

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

December 5, 2011

DATE THE DECISION ISSUED

November 29, 2011

NICK PASQUARIELLO v FILM COMMISSION (CASE NO. 11058)

FACTS OF THE CASE

Nick Pasquariello ("Complainant") alleges that the San Francisco Film Commission ("Film Commission") failed to provide public information in response to his public records request submitted on August 4, 2011 and amended on August 6, 2011, requesting various categories of information regarding television spots and commercials filmed in San Francisco between August 1, 2009 and August 1, 2011.

COMPLAINT FILED

On August 16, 2011, Mr. Pasquariello filed his complaint against Susannah Greason Robbins, Executive Director of the Film Commission.

HEARING ON THE COMPLAINT

On November 29, 2011, Complainant presented his case to the Task Force. The Film Commission was not represented and no one in the audience presented facts and evidence on behalf of the Film Commission.

Mr. Pasquariello told the Task Force the Film Commission is the liaison between film production companies and City departments, issuing permits to allow companies to film on City-owned property. He said he asked the Film Commission in August to provide him with identification and location information submitted by companies wanting to film television spots and commercials in San Francisco between August 2009 and August 2011. He said Ms. Robbins provided the information but had redacted company email addresses and cell phone numbers of location managers and contacts. He said Ms. Robbins' letter accompanying her response stated that the Film Commission does not provide personal information in response to public information requests.

Mr. Pasquariello said he disagrees with the Film Commission's position on the redacted information because information provided in the permit application is for the purpose of conducting City business, and is, therefore, a public record that must be disclosed. He added he has worked as a location scout in the movie business and understands that .the

purpose of the form is to conduct business and the information contained in it is not personal.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

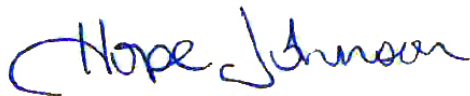
Based on Complainant's testimony and supporting documentation, the Task Force concluded that the Film Commission did release the requested public records but had redacted company email addresses and the cell phone numbers of filming location contacts. The Task Force noted that the California Public Records Act and the Sunshine Ordinance presume that records in the possession of City agencies are public unless exempted from disclosure by law. Based on review of the released filming permits, the Task Force further concluded that the permit information was collected for the purpose of conducting government business and that no exemption from disclosure applied to the information that the Film Commission redacted.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Film Commission violated Sunshine Ordinance Sections 67.26 for failing to keep the withholding of public information to a minimum by redacting the disclosable public information, and 67.27 for failing to justify its withholding of the public information.

The Film Commission shall release the requested records without redaction within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on Tuesday, December 13, at 4:00 p.m. in Room 406 at City Hall. The Committee will review compliance with this Order.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on November 29, 2011, by the following vote: (Washburn/Knee)
Ayes: Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Chan, West, Johnson
Excused: Costa



Hope Johnson, Chair
Sunshine Ordinance Task Force



David Snyder, Esq., Member, Seat #1*
Sunshine Ordinance Task Force

cc: Nick Pasquariello, Complainant
Susannah Greason Robbins, Respondent
Jerry Threet, Deputy City Attorney

*Sunshine Ordinance Task Force Seat #1 is a voting seat held by an attorney specializing in sunshine law.