

**SUNSHINE ORDINANCE  
TASK FORCE**



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May 18, 2012

Board of Supervisors  
City and County of San Francisco  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

**Re: Documents Retention Policies re Electronic Mail  
Sunshine Ordinance Complaint No. 11028, Pitts v. Supervisor Kim  
Sunshine Ordinance Complaint No. 11030, Pitts v. Supervisor Farrell**

Dear Board of Supervisors,

On May 24, 2011, the Sunshine Ordinance Task Force (“Task Force”) first heard two Sunshine complaints brought by Charles Pitts against Supervisors Jane Kim and Mark Farrell alleging failure to adequately respond to a request for public records. Mr. Pitts submitted an Immediate Disclosure Request (“IDR”) for all documents, including communications and calendars, related to applicants for seats on the Shelter Monitoring Committee, a process that was still ongoing at Rules Committee at the time of his request.

Both supervisors failed to respond to the IDR request by the close of the next business day as required under Sunshine Ordinance Section 67.25(a). When Mr. Pitts finally did receive these public records, he found that one supervisor produced emails that listed the other as a recipient but the receiving supervisor did not also produce the same email.

Based on the statements and evidence presented at hearings on these complaints, the Task Force found that the Board of Supervisors does not uniformly follow one document retention policy with respect to electronic mail. The Task Force is aware supervisors receive many emails each day; however, these are public records under state and local laws, and members of the public have the right to expect access to them. This is especially true for pending matters before the Board and its standing committees.

The Task Force respectfully recommends the Board of Supervisors coordinate with the Task Force’s recently created Technology Committee to establish a standard document retention policy for electronic emails received and sent. A standard practice would allow for the greatest public access to these public records in compliance with state and local law.

Thank you for your timely attention to this matter. Copies of the Orders in the complaints are attached. Please contact the Sunshine Ordinance Task Force Administrator at [sof@sfgov.org](mailto:sof@sfgov.org) or (415) 554-7724 with any questions or concerns.

<http://www.sfgov.org/sunshine/>



Hope Johnson, Chair  
Sunshine Ordinance Task Force

cc: Charles Pitts, Complainant  
Supervisor Jane Kim, Respondent  
Supervisor Mark Farrell, Respondent  
Matthias Mormino, Legislative Aide, Respondent  
Catherine Stefani, Legislative Aide, Respondent  
Board President David Chiu, District 3  
Supervisor Eric Mar, District 1  
Supervisor Carmen Chiu, District 4  
Supervisor Christina Olague, District 5  
Supervisor Sean Elsbernd, District 7  
Supervisor Scott Wiener, District 8  
Supervisor David Campos, District 9  
Supervisor Malia Cohen, District 10  
Supervisor John Avalos, District 11  
Jerry Threet, Deputy City Attorney