

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION  
June 8, 2021**

**DATE DECISION ISSUED**  
January 6, 2021

**CASE TITLE – Anonymous v. Department of Technology**  
(File No. 19119)

**FACTS OF THE CASE**

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 19119: Complaint filed by Anonymous against the Department of Technology for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b), 67.26 and 67.27 by failing to respond to a public records request in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On September 22, 2020, the Compliance and Amendments Committee acting in its capacity to hear petitions/complaints heard the matter.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that this is a metadata case. Anonymous stated that in October 2019, the Department of Technology (DT) made the decision not to provide metadata. The SOTF determined that metadata is a public record. Anonymous stated that between October 2019 and February 2020, DT began working with Anonymous to provide requested records. Anonymous stated that DT has been in the process of providing records but have been unavailable since Covid-19

Linda Gerull (Department of Technology) (Respondent), provided a summary of the department's position. Ms. Gerull stated that her department has had security concerns regarding hackers getting into City files. Ms. Gerull stated that DT wants to build a document that would be useful as a guide. Ms. Gerull noted that DT is looking at the different types of technology tools to make it easier for the Custodian to provide records. Ms. Gerull stated that DT has partially fulfilled

the records request and will continue to provide a standard. Mr. Gerull thanked anonymous for assisting her in understanding the needs of the requestor.

Michael Makstman stated that the department need to create a standard of providing metadata in a safe way that does not compromise the security of the City. Mr. Makstman stated that Department of Technology continues to review and refine the standards to be reviewed by the City Attorney.

Action: Moved by Member Wolfe, seconded by Member Hyland, to find jurisdiction, that the requested records are public and to refer the matter to the SOTF for hearing.

On January 6, 2021, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that he has received email and calendar ICS metadata information from Mr. Makstman and Ms. Gerull. Anonymous stated that in October 2020 some records were provided and that the Department of Technology has produced all requested emails and calendars metadata or agreed in writing to produce it. Anonymous asked that the SOTF dismiss individual respondents and dismiss Administrative Codes 67.26 and 67.27 and ask for a 67.21(b) for an untimely production. Anonymous stated that these respondents have been helpful in City's production of metadata and there is nothing to further to argue.

Linda Gerull (Department of Technology) (Respondent), provided a summary of the department's position. Ms. Gerull thanked the SOTF for allowing her to be here tonight and that there was no need for the other respondents listed in the Complaint to attend. Ms. Gerull noted that there are no additional facts to add to this conversation and believe the matter is closed.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

## FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the Department of Technology violated Administrative Code (Sunshine Ordinance), Section 67.21(b).

## DECISION AND ORDER OF DETERMINATIONS

Action: Moved by Member Hinze, seconded by Member Yankee, to find that the Department of Technology violated Administrative Code (Sunshine Ordinance), Section 67.21(b), by failing to respond to a request for public records in a timely manner.

The motion PASSED by the following vote:

Ayes: 7 - Hinze, Yankee, Schmidt, LaHood, Wong, Hyland, Wolfe  
Noes: 0 - None

A handwritten signature in blue ink, appearing to be 'B. Wolfe', enclosed within a hand-drawn oval.

Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

cc. Anonymous (Petitioner/Complainant)  
Linda Gerull, Department of Technology (Respondent)