet the requirements of Gov Code 6254.21(c) - which does not require the destruction of my own records, but is about public posting of them on the Internet. Please provide as required by law:

- "A written demand made under this paragraph by a state constitutional officer, a mayor, or a Member of the Legislature, a city council, or a board of supervisors shall include a statement describing a threat or fear for the safety of that official or of any person residing at the official's home address." Please provide Mayor Breed's statement.
- Hank Heckel also is not "the official's employer, a related governmental entity, or any voluntary professional association of similar officials to act," and appears to lack the authority as agent to issue such a demand as an agent for Breed. Please issue the appropriate demand by the City and Country of San Francisco or by Mayor Breed personally. If the demand is issued by the employer, please provide Breed's written designation of agency pursuant to Gov Code 6254.21(c)(3).

A demand will only be effective when you actually provide a legally compliant one. You have not done so at this time. Breed's demand to me (or to MuckRock, or NextRequest, see below) will itself be a public record that I will immediately request.

If you do not provide an appropriate written demand, I will file further complaints of your violation of Gov Code 6254.21 (a part of the CPRA, and thus under SOTF's jurisdiction). Also if the censored phone number turns out not to be the Mayor's home telephone number, I will also file a complaint based on the fact you are misusing this law and lying. Please let me know as soon as possible how you wish to proceed.

Legalese aside, I had, voluntarily, and with no obligation to do so, already requested that MuckRock take down their uploaded copy of the record at https://cdn.muckrock.com/foia_files/2020/12/22/Messages20-20London20Breed.pdf-redacted.pdf - they have not done so yet.
However, if you wish to issue MuckRock a written demand under 6254.21, you will have to contact them, not me, for example at info@muckrock.com - referencing Request #105571 and the above URL.
MuckRock is not a website that I "maintain[,]" so you need to contact them directly, and I have no ability to delete the record myself. I can't know if they will comply without formal demands, nor can I provide any legal advice on how to engage with them. If you attempt to take down records other than the specific one above, (i.e. the many texts disclosed by DPW), I will file further complaints.

I had also 'embargoed' the whole request when I noticed the issue, which makes the record harder to find by the MuckRock journalist community, but it is not impossible, and only Breed can issue a takedown not me.

As with anything on the Internet, whether on NextRequest or on MuckRock, it is entirely possible that the record has been replicated and cached. Moreover, the copy on NextRequest has been completely public for a lot longer and is thus even more likely already indexed and replicated by the search engines and public caches/archives of the world.

Finally, I will remind you that these kinds of bad redactions are done by CCSF all the time - including your office, and many other agencies. I am one of the few people who actually inform you of these issues. As I have reminded you and Herrera's office in those prior cases, CCSF's continued refusal to do systematic, consistent redactions causes numerous violations of the law, both regarding public access and also privacy.

None of this means that you don't have to to my respond to my records request by the way...

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Sincerely,
Anonymous

----- Original Message ------
On Tuesday, December 22nd, 2020 at 12:47 PM, Heckel, Hank (MYR) <hank.heckel@sfgov.org> wrote:

Anonymous,

The production of that number by DPW was inadvertent. Please immediately delete the records provided with that number and any copies thereof. DPW has provided replacement copies with the appropriate redactions.

Per Cal. Gov. Code 6254.21, please also refrain from publicly displaying this inadvertently produced exempt information. See also Cal. Govt. Code Secs. 6254(c), California Constitution, Art. I, Sec. 1 (regarding personal privacy).
We reserve all of our rights under these provisions.

Hank Heckel

Compliance Officer

Office of the Mayor

City and County of San Francisco

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, December 22, 2020 12:27 PM
To: Steinberg, David (DPW) <david.steinberg@sfdpw.org>
Cc: Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>; Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>
Subject: Re: Mayor's Office Texts

Thank you - my request to the Mayor's Office stands, regardless of whether they redact the number or not.

If Mayor Breed wishes to invoke Gov Code 6254.21, through herself or her agent, she will have to do so with MuckRock or NextRequest, not with me, and follow all of the legal particulars in that section, asserting the danger in writing, Breed's wishes in writing, and the fact that this number constitutes a home telephone number.

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Sincerely,

Anonymous

-------- Original Message --------
On Tuesday, December 22nd, 2020 at 12:21 PM, Steinberg, David (DPW) <david.steinberg@sfdpw.org> wrote:

Anonymous,

Thank you for bringing to our attention the inadvertent release of that unredacted record. You will notice that the file name ends in “redacted,” but an apparent glitch in the NextRequest platform failed to save the redactions. We have made the correction and are re-releasing the document to you.

Regards,

David A. Steinberg
Custodian of Records & Executive Assistant to the Director
San Francisco Public Works | City and County of San Francisco
49 South Van Ness Avenue, Suite 1647 | San Francisco, CA 94103 | (628) 271-2888
sfpublicworks.org · twitter.com/sfpublicworks
For public records requests, please go to sfpublicworks.org/records.

Given that this record https://sanfrancisco.nextrequest.com/documents/6183368 is still on the CCSF NR website, I assume there is no Gov Code 6254.21 issue - so remember to produce the requested records.

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Sincerely,

Anonymous

-------- Original Message --------

On Monday, December 21st, 2020 at 11:18 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:

**DPW:** You, a local agency under the CPRA, appear to have posted the below phone number on the Internet for London Breed, an elected official. Therefore it is presumed that either Breed consented to the disclosure of this number OR this number does not constitute a *home* telephone number (presumably it is a *cellular* telephone number instead) (Gov Code 6254.21).

**Mayor’s Office:** Per DPW’s disclosed public records, these are four immediate disclosure requests (you must conduct *City of San Jose v Superior Court (2017)* searches in all cases):

1. To **London Breed**, for all messages (including, but not limited to, SMS, MMS, iMessage, FaceTime) about the conduct of public business sent to or from [XX]
2. To **Sean Elsbernd**, for all messages about the conduct of public business sent to or from [XX]

3. To **Andrea Bruss**, for all messages about the conduct of public business sent to or from [XX]

4. To **Hank Heckel**, for all messages about the conduct of public business sent to or from [XX]

Note also that I, Anonymous, have not posted this phone number on the Internet. Other parties may have such as NextRequest and DPW, but I have not.

Also, you cannot deny my records request even if you want to redact the phone number from your response.

Finally, to both of your departments, I will suggest speaking to the City Attorney and DT, both of whom I previously sent links to publicly available software that can detect erroneous redactions.

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Sincerely,

Anonymous
London Breed

There is a lot of feces on haight street between Masonic and cole. Really said because it’s on the new sidewalks.

I’ll send a crew over now.

We’re also trying to find a good location for a portable toilet in that area.
<table>
<thead>
<tr>
<th>Reason</th>
<th>Page (# of occurrences)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Privacy</td>
<td>1 (1)</td>
<td>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.</td>
</tr>
</tbody>
</table>
March 9, 2021

Sent via email (101873-82886409@requests.muckrock.com
101881-59039007@requests.muckrock
101880-62496108@requests.muckrock.com
arecordsrequestor@protonmail.com)

Re: Petition to Supervisor of Records

To Whom It May Concern:

This letter responds to the following petitions to the Supervisor of Records concerning prospective calendars of certain public officials:

1. A petition against the San Francisco Police Department (“SFPD”) dated September 16, 2020, from 101873-82886409@requests.muckrock.com, alleging SFPD unlawfully withheld parts of the prospective calendar of the Chief of Police

2. A petition against the City Attorney’s Office dated October 1, 2020, from 101881-59039007@requests.muckrock.com, alleging the City Attorney’s Office unlawfully withheld parts of the City Attorney’s prospective calendar

3. A petition against the Mayor’s Office, dated October 1, 2020, from 101880-62496108@requests.muckrock.com, alleging the Mayor’s Office unlawfully withheld parts of the Mayor’s prospective calendar

4. A petition against the City Attorney’s Office dated December 14, 2020, from arecordsrequestor@protonmail.com, alleging the City Attorney’s Office unlawfully withheld parts of the City Attorney’s prospective calendar

5. A petition against the City Attorney’s Office dated December 17, 2020, from arecordsrequestor@protonmail.com, which we understand contests the withholding of recurrence information concerning the City Attorney’s meetings

6. A petition against the Mayor’s Office, dated December 29, 2020, from arecordsrequestor@protonmail.com, alleging the Mayor’s Office unlawfully withheld parts of the Mayor’s prospective calendar

7. A petition dated February 12, 2021, from arecordsrequestor@protonmail.com that the requester states concerns the following requests for prospective calendars to several departments:
a. A request from 81242-04060798@requests.muckrock.com dated October 4, 2019 for the Mayor’s October 21-28 calendar

b. A request from 81411-90616367@requests.muckrock.com dated December 8, 2019 for the City Attorney’s December 18-26 calendar entries

c. A request from 81411-90616367@requests.muckrock.com dated October 8, 2019 for the City Attorney’s October 21-28 calendar

d. A request from arecordsrequestor@protonmail.com dated January 23, 2020, numbered 1, 2, and 7 for the City Attorney’s future calendar

e. A request from 81412-71801448@requests.muckrock.com dated October 8, 2019 for the Chief of Police’s October 21-28 calendar

f. A request from 81412-71801448@requests.muckrock.com dated September 29, 2020 for the Chief of Police’s October 1-14 calendar

g. A request from 84168-39742724@requests.muckrock.com dated November 6, 2020 for the Sheriff’s February 14-28 calendar

h. A request from 84161-98819586@requests.muckrock.com dated December 7, 2019 for the Controller’s future calendar, specifically certain future recurrence information

i. Various requests from arecordsrequestor@protonmail dated December 29, 2020 for the Mayor’s future calendar

j. Various requests from 82814-07144940@requests.muckrock.com for the Mayor’s future calendar

We previously determined that the Mayor and the Chief of Police may withhold prospective calendar entries to protect their personal safety, and we have also withheld the City Attorney’s prospective calendar on this basis. After further consideration of this issue, we have now concluded that these officials may safely and legally disclose certain information about future meetings, including the subject matter of the meeting and the attendees, if that information is recorded in their calendars, and the week during which the meeting will occur. Due to security concerns, the departments may continue to withhold the location, time, and specific date of each meeting. See Gov’t Code Sec. 6254(f), (k), Evid. Code Sec. 1040; Times Mirror Company v. Superior Court, 53 Cal.3d 1325 (1991); County of Los Angeles v. Superior Court, 82 Cal. App. 4th 819, 834-35 (2000).
Accordingly, we understand that the departments will respond to your requests consistent with this determination if they have not done so already. This response resolves the petitions above and we now consider them closed.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
Chair Wolfe and Chair LaHood: Respondents affirmatively refuse to comply with the law - see below. They are not willing to determine within 24 days whether or not the records requested are public and disclosable and what their justification is, as required by CPRA Govt Code 6253(c). Please do not let this go unpunished.

Supervisor of Records: Heckel, Breed, and Office of the Mayor refused to comply with the request detailed below. Please determine in writing that some or all of the withheld records are public and order them disclosed.

Mr. Heckel:
You don't get more than 24 days to decide - the CPRA gives you 10 days + a 14 day extension, that's it.
You are simply waiting until much closer to the meeting date, or until after it has occurred,
You are breaking the law Mr. Heckel by not providing a determination pursuant to Gov Code 6253(c).
How do you justify your own actions internally in your head? Is this what makes you proud of as a public servant - getting paid to be a shield for London Breed's refusal to comply with the records law?

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Sincerely,
Anonymous

--------- Original Message ---------
On Tuesday, December 29th, 2020 at 8:32 PM, MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org> wrote:

Anonymous,

We are continuing to consult internally regarding our response and appropriate withholding regarding existing calendar records responsive to your request below, in light of the security concerns referenced and of SOTF’s recent ruling. We anticipate responding further in approximately two weeks.
Good morning Mayor Breed, Hank Heckel, and Office of the Mayor,

Last night in SOTF 19103 Anonymous v. Breed, et al., the SOTF unanimously ruled that Breed, Heckel, and the Office of the Mayor violated SFAC 67.26 for withholding the entirety of Mayor Breed's future calendars (instead of minimally redacting only the "security procedures" of a "local police agency" portions as cited in Gov Code 6254(f)); and violated SFAC 67.27 for citing Times Mirror v. Superior Court (1991) only after the complaint was filed and not in the original written justification; and compelled you to comply. It is time to test your compliance:

Please provide, as an immediate disclosure request, each of Breed’s prospective/planned Outlook calendar/meeting entry records (for all Breed calendars, whether personal about the conduct of public business or government-owned, and whether Prop G or non-Prop G), in detailed form (including but not limited to the title, attendees, start/end date/time, location, attachments, images, and entry body/content, and every other part of the Outlook entry), where each Outlook entry is printed on a separate page (“Memo Style”), for every event scheduled from Jan 15 through Feb 1, 2021, as the records exist at the time you receive this request. You must provide rolling responses. I do not care about .ics files or metadata that is not visible on the detailed/Memo...
Style entry view in this request, but you are welcome to provide them if that is faster. You must minimally redact the "security procedures" of a "local police agency" pursuant to your 6254(f) citation and provide all other words on the page (comply with 67.26). Since you've apparently been confused how to do this, I've provided you an hypothetical example attached of what one could have done with last time (without in any way conceding that all of that redacted info is in fact lawfully exempt). Note that this example would show exactly what you redacted, with a key for every redaction, so the SOTF can judge your compliance; in this hypothetical attached example a staff phone number was Gov Code 6254(c), and the location of the meeting was Gov Code 6254(f).

=====

Compliance Chair LaHood, and members of SOTF - if Breed unreasonably delays full production or rolling responses, I urge you to reject their procedural hijinks and find Breed in willful violation of the law, and agendize 19103 at Compliance immediately. I've won now, and you have compelled them to comply. The nearest date of future calendars requested is almost a month and a half from now - Consider how much time is reasonable to produce a single calendar entry if they are not unlawfully dragging their feet. "Dennis Herrera said so" is no defense to the willful violation of the law, because Herrera is their attorney and will be loyal only to these incumbent officers, and not to the people's laws.

=====

Journalists (BCC): I urge you to listen to the SOTF 19103 hearing of Dec 2. I wanted to note that Breed was apparently willing to produce events she subjectively deems public. This is yet more evidence that all they are truly hiding is the topics and attendees of the remaining secret meetings. Why would a deemed public event be less of a physical security risk than the other ones? They aren't. They are just hiding who the Mayor is meeting with and what she is discussing, not to prevent physical violence as they falsely claim, but to control the press narrative and timing of release of future meetings and to prevent political backlash against controversial meetings happening in the future, which people would then petition the government about (say by going before the BoS) as is their First Amendment right. Breed's actions are an attempt (now ruled unlawful) to protect, without saying so, her non-existent deliberative process privilege in violation of the people's decision in SFAC 67.24(h). Part of the reason deliberative process exempts (outside of SF) such info is to prevent potential participants from cancelling the meetings for fear of political embarrassment so that Breed can hear from a wide variety of parties. (Consider meetings between a politician and politically unpopular lobbyists for example). While there are pros and cons to deliberative process, the people of SF have spoken: it is unlawful to use such exemption in this City.
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Sincerely,

Anonymous
To Whom It May Concern:

We understand that the Mayor’s Office, the Port, the Controller, and the Medical Examiner have responded to the requests at issue. Accordingly, we consider these petitions 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

From: Anonymous <arecordsrequestor@protonmail.com>  
Sent: Wednesday, December 30, 2020 9:53 PM  
To: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Hart, Amy (ADM) <amy.hart@sfgov.org>; Collymore, Kalima (ADM) <kalima.collymore@sfgov.org>; Rydstrom, Todd (CON) <Todd.Rydstrom@sfgov.org>; Rosenfield, Ben (CON) <ben.rosenfield@sfgov.org>; Quesada, Amy (PRT) <amy.quesada@sfport.com>; Nicita, Carl (PRT) <carl.nicita@sfport.com>; Quezada, Randolph (PRT) <randolph.quezada@sfport.com>; Forbes, Elaine (PRT) <elaine.forbes@sfport.com>  
Cc: Supervisor Records (CAT) <supervisor.records@SFCITYATTY.ORG>  
Subject: Re: Prop G calendars - Immediate Disclosure Request

Supervisor of Records Dennis Herrera:

These are four 67.21(d) petitions against each of London Breed (Office of Mayor), Amy Hart (Office of Chief Medical Examiner), Ben Rosenfield (Office of Controller), and Elaine Forbes (Port). Each was requested on Dec 16, 2020 to produce their Prop G calendars for Nov 1-14, 2020. None of them have responded lawfully pursuant to the CPRA deadlines, and thus they have refused to comply with my request.

Please determine in writing that one or more records or parts thereof not disclosed are public and order their disclosure.

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Sincerely,

Anonymous
SOTF: Please note this thread in Files 20033, 20040, 20041, 20042

Respondents Breed, Hart, Rosenfield, and Forbes - all of them - failed to comply within the CPRA 10-day requirement (which was due Dec 28, due to the weekend). Not a single one of them produced their Prop G (Admin Code 67.29-5) calendars, or even a single entry, for Nov 1-14, 2020 or declared a lawful 14-day extension - one of the simplest and most basic requirements of the CPRA. None of them provided records in a rolling fashion. None of them provided any legal justification for doing so. Remember they were supposed to have these prepared calendars 3 business days after Nov 14 (SFAC 67.29-5). It is December 30.

Respondents' representatives pleaded with this Task Force on Dec 15 that their failures to comply with the law that I demonstrated were supposedly minor and they had improved their practices since the complaints were filed. As is often the case, the City representatives lied to you to attempt to manipulate you emotionally. The custodians' job is apparently not to implement the public's right to know what their bosses meet about, but instead to spew fluff to the Task Force about how much respect their bosses have for laws they do not comply with.

In reality, these Respondents have no respect for the Sunshine Ordinance, this Task Force, or the members of the public they serve. Transparency is an afterthought at best. Sadly, no surprises there.

(These complaints concern unlawful behavior that long pre-dates COVID - they cannot use the tragic death of others to excuse their conduct here).

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Sincerely,
Anonymous

------- Original Message -------
On Wednesday, December 16th, 2020 at 9:00 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Mayor Breed, Amy Hart, Ben Rosenfield, Elaine Forbes, and Grant Colfax:
Last night, some of your representatives made various claims to SOTF regarding the improved compliance of your calendars with the law since my complaints were filed early this year. I intend to verify those claims.

Please read the request carefully:
- Immediate disclosure request for an exact PDF copy, with all details, of each calendar entry required to be recorded under SF Admin Code 67.29-5 for you for the dates (inclusive) Nov 1 - Nov 14, 2020 as the records exist as of the time you receive this request. Note that this is a request for the entries in your Prop G calendar and if you voluntarily recorded more information than is minimally required by Prop G, you must still provide all of that other extra info, unless you redact it with footnote or other clear reference to an exemption citation.

Please do not lie and provide any modifications or new records you create after you receive this request - those are not responsive records. You were required by law to create compliant Nov 1-14 entries weeks ago.

I will later request full metadata of the records showing who modified the records and when. (If you are unfamiliar with the metadata issue, the underlying computer record will maintain this information, and such metadata has been previously ruled public and disclosable by SOTF).

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Sincerely,

Anonymous

Sent from ProtonMail Mobile

On Thu, Dec 10, 2020 at 1:40 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Good Afternoon:

The agenda and packet for the Complaint Committee of the Sunshine Ordinance Task Force December 15, 2020 5:30 p.m. meeting is online at the following link:
The packet material is linked to each item listed on the agenda marked 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

Cheryl.Leger@sfgov.org

Tel: 415-554-7724
Fax: 415-554-5163

www.sfbos.org

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.
Buta, Odaya (CAT)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Wednesday, December 30, 2020 9:53 PM
To: Breed, Mayor London (MYR); Heckel, Hank (MYR); Hart, Amy (ADM); Collymore, Kalima (ADM); Rydstrom, Todd (CON); Rosenfield, Ben (CON); Quesada, Amy (PRT); Nicita, Carl (PRT); Quezada, Randolph (PRT); Forbes, Elaine (PRT)
Cc: Supervisor Records (CAT)
Subject: Re: Prop G calendars - Immediate Disclosure Request
Attachments: signature.asc

Follow Up Flag: Follow up
Flag Status: Flagged

Supervisor of Records Dennis Herrera:

These are four 67.21(d) petitions against each of London Breed (Office of Mayor), Amy Hart (Office of Chief Medical Examiner), Ben Rosenfield (Office of Controller), and Elaine Forbes (Port).
Each was requested on Dec 16, 2020 to produce their Prop G calendars for Nov 1-14, 2020.
None of them have responded lawfully pursuant to the CPRA deadlines, and thus they have refused to comply with my request.

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Sincerely,

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On Wednesday, December 30th, 2020 at 8:06 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

SOTF: Please note this thread in Files 20033, 20040, 20041, 20042

Respondents Breed, Hart, Rosenfield, and Forbes - all of them - failed to comply within the CPRA 10-day requirement (which was due Dec 28, due to the weekend).
Not a single one of them produced their Prop G (Admin Code 67.29-5) calendars, or even a single entry, for Nov 1-14, 2020 or declared a lawful 14-day extension - one of the simplest and most basic requirements of the CPRA. None of them provided records in a rolling fashion. None of them provided any legal justification for doing so.
Remember they were supposed to have these prepared calendars 3 business days after Nov 14 (SFAC 67.29-5). It is December 30.
Respondents' representatives pleaded with this Task Force on Dec 15 that their failures to comply with the law that I demonstrated were supposedly minor and they had improved their practices since the complaints were filed. As is often the case, the City representatives lied to you to attempt to manipulate you emotionally. The custodians' job is apparently not to implement the public's right to know what their bosses meet about, but instead to spew fluff to the Task Force about how much respect their bosses have for laws they do not comply with.

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Anonymous

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Please read the request carefully:
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Please do not lie and provide any modifications or new records you create after you receive this request - those are not responsive records. You were required by law to create compliant Nov 1-14 entries weeks ago.
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Sincerely,

Anonymous

Sent from ProtonMail Mobile

On Thu, Dec 10, 2020 at 1:40 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Good Afternoon:

The agenda and packet for the Complaint Committee of the Sunshine Ordinance Task Force December 15, 2020 5:30 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/complaint_121520_agenda.pdf

The packet material is linked to each item listed on the agenda marked 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

Cheryl.Leger@sfgov.org

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.
OUTSTANDING PETITIONS
submitted by the Anonymous petitioner
March 10, 2021

Sent via email (arecordsrequestor@protonmail.com)

Re: Further Invocation of the Rule of Reason

To Whom It May Concern:

We write concerning your petitions to the Supervisor of Records. You have filed approximately 135 petitions with the Supervisor of Records since May 2019. In the past three months alone you have filed 64 petitions. This is an unprecedented quantity of petitions from any single person and far outpaces the number of petitions we typically receive from all sources combined on an annual basis. Indeed, in the ten-year period between October 2008 and December 2018, we received a total of 161 petitions for an average of 16 petitions per year. At your current rate of submission, you will have submitted more petitions in two years than we received from all sources over a ten-year period.

The burden you have placed on this office is unreasonable, and undermines the City Attorney’s ability to devote time and resources to its other duties under the Charter, Municipal Codes, and State law. Responding to each petition typically involves communications with departments, review of records and redactions, and legal analysis, and it requires attorneys in our office to defer their other obligations providing advice and representation to City departments. While approximately 70 of your petitions are resolved, there are still many outstanding. Addressing your outstanding petitions in a timely manner will be so burdensome and time consuming that it will unreasonably impinge on our other duties.

On September 16, 2019, we wrote to you to invoke the rule of reason due to the complexity and volume of your petitions, and we informed you our goal was to address your petitions within 30 days. In light of your excessive submission of petitions over the past year and a half and the burden it has imposed, we now further specify how we will handle your petitions going forward. We have already responded to 25 of your petitions since January 1, and we plan to review and respond to six more of your petitions this year. Beginning in 2022, we will respond to six of your petitions per calendar year, which will allow our office capacity to dedicate time to petitions submitted by other petitioners while also carrying out our many other duties for the people of the City and County of San Francisco. You may provide us a list identifying your preferred prioritization of outstanding petitions. If you prefer to withdraw any of your petitions, please let us know that as well. Thank you.

Very truly yours,

DENNIS J. HERRERA
City Attorney

Bradley A. Russi
Deputy City Attorney
From: 84184-60623262@requests.muckrock.com on behalf of ‘84184-60623262@requests.muckrock.com’
<84184-60623262@requests.muckrock.com>
Sent: Tuesday, August 25, 2020 8:39 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)

Fine Arts Museums Of San Francisco
PRA Office
de Young Museum
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118

August 25, 2020

This is a follow up to a previous request:

Supervisor of Records,

Thank you for your reply. Under SFAC 67.21(d), please determine that some or all of the following records or parts thereof are public, and order FAMSF to disclose them.

Issues (by Exhibit letter, with links at the bottom):
1. Row B-1: please order the "Email 1 - fully withheld" disclosed with minimal redaction.
2. Page A-1 through A-4, and A-6: These documents were sent by FAMSF to someone outside of City employment. It is not a draft - it is in fact the email that was sent. Please order everything except personal non-City phone numbers, email addresses, or physical addresses on these pages disclosed.
3. Attachments on pages A-2 and A-4: These are also not drafts, and were sent to someone outside of the City. Please order them disclosed (along with their names).
4. Pg C-13 - This meeting is on City property, and thus the topic and attendees must be recorded. If they are recorded on the redacted line, they must be disclosed (SFAC 67.29-5).
5. Pg C-25, 29 - If the first redaction is the physical location of the meeting (as opposed to a virtual conference pin code etc.), it must be disclosed (SFAC 67.29-5, and SOTF 19108 Anonymous v City Attorney).
6. Pg C-49, 53, 61, 77, 83 - If this meeting is on City property or with one of the specified persons listed in SFAC 67.29-5 or in their home or business, the details must be disclosed.
7. Pg C-63 - Unredact the issue discussed if it is in the title (SFAC 67.29-5).
8. Pg D-1 - Unredact the second redaction about what they discussed.
9. Each email listed as fully withheld in Exhibit E "Set 1" and "Set 2" should instead by minimally redacted.

The issues above are in reference to:
Exhibit C: https://cdn.muckrock.com/foia_files/2020/08/14/003_-_R_-_12.7.19_-_Nov_10_-_17_Calendar.pdf
Exhibit D: https://cdn.muckrock.com/foia_files/2020/08/14/001_-_R_-_12.7.19_-_5 RECEIVED_Emails.pdf
Exhibit E: https://cdn.muckrock.com/foia_files/2020/08/14/12.7.19_-_Public_Records_Request_-_Redaction_Log.xlsx
Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 84184-60623262@requests.muckrock.com
Upload documents directly:
%3Fnext%3D%2F%252Faccounts%2F%252FAgency_login%2F%252Ffines-arts-museums-of-san-francisco-18604%252Fcalendars-and-
emails-immediate-disclosure-request-sf-famsf-84184%252F%253Femail%253Dsupervisor.records@sfcityatty.org&url_auth_token=AABjfIFuSW_fpJr3i9m3gl-
ek3s%3A1kAmGu%3AVfEdPuYCYpXY88mOz26ShlHGlj0
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 84184
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. 25, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)
To Whom It May Concern -

We understand that FAMSF has produced records responsive to this request. If you have complaints about their response that are within Supervisor of Records jurisdiction, 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

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On Aug. 14, 2020:
Subject: Re: California Public Records Act Request - December 7, 2019
To Whom it May Concern:

Thank you for contacting the Fine Arts Museums of San Francisco. This email is in response to your public records request submitted on Saturday, December 7, 2019, for:

*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*.

Attached you will find the responsive records pertaining to your 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.*

There are no additional responsive records for this request. All records have been provided in our response to Item 1.

*3. every meeting/entry on every calendar for your Department Head for future dates Dec 16-23 (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.*

Attached you will find the responsive records pertaining to your 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.*

Attached you will find the responsive records pertaining to your 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.*

Attached you will find the responsive records pertaining to your 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.*

There are no responsive records for this 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.*

There are no responsive records for this request.

Additionally, you will find the redaction log for this request, per Admin. Code § 67.26 and Admin. Code § 67.27. At this time, FAMSF has provided all its responsive documents for this request.

Thank you,

Fine Arts Museums of San Francisco

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On Feb. 11, 2020:
Subject: RE: BCC Emails - Immediate Disclosure Request
To Whom it May Concern,

Thank you for contacting the Fine Arts Museums of San Francisco. This email is in response to your public records request submitted on Saturday, February 8, 2020, for:

"An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting, hyperlinks, images, and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Dept Head on any government account."*

Attached you will find the responsive documents for your request. Additionally, you will find the redaction log for this request, per Admin. Code § 67.26 and Admin. Code § 67.27.
Thank you,
Fine Arts Museums of San Francisco
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On Feb. 8, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)
RE: BCC Emails - Immediate Disclosure Request

Department Head:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and the department head. Your response is required by Feb 11, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253). Emails are requested in the easily-generated EML or MSG formats (SFAC 67.21(l)).

I am now auditing how the City appears to unlawfully withhold the BCC recipients of emails when they print out emails in certain formats. The identity of BCC recipients is not exempt. BCC is not an information security record that reveals vulnerabilities or increases chance of an attack. The BCC names was typed in by a human being and are not metadata. You must provide BCC just like you provide To or CC recipients. There is no legal authority to keep secret the identities of persons communicating with government officials, unless they are specifically confidential informants and such. If you withhold the BCC names, I will file complaints, separate and apart from email metadata complaints (which I have now already won, see ruling in SOTF 19044).

Your non-exhaustive obligations: All withholding of any information must be justified in writing (SFAC 67.27). All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26). You must respond to emailed requests (SFAC 67.21(b)). You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)). You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)). Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

1. An exact copy with all email headers (incl. but not limited to the BCC identities), attachments, color, formatting, hyperlinks, images, and all other parts of the record of the most recent 5 emails which have any BCC recipients which were sent by your Dept Head on any government account. Note that you will have to search directly from the person's computer or account in their Sent folder specifically (In many email systems, no other method will allow you to see the BCC recipients). In modern Outlook systems, the search query is as follows: (bcc:*)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

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

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On Jan. 13, 2020:
Subject: RE: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)
To Whom It May Concern:

We write to provide an update on the status of our consideration of your petitions. You have submitted twenty-six separate petitions to the Supervisor of Records and numerous other follow up communications concerning prior petitions. We have already responded to eighteen of your petitions.

Due to the volume of petitions and the complexity of the issues raised, we are continuing to invoke the rule of reason and will respond to your petitions within a reasonable time period with the goal of addressing each petition within 30 days of submission. We understand you disagree with this basis. As we recently explained in response to one of your complaints with the Sunshine Ordinance Task Force, we strive to respond to petitions within the 10-day period specified in Section 67.21(d), but we don’t view it as an absolute deadline. Particularly here, where you have submitted numerous petitions over a short time period, responding within 10 days is not feasible because doing so would unreasonably impinge on our ability to perform our other responsibilities. 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

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On Dec. 7, 2019:
Subject: California Public Records Act Request: Calendars and Emails - Immediate Disclosure Request (SF FAMSF)
To the Department Head (Director Thomas P. Campbell),

Attached is an Immediate Disclosure Request (SF Admin Code 67.25(a)).
Your response is required by Dec. 10, 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): 84184-60623262@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 84184
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.
Buta, Odaya (CAT)

From: 82814-07144940@requests.muckrock.com
Sent: Tuesday, September 15, 2020 4:38 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request #20-881

September 15, 2020

This is a follow up to request number 20-881:

Supervisor of Records,

This is a 67.21(d) petition against Sean Elsbernd and the Office of the Mayor regarding the following records production: https://cdn.muckrock.com/foia_files/2020/09/15/March_-_April_SE_Calendars_Redacted.pdf

We are challenging specifically those redactions which fall under this justification from Hank Heckel: " Further, information relating to negotiations concerning labor issues and hotel procurement has been redacted because it constitutes bargaining information, the disclosure of which would place the city at a competitive disadvantage, and because the balance of the public interest disfavors production regarding such sensitive contracting and procurement information. See SF Admin Code 67.23(a)(2), (e); Cal. Gov. Code 6254(a); 6255(a). " Note that Heckel believes which redactions fall under this category are self-evident, so while I cannot be certain which ones fall under that justification, perhaps you can be.

Please determine one or more parts of records currently withheld are public and order Sean Elsbernd and Office of Mayor to disclose those parts.

Sincerely,
--Anonymous

Filed via MuckRock.com
E-mail (Preferred): 82814-07144940@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%252Faccounts%252Fagency_login%252Foffice-of-the-mayor%252Fpermanent-calendar-archive-immediate-disclosure-request-82814%252F%253D%252FEmail%2525Dsupervisor.records%252Fcityatty.org&utm_auth_token=AAAxOK2OULoYu4xv2F8WXKz5U%3AiKWZ%3AiNFq-xCLJNPBr9jxkyvvc3pDU
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 82814
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. 15, 2020:
Subject: RE: California Public Records Act Request #20-881
Please clearly identify all 67.23(a)(2) (e), 6254(a), 6255(a) redactions in https://cdn.muckrock.com/foia_files/2020/09/15/March__April_SE_Calendars_Redacted.pdf - we are challenging them all.

Furthermore this is an immediate disclosure request for (please indicate "no records" if that is the case)
a) all Outlook meeting invites or calendar entries currently in the Trash, Deleted Items, or similar feature (whether in a server or local deleted area) for Sean Elsbernd, London Breed, Andrea Bruss.

Remember you have to preserve any documents that exist as of the time I make a request. You cannot destroy requested records that run out of a retention time period during the pendency of my request or any appeals thereof.

This is also a regular records request for:
b) the full 2020 calendar, (future and past): specifically, each calendar item individually printed from Outlook *not the timeline view you just gave*, for Sean Elsbernd, London Breed, and Andrea Bruss (including ALL calendars, Prop G or non Prop G, personal or).

Your output should look like:
https://cdn.muckrock.com/foia_files/2020/01/31/Memo_Style_45.pdf
c) all entries in (a) but in ICS format per SFAC 67.21(l). To be clear, even if you refuse to provide these ICS records, intentionally violating SOTF's order 19047, you must still preserve the original Outlook calendar entries because I will appeal.

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On Sept. 15, 2020:
Subject: RE: California Public Records Act Request #20-881
Anonymous,

Please see the attached calendars of Sean Elsbernd responsive to your request below.

Please note that personal contact information, dial-in numbers, conference call pass codes, web and video conference links and access codes and the like have been redacted pursuant to the official information privilege. Cal. Evid. Code Sec. 1040(b)(2). Attorney/Client privileged information has been redacted as indicated in the document. See Gov Code §§ 6254(k), 6276.04; Admin Code 67.23(k); Cal. Evid. Code § 950 et seq. Further, information relating to negotiations concerning labor issues and hotel procurement has been redacted because it constitutes bargaining information, the disclosure of which would place the city at a competitive disadvantage, and because the balance of the public interest disfavors production regarding such sensitive contracting and procurement information. See SF Admin Code 67.23(a)(2), (e); Cal. Gov. Code 6254(a); 6255(a). Those redactions are clearly indicated by the topic headings of certain entries.

Moreover, where entire entries have been redacted this is because the entries relate to personal and other non-city business related matters, the disclosure of which would constitute an unwarranted invasion of personal privacy. Gov Code § 6254(c), California Constitution, Art. I, Sec. 1.

As you can see, such calendar information is currently retained for at least 37 days, which is our current practice. If you have any questions, please let us know.

Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
On Aug. 21, 2020:
Subject: Your City and County of San Francisco public records request #20-881 has been closed.

Hi there

Record request #20-881 has been closed and published. The closure reason supplied was:

As we wrote to you previously, due to Sandra Zuniga's suspension, we do not have access to her personal calendar. Further,

As we previously noted, Public Works staff devoted a significant amount of time trying to determine how to release records in the format you have requested. Our IT team said they are unaware of a way to edit an .ics file or convert an .ics file to a format that can be edited. These documents require extensive review for redaction of personal information and potential security issues, requiring additional staff time. We worked with you to determine if there was a format that would allow us to redact information and followed your instructions on some test files. You told us, however, that those documents did not contain the information you requested. For that reason, we have withheld records responsive to your request on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency. (Cal. Govt. Code 6254.19). In addition, we have withheld records on the basis of personal privacy (Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. I).

Please note that pdf versions of these files have been produced in response to your request #20-880.

We now consider your request closed.

Regards,

David A. Steinberg
Custodian of Records
San Francisco Public Works

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 July 23, 2020:
Subject: Your City and County of San Francisco public records request #20-880 has been closed.

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Hi there

Record request #20-880 has been closed and published. The closure reason supplied was:

As we wrote to you on Feb. 28 and March 9, we have been unable to search for additional potentially responsive documents because we were unable to access Sandra Zuniga or her personal device(s).

Because the department still does not have access to Ms. Zuniga's devices at this time, we now consider your request closed. If, however, the department comes into possession of the device(s) and has the ability to extract the information, we will reopen your request.

Regards,

David A. Steinberg
Custodian of Records
San Francisco Public Works

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 June 5, 2020:

Subject: RE: California Public Records Act Request #20-881

Anonymous,

We have received your recent correspondence noting that you were lifting your voluntary waiver of certain request deadlines during the pandemic response. Note that we are continuing to process your pending requests. We will begin providing responsive records on a rolling basis, beginning tomorrow.

Regarding this specific request, please note that it is neither simple nor routine nor readily answerable and requires consultation with other departments. Accordingly, we will respond within the full 10 day period for a regular request, barring the need for a further extension. See Cal. Gov. Code 6253 and Admin. Code 67.25(b).

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

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On Nov. 2, 2019:

Subject: California Public Records Act Request: Permanent Calendar Archive - Immediate Disclosure Request

Mayor Breed, Andrea Bruss, Sean Elsbernd, and the Office of the Mayor,

** NOTE: Redact your records 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). **

This is a new immediate disclosure request under the Sunshine Ordinance and under the CPRA for:
1) IMMEDIATE DISCLOSURE: an electronic copy of all of London Breed's, Andrea Bruss's and Sean Elsbernd's ("Named Custodians") government calendars (all of them, Prop G and non-Prop G, including but not limited to 'PropG, Mayor (MYR)', 'Calendar, Mayor (MYR)', 'Breed, London (MYR)', 'Elsbernd, Sean (MYR)', 'Bruss, Andrea (MYR)' and all successors to or renames of these accounts), scheduling entries, appointments, and meeting invitations from the Requested Dates: October 27, 2019 to November 9, 2019 (inclusive). For calendars, you may provide this by directly exporting to PDF any Outlook view that shows for each and every event at least Subject, Location, Start, End, Recurrence, Meeting Status, Organizer, Show Time As, Required/Optional Attendees, Categories, Importance, Description/Body/Message, and preserving full color, formatting and text-searching. For meeting invitations, you should convert the invitations directly and individually to PDF. This includes declined or not-yet-accepted invitations, and those both sent and received for events on those days. Printing and scanning will be appealed. Use of PDF images as opposed to selectable text will be appealed. For examples of proper production, see DPW's PDF provision here: https://sanfrancisco.nextrequest.com/requests/19-4150 - they provide PDFs of each item, and a screenshot of all of the attendee status. I am explicitly asking for those same parts of these records. All Attachments should also be provided and in their original electronic format.

2) IMMEDIATE DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of each Named Custodian to provide: calendar items, scheduling entries, and meeting invitations for the Requested Dates that are present on their personal calendars/email or on personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business). Any electronic format easily generated by the Named Custodian is acceptable here. Notwithstanding Gov Code 6253.3(b)(1), you may redact the Named Custodian's personal email addresses "used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication."

3a) regular disclosure: Furthermore, I request .ICS copies of each record identified in #1.

3b) regular disclosure: Finally, the following information, regardless of format, for each record identified in #1:
   i) creation timestamp,
   ii) modification timestamp,
   iii) creator identity,
   iv) timezone,
   v) name, email address, and acceptance status of each attendee
   vi) categories
   vii) importance
   viii) organizer name and email address
   ix) subject
   x) location
   xi) description/body
If you provide all of (i)-(xi) in 3a, you may disregard this 3b. For 3b you may use whichever format you wish as long as this public information, which is not an information security record, is not withheld.

It is likely that you will refuse some portion, and I will appeal all withholdings, exemptions, delays, and refusals. Preserve originals of all records during my appeals.

All records must be provided in rolling fashion. Every withholding (including redactions) must be justified with clear reference to a statute or case law.

Provide only those records without fees.

My purpose is to maintain a permanent record of the Mayor's business, including through her top surrogates, regardless of how you wish to destroy records internally. Such requests will be made continually and periodically to retain this permanent record, both forward- and backward-looking. If you would like to suggest a change in the form of future
periodic requests that would provide *all* of the same information I've requested, with less work, I may consider such suggestions - however that will not affect this request.

Sincerely,

Anonymous

Filed via MuckRock.com
E-mail (Preferred): 82814-07144940@requests.muckrock.com
Upload documents directly:
%3Fnext%3D%2F%2F2Faccounts%2Fagency_login%2Foffice-of-the-mayor-3891%2Fpermanent-calendar-archive-
immediate-disclosure-request-
82814%2F252F%2F253Femail%253Dsupervisor.records%253Dsfcityatty.org&url_auth_token=AAAxJOK2OUULoYu4xv2F8W
XKz5U%3A1kKWZ%3A2iNFq-xCLJNPra9jxkyvvbC3pDU
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 82814
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.
Buta, Odaya (CAT)

From: 88551-86881685@requests.muckrock.com
Sent: Friday, October 2, 2020 9:47 PM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF Sheriff

Follow Up Flag: Follow up
Flag Status: Flagged

October 3, 2020

This is a follow up to a previous request:

Supervisor of Records Dennis Herrera,

This is a new 67.21(d) petition against SFSD. SFSD in response to a records request for certain SB 1421/Becerra v Superior Court records made on Feb 22, 2020 from this email address produced, among other records, the following 41 page document on July 20, 2020:

They stated:
"1. A2012-0073
- Deputy E. Gonzales #1103: currently employed with SFSO
- Incident occurred on 9/10/2012 in Oakland, CA
- Officer involved shooting (off-duty)"

As SFSD refuses to comply with SFAC 67.27 and has not justified their withholding of information in writing and refuses to comply with SFAC 67.26 and has not provided footnotes or other clear references to justifications for their redactions, we challenge all of the redactions and also all documents withheld in entirety in case A2012-0073. Please determine in writing that one or more parts of these records are public, and order them disclosed.

Presumably, as an attorney who is also sworn to uphold the law, you will comply with your duty under the Sunshine Ordinance to independently review all 41 pages of documents and pass judgment on each of withheld part to identify if *any part* of the record is public.

If you choose to shirk your full obligations, here are some examples (not exhaustive) of unlawful redactions:
- Page 2, Location of incident - GC 6254(f)(2)(A)
- Page 2, Officer in Charge
- Page 3, first sentence, location
- Page 4 and throughout - name of suspect. Because the suspect was arrested, their name is public. GC 6254(f)(1)
- Page 7, 0800 hrs - unclear what was redacted
- Page 8 - all redactions in final table column
- Page 16 - location of incident publicly disclosed by Oakland PD PIO
- Page 18 - full para redacted
- Page 25 - location
- Page 26, all locations, firearm serial #
- Page 31 - location of incident report 6254(f)(2)(A)
- Page 31-39 - incident report: unredact all except private info of persons, under 6254(f)(2)(A). Note that the deputy's
girlfriend, who is alleged as a victim, is not private, unless it qualifies as follows: "The name of a victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim’s request, or at the request of the victim’s parent or guardian if the victim is a minor."

Remember however that we are challenging *all* redactions in the linked document.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 88551-86881685@requests.muckrock.com
Upload documents directly:
VpXQ%3A1kOZRg%3AAkLrtwgydWjtzwIzBsFyw2lo

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 88551
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 20, 2020:
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF Sheriff
The Sheriff’s office is providing you with the following responsive record. Multiple emails are being sent to you due to the size limitations of attachments.
1. A2012-0073
   - Deputy E. Gonzales #1103: currently employed with SFSO
   - Incident occurred on 9/10/2012 in Oakland, CA
   - Officer involved shooting (off-duty)

Alison Lambert, Legal Assistant
Central Records and Warrants Unit
Office of the Sheriff
City and County of San Francisco
850 Bryant Street RM 460
415-553-1780
Alison.Lambert@sfgov.org

---
On July 20, 2020:
Subject:
The Sheriff’s office is providing you with the following responsive records:

1. A2012-0073
   - Deputy E. Gonzales #1103: currently employed with SFSO
   - Incident occurred on 9/10/2012 in Oakland, CA
   - Officer involved shooting (off-duty)

2. A2015-0064
   - Deputy F. Lu #2113: currently employed with SFSO
   - Incident occurred on 10/23/2015 at County Jail #1
   - Use of force
   - Injury is fractured arm
   - Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
   - This case does have audio and video evidence. Due to the lack of resources, the Sheriff’s office has not been able to execute the redaction process of audio/video materials.

3. A2017-0011
   - Deputy J. Barnes #1723, Deputy S. Castillo #1785 and Deputy M. Hodgers #2200: all are currently employed with SFSO
   - Incident occurred on 12/16/2016 at County Jail #1
   - Use of force
   - Injury is fractured arm
   - Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
   - This case does have audio evidence. Due to the lack of resources, the Sheriff’s office has not been able to execute the redaction process of audio/video materials.

4. A2018-027
   - Senior Deputy K. Lewis #1187: currently employed with SFSO
   - Incident occurred on 3/21/2018 at San Francisco General Hospital
   - Use of force
   - Injury is fractured arm

5. A2012-0012
   - Deputy Doug Jones #1696: no longer employed with SFSO
   - Incidents occurred from January 1, 2012 through February 4, 2012 and in March 2012
   - Sustained on allegations of sexual assault and untruthfulness
   - Complainants and witnesses have been redacted pursuant to Penal Code 832.7(b)(5)(B).
   - This case does have audio evidence. Due to the lack of resources, the Sheriff’s office has not been able to execute the redaction process of audio materials.

6. A04092
   - Deputy Rafael Cabrera #1218: currently employed with SFSO
   - Incident occurred on 6/23/2004 in San Francisco
   - Officer involved shooting
   - Medical records have been excluded from disclosure pursuant to Penal Code 832.7(b)(5)(C).
   - Complainants and witnesses have been redacted pursuant to Penal Code 832.7(b)(5)(B).
   - This case does have audio evidence. Due to the lack of resources, the Sheriff’s office has not been able to execute the redaction process of audio materials.

7. A06082
   - Deputy Scott Neu #1823: no longer employed with SFSO
   - Incident occurred on 5/26/2006 at County Jail #1 (6th floor facility at the Hall of Justice)
- Use of force
- Injury is a fractured rib
- Complainants and witnesses have been redacted pursuant to Penal Code section 832.7(b)(5)(B)
- Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- This case does have audio evidence. Due to the lack of resources, the Sheriff’s office has not been able to execute the redaction process of audio materials.

8. A09098
- Lt. John Casey #339: no longer employed with SFSO
Senior Deputy Matthew Wong #1360: currently employed by SFSO
Sgt. Kevin Macksond #1698: currently employed by SFSO
Deputy Melvin Song #1269: no longer employed with SFSO
Deputy Tonyette Smith Al-Ghani #1576: currently employed by SFSO
Deputy Edward Gutierrez #1928: currently employed by SFSO
Deputy Juan Guiron #1894: currently employed by SFSO
Deputy Daniel White #2115: no longer employed with SFSO
Deputy Kenneth Lomba #2074: currently employed by SFSO
- Incident occurred on 9/7/2009 at County Jail #3 (6th floor facility at the Hall of Justice)
- Use of force: resulting in death
- Floor plans of the facility have been excluded from disclosure due to safety and security
- Complainants and witnesses have been redacted pursuant to Penal Code section 832.7(b)(5)(B)
- Photographs have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- This case does have audio evidence. Due to the lack of resources, the Sheriff’s office has not been able to execute the redaction process of audio materials.

9. A10071
- Deputy Samuel Lou #1812: currently employed by SFSO
- Incidents occurred on April 6, 2010, May 7, 2010 and July 7, 2010
- Sustained on allegation of untruthfulness
- Records have been excluded from disclosure pursuant to Penal Code section 851.8.

On July 17, 2020:
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF Sheriff
You have cited no legal justification for your desire to restrict who can access these public records - neither a statute nor a court case. What "security reasons" would stop anyone in the public from lawfully accessing and viewing copies of these records? Is it not the case that every single person has an equal right to access these SB 1421-disclosable public records?

You cannot in fact impose any end-user conditions on access to these public records - Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301.

If you refuse to provide a completely open, public link to the records, imposing no end-user conditions, by CoB Monday, we will file further complaints. You may want to consult your peers in SFPD, Police Commission, etc. and ask why they have not tried to restrict access to their SB 1421 records.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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
On July 17, 2020:
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF Sheriff
Dear Anonymous:
Thank you for your patience with this matter. In response to your email dated July 10, 2020, for security reasons, the Sheriff’s office unable to provide you with “a completely open/public share link.”

In order to provide the documents to you that were previously shared with you with our OneDrive link on March 9, 2020, the Sheriff’s office is willing to mail a flash drive to you via the United States Postal Service. However, the Sheriff’s office requires that any flash drive that will be mailed to you be password protected in the event that the flash drive becomes lost in the mail. The Sheriff’s office will then email the password to the flash drive to you in a separate email if you choose this option.

Please respond to this letter to let the Sheriff’s office know if you would like a password protected flash drive mailed to you care of MuckRock News, or to an address of your designation.

If you have any other requests, please contact us at sfso.foia@sfgov.org. We again thank you for your continued courtesy and cooperation with this matter.

Alison Lambert, Legal Assistant
Central Records and Warrants Unit
Office of the Sheriff
City and County of San Francisco
850 Bryant Street RM 460
415-553-1780
Alison.Lambert@sfgov.org<mailto:Alison.Lambert@sfgov.org>

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On July 10, 2020:
Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF Sheriff
When you provide the files PLEASE use a fully public link where I don't have to sign-in.
I am not required to sign-in or agree to any end-user agreement to get any records (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301).

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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
On Feb. 22, 2020:
Subject: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superior Court) - Immediate Disclosure Request - SF Sheriff

Sheriff’s Department:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency. Your initial response is required by Feb 25, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City’s procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any SB 1421 records you must release your own copies, regardless of what any other agency does. Here's the full request:

1. Pursuant to Becerra v Superior Court (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or
its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public; all records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven’t read Becerra v Superior Court, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called “catchall exemption” of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure." 

However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 88551-86881685@requests.muckrock.com
Upload documents directly:
VpXQ%3A1kOZrg%3AAkLmtNwywdWjitgwZB5bfjw2lo
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 88551
411A Highland Ave
Somerville, MA 02144-2516

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requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
This is a follow up to request number P008260-071519:

Supervisor of Records Dennis Herrera,

Attached is a new 67.21(d) petition against SFPD.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76435-93915115@requests.muckrock.com
%3Fnext%3D%25252Faccounts%25252Fagency_login%25252Fsan-francisco-police-department-367%25252Femail-and-electronic-communications-audit-sfpd-
76435%25252F%25252Femail%25252Dsupervisor.records%25252Dsfcityatty.org%26url_auth_token=AAAlho6-kUH0n-qqo3T6PAL_wX5Q%3A1kRqFt%3Afh0kgKn3kGbI16baAESl0XZ3DvLU
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 Oct. 12, 2020:
Subject: RE: California Public Records Act Request #P008260-071519
Re: P008260-071519

Please also provide, as an immediate disclosure request, a copy of the communications you sent to these persons asking them to perform a corrected City of San Jose search and all of their replies.

--Anonymous

---

On Oct. 8, 2020:
Subject: P008260-071519
Greetings:

The following members replied that they have no responsive documents from personal phone devices (SMS, etc.) or personal email or messenger accounts.
Chief of Police
Chief of Staff
Asst. Chief Operations
DC Operations
DC Airport
DC Special Ops
DC Investigations
Commander GG
Cdr. Metro
Cdr. Risk Management
Cdr. MTA
Cdr. Investigations
Cdr. Air
Dir. Strategic Planning/PSPP
Dir Crime Strategies
Dir. Forensics

Dir Pub Policy - left department
Dir. Communications - left department
Dir. IT - left department

DC Admin - (Yee) provided responsive documents that he sent from his personal email to his SFgov email. I am working on those now.
Commander Admin - (O'Sullivan) provided responsive documents that he sent from his personal email to his SFgov email. I am working on those now.

Michael Andraychak #457

Sergeant of Police

Public Information Officer

Officer in Charge - Media Relations Unit

San Francisco Police Department
On Oct. 2, 2020:
Subject: SOTF - Sunshine Ordinance Task Force 10/07/20 Meeting - Agenda and Packet Online

Good Afternoon:

The agenda and packet for the Sunshine Ordinance Task Force 10/07/20 - 4:00 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/sotf_100720_agenda.pdf

The packet material is linked to each item listed on the agenda marked 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

Cheryl.Leger@sfgov.org

Tel: 415-554-7724

Fax: 415-554-5163

www.sfbos.org


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. 2, 2020:
Subject: SOTF - Sunshine Ordinance Task Force 10/07/20 Meeting - Agenda and Packet Online
Good Afternoon:

The agenda and packet for the Sunshine Ordinance Task Force 10/07/20 - 4:00 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/sotf_100720_agenda.pdf

The packet material is linked to each item listed on the agenda marked 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

Cheryl.Leger@sfgov.org<mailto:Cheryl.Leger@sfgov.org>

Tel: 415-554-7724

Fax: 415-554-5163

www.sfbos.org


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 Sept. 25, 2020:
Subject: SOTF - Notice of Appearance, October 7 2020 - Sunshine Ordinance Task Force; 4:00 PM; remote meeting
Good Morning:
You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: October 7, 2020

Location: Remote meeting

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

File No. 19080: Complaint filed by Paul A. Vander Waerdt against the Dept. of Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, for failing to respond to an Immediate Disclosure Request in a timely manner.

File No. 19109: Complaint filed by Stephen Malloy against Dept. of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.25, 67.26 and 67.27 by failing to respond to a public records request in a timely and/or complete manner.

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 67.25, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to respond to a public records request in a timely and/or complete manner; failing to justify withholding of records and failing to maintain a Proposition G calendar.

File No. 19098: Complaint filed by Anonymous against Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19145: Complaint filed by Chris Kohrs against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.5 and 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19140: Complaint filed by Stephen Malloy against the Department of Human Resources for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21and 67.25, by failing to respond to a request for public records in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by 5:00 pm, September 30, 2020.

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.

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.

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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, emails 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

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:
%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-
communications-audit-sfpd-
76435%252F253Femail%252Dsupervisor.records%252Dsfcityatty.org&utm_auth_token=AAlho6-KUH0n-
qq3T6PAL_wX5Q%3A1kRqFt%3Afhh0kgKn3kGbl16bAESI0XZ3DvLU
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.
Dear Mr. Herrera,

Attn. General Government Team
City Attorney/Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Via email to supervisor.records@sfcityatty.org

RE: SFPD Request P008260-071519

Supervisor of Records Dennis Herrera,

This is an SFAC 67.21(d) petition against the SFPD. Please determine, in writing, within 10 days, whether each of the contested records or parts of records enumerated below are public, and order their disclosure.

On Oct. 7, 2020, in SOTF 19098 Anonymous v. SFPD, the Sunshine Ordinance Task Force unanimously (with the support of the new commissioners) ruled against SFPD in this request on four violations:

- SFAC 67.21(b) for failing to provide copies of electronic records by printing and scanning them instead,
- 67.21(k) (which requires complying with the CPRA), by failing to search for all personally-held public records within the scope of City of San Jose v. Superior Court (2017),
- 67.26 by withholding partially text message records namely the To and From of each message and also by withholding all email metadata namely email headers, and
- 67.26 (again) by failing to key each redaction with a footnote or other clear reference to a justification.

I present three issues for you to determine:

ISSUE 1. On Oct. 8, 2020, SFPD admitted that there were in fact “responsive documents that he sent from his personal email to his SFgov email” for two of the custodians (then-DC Admin., and Commander Admin.). You previously stated on Nov. 12, 2019 that this City of San Jose issue was beyond your jurisdiction. However, SFAC 67.21(d), which describes your jurisdiction, applies not only when records or parts thereof are withheld, but instead states “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.” In failing to search for and provide all personally-held public records pursuant to City of San Jose, SFPD failed to comply or incompletely complied with my request. You must determine that these personally-held records about the conduct of public business are public and order them disclosed. As of this petition filing they have not been disclosed. Determining whether or not a record about the conduct of public business but stored on personal property is a public record falls squarely within 67.21(d).

ISSUE 2. In the same Oct. 8 email, SFPD stated that three of the custodians for this July 2019 request are no longer with SFPD. It appears the SFPD is refusing to provide San Jose records for those custodians and/or did not retain them when I made the request last year. However, per your Good Government Guide, even if there is no general retention requirement for such records, once I requested them they must be retained by SFPD: “Even if a document does not meet the definition of “record” for retention purposes, if the department receives a public records request for the document, it may not destroy it or otherwise dispose of it.” (Good Govt Guide, p. 124). You must determine that the records for the then-Directors of Public Policy,
Communication, and IT are public and order them disclosed. The SFPD may have made it impossible for it to now lawfully comply with my request due its unlawful handling of my request last year (i.e. by not retaining the responsive records when I requested them), but that does not absolve you of the responsibility to issue a written determination of whether the records are public.

ISSUE 3. Determine that the To and From for text messages is public, and order that information disclosed. Here is an example of the text message records that they provided in a “Tab Separated Value” database format. Note the columns of various metadata and also content. The “To” and “From” columns - indicating which government official is speaking to which other official - are not exempt under any law, and SFPD has in fact provided the To and From in response to other text message requests.

<table>
<thead>
<tr>
<th>ThreadId</th>
<th>MessageId</th>
<th>Date (UTC)</th>
<th>Network Message Type</th>
<th>AttachmentCount</th>
<th>Body</th>
</tr>
</thead>
<tbody>
<tr>
<td>2854114307</td>
<td>6459506228</td>
<td>7/15/19 19:29</td>
<td>AT&amp;T Message 0</td>
<td><strong>&quot;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 COL expires on Aug 1, 2019.&quot;</strong></td>
<td></td>
</tr>
<tr>
<td>2854114307</td>
<td>6459600652</td>
<td>7/15/19 19:49</td>
<td>AT&amp;T Message 0</td>
<td><strong>&quot;Got it. Hopefully you won't be waiting to long.&quot;</strong></td>
<td></td>
</tr>
<tr>
<td>2854114307</td>
<td>6459988492</td>
<td>7/15/19 23:18</td>
<td>AT&amp;T Message 0</td>
<td><strong>&quot;I'm finally done with applying for my REAL ID... sooo crazy here at the Daly City DMV!!! See you tomorrow Chief!!&quot;</strong></td>
<td></td>
</tr>
<tr>
<td>2854114307</td>
<td>6459988497</td>
<td>7/15/19 23:18</td>
<td>AT&amp;T Message 0</td>
<td><strong>&quot;I'm finally done with applying for my REAL ID... sooo crazy here at the Daly City DMV!!! See you tomorrow Chief!!&quot;</strong></td>
<td></td>
</tr>
<tr>
<td>2855989828</td>
<td>6459496351</td>
<td>7/15/19 19:24</td>
<td>AT&amp;T Message 0</td>
<td><strong>&quot;I saw your target and knew we were in trouble. Good shooting! But beware, I'm on your heals.&quot;</strong></td>
<td></td>
</tr>
<tr>
<td>2855989828</td>
<td>6459506242</td>
<td>7/15/19 19:29</td>
<td>AT&amp;T Message 0</td>
<td><strong>&quot;LOL thank you. With my eye sight these days the distance shooting is a challenge.&quot;</strong></td>
<td></td>
</tr>
<tr>
<td>2855989828</td>
<td>6459507264</td>
<td>7/15/19 19:31</td>
<td>AT&amp;T Message 0</td>
<td><strong>&quot;Obviously a challenge you overcome.&quot;</strong></td>
<td></td>
</tr>
<tr>
<td>2856065950</td>
<td>6459006419</td>
<td>7/15/19 15:47</td>
<td>AT&amp;T Message 0</td>
<td><strong>&quot;FYI I went to the Lake by mistake. Going to the Airport now. I may be late.&quot;</strong></td>
<td></td>
</tr>
<tr>
<td>2863928440</td>
<td>6459938034</td>
<td>7/15/19 22:54</td>
<td>AT&amp;T Message 0</td>
<td><strong>&quot;Other (Suspicious Package) – Oracle Park - Updated Notification Status: Update - REDACTED 6254(F) GC OPEN INVESTIGATION AND/OR RECORD OF INTELLIGENCE&quot;</strong></td>
<td></td>
</tr>
<tr>
<td>2876610504</td>
<td>6460172256</td>
<td>7/16/19 02:22</td>
<td>AT&amp;T Message 0</td>
<td><strong>&quot;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&quot;</strong></td>
<td></td>
</tr>
<tr>
<td>2876610504</td>
<td>6460172257</td>
<td>7/16/19 02:23</td>
<td>AT&amp;T Message 0</td>
<td><strong>&quot;Copy&quot;</strong></td>
<td></td>
</tr>
<tr>
<td>2876610504</td>
<td>6460174676</td>
<td>7/16/19 02:24</td>
<td>AT&amp;T Message 0</td>
<td><strong>&quot;Copy. Thanks&quot;</strong></td>
<td></td>
</tr>
</tbody>
</table>

Note that your prior “reasonable segregation” arguments have no bearing on this request. I issued a request for a copy of a record, not for inspection of a record in person. Only inspections of records are held to a “reasonable segregation standard - which, as you cited, is in Gov Code 6253(a), not 6253(b, c) which apply to requests for copies. This is common sense - when inspecting a record in person redaction is not possible, but it is on a copy. Your own Good Government Guide teaches that these are separate rights which may be invoked (pg. 92). In fact, given that the City has clearly easily redacted small portions of these databases (note above the redaction “REDACTED 6254(F) GC OPEN INVESTIGATION” replacing some parts of the messages), your “reasonable segregation” arguments would not hold water even if it was relevant (which it is not), as the To/From columns were clearly “segregated” from the other ones already (by deleting them).

Sincerely,

Anonymous

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 (signature.asc attachment), 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 government all be disclosable public records.
SOTF and Supervisor of Records:

Please amend the petition/complaint as follows:
Replace the paragraph about 6254(f) (which was not cited), with this about 6254(c) (which was cited):

> Information about a public records request is also not exempt under 6254(c): "Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy." It is unclear how an email about a records request is similar to personnel or medical files.

Thanks!

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous

------ Original Message ------
On Wednesday, December 9th, 2020 at 1:39 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

SUPERVISOR OF RECORDS DENNIS HERRERA:
Pursuant to SFAC 67.21(d), please determine in writing within 10 days that one or more redacted parts of the attached record are public and order them disclosed.

SOTF:
Please file a new complaint Anonymous (105571-26446823@requests.muckrock.com) v David Steinberg and DPW, conduct a hearing, and find DPW and Mr. Steinberg in violation of SFAC 67.26 for not minimizing withholding and SFAC 67.27 for not providing written justification, and order one or more of the redactions (or a smaller part of them) disclosed.

PETITION/COMPLAINT common to both processes:
This is a single document (attached) I allege is improperly redacted. All details of the request and response are available at https://sanfrancisco.nextrequest.com/requests/20-4829

The justification for these redactions is on the last page:
"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."

All redactions have that single common justification.

These redactions appear to be employee names, government email signature blocks identifying the department, name, title, work phone number, etc., and government - not personal - email addresses. The conversation is between Mr. Steinberg and someone else. They are discussing a response to a different public records request - which is by definition conduct of public business.

As decided in SOTF 19140 Stephen Malloy v. Dept of Human Resources, citing Gov Code 6254(k) is insufficient and a violation of SFAC 67.27. The City must also state which privilege or law (such as the section of the Evidence Code) they are relying on that is subsumed within Gov Code 6254(k). Otherwise it could be any unknown law or privilege and this is not specific enough. I have no idea what I'm fighting here - is it whistleblower privilege, attorney-client, etc.?

For 6254(f), it is unclear how an email between Steinberg and someone else about my records request could be a "Record[] 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." This is a record of an email response to another records request... DPW isn't even one of those types of agencies.

Finally, public employee or contractor names are not protected by the constitutional right of privacy. The existence of an employment/contractor relationship is completely public. Note that the names of other employees who replied to this records request were not redacted - so it is unclear what's going on with this particular record - and makes finding out all the more important. If there is some other specific law (that they did not cite properly) preventing access to this employee's name, they'll need to find a different citation.

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 (signature.asc attachment), 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 government all be disclosable public records.

Sincerely,

Anonymous
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Pursuant to SFAC 67.21(d), please determine in writing within 10 days that one or more redacted parts of the attached record are public and order them disclosed.

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Sincerely,

Anonymous
Request #20-4829

☑ CLOSED

As of December 9, 2020, 12:57pm

Details

Department of Public Works
PRA Office
Room 348
1 Doctor Carlton B Goodlett Place
San Francisco, CA 94102
December 8, 2020

This is a follow up to request number 20-4788:

Thanks Mr. Steinberg,

Please add the following immediate disclosure request:

- all communication between Mr. Steinberg and DPW persons requesting or receiving records in #20-4788, including all attachments, and to/from/cc/bcc and sent dates produced directly as an exact PDF copy (the remaining metadata is not relevant at this moment).

It seems that will be the easiest way for me to find out whose communications these are...

--Anonymous

Received

December 8, 2020 via email

Departments

Public Works

Documents

FW_ Mandatory Notification.pdf-redacted.pdf
FW_MANDATORY_NOTIFICATION_Public Records Request #20-4788.pdf
MANDATORY NOTIFICATION_Public Records Request #20-4788.pdf
Public Records Request #20-4788 (1).pdf-redacted.pdf
Public Records Request #20-4788 and 20-4789.pdf
Public Records Request #20-4788.pdf
RE_MANDATORY_NOTIFICATION_Public Records Request #20-4788 (1).pdf-redacted.pdf
RE_MANDATORY_NOTIFICATION_Public Records Request #20-4788 (2).pdf
RE_MANDATORY_NOTIFICATION_Public Records Request #20-4788 (3).pdf
RE_MANDATORY_NOTIFICATION_Public Records Request #20-4788.pdf
Text from SE.pdf

Staff

Point of Contact

David A. Steinberg

Timeline

External Message
Anonymous,

In response to your email today, please note that we properly redacted specific information in the document you cited, and we included the appropriate footnote. We did this after consulting with the City Attorney's Office.

Regards,

David A. Steinberg
Custodian of Records
San Francisco Public Works

December 9, 2020, 12:24pm by David A. Steinberg, Custodian of Records (Staff)

Request Closed

We have conducted a diligent search for records responsive to your request. We have located responsive records and are releasing them to you. As you know, because our redaction process eliminates links and attachments in PDF documents, we have released two versions of those documents: One is the redacted PDF (the format you requested) and the other splits the Outlook messages into component parts (text file, attachments, images). We did this to ensure that you were able to receive all of the records you requested.

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.

Please note that it is not necessary to create a NextRequest account to view responsive records. Once they have been released, a link, valid for 30 days, will be provided to view the records. Additionally, unless privacy concerns prevent it, Public Works makes all records requests visible to the public. You may search for requests at https://sanfrancisco.nextrequest.com/.

This concludes your public records request.

Regards,

David A. Steinberg
Custodian of Records
San Francisco Public Works

December 9, 2020, 10:35am

Document(s) Released

December 9, 2020, 10:32am

Document(s) Released to Requester

RE_ California Public Records Act Request #20-4788.pdf

December 8, 2020, 1:02pm

External Message
We received your public records request, dated Dec. 8. You have requested the following records:
- all communication between Mr. Steinberg and DPW persons requesting or receiving records in #20-4788, including all attachments, and to/from/cc/bcc and sent dates produced directly as an exact PDF copy (the remaining metadata is not relevant at this moment).

Pursuant to Mayor London Breed's Proclamation dated March 13, Sections 67.25(a) and 67.25(b) of the Administrative Code are suspended for the duration of the local emergency. 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.

Our department will identify and compile the requested information. The Sunshine Ordinance requires departments to respond as soon as possible or within 10 calendar days from receipt of any records requests. Therefore, we will contact you on or before Dec. 18, as permitted by San Francisco Administrative Code § 67.21(b) and California Government Code § 6253(c). Please note that during the current public health emergency, the department is not required to provide copies of records by this deadline but must notify the requester whether the records exist.

It is not necessary to create a NextRequest account to view responsive records. Once they have been released, a link, valid for 30 days, will be provided to view the records. Additionally, unless privacy concerns prevent it, Public Works makes all records requests visible to the public. You may search for requests at https://sanfrancisco.nextrequest.com/

Department Assignment
Public Works

Request Opened
Request received via email

December 8, 2020, 12:54pm by David A. Steinberg, Custodian of Records (Staff)
Hi

If it was work-related, then yes it qualifies and we need to produce it. The easiest way to send it to me is probably by taking a screenshot and put that into an email.

Thanks,

David A. Steinberg
Custodian of Records & Executive Assistant to the Director
San Francisco Public Works  |  City and County of San Francisco
49 South Van Ness Avenue, Suite 1647  |  San Francisco, CA 94103  |  (628) 271-2888
sfpublicworks.org · twitter.com/sfpublicworks

For public records requests, please go to sfpublicworks.org/records.

Hi Stan,

I sent a WhatsApp text to Mr Kelly Jr. on June 5, 2019 from my personal phone and wonder if that falls within this category.
Please advise.

Thank you
Dear Co-workers,

The department has received a records request for text and chat communications between our staff and specific individuals, who are listed below. Note that this does not apply to emails.

We are required to identify documents that may exist on work or personal accounts of Public Works employees, and every employee must review the following to ensure that the department fully complies with all applicable laws and obligations. With regards to personal electronic devices and personal accounts, courts have ruled that we must turn over responsive records if the communication relates to the City’s business. Purely personal messages do not need to be turned over. Please follow these instructions:

- If you have any messages, such as texts, Teams chats or IMs in any format for any time period, please let me know by Monday, Dec. 14. Again, if it’s related to City business, it must be turned over even if it’s on your personal mobile device. We were not asked about emails, just texts and other forms of instant messages. Depending on the type of message, IT may have to pull the files (for example in Teams).
- Do not reply to this message or email me if you do not have any responsive records. If you have records, please send your response to me and not as a reply-all. Please include “Public Records Request #20-4788” in the subject line. If the volume would make it difficult to send documents via email, I can create a folder for you to transfer files to me.

This records request covers communications with the following individuals whether they are one-on-one texts or as part of group messages:

- Sean Elsbernd
- Andrea Bruss
- London Breed
- Harlan Kelly Jr.
- Naomi Kelly
- Hank Heckel
- Walter Wong

Thank you for your cooperation. If you have any questions, feel free to email me.

Regards,

David A. Steinberg  
Custodian of Records & Executive Assistant to the Director  
San Francisco Public Works  |  City and County of San Francisco
Note: The new contact information above is effective July 6, 2020.

David A. Steinberg
Custodian of Records & Executive Assistant to the Director
San Francisco Public Works  |  City and County of San Francisco
49 South Van Ness Avenue, Suite 1647  |  San Francisco, CA 94103  |  (628) 271-2888
sfpublicworks.org · twitter.com/sfpublicworks

For public records requests, please go to sfpublicworks.org/records.
<table>
<thead>
<tr>
<th>Reason</th>
<th>Page (# of occurrences)</th>
<th>Description</th>
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</table>
Buta, Odaya (CAT)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Tuesday, December 22, 2020 11:15 AM
To: Supervisor Records (CAT); Brad Russi (Deputy City Attorney, SF)
Cc: dpa.legalteam@sfgov.org; Henderson, Paul (DPA)
Subject: Re: 67.21(d) petition - An easy one - Police Audio files withheld - National Lawyers Guild v City of Hayward (2020)
Attachments: signature.asc

Apologies - corrected below.

------ Original Message ------
On Tuesday, December 22nd, 2020 at 11:13 AM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Supervisor of Records,

This one should be easy. This is a petition under 67.21(d) to determine that one or more parts of the following records unlawfully withheld are public and to order a copy of each of them, redacted correctly, disclosed by DPA to 83876-31149286@requests.muckrock.com:
- audio recordings in SF DPA Case No. 0362-97
- audio recordings in SF DPA Case No. 0119-03
- audio recordings in SF DPA Case No. 0068-01

There are plenty more, but we'll start there.

They have withheld the audio records, and provided only a completely different record - a transcript - unless I pay to redact the audio recordings.

Pursuant to both SFAC 67.26 prohibiting personnel fees and requiring minimum redactions, and the Supreme Court ruling in National Lawyers Guild v City of Hayward (2020), DPA cannot withhold these records unless I pay fees. I would owe only the fees for the physical medium of the copy - and I haven't asked for a physical copy. DPA is free to upload, after redaction, with a key by footnote or other clear reference, an audio/video recording where the exempt portions are "masked" (by rectangle, or audio bleeping, etc.) the records to NextRequest. SFPD produces redacted audio/video - why would DPA be above the law?

Sincerely,
Anonymous

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Sincerely,
SOTF and Supervisor of Records,

On Feb 1, 2020, I requested from 87286-40239004@requests.muckrock.com "an electronic copy of all of London Breed's ("Named Custodians") government calendars (all of them, Prop G and non-Prop G, including but not limited to 'PropG, Mayor (MYR)', 'Calendar, Mayor (MYR)', 'Breed, London (MYR)" and all successors to or renames of these accounts), scheduling entries, appointments, and meeting invitations from the Requested Dates: October 15, 2019 to October 31, 2019 (inclusive)." and certain other records. As of this filing, Respondents have been completely non-compliant with the Ordinance and your order in 19047.

SOTF please file complaint Anonymous (87286-40239004@requests.muckrock.com) v Hank Heckel, Mayor London Breed, and Office of the Mayor.
Allegations: SFAC 67.21, 67.26, 67.27, 67.34, Gov Code 6253(c)

(To the Supervisor of Records: this is a SFAC 67.21(d) petition to determine that some or all parts of 2, 3, and 4 below are public and to order their disclosure.)

1. Timeliness/completeness - SFAC 67.21(B), CPRA Gov Code 6253(c) (SOTF only)
On Feb 4, 2020 Heckel declared a regular 10-day deadline.
We followed up on Feb 20, Feb 21, Mar 9, June 5, and June 22.
Respondents violated the CPRA GC 6253(c) by failing to declare an up to 14 day deadline on Feb 14.
Respondents violated the CPRA further by failing to provide a notice of disclosable public records on Feb 28 by the latest.
(Untimeliness from Mar 21st through June 3rd were waived voluntarily by me for COVID reasons, but that has no bearing on this request because it was untimely prior to Mar 21 and after June 3.)

2. Non-Prop G calendars withheld, no justification - SFAC 67.26, 67.27, 67.21(B)
On July 1, 2020 Heckel provided solely the Prop G calendar entries and withheld the non-Prop G calendar entries.
In SOTF 19047, Heckel previously lied to this Task Force indicating that no other information other than Prop G entries exist.
He then produced that information - that he never indicated existed or was withheld under any provision of law - a few weeks after the committee hearing.
The Task Force should not tolerate a city employee lying to it and should give no weight to Heckel's claims, if he makes any, that non-Prop G entries do not exist.
If needed, I will impeach Heckel's credibility based on his prior written responses and oral testimony.

3. Entry details withheld, no justification - SFAC 67.26, 67.27, 67.21(L)
Without justification, Heckel provided only the single combined summary of all of the events. This withholds information visible only on the per-event details view. No justification has been provided for the withholding of that information.

4. ICS withheld, bad justification - SFAC 67.26, 67.27, 67.21(L)
All parts of the ICS were withheld, including parts that do not constitute an information security threat.
Contrary to what the Respondents argued in 19047, we now know that nearly every part of an ICS is not exempt. See for example, DT’s ICS production: https://sanfrancisco.nextrequest.com/documents/6211042 which has almost no redactions (DT has further agreed in writing that X-MICROSOFT-OLK-APPTSEQTIME and X-MICROSOFT-CDO-IMPORTANCE, while redacted in that link, will not be redacted going forward).

5. Willfulness - SFAC 67.34 (SOTF only)
All of these issues were already determined in my favor in SOTF 19047. Heckel and Breed choose to willfully violate the Ordinance and your orders and this Task Force should not tolerate that. If Heckel is a managerial city employee, please find that he committed official misconduct by willfully violating the Sunshine Ordinance. Please find that Breed willfully violated the Sunshine Ordinance, and refer her to the Ethics Commission for a hearing on official misconduct.

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Sincerely,

Anonymous
Mayor Breed and the Office of the Mayor,

This is a new immediate disclosure request under the Sunshine Ordinance and under the CPRA for:

1) IMMEDIATE DISCLOSURE: an electronic copy of all of London Breed’s (“Named Custodians”) government calendars (all of them, Prop G and non-Prop G, including but not limited to 'PropG, Mayor (MYR)', 'Calendar, Mayor (MYR)', 'Breed, London (MYR)” and all successors to or renames of these accounts), scheduling entries, appointments, and meeting invitations from the Requested Dates: October 15, 2019 to October 31, 2019 (inclusive). For calendars, you may provide this by directly exporting to PDF any Outlook view that shows for each and every event at least Subject, Location, Start, End, Recurrence, Meeting Status, Organizer, Show Time As, Required/Optional Attendees, Categories, Importance, Description/Body/Message, and preserving full color, formatting and text-searching. For meeting invitations, you should convert the invitations directly and individually to PDF. This includes declined or not-yet-accepted invitations, and those both sent and received for events on those days. Printing and scanning will be appealed. Use of PDF images as opposed to selectable text will be appealed. For examples of proper production, see DPW's PDF provision here: https://sanfrancisco.nextrequest.com/requests/19-4150 - they provide PDFs of each item, and a screenshot of all of the attendee status. I am explicitly asking for those same parts of these records. All Attachments should also be provided and in their original electronic format.

2) IMMEDIATE DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of each Named Custodian to provide: calendar items, scheduling entries, and meeting invitations for the Requested Dates that are present on their personal calendars/email or on personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business). Any electronic format easily generated by the Named Custodian is acceptable here. Notwithstanding Gov Code 6253.3(b)(1), you may redact the Named Custodian’s personal email addresses “used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication.”

3a) regular disclosure: Furthermore, I request .ICS copies of each record identified in #1.

3b) regular disclosure: Finally, the following information, regardless of format, for each record identified in #1:
   i) creation timestamp,
   ii) modification timestamp,
   iii) creator identity,
   iv) timezone,
   v) name, email address, and acceptance status of each attendee
   vi) categories
   vii) importance
   viii) organizer name and email address
   ix) subject
   x) location
   xi) description/body
If you provide all of (i)-(xi) in 3a, you may disregard this 3b. For 3b you may use whichever format you wish as long as this public information, which is not an information security record, is not withheld.
It is likely that you will refuse some portion, and I will appeal all withholdings, exemptions, delays, and refusals. Preserve originals of all records during my appeals.

All records must be provided in rolling fashion. Every withholding (including redactions) must be justified with clear reference to a statute or case law.

Provide only those records without fees.

My purpose is to maintain a permanent record of the Mayor’s business, including through her top surrogates, regardless of how you wish to destroy records internally. Such requests will be made continually and periodically to retain this permanent record, both forward- and backward-looking. If you would like to suggest a change in the form of future periodic requests that would provide *all* of the same information I’ve requested, with less work, I may consider such suggestions - however that will not affect this request.

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

---

From: Office of the Mayor

Subject: RE: California Public Records Act Request: Older Mayoral Calendars - Immediate Disclosure Req...

Anonymous,

Your request is neither simple nor routine nor readily answerable and requires consultation with one or more other departments. Accordingly, we will respond within the full 10 day period for a regular request, barring the need for a further extension. See Cal. Gov. Code 6253 and Admin. Code 67.25(b).

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

---

From: Muckrock Staff

Subject: RE: California Public Records Act Request: Older Mayoral Calendars - Immediate Disclosure Req...

Anonymous,

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Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco
To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 1, 2020. 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.

<table>
<thead>
<tr>
<th>From: Anonymous Person</th>
<th>02/21/2020</th>
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<td>Subject: RE: California Public Records Act Request: Older Mayoral Calendars - Immediate Disclosure Req...</td>
<td>Email</td>
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<tr>
<td>Why have we not received these calendars?</td>
<td></td>
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<td>Thanks for your help, and let me know if further clarification is needed.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>From: Muckrock Staff</th>
<th>06/22/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject: RE: California Public Records Act Request: Older Mayoral Calendars - Immediate Disclosure Req...</td>
<td>Email</td>
</tr>
<tr>
<td>To Whom It May Concern:</td>
<td></td>
</tr>
<tr>
<td>I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 1, 2020. Please let me know when I can expect to receive a response.</td>
<td></td>
</tr>
<tr>
<td>Thanks for your help, and let me know if further clarification is needed.</td>
<td></td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>From: Office of the Mayor</th>
<th>07/01/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject: RE: California Public Records Act Request: Older Mayoral Calendars - Immediate Disclosure Req...</td>
<td>Email</td>
</tr>
</tbody>
</table>
Anonymous,

Please see the responsive calendar entries of Mayor Breed.

The 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.

Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco
### September 30, 2019 Continued

**Monday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Attendees</th>
</tr>
</thead>
</table>
| 4:12 PM - 4:38 PM | Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office | Attendees:  
- Mayor's Office Staff |
| 4:43 PM - 5:04 PM | MTA Panel Meeting -- City Hall, Room 200, Mayor's Office | Attendees:  
- Mayor's Office Staff |

**October 1, 2019**

**Tuesday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Attendees</th>
</tr>
</thead>
</table>
| 9:00 AM - 9:24 AM | Senior Staff Check In -- Remote Conference Call               | Attendees:  
- Mayor's Office Staff |
| 11:02 AM - 11:35 AM | Meeting Re: Budget -- City Hall, Room 200, Mayor's Office     | Attendees:  
- Mayor's Office Staff |
| 11:41 AM - 12:13 PM | Courtesy Call with Honorable Apostolos Tzitzikostas, Governor of the State of Central Macedonia -- City Hall, Room 200, International Room | |
| 12:13 PM - 12:39 PM | Office of Racial Equity Signing Ceremony -- City Hall, Mayor's Balcony |  |
| 12:51 PM - 1:15 PM | Meeting Re: Human Rights Commission -- City Hall, Room 200 Mayor's Office | Attendees:  
- Sheryl Davis, Executive Director, Human Rights Commission  
- Phelicia Jones, Chairperson, Service Employees International Union 1021 Wealth and Disparities in the Black Community |
| 1:18 PM - 2:07 PM | Meeting Re: Personnel -- City Hall, Room 200, Mayor's Office  | Attendees:  
- Interviewee  
- Mayor's Office Staff |
| 2:22 PM - 3:07 PM | Meeting Re: Personnel -- City Hall, Room 200, Mayor's Office  | Attendees:  
- Interviewee  
- Mayor's Office Staff |
| 3:17 PM - 3:37 PM | Meeting Re: Public Safety -- City Hall, Room 200, Mayor's Office | Attendees:  
- Vicki Hennessy, Sheriff, San Francisco Sheriff's Department  
- Mayor's Office Staff |
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 1, 2019 Continued</td>
<td>5:15 PM - 5:45 PM</td>
<td>“Celebrate South Park” Community Event -- South Park; 64 South Park Street, San Francisco, CA</td>
<td></td>
</tr>
<tr>
<td>October 2, 2019</td>
<td>7:25 AM - 8:15 AM</td>
<td>Walk and Roll to School Day -- SE corner of Visitacion Avenue &amp; Mansell Street, San Francisco, CA</td>
<td></td>
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<td></td>
<td>9:00 AM - 9:30 AM</td>
<td>All Staff Visit to Laguna Honda Hospital -- Laguna Honda Hospital, San Francisco, CA</td>
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<td></td>
<td>9:30 AM - 10:00 AM</td>
<td>Senior Staff Check In -- Remote Conference Call</td>
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<td>Attendees:</td>
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<td>- Mayor’s Office Staff</td>
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<td>10:00 AM - 10:30 AM</td>
<td>Bloomberg Harvard Check In -- Remote Conference Call</td>
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<td>1:30 PM - 2:00 PM</td>
<td>Maxine Hall Health Center Groundbreaking Ceremony -- 1301 Pierce Street, San Francisco, CA</td>
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<td></td>
<td>2:33 PM - 3:38 PM</td>
<td>Meeting Re: Personnel -- City Hall, Room 200, Mayor’s Office</td>
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<td>Attendees:</td>
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<tr>
<td></td>
<td></td>
<td>- Interviewee</td>
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<td>- Mayor’s Office Staff</td>
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<td></td>
<td>3:38 PM - 4:05 PM</td>
<td>Meeting Re: Loma Prieta -- City Hall, Room 200, Mayor’s Office</td>
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<td>Attendees:</td>
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<td>- Mayor’s Office Staff</td>
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<td></td>
<td>4:07 PM - 4:28 PM</td>
<td>Meeting with USF President Father Paul Fitzgerald -- City Hall, Room 200, Mayor’s Office</td>
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<td>Attendees:</td>
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<td>- Father Paul Fitzgerald, President, USF</td>
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<td>- Mayor’s Office Staff</td>
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<td>4:30 PM - 4:55 PM</td>
<td>Meeting Re: Public Safety -- City Hall, Room 200, Mayor’s Office</td>
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<td>Attendees:</td>
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<td>- Police Chief William Scott, San Francisco Police Department</td>
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<td>- Mayor’s Office Staff</td>
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<td></td>
<td>5:30 PM - 6:10 PM</td>
<td>Meeting Re: Scheduling -- City Hall, Room 200, Mayor’s Office</td>
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<td>Attendees:</td>
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<td></td>
<td></td>
<td>- Mayor’s Office Staff</td>
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<td></td>
<td>6:00 PM - 6:30 PM</td>
<td>Domestic Violence Awareness Month Launch -- City Hall, Polk Street Steps</td>
<td></td>
</tr>
</tbody>
</table>
October 3, 2019
Thursday

9:00 AM - 9:08 AM  Senior Staff Check In -- Remote Conference Call
Attendees:
- Mayor’s Office Staff

11:00 AM - 12:05 PM  Temporary Ferry Landing Debut -- Ferry Building; Pier 48, San Francisco, CA

12:10 PM - 12:30 PM  Interview with New York Times Magazine -- Remote Conference Call
Attendees:
- Elizabeth Weil, Writer, New York Times
- Mayor’s Office Staff

1:34 PM - 2:09 PM  Meeting Re: Commissions -- City Hall, Room 200, Mayor’s Office
Attendees:
- Mayor’s Office Staff

6:10 PM - 7:10 PM  Shanti Project 45th Anniversary Dinner Benefit -- Palace Hotel; 2 New Montgomery Street, San Francisco, CA

7:33 PM - 7:45 PM  San Francisco Beautiful Cocktail Reception to Honor Robert “Bob” Charles Friese -- St. Francis Yacht Club; 700 Marina Blvd, San Francisco, CA

October 4, 2019
Friday

9:30 AM - 9:45 AM  Senior Staff Check In -- Remote Conference Call
Attendees:
- Mayor’s Office Staff

12:30 PM - 1:00 PM  District Attorney Appointment Press Conference -- Portsmouth Square; Clay St & Kearny St, San Francisco, CA

1:30 PM - 2:00 PM  San Francisco Fire Department EMT Class Graduation Ceremony -- San Francisco City College, San Francisco, CA

2:45 PM - 2:51 PM  Meeting Re: Legislation Signing -- City Hall, Room 200, Mayor’s Office
Attendees:
- Mayor’s Office Staff

3:12 PM - 3:47 PM  Meeting Re: School of the Arts -- City Hall, Room 200, Mayor’s Office
Attendees:
- Dede Wilsey, Philanthropist
- Louise Renne, Founding Partner, Renne Public Law Group
- Dr. Vincent Matthews, Superintendent, SFUSD
- Gentle Blythe, Deputy Superintendent of Strategic Partnerships and Communications, SFUSD
- Mayor’s Office Staff
October 4, 2019 Continued

Friday

3:50 PM - 3:58 PM  One Treasure Island Gala & BAYCAT 15th Anniversary Video Recordings -- City Hall, International Room
Attendees:
   - Cameraman
   - Mayor’s Office Staff

3:58 PM - 4:05 PM  Meeting Re: Human Rights Commission -- City Hall, Room 200, Mayor’s Office
Attendees:
   - Sheryl Davis, Executive Director, Human Rights Commission
   - Mayor’s Office Staff

4:06 PM - 4:28 PM  Meeting Re: Homelessness -- City Hall, Room 200, Mayor’s Office
Attendees:
   - Nan Roman, Director and CEO, National Alliance to End Homelessness
   - Cynthia Nagendra, Director, Center for Capacity Building, National Alliance to End Homelessness
   - Mayor’s Office Staff

4:28 PM - 5:18 PM  Meeting with Juvenile Judges -- City Hall, Room 200, Mayor’s Office
Attendees:
   - Monica Wiley, Supervising Judge, Superior Court of San Francisco, Unified Family Court
   - Roger Chan, Judge, Superior Court of San Francisco
   - Daniel Flores, Judge, Superior Court of San Francisco
   - Mayor’s Office Staff

5:20 PM - 6:02 PM  Meeting Re: Scheduling -- City Hall, Room 200, Mayor’s Office
Attendees:
   - Mayor’s Office Staff

6:11 PM - 6:41 PM  Tomiquia Moss’ Going Away Party -- Slate Bar; 2925 16th St., San Francisco, CA

October 5, 2019

Saturday

10:00 AM - 10:15 AM  Self- Help for the Elderly’s 34th Annual Longevity Walkathon Parade and Fair -- Portsmouth Square, Kearny St. & Clay St, San Francisco, CA

11:00 AM - 11:30 AM  Highland Avenue Block Party -- Highland Avenue, San Francisco, CA

October 7, 2019

Monday

9:00 AM - 9:18 AM  Senior Staff Check In -- Remote Conference Call
Attendees:
   - Mayor’s Office Staff

PropG, Mayor (MYR)
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:30 AM - 11:00 AM</td>
<td>The San Francisco Fleet Week Press Conference -- James R. Herman Cruise Terminal, Pier 27, San Francisco, CA</td>
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<tr>
<td>11:22 AM - 12:00 PM</td>
<td>Senate Bill 40 Press Conference -- 275 10th St., Bishop Swing Community House, San Francisco, CA</td>
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<tr>
<td>12:30 PM - 1:09 PM</td>
<td>Firefighter and Police Legislation Signing Ceremony -- Fire Station 21, San Francisco, CA</td>
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<tr>
<td>2:30 PM - 3:04 PM</td>
<td>Meeting Re: Government Affairs -- City Hall, Room 200, Mayor’s Office</td>
<td></td>
</tr>
<tr>
<td>3:12 PM - 4:02 PM</td>
<td>Meeting Re: Personnel -- City Hall, Room 200, Mayor’s Office</td>
<td></td>
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<tr>
<td>4:06 PM - 4:30 PM</td>
<td>Meeting Re: Public Health -- City Hall, Room 200, Mayor’s Office</td>
<td></td>
</tr>
<tr>
<td>4:45 PM - 4:53 PM</td>
<td>Swearing-in Ceremony for Sophia Andary -- City Hall, Room 200, Mayor’s Office</td>
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<tr>
<td>9:00 AM - 9:30 AM</td>
<td>Senior Staff Check In -- Remote Conference Call</td>
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<tr>
<td>11:00 AM - 11:30 AM</td>
<td>Visit to Recreation and Park Department’s Annual All Staff Meeting -- San Francisco County Fair Building; 1199 9th Ave, San Francisco, CA</td>
<td></td>
</tr>
<tr>
<td>12:00 PM - 12:30 PM</td>
<td>Opportunities for All Announcement with United Airlines -- Phillip and Sala Burton Academic High School; 400 Mansell Street, San Francisco, CA</td>
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<tr>
<td>1:00 PM - 1:45 PM</td>
<td>Meeting Re: Scheduling -- City Hall, Room 200, Mayor’s Office</td>
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<tr>
<td>1:45 PM - 2:15 PM</td>
<td>Question Time Prep -- City Hall, Room 200, Mayor’s Office</td>
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</tbody>
</table>
**October 8, 2019 Continued**

**Tuesday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Location</th>
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<tbody>
<tr>
<td>2:00 PM - 2:15 PM</td>
<td>Board of Supervisors Appearance -- City Hall, Board Chamber, Room 250</td>
<td></td>
</tr>
<tr>
<td>2:46 PM - 3:08 PM</td>
<td>Meeting Re: Budget -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
<tr>
<td>3:09 PM - 3:27 PM</td>
<td>Meeting Re: Housing, Land Use, Development -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Mayor’s Office Staff, Ken Rich, Director of Development, Office of Economic and Workforce Development</td>
</tr>
<tr>
<td>3:45 PM - 4:05 PM</td>
<td>Loma Prieta Check In -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
<tr>
<td>4:06 PM - 4:21 PM</td>
<td>Filipino Heritage Night Prep -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
</tbody>
</table>

**October 9, 2019**

**Wednesday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:30 AM - 8:45 AM</td>
<td>KTVU Live Interview -- Marines’ Memorial Club; 11th floor Library, San Francisco, CA</td>
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<tr>
<td>8:50 AM - 9:15 AM</td>
<td>2019 San Francisco Fleet Week Senior Leaders Seminar -- Marines’ Memorial Club; 609 Sutter Street, San Francisco, CA</td>
<td></td>
</tr>
<tr>
<td>9:15 AM - 9:30 AM</td>
<td>Senior Staff Check In -- Remote Conference Call</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
<tr>
<td>12:00 PM - 1:15 PM</td>
<td>Thumbtack Visit and Town Hall -- Thumbtack Headquarters; 1355 Market Street, 6th Floor, San Francisco</td>
<td></td>
</tr>
<tr>
<td>1:16 PM - 1:40 PM</td>
<td>Meeting Re: Methamphetamine Task Force -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
<tr>
<td>1:42 PM - 2:11 PM</td>
<td>Meeting Re: Scheduling -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
<tr>
<td>2:11 PM - 2:25 PM</td>
<td>Meeting Re: Communications -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
</tbody>
</table>
October 9, 2019 Continued

3:00 PM - 3:35 PM  The Homeless Crisis in San Francisco Event at Congregation Emanu-El -- Congregation Emanu-El San Francisco; 2 Lake St, San Francisco, CA

3:59 PM - 4:11 PM  Meeting Re: City Operations -- City Hall, Room 200, Mayor’s Office
Attendees:
- Naomi Kelly, City Administrator, City and County of San Francisco
- Mayor’s Office Staff

4:38 PM - 4:58 PM  Meeting Re: Public Safety -- City Hall, Room 200, Mayor’s Office
Attendees:
- Police Chief William Scott, SFPD
- Mayor’s Office Staff

5:02 PM - 5:18 PM  Meeting Re: Transportation -- City Hall, Room 200, Mayor’s Office
Attendees:
- Tom Macguire, Interim Director of Transportation, San Francisco Municipal Transit
- Mayor’s Office Staff

5:55 PM - 6:40 PM  2019 Filipino-American History Month Celebration -- City Hall, Rotunda and North Light Court

October 10, 2019

9:00 AM - 9:21 AM  Senior Staff Check In -- Remote Conference Call
Attendees:
- Mayor’s Office Staff

10:30 AM - 11:05 AM  Meeting Re: Transportation -- Remote Conference Call
Attendees:
- Amanda Eaken, Director, Transportation and Climate in Healthy People, Thriving Communities Program at the Natural Resources Defense Council
- Mayor’s Office Staff

11:49 AM - 12:00 PM  Fleet Week: Senior Leaders Reception -- City Hall, Room 200, International room

12:00 PM - 12:43 PM  Fleet Week Concert -- City Hall Rotunda

12:54 PM - 1:08 PM  Meeting Re: Prep for Hall Winery Women’s Panel -- City Hall, Room 200, Mayor’s Office
Attendees:
- Mayor’s Office Staff
October 10, 2019 Continued

Thursday

1:08 PM - 1:19 PM  Meeting Re: Legislation Signing -- City Hall, Room 200, Mayor’s Office
Attendees:        -  Mayor’s Office Staff

1:12 PM - 1:31 PM  Meeting Re: Small Business Week -- City Hall, Room 200, Mayor’s Office
Attendees:        -  Mayor’s Office Staff

1:34 PM - 2:13 PM  Meeting with Supervisor Sandra Fewer Re: District 1 -- City Hall, Room 200, Mayor’s Office
Attendees:        -  Supervisor Sandra Fewer, District 1
-  Mayor’s Office Staff

2:13 PM - 2:25 PM  Meeting with Supervisor Catherine Stefani Re: District 2 -- City Hall, Room 200, Mayor’s Office
Attendees:        -  Supervisor Catherine Stefani, District 2

2:31 PM - 3:07 PM  Meeting Re: Commissions -- City Hall, Room 200, Mayor’s Office
Attendees:        -  Mayor’s Office Staff

3:07 PM - 3:31 PM  Meeting with Supervisor Rafael Mandelman Re: District 8 -- City Hall, Room 200, Mayor’s Office
Attendees:        -  Supervisor Rafael Mandelman, District 8

4:00 PM - 4:45 PM  Bayview Historical Society’s Dedication of BIG FISH Sculpture -- Café Alma, 888 Innes Avenue

6:15 PM - 6:30 PM  2019 YIMBY Action VIP Cocktail Reception -- Swedish American Hall, 2174 Market Street

6:45 PM - 7:15 PM  United Playaz 25th Anniversary Celebration Fundraiser -- Press Club, 20 Yerba Buena Lane, San Francisco, CA 94103

October 11, 2019

Friday

8:40 AM - 9:00 AM  San Francisco Association of Realtors Foundation’s 4th Annual Harvest of Hope Break -- Airbnb
Headquarter; 888 Brannan Street, San Francisco CA 94103

9:30 AM - 9:42 AM  Senior Staff Check In -- Remote Conference Call
Attendees:        -  Mayor’s Office Staff

1:00 PM - 3:30 PM  HALL Wine High Powered High Heels Panel Conversation -- HALL Napa Valley; 401 St. Helena Way, St. Helena, CA
| October 13, 2019 |  |
| Sunday |  |
| 12:20 PM - 1:50 PM | 151st Italian Heritage Parade -- Powell Street, San Francisco, CA |
| 4:00 PM - 5:00 PM | St. Francis 3rd Annual Wine, Women and Shoes Gala -- Ritz Carlton; 600 Stockton Street, San Francisco CA |

| October 14, 2019 |  |
| Monday |  |
| 11:30 AM - 12:30 PM | Pre-Meeting for Mental Health Editorial Board -- City Hall, Room 200, Mayor’s Office |

| October 15, 2019 |  |
| Tuesday |  |
| 9:30 AM - 9:52 AM | Senior Staff Check In -- Remote Conference Call  
Attendees:  
- Mayor’s Office Staff |
| 10:30 AM - 10:47 AM | Lighthouse for the Blind and Visually Impaired’s White Cane Day Celebration -- LightHouse headquarters; 1155 Market Street 10th Floor, San Francisco, CA |
| 11:02 AM - 11:43 AM | Wall Street Journal’s Women in the Workplace Conversation -- The Midway; 900 Marin Street, San Francisco |
| 12:00 PM - 1:00 PM | San Francisco Chronicle Editorial Re: Mental Health -- 901 Mission Street, San Francisco, CA |
| 1:30 PM - 2:20 PM | San Francisco Garden Club Opening Luncheon -- Presidio Golf and Concordia Club; 8 Presidio Terrace, San Francisco, CA |
| 2:55 PM - 3:12 PM | Meeting Re: Transportation -- City Hall, Room 200, Mayor’s Office  
Attendees:  
- David Kim, California Transportation Secretary  
- Mayor’s Office Staff |
| 3:15 PM - 3:22 PM | Swearing-in Ceremony for Suzanne Giraudo -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Suzanne Giraudo, Health Commission Appointee  
- Dr. Grant Colfax, Director, Department of Public Health  
- Lou Giraudo, Appointee Guest |
| 3:35 PM - 3:59 PM | Consular Corps Meet and Greet Reception -- City Hall, Room 200, International Room |
Tuesday

4:04 PM - 4:18 PM
Meeting Re: Planning -- City Hall, Room 200, Mayor’s Office
Attendees:
- Ken Rich, Director of Development, Office of Economic and Workforce Development
- Mayor’s Office Staff

6:30 PM - 7:00 PM
Access Institute for Psychological Services Annual Fundraiser Spectrum Gala -- Pier 27; The Embarcadero, San Francisco, CA

October 16, 2019
Wednesday

8:30 AM - 8:52 AM
Senior Staff Check In -- Remote Conference Call
Attendees:
- Mayor’s Office Staff

9:12 AM - 9:42 AM
International Association of Fire Fighters Human Relations Committee Meeting -- Hotel Kabuki; 1625 Post St, San Francisco, CA

10:20 AM - 10:35 AM
San Francisco Travel Board of Directors Meeting -- SF Travel Association; 1 Front St 29th Floor, San Francisco, CA

11:30 AM - 11:45 AM
Irish-Israeli-Italian Society of San Francisco 54th Columbus Day Luncheon -- San Francisco Italian Athletic Club; 1630 Stockton St, San Francisco, CA

12:00 PM - 12:30 PM
Opportunities for All Employer Engagement Lunch -- Ground Floor Public Affairs; 58 2nd Street, 4th Floor

1:33 PM - 1:43 PM
49 South Van Ness Certificate of Participations Bond Signing -- City Hall, Room 200, Mayor’s Office
Attendees:
- Notary
- Mayor’s Office Staff

1:43 PM - 2:00 PM
Meeting Re: Government Affairs -- City Hall, Room 200, Mayor’s Office
Attendees:
- Mayor’s Office Staff

2:14 PM - 2:33 PM
Meeting Re: Legislative -- City Hall, Room 200, Mayor’s Office
Attendees:
- Paul Yoder, Partner, Shaw/Yoder/Antwih
- Karen Lange, Partner, Shaw/Yoder/Antwih
- Josh Shaw, Partner, Shaw/Yoder/Antwih
- Silvia Solis Shaw, Legislative Advocate
- Mayor’s Office Staff
### October 16, 2019 Continued

#### Wednesday

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Attendees</th>
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<tbody>
<tr>
<td>2:38 PM - 3:02 PM</td>
<td>Meeting Re: San Francisco Chamber of Commerce -- City Hall, Room 200</td>
<td>- Rodney Fong, CEO, San Francisco Chamber of Commerce</td>
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<td>- Mayor’s Office Staff</td>
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<tr>
<td>3:04 PM - 3:36 PM</td>
<td>Meeting Re: Scheduling -- City Hall, Room 200, Mayor’s Office</td>
<td>- Mayor’s Office Staff</td>
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<tr>
<td>3:39 PM - 3:58 PM</td>
<td>Meeting Re: Public Safety -- City Hall, Room 200, Mayor’s Office</td>
<td>- Police Chief William Scott, Chief, San Francisco Police Department</td>
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<td>- Mayor’s Office Staff</td>
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<tr>
<td>4:04 PM - 4:30 PM</td>
<td>Meeting Re: Protocol -- City Hall, Room 200, Mayor’s Office</td>
<td>- Charlotte Schultz, Chief of Protocol, City and County of San Francisco</td>
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<td></td>
<td>- Mayor’s Office Staff</td>
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<tr>
<td>4:32 PM - 5:08 PM</td>
<td>Meeting Re: Staffing -- City Hall, Room 200, Mayor’s Office Staff</td>
<td>- Mayor’s Office Staff</td>
</tr>
</tbody>
</table>

### October 17, 2019

#### Thursday

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 AM - 9:12 AM</td>
<td>Senior Staff Check In -- Remote Conference Call</td>
<td>- Mayor’s Office Staff</td>
</tr>
<tr>
<td>10:10 AM - 11:00 AM</td>
<td>Annual Great California ShakeOut Earthquake Drill -- Rosa Parks Elementary School; 1501 O’Farrell Street, San Francisco, CA</td>
<td></td>
</tr>
<tr>
<td>11:00 AM - 11:10 AM</td>
<td>Press Conference Re: Hall of Justice and PG&amp;E -- Rosa Parks Elementary School; 1501 O’Farrell Street, San Francisco, CA</td>
<td></td>
</tr>
<tr>
<td>12:20 PM - 12:35 PM</td>
<td>Meeting Re: Communications -- City Hall, Room 200, Mayor’s Office</td>
<td>- Mayor’s Office Staff</td>
</tr>
<tr>
<td>12:34 PM - 1:07 PM</td>
<td>Bloomberg Team Meeting -- City Hall, Room 200, Mayor’s Office</td>
<td>- Linda Gibbs, Principal, Bloomberg Associates</td>
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<tr>
<td></td>
<td></td>
<td>- Jim Anderson, Bloomberg Philanthropies</td>
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<tr>
<td></td>
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<td>- Bridget Ackeifi, Bloomberg Associates</td>
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<tr>
<td></td>
<td></td>
<td>- Mayor’s Office Staff</td>
</tr>
<tr>
<td>Time</td>
<td>Event Description</td>
<td>Location</td>
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</tr>
</tbody>
</table>
| 1:07 PM - 1:40 PM | Meeting Re: San Francisco AIDS Foundation -- City Hall, Room 200, Mayor’s Office | City Hall, Room 200, Mayor’s Office | - Joe Hollendor, CEO, San Francisco AIDS Foundation  
- Laura Thomas, Director, Harm Reduction Policy, San Francisco AIDS Foundation |
| 1:41 PM - 2:16 PM | Meeting Re: Affordable Housing -- City Hall, Room 200, Mayor’s Office | City Hall, Room 200, Mayor’s Office | - John Elberling, President, Tenants and Owners Development Corporation  
- Mayor’s Office Staff |
| 2:23 PM - 3:00 PM | Blue Ribbon Panel Working Group -- City Hall, Room 201, Mayor’s Conference Room | City Hall, Room 201, Mayor’s Conference Room | - Sheryl Davis, Executive Director, Human Rights Commission  
- Corey Monroe, Community Partner, Professional Facilitator  
- Shawn Ginwright, President and Chief Executive Officer, Flourish  
- David Muhammed, Executive Director, National Institute for Criminal justice Reform  
- Brittni Chicuata, Policy Director, Human Rights Commission  
- Mayor’s Office Staff |
| 3:00 PM - 3:13 PM | Meeting Re: Budget -- City Hall, Room 200, Mayor’s Office | City Hall, Room 200, Mayor’s Office | - Mayor’s Office Staff |
| 3:17 PM - 3:34 PM | Meeting Re: Housing Delivery -- City Hall, Room 200, Mayor’s Office | City Hall, Room 200, Mayor’s Office | - Judson True, Director, Housing Delivery  
- Mayor’s Office Staff |
| 3:35 PM - 4:08 PM | Meeting Re: Public Safety -- City Hall, Room 200, Mayor’s Office | City Hall, Room 200, Mayor’s Office | - Greg Suhr, Former Police Chief, San Francisco Police Department  
- Mayor’s Office Staff |
| 4:30 PM - 5:30 PM | 1989 Loma Prieta Earthquake Commemoration Ceremony -- Marina Green | Marina Green |  |
| 6:20 PM - 7:05 PM | Women’s Foundation of California 40th Anniversary Celebration -- City Hall, Rotunda | City Hall, Rotunda |  |
| 7:13 PM - 8:00 PM | Miraloma Park Improvement Club Meeting -- MPIC Clubhouse, 350 O’Shaughnessy Blvd | MPIC Clubhouse |  |
## October 18, 2019
### Friday

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:30 AM - 10:41 AM</td>
<td>Senior Staff Check In -- Remote Conference Call</td>
<td>Mayoral Office Staff, City Hall, Room 200, Mayor’s Office</td>
</tr>
<tr>
<td>11:40 AM - 12:15 PM</td>
<td>Bay Area Council’s Government Relations Committee Meeting</td>
<td>353 Sacramento Street, 10th Floor, San Francisco, CA</td>
</tr>
<tr>
<td>12:30 PM - 12:45 PM</td>
<td>St. Anthony’s 42nd Annual Penny Pitch</td>
<td>Chief’s Sullivan’s; 622 Green St, San Francisco, CA</td>
</tr>
<tr>
<td>1:10 PM - 2:12 PM</td>
<td>Visit to South of Market Mental Health Center and Client Housing Facilities</td>
<td>South of Market Mental Health Services; 760 Harrison Street, San Francisco, CA</td>
</tr>
<tr>
<td>2:47 PM - 2:50 PM</td>
<td>Meeting Re: Legislation Signing</td>
<td>City Hall, Room 200, Mayor’s Office</td>
</tr>
<tr>
<td>2:59 PM - 3:03 PM</td>
<td>PSA Recording Re: Neighborhood Empowerment Network Awards</td>
<td>City Hall, International Room</td>
</tr>
<tr>
<td>3:03 PM - 3:23 PM</td>
<td>Meeting Re: Economic and Workforce Development</td>
<td>City Hall, Room 200, Mayor’s Office</td>
</tr>
<tr>
<td>3:34 PM - 4:10 PM</td>
<td>Bloomberg Team Meeting</td>
<td>City Hall, Room 200, Mayor’s Office</td>
</tr>
<tr>
<td>4:11 PM - 4:27 PM</td>
<td>Meeting with Supervisor Peskin re: District 3</td>
<td>City Hall, Room 200, Mayor’s Office</td>
</tr>
<tr>
<td>4:50 PM - 5:30 PM</td>
<td>Courtesy Call with Italian President Sergio Mattarella</td>
<td>Fairmont Hotel - Garden Room and Gold Room; 950 Mason Street, San Francisco, CA</td>
</tr>
</tbody>
</table>
### October 18, 2019 Continued

**Friday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>6:15 PM - 6:45 PM</td>
<td>GLBT Historical Society Annual Gala -- Salesforce Tower, 415 Mission Street, San Francisco, Ohana Floor</td>
<td></td>
</tr>
<tr>
<td>7:00 PM - 7:30 PM</td>
<td>Chinese Newcomers Service Center 2019 Emperor and Empress Charity Gala -- New Asia Restaurant, 772 Pacific Ave, San Francisco, CA</td>
<td></td>
</tr>
</tbody>
</table>

### October 19, 2019

**Saturday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>10:00 AM - 10:30 AM</td>
<td>Swearing in Suzy Loftus -- 350 Rhode Island; North Building Suite 400N, San Francisco, CA</td>
<td></td>
</tr>
<tr>
<td>1:00 PM - 1:30 PM</td>
<td>Monroe Elementary Fall Festival -- Monroe Elementary; 260 Madrid St. San Francisco, CA</td>
<td></td>
</tr>
<tr>
<td>2:00 PM - 2:30 PM</td>
<td>Senator Scott Wiener’s 3rd Annual Pumpkin Carving Contest -- Noe Valley Courts, 4320 24th Street, San Francisco, CA</td>
<td></td>
</tr>
<tr>
<td>6:30 PM - 7:00 PM</td>
<td>MOAD’S Afropolitan Ball -- City View at Metreon; 135 4th St #4000, San Francisco, CA</td>
<td></td>
</tr>
<tr>
<td>8:30 PM - 10:30 PM</td>
<td>MOAD’S Afropolitan Ball -- City View at Metreon; 135 4th St #4000, San Francisco, CA</td>
<td></td>
</tr>
</tbody>
</table>

### October 21, 2019

**Monday**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 AM - 9:14 AM</td>
<td>Senior Staff Check In -- Remote Conference Call</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
<tr>
<td>11:00 AM - 11:30 AM</td>
<td>Jefferson Streetscape Improvement Project Groundbreaking -- Fisherman’s Wharf Plaza; Northeast corner of Jefferson Street and Taylor Street, San Francisco, CA</td>
<td></td>
</tr>
<tr>
<td>12:17 PM - 12:41 PM</td>
<td>Meeting Re: Staffing -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
<tr>
<td>12:42 PM - 1:10 PM</td>
<td>Meeting Re: Education -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
<tr>
<td>1:10 PM - 1:36 PM</td>
<td>Meeting Re: Policy -- City Hall, Room 200, Mayor’s Office</td>
<td>Attendees: Mayor’s Office Staff</td>
</tr>
</tbody>
</table>
October 21, 2019 Continued

Monday

2:00 PM - 2:23 PM  Meeting with Superintendent Matthews -- City Hall, Room 200, Mayor’s Office
Attendees:
- Vincent Matthews, Superintendent, San Francisco Unified School District
- Viva Mogi, City Government Liaison and School Partnerships, San Francisco Unified School District
- Mayor’s Office Staff

2:10 PM - 2:29 PM  Meeting Re: Government Affairs -- City Hall, Room 200, Mayor’s Office
Attendees:
- Mayor’s Office Staff

4:30 PM - 4:55 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

October 22, 2019

Tuesday

9:00 AM - 9:11 AM  Senior Staff Check In -- Remote Conference Call
Attendees:
- Mayor’s Office Staff

11:30 AM - 12:00 PM  Methamphetamine Task Force -- Moscone Center South; 747 Howard Street, San Francisco, CA

12:45 PM - 1:05 PM  2019 Silver SPUR Annual Awards Luncheon -- Moscone Center South; 747 Howard Street, San Francisco, CA

2:37 PM - 3:08 PM  Our Children, Our Families Council -- City Hall, Room 201, Mayor’s Conference Room

3:08 PM - 3:17 PM  Meeting Re: City Operations -- City Hall, Room 200, Mayor’s Office
Attendees:
- Naomi Kelly, City Administrator, City and County of San Francisco
- Mayor’s Office Staff

3:30 PM - 3:47 PM  Meeting Re: Budget -- City Hall, Room 200, Mayor’s Office
Attendees:
- Mayor’s Office Staff

4:01 PM - 4:21 PM  Meeting Re: Recreation and Park -- City Hall, Room 200, Mayor’s Office
Attendees:
- Phil Ginsburg, General Manager, San Francisco Recreation and
October 22, 2019 Continued

Tuesday

Park Department
- Mayor’s Office Staff

October 23, 2019

Wednesday

9:00 AM - 9:09 AM  
Senior Staff Check In -- Remote Conference Call
Attendees:
- Mayor’s Office Staff

10:00 AM - 11:30 AM  
Bloomberg Harvard City Leadership Initiative Virtual Class -- Residence

12:35 PM - 1:06 PM  
Meeting Re: Public Safety -- City Hall, Room 200, Mayor’s Office
Attendees:
- Chief William Scott, Police Chief, City and County of San Francisco

1:07 PM - 1:38 PM  
Meeting with Supervisor Yee, Re: District 7 -- City Hall, Room 200, Mayor’s Office
Attendees:
- Norman Yee, District 7 President, San Francisco Board of Supervisors
- Mayor’s Office

1:38 PM - 2:07 PM  
Meeting Re: Criminal Justice -- City Hall, Room 200, Mayor’s Office
Attendees:
- James Caldwell, Community Outreach Coordinator, City and County of San Francisco

2:36 PM - 2:52 PM  
KTVU Homelessness Interview Re: Homelessness -- City Hall, International Room
Attendees:
- Greg Lee, Political Reporter, KTVU
- Cameraman
- Mayor’s Office Staff

2:58 PM - 3:11 PM  
Meeting with Supervisor Safai Re: District 11 -- City Hall, Room 200, Mayor’s Office
Attendees:
- Supervisor Ahsha Safai, District 11 Supervisor, City and County of San Francisco
- Mayor’s Office Staff

3:12 PM - 3:38 PM  
Meeting Re: Stern Grove Festival -- City Hall, Room 200, Mayor’s Office
Attendees:
- Matthew Goldman, Chair, Stern Grove Festival Board
- Jason Goldman, Vice Chair, Stern Grove Festival Board
- Phil Ginsburg, General Manager, San Francisco Recreation and Parks
- Mayor’s Office Staff
### October 24, 2019

#### Thursday

**9:00 AM - 9:13 AM**
**Senior Staff Check In -- Remote Conference Call**
Attendees:
- Mayor’s Office Staff

**11:00 AM - 11:30 AM**
**Goodwill Training and Career Center Grand Opening -- 750 Post St; San Francisco, CA**

**3:41 PM - 4:08 PM**
**Meeting Re: Communications -- City Hall, Room 200, Mayor’s Office**
Attendees:
- Mayor’s Office Staff

**4:08 PM - 4:25 PM**
**Meeting Re: Housing, Land Use, Development -- City Hall, Room 200, Mayor’s Office**
Attendees:
- Ken Rich, Director of Development, Office of Economic and Workforce Development
- Mayor’s Office Staff

**4:33 PM - 5:13 PM**
**Meeting Re: Commissions -- City Hall, Room 200, Mayor’s Office**
Attendees:
- Mayor’s Office Staff

**5:14 PM - 5:44 PM**
**Meeting Re: Personnel -- City Hall, Room 200, Mayor’s Office**
Attendees:
-

**6:09 PM - 6:45 PM**
**St. Vincent de Paul Society of San Francisco’s 27th Brennan Awards Dinner -- Westin St. Francis Union Square; 335 Powell Street**

### October 25, 2019

#### Friday

**9:44 AM - 9:52 AM**
**Senior Staff Check In -- Remote Conference Call**
Attendees:
- Mayor’s Office Staff

**12:31 PM - 12:50 PM**
**Mayor’s Visitacion Valley Job Fair -- 1099 Sunnydale Ave, San Francisco, CA**

**1:16 PM - 1:31 PM**
**Meeting Re: Port Operations -- City Hall, Room 200, Mayor’s Office**
Attendees:
- Elaine Forbes, Port Director, City and County of San Francisco
- Mayor’s Office Staff

**1:34 PM - 1:38 PM**
**Meeting Re: Legislation Signing -- City Hall, Room 200, Mayor’s Office**
Attendees:
- Mayor’s Office Staff
October 25, 2019 Continued

**Friday**

1:52 PM - 2:02 PM  PSA Recording Re: Welcome Message -- City Hall, International Room  
Attendees:  
- Cameraman, SFTV  
- Mayor's Office Staff

2:12 PM - 2:36 PM  Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff

2:37 PM - 2:59 PM  Meeting Re: Public Health -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Dr. Grant Colfax, Director, Department of Public Health  
- Mayor's Office Staff

3:03 PM - 3:29 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

3:32 PM - 4:09 PM  Meeting with Supervisor Haney Re: District 6 -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Matt Haney, District 6 Supervisor  
- Mayor's Office Staff

4:13 PM - 4:22 PM  Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff

6:08 PM - 6:25 PM  Diwali Celebration Meet and Greet -- Cathedral of Saint Mary of the Assumption; 1111 Gough Street, San Francisco, CA

October 26, 2019

**Saturday**

12:00 PM - 12:30 PM  10th Annual Financial Planning Day -- San Francisco Main Library; 100 Larkin St, San Francisco, CA

1:00 PM - 1:30 PM  Pop-Up Pumpkin Patch -- Gene Suttle Plaza; 1508 Fillmore St and O'Farrell St, San Francisco, CA

October 27, 2019

**Sunday**

3:00 PM - 3:30 PM  Divisadero Annual Block Party -- 99 Divisadero Street, San Francisco, CA
October 28, 2019
Monday

9:00 AM - 9:12 AM  Senior Staff Check In -- Remote Conference Call
Attendees:
- Mayor's Office Staff

11:30 AM - 11:49 AM  Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office
Attendees:
- Mayor's Office Staff

12:04 PM - 12:31 PM  Meeting with City Attorney Dennis Herrera Re: Legal and City Issues -- City Hall, Room 200, Mayor's Office
Attendees:
- Dennis Herrera, City Attorney
- Mayor's Office Staff

1:03 PM - 1:21 PM  Meeting Re: Staffing -- City Hall, Room 200, Mayor's Office
Attendees:
- Mayor's Office Staff

1:36 PM - 2:03 PM  Meeting Re: Airport -- City Hall, Room 200, Mayor's Office
Attendees:
- Ivar Satero, Director, San Francisco International Airport
- Mayor's Office Staff

2:06 PM - 2:39 PM  Courtesy Call with Mayor of Heidelberg, Germany -- City Hall, Room 200, Mayor's Office
Attendees:
- Professor Doctor Eckhart Wurzner, Mayor of Heidelberg Germany
- Nicole Huber, City Director of Heidelberg, Chief of Staff to Mayor Wurzner, General Manager, Heidelberg Club International
- Mayor’s Office Staff

October 29, 2019
Tuesday

9:30 AM - 9:52 AM  Senior Staff Check In -- Remote Conference Call
Attendees:
- Mayor's Office Staff

11:35 AM - 12:00 PM  Ribbon-Cutting Event to Celebrate Opening of Grand Hyatt at SFO -- Grand Hyatt at SFO; 56 S. McDonnell Road, San Francisco, CA

2:31 PM - 2:56 PM  Meeting Re: Budget -- City Hall, Room 200, Mayor's Office
Attendees:
- Mayor’s Office Staff
### October 29, 2019 Continued

**Tuesday**

3:03 PM - 3:41 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

### October 30, 2019

**Wednesday**

9:00 AM - 9:25 AM  
Senior Staff Check In -- Remote Conference Call  
Attendees:  
- Mayor's Office Staff

11:00 AM - 11:33 AM  
Ellis Gardens RAD Rededication Ceremony -- 350 Ellis Street, San Francisco, CA

12:00 PM - 12:30 PM  
Transport Workers Union Women's Working Committee Meeting -- Sheraton Fisherman's Wharf; 2500 Mason Street, San Francisco, CA

12:50 PM - 1:45 PM  
Visit to the World Economic Forum's Centre for the Fourth Industrial Revolution -- 1201 Ralston Avenue, San Francisco, CA

3:20 PM - 3:41 PM  
Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Mayor's Office Staff

3:43 PM - 3:54 PM  
Meeting Re: Public Safety -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Police Chief William Scott, San Francisco Police Department  
- Mayor's Office Staff

4:07 PM - 4:48 PM  
Meeting Re: UCSF -- City Hall, Room 200, Mayor's Office  
Attendees:  
- Sam Hawgood, Chancellor, UCSF  
- Francesca Vega, Vice Chancellor, UCSF  
- Mayor's Office Staff

5:30 PM - 6:04 PM  
Mayor Breed's 2019 Backpack and Turkey Giveaway Reception -- City Hall, Room 200, Mayor's Office
October 30, 2019 Continued
Wednesday

6:51 PM - 7:01 PM Felton Institute’s 130th Anniversary Celebration -- War Memorial and Performing Arts Center, the Green Room, 401 Van Ness Avenue

October 31, 2019
Thursday

9:00 AM - 9:22 AM Senior Staff Check In -- Remote Conference Call
Attendees:
• Mayor’s Office Staff

11:45 AM - 12:09 PM Healthy Streets Operations Center Principals Meeting -- City Hall, Room 201, Mayor’s Conference Room

2:02 PM - 2:05 PM Meeting Re: Legislation Signing -- City Hall, Room 200, Mayor’s Office
Attendees:
• Mayor’s Office Staff

2:08 PM - 2:34 PM Swiss Student Exchange Meet and Greet -- City Hall, Room 201, Mayor’s Conference Room

3:32 PM - 4:05 PM Greet Trick or Treaters on Clement -- Corner of 5th and Clement, San Francisco, CA

5:00 PM - 5:30 PM SoMa Youth Collaborative and United Playaz Halloween Event -- Gene Friend Rec Center; 270 6th Street, San Francisco

6:00 PM - 6:30 PM Bayview Opera House Haunted House -- Bayview Opera House; 4705 3rd St., San Francisco, CA

November 1, 2019
Friday

9:30 AM - 10:00 AM Senior Staff Check In -- Remote Conference Call
Attendees:
• Mayor’s Office Staff

11:00 AM - 11:30 AM San Francisco Public Utilities Commission’s 6th Annual Women in Construction Expo -- War Memorial; 301 Van Ness Avenue, San Francisco, CA

11:45 AM - 12:20 PM 73rd Annual Greater Geary Boulevard Merchants Association Awards -- Hotel Kabuki, 1625 Post Street, San Francisco, CA

3:25 PM - 3:49 PM Meeting Re: Scheduling -- City Hall, Room 200, Mayor’s Office
Attendees:
• Mayor’s Office Staff

PropG, Mayor (MYR)
November 1, 2019 Continued

Friday

4:03 PM - 4:50 PM Trans Awareness Month Kickoff and Flag Raising -- City Hall, Room 200, Mayor's Office
Buta, Odaya (CAT)

From: 98380-37550836@requests.muckrock.com
Sent: Wednesday, December 30, 2020 1:07 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Text Messages / Walter Wong and others - Immediate Disclosure Request
Attachments: ELSBERND-EX1.pdf.pdf

December 30, 2020

This is a follow up to a previous request:

Supervisor of Records Dennis Herrera:

This is a petition under 67.21(d) with for different requests made from this email address:

1. I requested from Sean Elsbernd on Dec 18, 2020 before close of business his copies of the specific text messages disclosed by the Police Commission in EX 1, attached. He refuses to comply with my request as I have received no determination of disclosable public records nor extension nor any other response in 10 days as required by Gov Code 6253(c). Today is Dec 30.

2. On December 3 and 4th I requested various communications from London Breed and her staff. Breed, Cretan, Heckel, Elsbernd, and Bruss have all refused to comply with my requests, as I have received no determination of disclosable public records within the 10 + 14 day extension deadline under Gov Code 6253(c). Today is Dec 30.

Please determine in writing that one or more records or parts thereof not yet disclosed to me in these requests in public and order them disclosed.

--Anonymous

Filed via MuckRock.com
E-mail (Preferred): 98380-37550836@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%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Ftext-messages-walter-wong-and-others-immediate-disclosure-request-98380%252F%253Demail%253Dsupervisor.records%2540sfcityatty.org&url_auth_token=AAAxJOK2OUULoYu4xv2F8WXkzSU%3A1kuXRx%3Aa%7CvNd0oehswnaw%6VuO1vF1A

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 98380
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, 2020:
Subject: RE: California Public Records Act Request: Text Messages / Walter Wong and others - Immediate Disclosure Request
Sean Elsbernd,

Please provide as an immediate disclosure request your copy of the attached public record texts disclosed by Commissioner Taylor.

--Anonymous
---

On Dec. 15, 2020:
Subject: RE: California Public Records Act Request: Text Messages / Walter Wong and others - Immediate Disclosure Request
Anonymous,

We are continuing our response to the request below for up to 14 days due to the need to consult with another department. See Cal. Gov. Code § 6253(c) and San Francisco Admin. Code § 67.25(b).
Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco
---

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Subject: RE: California Public Records Act Request: Text Messages / Walter Wong and others - Immediate Disclosure Request
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Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

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Anonymous,

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Regards,

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

---

On July 17, 2020:
Subject: California Public Records Act Request: Text Messages / Walter Wong and others - Immediate Disclosure Request
MASON LEE:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head.
Your initial response is required by Feb 20, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records.
Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

1. all text/chat messages (of any form or application, including all attachments/images) public records on government or personal accounts between Mason Lee and any of Walter Wong, Harlan Wong, Melanie Lok, Irene Lok, Washington Wong, Florence Kong, Michael Tracy, Rudolph Dwayne Jones (Dwayne Jones), Dionjay Brookter, or Harlan Kelly Jr. for all time frames.

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

Filed via MuckRock.com
E-mail (Preferred): 98380-37550836@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 98380
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.
Public Records from Other Departments / Part 1

1. Police Commission Disclosure (Damali Taylor / Sean Elsbernd)
1. Police Commission Disclosure (Damali Taylor / Sean Elsbernd)
All redactions made voluntarily by complainant (phone numbers and Elsbernd family info was not redacted by Police Commission)

Commissioner Taylor, Sean Elsbernd here from the mayors office.

Just curious. The curfew kicked in 30 minutes ago. There remain thousands of protestors throughout the City. Can you tell me why the Commission is still questioning Chief Scott? Don't you all think he might be needed elsewhere right now?

I tried and told the chief to go. He said he wanted to answer these questions

That sounds like him. Thanks.

And thank you for trying. Good luck

He's so graceful. I keep telling him to leave

He's gone btw

Finally

Great!!!
Text Message
Wed, Jul 15, 11:52 AM

Depositing new message Molly hi it’s Sean Elston from the Mayor’s office. If you get a chance if you got a couple HR issues city attorney issues coming to your commission meeting tonight that I just wanted to talk to you about briefly.

Thanks.. Click here to listen to full voice message.

Just tried you. Give me a call when you’re free. I’m available before 2:30 and then after 3:30

Mon, Nov 9, 7:11 PM

Hi Sean. It’s Damali from the police commission. Let me know if you have a few minutes to talk at any point this week. Just wanted to alert you to a couple of things.

Do you have time tomorrow morning?

Yup. I’m free between 8
a few minutes to talk at any point this week. Just wanted to alert you to a couple of things.

Do you have time tomorrow morning?

Yup. I'm free between 8 and 9 am and then after 10 am.

I’ll call around 8:15ish (once I

Lol—totally understand. That works for me.
Buta, Odaya (CAT)

From: 105335-44496792@requests.muckrock.com on behalf of ‘105335-44496792@requests.muckrock.com’ <105335-44496792@requests.muckrock.com>
Sent: Wednesday, December 30, 2020 9:35 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Text Messages / Walter Wong and others - Immediate Disclosure Request (Naomi Kelly, SF ADM)

Follow Up Flag: Follow up
Flag Status: Flagged

Office of the City Administrator
PRA Office
Room 362
City Hall, 1 Dr. Carlton B. Goodlett Place
San Fransisco, CA 94102

December 30, 2020

This is a follow up to a previous request:

Supervisor of Records Dennis Herrera,

Naomi Kelly refuses to comply with the below Dec 2, 2020 request - after 24 days she has failed to provide a determination and justification pursuant to Gov Code 6253(c). Unlike Nuru and her husband, Ms. Kelly does not get the excuse that she is no longer a public employee. Pursuant to SFAC 67.21(d) please determine in writing that one or more records or parts thereof are public and order their disclosure.

1. all text/chat/instant messages (of any form or application, including all attachments/images, including on encrypted chat platforms) related to the conduct of public business on government or personal accounts between Naomi Kelly and any of Walter Wong, Harlan Wong, Melanie Lok, Irene Lok, Washington Wong, Florence Kong, Michael Tracy, Rudolph Dwayne Jones (Dwayne Jones), Dionjay Brookter, or Harlan Kelly Jr. for all time frames. Note that PUC initially produced unreadacted messages between Mr. Kelly and Walter Wong in a prior records request, including regarding travel, payments, etc, that also mentioned Ms. Kelly. Then, later, PUC requested to retract that production, which has been appealed as a violation of the CPRA and Sunshine Ordinance. We know records exist in some form, whether by Mr. Kelly or Ms. Kelly.

2. Every document mentioning or otherwise related to United States v. Harlan Kelly (Ms. Kelly's husband), including every subpoena, subpoena response, warrant, court document, court filing, etc.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 105335-44496792@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 105335
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. 14, 2020:
Subject: RE: California Public Records Act Request: Text Messages / Walter Wong and others - Immediate Disclosure Request (Naomi Kelly, SF ADM)
Dear Requestor,

We are invoking a 14-day extension due to the need to consult with other departments. See Cal. Gov. Code § 6253(c) and San Francisco Admin. Code § 67.25(b).

Sincerely,
Office of the City Administrator
(415) 554-4148

---

On Dec. 4, 2020:
Subject: RE: California Public Records Act Request: Text Messages / Walter Wong and others - Immediate Disclosure Request (Naomi Kelly, SF ADM)
Let me be clear: I will immediately appeal if you "unreasonably delay" (67.21(a)) access. I am well aware of the tricks your office has used against sunshine in the past. The tribunal will determine whether your delay is unreasonable.

--Anonymous
---

On Dec. 4, 2020:
Subject: RE: California Public Records Act Request: Text Messages / Walter Wong and others - Immediate Disclosure Request (Naomi Kelly, SF ADM)
Dear Requestor,

We have received your request and we are processing our response.

Please note that city workers are naturally working under unusual and difficult conditions with many called in for emergency service as disaster relief workers, or otherwise prioritizing work on the public health emergency, and with many working remotely, sometimes while also providing care for children or other family members. This impacts the City's ability to respond to records requests, particularly in gathering documents when working from a remote location.
These issues are noted in the Mayor’s recent emergency orders (attached) which, among other things, have suspended certain provisions of the Sunshine Ordinance, including immediate disclosure requests and the 10-day period in which to provide or withhold documents.

Pursuant to these orders, we will respond further within 10 days of your request, barring a further extension, to notify you of the existence of any disclosable records and our timetable for production pursuant to the California Public Records Act.

Sincerely,

Office of the City Administrator
(415) 554-4148
Pronouns: He, Him, His

---

On Dec. 3, 2020:
Subject: RE: California Public Records Act Request: Text Messages / Walter Wong and others - Immediate Disclosure Request (Naomi Kelly, SF ADM)
Naomi Kelly must respond to the below records request. It was requested around 9am yesterday directly from her email *prior* to her leave of absence and Kelly remains a city employee, fully subject to CPRA and Sunshine Ordinance.

I intend to litigate any failure to produce these records.

Sincerely,
Anonymous
---

On Dec. 3, 2020:
Subject: RE: California Public Records Act Request: Text Messages / Walter Wong and others - Immediate Disclosure Request (Naomi Kelly, SF ADM)
Naomi Kelly must respond to the below records request. It was requested around 9am yesterday directly from her email *prior* to her leave of absence and Kelly remains a city employee, fully subject to CPRA and Sunshine Ordinance.

I intend to litigate any failure to produce these records.

Sincerely,
Anonymous
---

On Dec. 2, 2020:
Subject: California Public Records Act Request: Text Messages / Walter Wong and others - Immediate Disclosure Request (Naomi Kelly, SF ADM)
NAOMI KELLY:

*** DO NOT DESTROY ANY RESPONSIVE RECORDS. WE WILL APPEAL EVERY WITHHOLDING OF RECORDS ***

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency and its department head.
Your initial response is required by Dec 3, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records.
Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan...
electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

1. all text/chat/instant messages (of any form or application, including all attachments/images, including on encrypted chat platforms) related to the conduct of public business on government or personal accounts between Naomi Kelly and any of Walter Wong, Harlan Wong, Melanie Lok, Irene Lok, Washington Wong, Florence Kong, Michael Tracy, Rudolph Dwayne Jones (Dwayne Jones), Dionjay Brookter, or Harlan Kelly Jr. for all time frames. Note that PUC initially produced unredacted messages between Mr. Kelly and Walter Wong in a prior records request, including regarding travel, payments, etc, that also mentioned Ms. Kelly. Then, later, PUC requested to retract that production, which has been appealed as a violation of the CPRA and Sunshine Ordinance. We know records exist in some form, whether by Mr. Kelly or Ms. Kelly.

2. Every document mentioning or otherwise related to United States v. Harlan Kelly (Ms. Kelly's husband), including every subpoena, subpoena response, warrant, court document, court filing, etc.

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

Filed via MuckRock.com
E-mail (Preferred): 105335-44496792@requests.muckrock.com
Upload documents directly: https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2Ff%3Fnext%3D%252Faccounts%252Fagency%252Fanswer%252Fanswer%252F%e2%80%93text-messages-walter-wong-and-others-immediate-disclosure-request-naomi-kelly-sf-adm-
December 30, 2020

This is a follow up to a previous request:

Supervisor of Records Dennis Herrera,

The Sheriff and his office/department refuse to comply in any way to the below December 5, 2020 request - no response whatsoever. Please determine in writing that one or more records are parts thereof not disclosed are public and order them disclosed.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 105583-94464348@requests.muckrock.com
Upload documents directly:
%3Fnext%3D%253D%252Faccounts%252Fagency_login%252Fsan-francisco-sheriffs-department%253D5169%252Ftext-and-chat-
messages-immediate-disclosure-request-san-francisco-universal-search-sfsd-
105583%252F%253D%253D%252Femail%25253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAAeXMQfjpA7_DTB9AIRj
NVpXQ%3A1ku55S%3AFxxuCOudyYj1hDyQTVG0luLbLUI
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 105583
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. 5, 2020:
Subject: California Public Records Act Request: Text and Chat Messages - Immediate Disclosure Request - San Francisco Universal Search (SFSD)
To San Francisco Sheriff's Department and its Department Head or Elected Official:
**DO NOT DESTROY ANY RESPONSIVE RECORDS. YOU MUST PRESERVE AND ORDER YOUR EMPLOYEES TO PRESERVE RECORDS DURING THE PENDENCY OF ALL APPEALS. WE WILL APPEAL ALL REDACTIONS OR WITHHOLDINGS.**

Immediate Disclosure Request.

Every department head/elected official must preserve and maintain all correspondence in a professional and businesslike manner (SFAC 67.29-7(a)) and also separately must comply with retention policies (SFAC 67.29-1). Note that if your retention policies do not retain text messages, I will argue before the SOTF and court that this is a failure to maintain **all correspondence** in a professional and businesslike manner.

Relevant precedent: SOTF 19098 - Anonymous v SFPD. Unanimous finding of violation for unlawfully withholding text message metadata (including the to/from/etc. - note SFPD had provided the dates and times, and you must as well), and also for unlawfully printing and scanning electronic records which does not constitute a "copy" of an electronic record. See also prior rulings in my favor in SOTF 19044, 19047, 19091, 19098, 19103, and 19108 which ruled against the City for email, text messages, past and future calendar entries, meeting details, electronic metadata, and attachments.

The Mayor's Office appears to have destroyed their copies of certain text messages. I'd be happy to get them from her, if she preserved every record. Alas she did not, therefore we must now conduct a universal search of the City. You cannot refer me to another department unless you search and determine that you have no copies in your department. If this is causing more work for you, ask your Mayor to stop destroying her public records.

Note there are many anonymous requesters using MuckRock - I am just one of them. If you previously produced some subset of these records to a MuckRock email address, please reference that prior response so you do not duplicate work. If I am unable to get the prior MuckRock response because it is someone else's and they have marked it private, you will however need to provide me a copy here as well.

1. This is an immediate disclosure request for text, chat, or instant messages between the Department Head/Elected Official and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE RECORDS.

2. This is a regular records request for text, chat, or instant messages between any non-department head/elected official (i.e. the other dept employees) and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE 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.

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- Every redaction must be keyed by footnote or by other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each above request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

****** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. ******

I look forward to your lawful response.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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

Filed via MuckRock.com
E-mail (Preferred): 105583-94464348@requests.muckrock.com
Upload documents directly:
%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-sheriffs-department-5169%252Ftext-and-chat
-messages-immediate-disclosure-request-san-francisco-universal-search-sfsd-105583%252F252Femail%25252Ds
supervisor.records%25252Dsfcityatty.org&url_auth_token=AAAeXMQfjpA7_DTB9AlRjF
%VpXQ%3A1kufsS5%3A%FxxxC0udyYj1hQTVgG0uLbLUI

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 105583
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.
Buta, Odaya (CAT)

From: 105576-66847014@requests.muckrock.com
Sent: Wednesday, December 30, 2020 9:42 AM
To: Supervisor Records (CAT)
Subject: RE: California Public Records Act Request: Text and Chat Messages - Immediate Disclosure Request - San Francisco Universal Search (DEM)

Department of Emergency Management
PRA Office
1011 Turk Street
SF, CA 94102

December 30, 2020

This is a follow up to a previous request:

Supervisor of Records Dennis Herrera,

The DEM and its department head Mary Ellen Carroll refuse to comply in any way to the below December 5, 2020 request - no response whatsoever. Please determine in writing that one or more records or parts thereof not disclosed are public and order them disclosed.

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 105576-66847014@requests.muckrock.com
Upload documents directly:

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For mailed responses, please address (see note):
MuckRock News
DEPT MR 105576
411A Highland Ave
Somerville, MA 02144-2516

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---
On Dec. 30, 2020:
Subject: RE: California Public Records Act Request: Text and Chat Messages - Immediate Disclosure Request - San Francisco Universal Search (DEM)
Supervisor of Records Dennis Herrera,

The DEM and its department head Mary Ellen Carroll refuse to comply in any way to the below December 5, 2020 request - no response whatsoever. Please determine in writing that one or more records or parts thereof not disclosed are public and order them disclosed.

Sincerely,
Anonymous

---

On Dec. 5, 2020:
Subject: California Public Records Act Request: Text and Chat Messages - Immediate Disclosure Request - San Francisco Universal Search (DEM)
To Department of Emergency Management and its Department Head or Elected Official:

** DO NOT DESTROY ANY RESPONSIVE RECORDS. YOU MUST PRESERVE AND ORDER YOUR EMPLOYEES TO PRESERVE RECORDS DURING THE PENDENCY OF ALL APPEALS. WE WILL APPEAL ALL REDACTIONS OR WITHHOLDINGS. **
Immediate Disclosure Request.

Every department head/elected official must preserve and maintain all correspondence in a professional and businesslike manner (SFAC 67.29-7(a)) and also separately must comply with retention policies (SFAC 67.29-1). Note that if your retention policies do not retain text messages, I will argue before the SOTF and court that this is a failure to maintain **all correspondence** in a professional and businesslike manner.

Relevant precedent: SOTF 19098 - Anonymous v SFPD. Unanimous finding of violation for unlawfully withholding text message metadata (including the to/from/etc. - note SFPD had provided the dates and times, and you must as well), and also for unlawfully printing and scanning electronic records which does not constitute a "copy" of an electronic record. See also prior rulings in my favor in SOTF 19044, 19047, 19091, 19098, 19103, and 19108 which ruled against the City for email, text messages, past and future calendar entries, meeting details, electronic metadata, and attachments.

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1. This is an immediate disclosure request for text, chat, or instant messages between the Department Head/Elected Official and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Vosxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the
time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE RECORDS.

2. This is a regular records request for text, chat, or instant messages between any non-department head/elected official (i.e. the other dept employees) and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE 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.

Your non-exhaustive obligations:
- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- Every redaction must be keyed by footnote or by other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each above request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

I look forward to your lawful response.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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

Filed via MuckRock.com
E-mail (Preferred): 105576-66847014@requests.muckrock.com
Upload documents directly:
%3Fnext%3D%253D%252Faccounts%252Fagency_login%252Fdepartment-of-emergency-management-8080%252Ftext-and-
chat-messages-immediate-disclosure-request-san-francisco-universal-search-dem-
105576%252F%252Femail%25253Dsupervisor.records%252540sfcityatty.org&url_auth_token=AAdj9FV6yN5uNDURxRr0
UgBs2U%3A1kuFTm%3AFrhrOJhobn2sx7jZjto23QhriVc
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 105576
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.