

Date: Sept. 22, 2009

Item No. 23 & 24
File No. 09057

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Peter Warfield against the Clerk of the Board**
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Completed by: Chris Rustom

Date: Sept. 16, 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.



<complaints@sfgov.org>

09/09/2009 02:37 PM

To <soft@sfgov.org>

cc

bcc

Subject: Sunshine Complaint

Submitted on: 9/9/2009 2:37:46 PM

Department: Board of Supervisors

Contacted:

Public_Records_Violation: Yes

Public_Meeting_Violation: No

Meeting_Date:

Section(s)_Violated:

Description: We requested information from the Clerk of the Board of Supervisors that included information about the current membership of the Library Citizens Advisory Committee (LCAC), of which I am a member. We were told to return in a little more than three hours so that redactions could be made. This provided an unnecessary delay in reviewing the full file, in violation of the Sunshine Ordinance's promptness requirements. In discussion with the Deputy Clerk, we then requested a more prompt provision of just the two-page current member roster. This was provided promptly in a few minutes, for which we thank the Deputy Clerk. But when we requested a copy, the contact information was redacted -- and, because it was whited out, it was not possible to see what was redacted. There was also no written notation as to statutory authority to redact. We ask that you provide us with an Order of Determination that orders the Clerk to provide this sort of information without redaction of contact information such as email address, and an Order that finds at least violations of the following sections in doing so:

- A. 67.21(a) (b), Process for Gaining access to Public Records;
- B. 67.26, Withholding Kept to a Minimum;
- C. 67.27, Justification of Withholding

Hearing: Yes

Pre-Hearing: No

Date: 9/9/2009

Name: Peter Warfield

Address:

City:

Zip:

Phone: 753-2180

Email:

Anonymous:

Confidentiality_Requested: No

Library Users Association

P.O. Box 170544, San Francisco, CA 94117-0544

Tel./Fax (415) 753-2180

September 8, 2009

Honorable Members
Sunshine Ordinance Task Force
City Hall, San Francisco

Subject: *Complaint: Clerk of the Board, Redaction of Contact Information from the LCAC Membership File*

Ladies and Gentlemen:

We would like a hearing on this matter as soon as possible.

We requested information from the Clerk of the Board of Supervisors that included information about the current membership of the Library Citizens Advisory Committee (LCAC), of which I am a member.

We were told to return in a little more than three hours so that redactions could be made. *This provided an unnecessary delay* in reviewing the full file, in violation of the Sunshine Ordinance's promptness requirements.

In discussion with the Deputy Clerk, we then requested a more prompt provision of just the two-page current member roster. This was provided promptly in a few minutes, for which we thank the Deputy Clerk. *But when we requested a copy, the contact information was redacted -- and, because it was whited out, it was not possible to see what was redacted. There was also no written notation as to statutory authority to redact.*

We ask that you provide us with an Order of Determination that orders the Clerk to provide this sort of information without redaction of contact information such as email address, and an Order that finds at least violations of the following sections in doing so:

- A. 67.21(a) (b), Process for Gaining access to Public Records;
- B. 67.26, Withholding Kept to a Minimum;
- C. 67.27, Justification of Withholding

Thank you for your attention to this.

Sincerely yours,

Peter Warfield
Executive Director



MEMORANDUM

Date: May 23, 2008
To: Clerk of the Board Staff
Assessment Appeals Board
Office of the Legislative Analyst
Sunshine Ordinance Task Force
Youth Commission
From: Angela Calvillo, Clerk of the Board
Subject: Redacting Policy

The following redacting policy is established for the department. The policy was developed in consideration of the Sunshine Ordinance and the California Public Records Act.

REDACTION POLICY: PERSONAL INFORMATION

The Office of the Clerk of the Board, pursuant to §2.108 of the Charter, shall liberally provide for the public's access to information, documents and records. In accordance with local and state laws¹, it shall be the policy of the Clerk's Office and its agencies to redact all personal information including, but not limited to, the home address, telephone numbers, e-mail addresses, etc., from requested records prior to release to or review by third parties (the public) and prior to copying and/or posting on the Internet. The Clerk's Office will not redact personal information if the individual whose personal information has been obtained has indicated that he/she authorizes the release of his/her personal information.

Copy provided
Courtesy of
Library Users Assn.
(415) 753-2180

Note: The Clerk's policy does not cite specific sections of the Sunshine Ordinance that allow or require the redactions described. See complaint #09056 09057

¹ Cal. Gov. Code §§6250 and 6254; Cal. Constitution, Article I, §1; Administrative Code §67.1 (g)