

**SUNSHINE ORDINANCE
TASK FORCE**



**City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TDD/TTY No. (415) 554-5227**

ORDER OF DETERMINATION

May 14, 2012

DATE THE DECISION ISSUED

April 4, 2012

LIBRARY USERS ASSOCIATION v SUPERVISOR CAMPOS (CASE NO. 12007)

FACTS OF THE CASE

Complainant Library Users Association alleges that San Francisco Supervisor David Campos violated the Sunshine Ordinance by failing to respond in a timely manner to an Immediate Disclosure Request ("IDR") sent October 27, 2011 and by excessively redacting without justification information from public records related to the Bernal Heights Branch Library mural project.

COMPLAINT FILED

On January 13, 2012, Library Users Association filed a complaint with the Sunshine Ordinance Task Force ("Task Force") alleging that Supervisor David Campos violated the Sunshine Ordinance by failing to respond in a timely manner to an IDR and by redacting information without justification.

HEARING ON THE COMPLAINT

On April 4, 2012, Library Users Association Executive Director Peter Warfield appeared before the Task Force and presented the Library Users Association's complaint. Hillary Ronen, legislative aide to Supervisor David Campos, appeared on behalf of Supervisor Campos and presented his response.

On October 27, 2011, Mr. Warfield submitted an IDR to Supervisor Campos requesting to inspect, on a rolling basis, public records related to the Bernal Heights Library mural project and the community process used to handle the project. Mr. Warfield sent several emails to Supervisor Campos to follow-up on his request. He stated he did not receive a response to his IDR request for more than one week. Ms. Ronen eventually telephoned him to request an extension of time to respond.

On November 10, 2011, Mr. Warfield received copies of the requested documents with some information redacted. Mr. Warfield stated that he was not provided with justification for the redactions at the time he received the documents. He further stated that he was later told that contact information was redacted for privacy reasons but he was not provided with statutory citations to justify withholding the information.

Ms. Ronen stated that the Supervisor's office inadvertently missed Mr. Warfield's IDR request due to the large number of emails they receive daily. She apologized for the delayed response and noted the office had made changes to procedures to ensure timely responses to future IDRs.

Ms. Ronen further stated that Supervisor Campos had redacted individual contact information from the requested documents. She cited personal privacy rights guaranteed by the California Constitution, Article I, Section I as justification for redacting personal email addresses, home addresses, and telephone numbers. She additionally stated that Section 6254(c) of the California Public Records Act ("CPRA") exempts from disclosure records that would constitute an unwarranted invasion of personal privacy, and that the Good Government Guide explains that the general policy is not to disclose this personal information because it sheds no light on the operations of City government. Ms. Ronen explained that no business contact information was redacted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the evidence presented and Ms. Ronen's own admission, the Task Force found that Supervisor Campos failed to respond to the Library Users Association's IDR by the end of the following business day as required by Section 67.25(a) of the Sunshine Ordinance.

The Task Force further found that the redacted personal contact information is public information pursuant to local and state public records laws, and concluded that the California Constitution, Article I, Section I does not exempt this information from disclosure. The Task Force noted that the individuals whose contact information was redacted willingly contacted an elected public official regarding a public project, and made no request for anonymity or privacy.

The Task Force additionally concluded that CPRA Section 6254(c) does not exempt the redacted contact information from disclosure. The Task Force found that the individuals were participating in a public process and cannot reasonably expect the same level of privacy as individuals providing information in the medical, employment, or similar situation exempted from disclosure under CPRA Section 6254(c).

The Task Force observed that the First Amendment Coalition web site notes that home addresses and telephone numbers of private individuals are probably not exempt under CPRA Section 6254(c) without a showing of special concern for confidentiality. The site explains that there would be no need for the disclosure restrictions included in the section or on information such as Department of Motor Vehicle documents if all personal contact information were already intended to be private for all agencies for all purposes.

The Task Force noted that personal contact information provided to the Task Force is redacted only if requested by an individual, and that Board of Supervisors' agendas state that personal information provided in communications with the Board is subject to disclosure under the CPRA and the Sunshine Ordinance and will not be redacted. The Task Force further noted that personal contact information provided on Form 700 is not redacted.

DECISION AND ORDER OF DETERMINATION

The Task Force finds Supervisor David Campos in violation of Sunshine Ordinance Sections 67.25(a) for failure to respond to Library Users Association's IDR in a timely manner and 67.26 for failure to keep the withholding of public records to a minimum by redacting contact information from the requested documents.

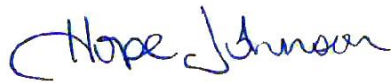
Supervisor Campos shall produce the requested records without the redactions within five business days of the issuance of this Order, and shall appear before the Compliance and Amendments Committee on Tuesday, June 19, 2012 at 4:00 p.m. in Room 406 at City Hall. The Committee shall monitor compliance with this Order.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on April 4, 2012, by the following vote: (Knee/Manneh)

Ayes: Costa, Knee, Manneh, Washburn, West, Johnson

Excused: Chan, Snyder, Wolfe

Absent: Cauthen



Hope Johnson, Chair
Sunshine Ordinance Task Force

cc: Peter Warfield, Library Users Association, Complainant
Supervisor David Campos, Respondent
Hillary Ronen, Legislative Aide, Respondent
Jerry Threet, Deputy City Attorney