

Date: July 14, 2009

Item No. 2  
File No. 09003

**SUNSHINE ORDINANCE TASK FORCE**  
**Compliance and Amendments Committee**  
**AGENDA PACKET CONTENTS LIST\***

- Rita O'Flynn against the Department of Technology
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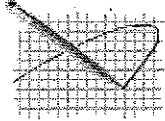
Completed by: Chris Rustom

Date: July 8, 2009

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



Barry Fraser/DTIS/SFGOV

07/02/2009 04:58 PM

To sotf@sfgov.org, Chris Rustom/BOS/SFGOV@SFGOV

cc Rita August O'Flynn <[REDACTED]@msn.com>, Ron  
Vinson/DTIS/SFGOV@SFGOV

bcc

Subject Process and Costs to Retrieve Specified Email Records from  
Backup Tapes

TO: Sunshine Ordinance Task Force (SOTF)

The Department of Technology (DT), as requested by the SOTF, has researched the estimated costs required to search email backup tapes to attempt to locate the records requested by the complainant.

However, DT remains convinced that neither the Public Records Act nor the Sunshine Ordinance requires DT to search backup tapes to find and retrieve email that has been deleted and sent to trash by a client department pursuant to that department's records retention policy.

DT retains email back-up files for disaster recovery, not records retention purposes. The system we employ is designed to retrieve entire accounts, not individual email records. When a client department has made the decision to place emails in trash, DT should not be required to search another department's trash to retrieve records determined by that department to not require retention.

Notwithstanding this objection, DT provides the process and estimated costs for the complainant's request below, in order to assist the SOTF with its analysis of the issues raised by the complainant's unprecedented request. The complainant seeks all emails sent or received between four individuals over a five-year period. DT estimates the cost in staff time to search the backup files to be \$9,500.00. This cost is due to the cumbersome and time-consuming process required to search for individual emails on backup files covering a five-year period.

The disaster recovery backups retained by DT consist of various electronic files, each containing a "snapshot" of the user's email account on a certain date and time. These snapshots are saved daily, weekly, monthly, quarterly and yearly, according to our backup schedule. Over a five-year period, one user's email account will have as many as 30 and possibly more individual backup files.

Each backup file is very large and consists of raw data, which is only readable when converted to Lotus Notes format with the Notes application. Each file consists of the entire email account of the user, configured on the date and time of the backup.

In order to search for individual emails, first a desktop computer must be configured for the task and have Notes installed. Next, the user account files are located, retrieved from offsite storage if necessary, and imported to the computer's hard drive. Each file may then be opened with the Notes application as a standard email account. This preparatory work would take about 10 hours of staff time.

Once the accounts are restored, someone must conduct a review of each backup file for each user account. Emails residing on each backup file may be searched by keywords for the name of each individual using the "All Documents" view, with a separate search required for each "Trash" folder. Therefore, the complainant's request would require an estimated 720 keyword searches--two searches for each of the three individual names, for each of the four user accounts, for each of the 30 backup files. The actual number could be more or less, depending on the number of backup files to be searched.

We estimate that one employee could conduct, on average, a complete search of one backup file per hour (allowing time for logging on and off each backup file, keeping a record of the searches conducted, performing the searches, reviewing and exporting any emails that match, and regular breaks from this repetitive process), and could complete the entire task in about 120 hours.

Once specific email records are identified as responding the request criteria, they must be printed, reviewed for exempt information and redacted if necessary, and then copied. These costs are difficult to estimate until the precise number of email records responding to the request is determined. A search of this scope could result in no email records, thousands of records, or any number in between. For these purposes, we will estimate an additional 10 hours for this work.

Thus, we estimate the total staff time for the search process to be 140 hours. Using the fully loaded hourly rate of \$67.06 for a principal administrative analyst, the cost for 140 hours of analyst work would run \$9,388.40. Considering the sensitive and confidential nature of some emails, using lower level staff to perform these searches is not advisable. Adding materials and supplies, we estimate that the total cost to the department for conducting this search would be approximately \$9,500.00

In addition to the direct cost of staff time required for the review, there is an indirect cost to the department in loss of productivity and inability to conduct normal operations, because staff involved in the review will be unable to perform their normal job duties. However, we are unable to estimate an actual dollar amount for this cost.

Finally, even if DT had the resources, and could establish an accurate fee for doing this work, there is a realistic possibility that the search will uncover no records. DT is concerned that a requester would be unwilling to pay the established fee if few or no records are actually uncovered.

Respectfully Submitted,

**Barry Fraser**  
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07/02/2009 05:27 PM

To <barry.fraser@sfgov.org>, <sott@sfgov.org>,  
<chris.rustom@sfgov.org>  
cc <ron.vinson@sfgov.org>

bcc

Subject RE: Process and Costs to Retrieve Specified Email Records  
from Backup Tapes

A disc with the requested information in Lotus Notes was made available to DIT by their off-site data storage facility in early December 2008. After being told it was available for pick up, it has been withheld by DIT for a variety of "technical" reasons.

As the data on the disc is to and from e-mail accounts ending in sfgov.org. It is public information. My right to this information was confirmed by the Sunshine Ordinance Task Force in March 2009. It is now July 2009 and I am no closer to getting the information I am looking for than I was in December of 2008.

I understand DIT's position regarding incurring costs because of another department's inappropriate deletion of e-mail. The solution would be to either a) give me the disc so as I can download software for \$49.00 to convert Lotus Notes into Notes myself or b) charge MOH for the costs of conversion as DIT estimates. If I need to do a Sunshine Ordinance Complaint against Myrna Melgar-Iton and MOH in order for these costs to go to MOH I can do so.

With Kind Regards,

Rita O'Flynn 415-[REDACTED] Cell: 415-[REDACTED]