

File No. 19044

Item No. 7

SUNSHINE ORDINANCE TASK FORCE  
AGENDA PACKET CONTENTS LIST

Complaint Committee

Date: August 20, 2019

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Completed by: C. Leger Date 8/15/19

\*An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document is in the file.

## Leger, Cheryl (BOS)

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**From:** Google Forms <sfbdsupvrs@gmail.com>  
**Sent:** Wednesday, May 8, 2019 1:41 PM  
**To:** SOTF, (BOS)  
**Subject:** New Response Complaint Form

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Your form has a new entry.

Here are the results.

**Complaint  
against which  
Department or  
Commission**

Office of City Attorney

**Name of  
individual  
contacted at  
Department or  
Commission**

Dennis Herrera (Herrera) in his official capacity as city attorney, Elizabeth A. Coolbrith (Coolbrith) in her official capacity as paralegal for city attorney

**Alleged Violation**

Public Records

**Please describe  
alleged violation**

Detailed facts, allegations, and exhibits are provided in our letter at:  
[https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/San-Francisco-Sunshine-Ordinance-Appeal-Request-72056.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/San-Francisco-Sunshine-Ordinance-Appeal-Request-72056.pdf)

\*\* NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)\*\*

Name Anonymous

Email [72056-97339218@requests.muckrock.com](mailto:72056-97339218@requests.muckrock.com)

If anonymous,  
please let us  
know how to  
contact you.  
Thank you.

I am anonymous. Please use our email [72056-97339218@requests.muckrock.com](mailto:72056-97339218@requests.muckrock.com)

Sent via [Google Forms Email](#)



DENNIS J. HERRERA  
City Attorney

PEDER J. V. THOREN  
Deputy City Attorney

Direct Dial: (415) 554-3846  
Email: Peder.Thoren@sfcityattty.org

**MEMORANDUM  
PRIVILEGED AND CONFIDENTIAL**

TO: Sunshine Ordinance Task Force  
FROM: Peder J. V. Thoren  
Deputy City Attorney  
DATE: June 3, 2019  
RE: Complaint No. 19044 - Anonymous v. Dennis Herrera, Elizabeth Coolbrith

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**COMPLAINT**

An anonymous complainant ("Complainant") alleges that City Attorney Dennis Herrera and Elizabeth Coolbrith, of the City Attorney's office (collectively, "Respondents"), violated public records laws by failing to provide public records.

**COMPLAINANT FILES COMPLAINT**

On May 8, 2019, Complainant filed this complaint with the Task Force, alleging that the City Attorney's office failed to provide complete responses to Complainant's request for public records, in violation of Administrative Code sections 67.21, 67.26, and 67.27, and Government Code sections 6253, 6253.9, and 6255.

**JURISDICTION**

City Attorney Dennis Herrera and Elizabeth Coolbrith work within the City Attorney's office, which is subject to the provisions of the Sunshine Ordinance and the California Public Records Act ("CPRA") regarding records requests. Respondents do not dispute jurisdiction.

**APPLICABLE STATUTORY SECTION(S)**

**Section 67 of the San Francisco Administrative Code:**

- Section 67.21 governs responses to a public records request in general.
- Section 67.26 provides that withholding of public records shall be kept to a minimum.
- Section 67.27 sets forth requirements for justifying the withholding of information.

**Sections 6253, 6235.9, and 6255 of the Cal. Govt. Code (CPRA)**

- Section 6253(c) governs the timeframe in which general requests for public documents must be honored.
- Section 6235.9 governs the production of public documents in electronic format.
- Section 6255(a) regards the circumstances in which the public interest in withholding a record outweighs the public interest in disclosure.

**APPLICABLE CASE LAW**

- None

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**BACKGROUND**

On April 20, 2019, Complainant requested the City Attorney's office to immediately disclose:

A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:  
 20190418173050.839.30844@f720c6d2-4be2-4478-af65-  
 b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:  
 <20190418173050.839.30844@f720c6d2-4be2-4478-af65-  
 b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:  
 20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:  
 <20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:  
 <DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB14  
 97.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:  
 DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB149  
 7.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees.

On April 22, 2019, Respondents directed Complainant to records in response to part B of Complainant's request, to Complainant's satisfaction.<sup>1</sup> On April 23, 2019, Respondents explained their belief that Complainant's request did not qualify as an Immediate Disclosure Request, and that they would be treating the request as subject to a 10-day deadline. Complainant does not appear to take issue with this determination. On April 24, 2019, Respondents sent Complainant two emails that were allegedly responsive to Complainant's requests A3, A4, A5, and A6.<sup>2</sup> Respondents stated that they had "conducted a reasonable and

<sup>1</sup> See Complainant's May 17, 2019 letter at 2 n.4.

<sup>2</sup> Note that emails produced by Respondents include communications related to a *separate* public records request that is not the subject of the present complaint.

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diligent search and did not locate any further responsive documents.” Complainant objected to the fact that the emails produced did not include certain headers and/or metadata. In response to a follow-up email by Complainant on May 8, 2019, Respondents informed Complainant that they had completed their production on April 24, and that “[w]e do not intend to produce anything further in response to your request.”

However, on May 17, 2019, Respondents supplemented their disclosure. The supplemental “PDF show[ed] the headers and metadata associated with the email responsive to [Complainant’s] request #s A3/A4.” Respondents noted that some of the metadata was redacted “based on the need to protect the security of [their] computer system.” Respondents noted they were “not able to locate headers/metadata for the emails responsive to ... request #s A1/A2 and A5/A6.” Further, Respondents stated that “while we have agreed to produce some metadata excerpts in this instance, we reserve our right to revisit this approach in the future. Generally we do not disclose metadata at all ....”

On that same date, Complainant confirmed that, notwithstanding the supplemental production after the complaint was filed, the complaint would not be withdrawn.<sup>3</sup> Complainant offers four reasons why the disclosures remain insufficient:

1. ... While I believe the current disclosure is still deficient relative to the standards of the Sunshine Ordinance and the CPRA ..., even if the Task Force determines that the May 17 disclosure does in fact meet all legal requirements, I ask that the Task Force still rule that the May 8 and April 24 responses of the City Attorney violated [various statutes] as discussed in my initial Task Force complaint. ...
2. The May 17 response continues to not be disclosed in the original electronic format as requested. ...
3. Even if the disclosure in PDF format is acceptable under the law, the May 17 response fails to disclose one or more headers that I believe are part of the full A3/A4 record responsive to my requests. ...

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<sup>3</sup> Complainant proposed a compromise whereby Complainant would withdraw the complaint with the Task Force in exchange for an opinion by the City Attorney regarding the disclosure of metadata. The proposed compromise does not appear to be a matter within the jurisdiction of the Task Force.

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4. The May 17 response fails to disclose any additional headers or metadata of the email record responsive to request A5/A6 (it only includes additional info for A3/A4). ...

(Emphasis, footnotes, color omitted.)<sup>4</sup>

In their May 17, 2019, written submission to the Task Force, Respondents point out that on April 24, 2019, they provided two responsive emails that had been exchanged between their office and “Muck Rock” on April 18 and 19.<sup>5</sup> When the Complainant requested metadata associated with those emails, the City Attorney’s office “elected to supplement [its] production” and gave “the requester the metadata we were able to find following a reasonable and diligent good faith search.” However, “[t]o safeguard the security of our computer system,” Respondents withheld “certain portions of the metadata that describe unique identifiers for our individual computer terminals and computer servers and our security certificates and similar information.” In support of their general position on the production of metadata, Respondents identify various privilege-related and security concerns regarding the disclosure of metadata, argue that the CPRA does not provide authoritative guidance regarding whether metadata are subject to disclosure, and contend that their position is consistent with the City Attorney’s position, as set forth in the Good Government Guide.

**QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS**

- What is the legal basis for withholding metadata where an email with which it is associated is otherwise a disclosable public record?
- Respondents contend that they were unable to locate “headers/metadata” associated with the emails responsive to requests A5 and A6. What is basis for Complainant’s belief that Respondents possess this information?
- Complainant contends that “the May 17 response fails to disclose one or more headers that I believe are part of the full A3/A4 record...” Is Complainant’s dispute with the scope of the redactions of the headers in the document that was produced, or does Complainant contend that additional headers exist beyond those in that document (regardless of whether they were redacted)?
- Does Complainant contend that Respondents violated the Sunshine Ordinance or the CPRA by redacting certain information in its May 17 supplemental production?

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<sup>4</sup> In the May 17, 2019 letter, Complainant clarifies that Complainant accepts Respondents’ determination that they have no records responsive to requests A1 and A2.

<sup>5</sup> Complainant uses an email address associated with the domain muckrock.com; those emails state that Complainant is “not a MuckRock representative.”

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**LEGAL ISSUES/LEGAL DETERMINATIONS**

- Did the City Attorney's office violate the Sunshine Ordinance or CPRA by allegedly failing to satisfy Complainant's request for public records in a complete manner?

**CONCLUSION**

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

\* \* \*



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**CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE  
ORDINANCE)**

**SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS;  
ADMINISTRATIVE APPEALS**

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petitioner, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any

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part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the superior court shall have jurisdiction to order compliance.

(g) In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

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(k) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirements provided in this ordinance.

(l) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

**SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.**

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 67.27 of this Article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any City employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

**SEC. 67.27. JUSTIFICATION OF WITHHOLDING.**

Any withholding of information shall be justified, in writing, as follows:

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

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**GOVERNMENT CODE SECTION 6250, et seq. (CPRA)**

**SEC. 6253**

(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

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(f) In addition to maintaining public records for public inspection during the office hours of the public agency, a public agency may comply with subdivision (a) by posting any public record on its Internet Web site and, in response to a request for a public record posted on the Internet Web site, directing a member of the public to the location on the Internet Web site where the public record is posted. However, if after the public agency directs a member of the public to the Internet Web site, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site, the public agency shall promptly provide a copy of the public record pursuant to subdivision (b).

**SEC. 6253.9**

(a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

(b) Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

(1) In order to comply with the provisions of subdivision (a), the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

(2) The request would require data compilation, extraction, or programming to produce the record.

(c) Nothing in this section shall be construed to require the public agency to reconstruct a record in an electronic format if the agency no longer has the record available in an electronic format.

(d) If the request is for information in other than electronic format, and the information also is in electronic format, the agency may inform the requester that the information is available in electronic format.

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(e) Nothing in this section shall be construed to permit an agency to make information available only in an electronic format.

(f) Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

(g) Nothing in this section shall be construed to permit public access to records held by any agency to which access is otherwise restricted by statute.

**SEC. 6255**

(a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.

**Sunshine Ordinance Task Force  
Complaint Summary**

File No. 19044

Anonymous v. Dennis Herrera, Elizabeth Coolbrith

Date filed with SOTF: 5/8/19

Contacts information (Complainant information listed first):

Anonymous (72056-97339218@requests.muckrock.com) (Complainant)

Dennis Herrera, John Cote (John.Cote@sfcityatty.org), Andrea Guzman,

([Andrea.Guzman@sfcityatty.org](mailto:Andrea.Guzman@sfcityatty.org)) Office of the City Attorney (Respondent)

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**File No. 19044:** Complaint filed by Anonymous against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

**Administrative Summary if applicable:**

**Complaint Attached.**

# **Complainant/Petitioners Documents Submission**



## Leger, Cheryl (BOS)

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**From:** 72056-97339218@requests.muckrock.com on behalf of '72056-97339218@requests.muckrock.com' <72056-97339218@requests.muckrock.com>  
**Sent:** Wednesday, July 24, 2019 5:15 PM  
**To:** SOTF, (BOS)  
**Subject:** RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

July 24, 2019

This is a follow up to a previous request:

Sunshine Ordinance Task Force,

In re: SOTF 19044, I have some information to add to the record:

- I petitioned the Supervisor of Records re: this issue on May 8.
- Bradley Russi, Deputy City Attorney, on behalf of the Supervisor of Records, acknowledged this request on May 14.
- On May 21, Russi said they "hope to have a response to you no later than the end of next week."
- Russi replied again on June 7, with no estimated date.
- On June 27, Russi indicated they would "respond tomorrow or early next week."
- On July 1, Russi indicated they "won't be able to respond to your petitions until next week"
- On July 24, Russi again refused to provide an estimated date.
- As you well know, the City Attorney (respondent) serves as the Supervisor of Records as well.
- I therefore further allege in SOTF 19044 that the Supervisor of Records (i.e. the City Attorney) has violated SF Admin Code 67.21(d) which states in relevant part "...The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. ..."
- All deadlines have long passed.
- The Office of the City Attorney, as respondent, has gotten a continuance in 19044 for each of June 25, July 3, and July 23.
- The respondent appears to be delaying a full response for an unreasonable amount of time.
- I ask that the Task Force take this in to account when judging this case.

\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\*

Thank you,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAuFBaWtyfyRXNxlh3MkFOGTxo%3A1hqRPP%3ABW-NZIQ5CWLHpTX8de-XkwNKn\\_A](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAuFBaWtyfyRXNxlh3MkFOGTxo%3A1hqRPP%3ABW-NZIQ5CWLHpTX8de-XkwNKn_A)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 72056

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On July 24, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

I thought we would be able to get back to you sooner, but unfortunately we are still investigating these issues and have not reached a resolution. We are continuing to look into the questions you have raised and hope to be able to provide a response soon. Thank you for your patience.

[cid:image002.jpg@01D54227.0C6F0DA0]Bradley Russi

Deputy City Attorney

Office of City Attorney Dennis Herrera

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

[www.sfcityattorney.org](http://www.sfcityattorney.org)

On July 22, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
Supervisor of Records,

Re: My May 8 supervisor of records petition

On July 1, Deputy City Attorney Russi said your office would finish responding to my petition "next week."

SF Admin Code 67.21(d) states "...The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. ..."

All deadlines have long expired. Please provide a reply to my petition immediately.

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

Thanks,  
Anonymous

---

On July 1, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
Ms. Leger,

Thank you for the notice. This is acceptable, but please let's resolve this as soon as possible thereafter as my original CPRA/Sunshine request has been outstanding since April 20.

I will note that the respondent has requested 3 continuances in 19044 - from June 25, July 3, and July 23.

I would very much appreciate a response to my requests to appear telephonically. I have received no response.

Thanks,  
Anonymous in 19044

---

On July 1, 2019:

Subject: SOTF - Complaint Committee Appearance of July 23, 2019; File No. 19044

Dear Anonymous:

I just received word from the Respondent regarding the complaint below, that they will be on vacation during the time of the Complaint Committee hearing of July 23, 2019, and therefore unavailable. Please let me know as soon as possible if you agree to this change in scheduling. I would like to schedule this matter for the August Complaint Committee hearing. Thank you.

File No. 19044: Complaint filed by Anonymous against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Thank you for your consideration.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

[CustomerSatisfactionIcon]<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

---

On July 1, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
Re: My May 8 supervisor of records petition

Thank you. I understand that my petition raises potentially novel technological issues and that is causing some delay.

I would however remind you of SF Admin Code 67.21(d) "...The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. ..."

Please provide a reply as soon as you are able to.

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Thanks,  
Anonymous

---

On April 20, 2019:

Subject: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:  
20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:  
<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:  
20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:  
<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:  
<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:

DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAuFBaWtyfyRXNxlh3MkFOGTxo%3A1hqRPP%3ABW-NZIQ5CWLHpTX8de-XkwNKn\\_A](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAuFBaWtyfyRXNxlh3MkFOGTxo%3A1hqRPP%3ABW-NZIQ5CWLHpTX8de-XkwNKn_A)

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For mailed responses, please address (see note):

MuckRock News

DEPT MR 72056

411A Highland Ave

Somerville, MA 02144-2516

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On July 1, 2019:

Subject: SOTF - Complaint Committee Appearance of July 23, 2019; File No. 19044

Dear Anonymous:

I just received word from the Respondent regarding the complaint below, that they will be on vacation during the time of the Complaint Committee hearing of July 23, 2019, and therefore unavailable. Please let me know as soon as possible if you agree to this change in scheduling. I would like to schedule this matter for the August Complaint Committee hearing. Thank you.

File No. 19044: Complaint filed by Anonymous against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Thank you for your consideration.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

[CustomerSatisfactionIcon]<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

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On July 1, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

Re: My May 8 supervisor of records petition

Thank you. I understand that my petition raises potentially novel technological issues and that is causing some delay.



I would however remind you of SF Admin Code 67.21(d) "...The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. ..."

Please provide a reply as soon as you are able to.

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

Thanks,  
Anonymous

---

On July 1, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

Unfortunately, we are still working with our IT staff on the issues you have raised and won't be able to respond to your petitions until next week. Thanks for your patience.

[cid:image002.jpg@01D53017.091E2810]Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
www.sfcityattorney.org

---

On July 1, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

I (anonymous requestor in 19044) am happy to appear telephonically on July 23. I cannot be physically present however. If you decide to go ahead with a July 23rd hearing, please let me know conference call, Google Hangouts, Skype, or similar credentials by which I may answer any questions the Task Force may have. I do believe, however, I have laid out all of my arguments in the documents re-sent to the task force on June 14 for inclusion in the agenda, and copied again below for the Task Force's and Respondents' convenience.

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

Files to consider:

1. My complaint: [https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/San-Francisco-Sunshine-Ordinance-Appeal-Request-72056.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/San-Francisco-Sunshine-Ordinance-Appeal-Request-72056.pdf)
2. My May 17 follow up to Respondents and the Task Force after Respondents made additional disclosure: [https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf)
3. My June 4 rebuttal to Respondents' response: [https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/5-SF-Attorney-Email-Appeal-SOTF-19044-followup.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/5-SF-Attorney-Email-Appeal-SOTF-19044-followup.pdf)

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On July 1, 2019:

Subject: SOTF - Notice of Appearance - Complaint Committee; July 23, 2019 5:30 p.m.

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Complaint Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: July 23, 2019

Location: City Hall, Room 408

Time: 5:30 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

File No. 19044: Complaint filed by Anonymous against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19047: Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Office of the Mayor for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.25 and 67.29-5, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19052: Complaint filed by Alex Koskinen against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19060: Complaint filed by Ashley Rhodes against the Arts Commission for allegedly violating Administrative Code, Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19025: Complaint filed by Jamie Whitaker against the Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, July 16, 2019.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

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On April 20, 2019:

Subject: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:

20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:

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A3. the e-mail message with Message-Id:

20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:

<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:

<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:

DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

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I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hi8Oi%3A-FUtViVBfjqAlbCtAQdDkkgQMI](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hi8Oi%3A-FUtViVBfjqAlbCtAQdDkkgQMI)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 72056

411A Highland Ave

Somerville, MA 02144-2516

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## Leger, Cheryl (BOS)

---

**From:** 72056-97339218@requests.muckrock.com  
**Sent:** Monday, July 1, 2019 2:09 PM  
**To:** SOTF, (BOS)  
**Subject:** RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

July 1, 2019

This is a follow up to a previous request:

I (anonymous requestor in 19044) am happy to appear telephonically on July 23. I cannot be physically present however. If you decide to go ahead with a July 23rd hearing, please let me know conference call, Google Hangouts, Skype, or similar credentials by which I may answer any questions the Task Force may have. I do believe, however, I have laid out all of my arguments in the documents re-sent to the task force on June 14 for inclusion in the agenda, and copied again below for the Task Force's and Respondents' convenience.

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1. My complaint: [https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/San-Francisco-Sunshine-Ordinance-Appeal-Request-72056.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/San-Francisco-Sunshine-Ordinance-Appeal-Request-72056.pdf)
2. My May 17 follow up to Respondents and the Task Force after Respondents made additional disclosure: [https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf)
3. My June 4 rebuttal to Respondents' response: [https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/5-SF-Attorney-Email-Appeal-SOTF-19044-followup.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/5-SF-Attorney-Email-Appeal-SOTF-19044-followup.pdf)

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E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAUFBaWTyfyRXNxLh3MkFOGTxo%3A1hi3YB](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAUFBaWTyfyRXNxLh3MkFOGTxo%3A1hi3YB)

%3A\_gwHixCNueypw1P-GEL5-llyLWE

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 72056  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On July 1, 2019:

Subject: SOTF - Notice of Appearance - Complaint Committee; July 23, 2019 5:30 p.m.

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Complaint Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: July 23, 2019

Location: City Hall, Room 408

Time: 5:30 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

File No. 19044: Complaint filed by Anonymous against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19047: Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Office of the Mayor for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.25 and 67.29-5, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19052: Complaint filed by Alex Koskinen against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19060: Complaint filed by Ashley Rhodes against the Arts Commission for allegedly violating Administrative Code, Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19025: Complaint filed by Jamie Whitaker against the Homelessness and Supportive Housing for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, July 16, 2019.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

---

On June 27, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
Sorry for the delay. We will respond tomorrow or early next week.

[cid:image002.jpg@01D52D0D.298897A0]Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
[www.sfcityattorney.org](http://www.sfcityattorney.org)

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On June 27, 2019:

Subject: SOTF - Request for a continuance by City Attorney's office  
Dear Anonymous:

Yesterday, I received a request for continuance from the City Attorney's Office and are not available on July 3. The request was granted. I will keep you posted on when it will be heard. In the meantime, have a nice 4th of July. Thank you.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

[CustomerSatisfactionIcon]<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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---  
On June 26, 2019:  
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
Assistant Clerk,

I (and Respondent) were asked on June 19 if I was available on July 3 for a SOTF File 19044 hearing. I responded that I could appear, but only telephonically.

I have not heard back from the Task Force or Respondent on whether or not July 3 is going forward for 19044. Could you please let me know if the July 3 hearing is happening for 19044, and a response to my request to my appear telephonically?

Thank you,

Anonymous (complainant in 19044)

---  
On June 26, 2019:  
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
Supervisor of Records,

Do you have a response to my petition of May 8 (associated with SOTF file 19044)?

Thanks,  
Anonymous



**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

On April 20, 2019:

Subject: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:

20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:

<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:

20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:

<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:

<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:

DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hi3YB%3A\\_gwHlxCNueypw1P-GEL5-llyLWE](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hi3YB%3A_gwHlxCNueypw1P-GEL5-llyLWE)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 72056

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



## Leger, Cheryl (BOS)

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**From:** 72056-97339218@requests.muckrock.com  
**Sent:** Tuesday, June 18, 2019 11:24 AM  
**To:** SOTF, (BOS)  
**Subject:** RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

June 18, 2019

This is a follow up to a previous request:

Task Force and Committee members,

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

Thank you. I have also received an email from Mr. Coté on behalf of the City Attorney regarding the continuance of 10944 so they can consult with their IT Staff. I hope that the SOTF does take this matter up without undue delay, and without continuing it beyond one further meeting date. I maintain my prior request to attend telephonically.

As I have noted in the past, the instant 19044 case raises similar (but not identical) issues to my case 19047, Anonymous v. Mayor London Breed, Hank Heckel, Office of Mayor. I will be following up with the respondents in both cases to suggest they work with each other and the city's IT experts to come up with a reasonable set of specific metadata that must be withheld for security (and any other lawful exemption reasons), so the City has a consistent policy on such disclosure.

However, I intend to continue to pursue both cases to ensure that, even if the respondents in these cases eventually provide some metadata, that the Task Force make a determination that the prior responses of the agencies withholding metadata in general were violations of the Sunshine Ordinance, in order to vindicate the general right of the public to receive copies of non-exempt metadata when they ask for it.

Sincerely,

Anonymous

Filed via MuckRock.com  
E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?url\\_auth\\_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hdlla%3Act6HyZmLCOWDRuXQAASM7O3u8rE&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hdlla%3Act6HyZmLCOWDRuXQAASM7O3u8rE&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 72056  
411A Highland Ave  
Somerville, MA 02144-2516

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---

On June 18, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
Dear Anonymous:

We are in receipt of and thank you for your response. This matter has been postponed until further notice.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

[CustomerSatisfactionIcon]<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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On June 17, 2019:

Subject: Request for Continuance > RE: SOTF - Notice of Hearing - Complaint Committee; June 25  
Dear Ms. Leger,

I would like to request a continuance for File No. 19044, currently scheduled for the June 25 hearing of the Complaint Committee. I'd like to reschedule this item to the committee's next hearing date. The records request in this matter raises unusual security questions, and we are continuing to review the matter with our IT staff to see if there is a way to safely provide the requester more of the information that they have requested. We expect to know one way or another by the next hearing date.

Thank you for your consideration,

[cid:image003.jpg@01D5251E.F9A7FBC0]John Coté

Communications Director

Office of City Attorney Dennis Herrera

(415) 554-4662 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

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Instagram<<https://www.instagram.com/sfcityattorney/>>

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On June 14, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information To the Sunshine Ordinance Task Force and Complaint Committee,

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

In Case No. 19044, I believe the following documents, previously sent to the task force, should be considered from my side (some may not have come through the fax well, so the PDFs are linked below) and included in the packet/agenda:

1. My complaint: [https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/San-Francisco-Sunshine-Ordinance-Appeal-Request-72056.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/San-Francisco-Sunshine-Ordinance-Appeal-Request-72056.pdf)
2. My May 17 follow up to Respondents and the Task Force after Respondents made additional disclosure: [https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf)
3. My June 4 rebuttal to Respondents' response: [https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/5-SF-Attorney-Email-Appeal-SOTF-19044-followup.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/5-SF-Attorney-Email-Appeal-SOTF-19044-followup.pdf)

As I previously requested, I would appreciate the opportunity to be heard telephonically or via audio conference because (1) it would be quite difficult to be physically present at your meeting and (2) I would like to protect my anonymity. If this is possible, please let me know conference call credentials or similar.

Thank you,  
Anonymous

---

On June 14, 2019:

Subject: SOTF - Notice of Hearing - Complaint Committee; June 15, 2019 5:30 p.m.

Good Morning:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Complaint Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: June 25, 2019

Location: City Hall, Room 408

Time: 5:30 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

File No. 19042: Complaint filed by Ray Hartz against Norman Yee, President of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.16, by failing to place his 150-word summaries in the meeting minutes (Board of Supervisors April 30, 2019 meeting).

File No. 19043: Complaint filed by Ray Hartz against Angela Calvillo, Clerk of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(d), by failing to place his 150-word summaries as submitted to the Board of Supervisors "in the minutes."

File No. 19044: Complaint filed by Anonymous against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19049: Complaint filed by Liz Arbus against the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, June 18, 2019.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

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---

On June 7, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
Sorry - that follow up is for our other petition.

\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\*

---

On April 20, 2019:

Subject: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:

20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:

<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:

20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:

<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:

<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:

DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?url\\_auth\\_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hdlla%3Act6HyZmLCOWDRuXQAASM7O3u8rE&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hdlla%3Act6HyZmLCOWDRuXQAASM7O3u8rE&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org)

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411A Highland Ave  
Somerville, MA 02144-2516

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## Leger, Cheryl (BOS)

---

**From:** 72056-97339218@requests.muckrock.com  
**Sent:** Friday, June 14, 2019 3:47 PM  
**To:** SOTF, (BOS)  
**Subject:** RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

June 14, 2019

This is a follow up to a previous request:

To the Sunshine Ordinance Task Force and Complaint Committee,

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

In Case No. 19044, I believe the following documents, previously sent to the task force, should be considered from my side (some may not have come through the fax well, so the PDFs are linked below) and included in the packet/agenda:

1. My complaint: [https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/San-Francisco-Sunshine-Ordinance-Appeal-Request-72056.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/San-Francisco-Sunshine-Ordinance-Appeal-Request-72056.pdf)
2. My May 17 follow up to Respondents and the Task Force after Respondents made additional disclosure: [https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf)
3. My June 4 rebuttal to Respondents' response: [https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/5-SF-Attorney-Email-Appeal-SOTF-19044-followup.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/5-SF-Attorney-Email-Appeal-SOTF-19044-followup.pdf)

As I previously requested, I would appreciate the opportunity to be heard telephonically or via audio conference because (1) it would be quite difficult to be physically present at your meeting and (2) I would like to protect my anonymity. If this is possible, please let me know conference call credentials or similar.

Thank you,  
Anonymous

Filed via MuckRock.com  
E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAUFBaWtyfyRXNxLh3MkFOGTxo%3A1hbuya%3AQ\\_RBugzCCOoVfPGYONx5gB5EebU](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAUFBaWtyfyRXNxLh3MkFOGTxo%3A1hbuya%3AQ_RBugzCCOoVfPGYONx5gB5EebU)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 72056  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On June 14, 2019:

Subject: SOTF - Notice of Hearing - Complaint Committee; June 15, 2019 5:30 p.m.

Good Morning:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Complaint Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: June 25, 2019

Location: City Hall, Room 408

Time: 5:30 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

File No. 19042: Complaint filed by Ray Hartz against Norman Yee, President of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.16, by failing to place his 150-word summaries in the meeting minutes (Board of Supervisors April 30, 2019 meeting).

File No. 19043: Complaint filed by Ray Hartz against Angela Calvillo, Clerk of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(d), by failing to place his 150-word summaries as submitted to the Board of Supervisors "in the minutes."

File No. 19044: Complaint filed by Anonymous against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19049: Complaint filed by Liz Arbus against the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, June 18, 2019.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

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On June 7, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
Sorry - that follow up is for our other petition.

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

---

On June 7, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
Thank you! I provided you my rebuttal because it addresses the purported Prop G limitation on the portions of calendars being public was not something cited by the mayor's office in their original records request response.

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

On June 7, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
Thank you for this. We are still working through the issues raised by your petition and appreciate your patience.

[cid:image002.jpg@01D51D20.F7D41CD0]Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
www.sfcityattorney.org

On June 4, 2019:

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
For your information, I sent a rebuttal to the Task Force to the City Attorney's response to SOTF 19044. In summary for your files:

My May 8 Supervisor of Records petition (including my May 8 Task Force complaint vs. City Attorney):

[https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/SF-Sunshine-Ordinance-Supervisor-of-Records-Petition-72056-a.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Sunshine-Ordinance-Supervisor-of-Records-Petition-72056-a.pdf)

My May 17 follow up to City Attorney and the Task Force:

[https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf)

My June 4 rebuttal to City Attorney and the Task Force:

[https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/5-SF-Attorney-Email-Appeal-SOTF-19044-followup.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/5-SF-Attorney-Email-Appeal-SOTF-19044-followup.pdf)

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

I look forward to your response to my petition.

Thank you for your consideration,  
Anonymous

On April 20, 2019:

Subject: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:

20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:

<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:

20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:

<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:

<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:

DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-)

72056%252F%253Femail%253Dsotf%252540sfgov.org&url\_auth\_token=AAAuFBaWTyfyRXNxlh3MkFOGTxo%3A1hbüya  
%3AQ\_RBugzCCOoVfPGYONx5gB5EebU

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For mailed responses, please address (see note):

MuckRock News

DEPT MR 72056

411A Highland Ave

Somerville, MA 02144-2516

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**Leger, Cheryl (BOS)**

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**From:** 74774-88881134@requests.muckrock.com  
**Sent:** Monday, June 10, 2019 8:37 AM  
**To:** Bruce Wolfe  
**Cc:** SOTF, (BOS)  
**Subject:** RE: California Public Records Act Request: SOTF Pending Complaint Files and Legal Advice

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Sunshine Ordinance Task Force  
PRA Office  
Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

June 10, 2019

This is a follow up to a previous request:

I see - thank you very much!

Filed via MuckRock.com

E-mail (Preferred): 74774-88881134@requests.muckrock.com

Upload documents directly: [https://accounts.muckrock.com/accounts/login/?url\\_auth\\_token=AABdvefr19wJBEu-s6NsCQAxO3s%3A1haMLW%3AbVQIPoq5\\_CGuE9I02l1GEsEOHiU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-sunshine-ordinance-task-force-17720%252Fsotf-pending-complaint-files-and-legal-advice-74774%252F%253Femail%253Dsotf%252540brucewolfe.net](https://accounts.muckrock.com/accounts/login/?url_auth_token=AABdvefr19wJBEu-s6NsCQAxO3s%3A1haMLW%3AbVQIPoq5_CGuE9I02l1GEsEOHiU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-sunshine-ordinance-task-force-17720%252Fsotf-pending-complaint-files-and-legal-advice-74774%252F%253Femail%253Dsotf%252540brucewolfe.net)  
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 74774  
411A Highland Ave  
Somerville, MA 02144-2516

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On June 10, 2019:

Dear Anonymous,  
To date and to our knowledge, the SOTF hasn't invoked attorney-client

privilege. What Ms. Leger and I are saying to you is all legal counsel advice is contained in the files (cases) we hear meaning we released them to the public and are contained in the agendas which have the complete case file of which the compendium is available online. In other words, there is no other legal counsel advice to present that already isn't made publicly available.

Unless there is something specific you are seeking through this request I'm not sure there is anything more to report or be responsive to.

Yours,  
Bruce Wolfe, Chair

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On June 10, 2019:

Thank you Chair Wolfe and Asst. Clerk Leger. Given both of your responses, it is unclear to me whether all the advice by the City Attorney's office to your Task Force is in fact already disclosed on the linked website or not. If it is not, while I understand the St. Croix case prevents the voters from abrogating via Ordinance the A/C privilege impliedly present in the Charter, I also understand that the A/C privilege can always be waived, voluntarily, by the client, and that the exemptions from disclosure in the CPRA are, in the case of privileges held by the responding public agency, discretionary. Therefore I would ask whether your Task Force would like to voluntarily waive the privilege you hold in some or all of the documents withheld re: part 2 and release further advice provided to your Task Force by the City Attorney's office.

Thank you,  
Anonymous

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On June 7, 2019:

Dear Anonymous,

For the second part of your request, in addition to our official response, please note that under *\*St. Croix v Allen Grossman, Real Party of Interest\** (Court of Appeal, First District, Division 1, California. 2014) *\*this section of the Sunshine Ordinance is currently suspended.\** As noted in our official response, you may find all other communications and advice between SOTF legal counsel and the body contained in our existing public records for that time period.

The Court of Appeal agreed with the City's argument and ruled accordingly in the City's favor.

*"\*B. The Charter Incorporates the State Law Attorney-Client Privilege and Supersedes the Contrary Ordinance Provision\**

City argues provisions of its charter establishing the office and duties of the city attorney (1) incorporate the protections of the state law attorney-client privilege for written communications between the city attorney and his or her clients, and therefore (2) supersede the provision of the Sunshine Ordinance purporting to compel disclosure of documents falling within the scope of the privilege. *\*We agree.\*"*



"The above charter provisions, by establishing the office and responsibilities of the city attorney, establish an attorney-client relationship between the city attorney on the one hand, and City and its officers and agencies (including the Ethics Commission) on the other. As noted above, state law establishes that the privilege's protection of the confidentiality of written attorney-client communications is fundamental to the attorney-client relationship, in the public sector as well as in the private sector, and is vital to the effective administration of justice. (See Evid.Code, § 950 et seq.; Roberts, supra, 5 Cal.4th at pp. 380–381.) \*We therefore conclude the charter incorporates the state law attorney-client privilege for written communications between the city attorney and his or her clients.\*"

<https://caselaw.findlaw.com/ca-court-of-appeal/1673907.html>

We consider your request and this matter responded, fulfilled and completed.

\*Bruce Wolfe, Chair\*  
\*SF Sunshine Ordinance Task Force\*

\*(Response is very limited during business hours on business days and holidays)\*

\*~~~~~\*

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On June 6, 2019:  
Dear Anonymous:

Thank you for your inquiry. On behalf of the Sunshine Ordinance Task Force, I am confirming receipt of your request.

The first request is expansive and voluminous, and the resources necessary for our office to research any and all pending files that resulted in no order of determination by the Sunshine Ordinance Task Force would unreasonably impinge on our office's ability to perform our regular public duties. However, please note that associated agendas and meeting minutes of the Sunshine Ordinance Task Force and its Committees containing all corresponding complaint packet materials and actions are publicly and chronologically available for your research and review at <https://sfgov.org/sunshine/sunshine-meeting-information>.

In regard to the second request, please note that petitions, requests for opinions, and opinions by the City Attorney's office are published and publicly available on the respective meeting agenda item packet materials found under the Sunshine Ordinance Task Force agenda; this information is publicly and chronologically available for your research and review at <https://sfgov.org/sunshine/sunshine-meeting-information>. In general, please also note that San Francisco Administrative Code 67.21(i), may not provision nor preclude the redaction or withholding of personal information, privileged information, or personnel matters pursuant to CA Government Code 6254; Evidence Code sec. 952; Evidence Code sec. 954; Code of Civil Procedure 2018.030; Government Code 6254(c), Art. I, sec. 1; CA Const., Evidence Code sec. 1041; Evidence Code sec. 1040; Government Code sec. 6254(k); and/or Government Code sec. 6276.32.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

[CustomerSatisfactionIcon]<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

On June 4, 2019:  
Dear Anonymous:

We are in receipt of your request dated June 4, 2019.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

[CustomerSatisfactionIcon]<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

On June 4, 2019:  
To Whom It May Concern:

\*\* Note that this is a public mailbox, and all responses you send, upload, or mail (including all disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). \*\*

Pursuant to the California Public Records Act and Sunshine Ordinance, I hereby request the following records from the Sunshine Ordinance Task Force:

1. The complete file including all complaints, responses, any other follow-ups incl. all appendices, attachments and exhibits of each SOTF complaint currently pending before the Task Force or its committees (i.e. those files not dismissed and having no order of determination issued).
2. All communication between the SOTF and the Office of the City Attorney for advice re: the Sunshine Ordinance from Jan 1 2018 to June 4 2019. Note that SF Admin Code 67.21(i) specifically makes all communication with the City Attorney re: the Sunshine Ordinance public, notwithstanding supposed attorney-client privilege (see, 1999 Prop G ballot digest, which states [pg. 119, [https://sfpl.org/pdf/main/gic/elections/November2\\_1999short.pdf](https://sfpl.org/pdf/main/gic/elections/November2_1999short.pdf)] : "The City Attorney could not give confidential advice to City officers or employees on matters concerning government ethics, public records and open meeting laws.").

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available. The format is not important as long as it is electronic. PDFs are fine. Please provide records in rolling manner.

Thank you in advance for your anticipated cooperation in this matter.

I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Anonymous Person

Filed via MuckRock.com

E-mail (Preferred): 74774-88881134@requests.muckrock.com

Upload documents directly: [https://accounts.muckrock.com/accounts/login/?url\\_auth\\_token=AABdvefR19wJBEu-s6NsCQAxO3s%3A1haMLW%3AbVQIPoq5\\_CGuE9l02l1GEsEOHiU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-sunshine-ordinance-task-force-17720%252Fsotf-pending-complaint-files-and-legal-advice-74774%252F%253Femail%253Dsotf%252540brucewolfe.net](https://accounts.muckrock.com/accounts/login/?url_auth_token=AABdvefR19wJBEu-s6NsCQAxO3s%3A1haMLW%3AbVQIPoq5_CGuE9l02l1GEsEOHiU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-sunshine-ordinance-task-force-17720%252Fsotf-pending-complaint-files-and-legal-advice-74774%252F%253Femail%253Dsotf%252540brucewolfe.net)  
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 74774  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



**Leger, Cheryl (BOS)**

---

**From:** 74774-88881134@requests.muckrock.com  
**Sent:** Sunday, June 9, 2019 11:14 PM  
**To:** Bruce Wolfe  
**Cc:** SOTF, (BOS)  
**Subject:** RE: California Public Records Act Request: SOTF Pending Complaint Files and Legal Advice

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Sunshine Ordinance Task Force  
PRA Office  
Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

June 10, 2019

This is a follow up to a previous request:

Thank you Chair Wolfe and Asst. Clerk Leger. Given both of your responses, it is unclear to me whether all the advice by the City Attorney's office to your Task Force is in fact already disclosed on the linked website or not. If it is not, while I understand the St. Croix case prevents the voters from abrogating via Ordinance the A/C privilege impliedly present in the Charter, I also understand that the A/C privilege can always be waived, voluntarily, by the client, and that the exemptions from disclosure in the CPRA are, in the case of privileges held by the responding public agency, discretionary. Therefore I would ask whether your Task Force would like to voluntarily waive the privilege you hold in some or all of the documents withheld re: part 2 and release further advice provided to your Task Force by the City Attorney's office.

Thank you,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 74774-88881134@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-sunshine-ordinance-task-force-17720%252Fsotf-pending-complaint-files-and-legal-advice-74774%252F%253Femail%253Dsotf%252540brucewolfe.net&url\\_auth\\_token=AABdvefr19wJBEu-s6NsCQAxO3s%3A1haDZC%3AwdxcJ1Savhvto7KxWZlytVZQRnl](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-sunshine-ordinance-task-force-17720%252Fsotf-pending-complaint-files-and-legal-advice-74774%252F%253Femail%253Dsotf%252540brucewolfe.net&url_auth_token=AABdvefr19wJBEu-s6NsCQAxO3s%3A1haDZC%3AwdxcJ1Savhvto7KxWZlytVZQRnl)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 74774

411A Highland Ave  
Somerville, MA 02144-2516

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---  
On June 7, 2019:

Dear Anonymous,

For the second part of your request, in addition to our official response, please note that under *\*St. Croix v Allen Grossman, Real Party of Interest\** (Court of Appeal, First District, Division 1, California, 2014) *\*this section of the Sunshine Ordinance is currently suspended.\** As noted in our official response, you may find all other communications and advice between SOTF legal counsel and the body contained in our existing public records for that time period.

The Court of Appeal agreed with the City's argument and ruled accordingly in the City's favor.

*"\*B. The Charter Incorporates the State Law Attorney-Client Privilege and Supersedes the Contrary Ordinance Provision\**

City argues provisions of its charter establishing the office and duties of the city attorney (1) incorporate the protections of the state law attorney-client privilege for written communications between the city attorney and his or her clients, and therefore (2) supersede the provision of the Sunshine Ordinance purporting to compel disclosure of documents falling within the scope of the privilege. *\*We agree.\*"*

*"The above charter provisions, by establishing the office and responsibilities of the city attorney, establish an attorney-client relationship between the city attorney on the one hand, and City and its officers and agencies (including the Ethics Commission) on the other. As noted above, state law establishes that the privilege's protection of the confidentiality of written attorney-client communications is fundamental to the attorney-client relationship, in the public sector as well as in the private sector, and is vital to the effective administration of justice. (See Evid.Code, § 950 et seq.; Roberts, supra, 5 Cal.4th at pp. 380-381.) \*We therefore conclude the charter incorporates the state law attorney-client privilege for written communications between the city attorney and his or her clients.\*"*

<https://caselaw.findlaw.com/ca-court-of-appeal/1673907.html>

We consider your request and this matter responded, fulfilled and completed.

*\*Bruce Wolfe, Chair\**

*\*SF Sunshine Ordinance Task Force\**



We are in receipt of your request dated June 4, 2019.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

[CustomerSatisfactionIcon]<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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---  
On June 4, 2019:  
To Whom It May Concern:

\*\* Note that this is a public mailbox, and all responses you send, upload, or mail (including all disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). \*\*

Pursuant to the California Public Records Act and Sunshine Ordinance, I hereby request the following records from the Sunshine Ordinance Task Force:

1. The complete file including all complaints, responses, any other follow-ups incl. all appendices, attachments and exhibits of each SOTF complaint currently pending before the Task Force or its committees (i.e. those files not dismissed and having no order of determination issued).
2. All communication between the SOTF and the Office of the City Attorney for advice re: the Sunshine Ordinance from Jan 1 2018 to June 4 2019. Note that SF Admin Code 67.21(i) specifically makes all communication with the City Attorney re: the Sunshine Ordinance public, notwithstanding supposed attorney-client privilege (see, 1999 Prop G ballot digest, which states [pg. 119, [https://sfpl.org/pdf/main/gic/elections/November2\\_1999short.pdf](https://sfpl.org/pdf/main/gic/elections/November2_1999short.pdf)]: "The City Attorney could not give confidential advice to City officers or employees on matters concerning government ethics, public records and open meeting laws.").

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available.  
The format is not important as long as it is electronic. PDFs are fine. Please provide records in rolling manner.

Thank you in advance for your anticipated cooperation in this matter.

I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Anonymous Person

On June 4, 2019:

To Whom It May Concern:

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Anonymous Person

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DEPT MR 74774

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Somerville, MA 02144-2516



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**Leger, Cheryl (BOS)**

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**From:** 72056-97339218@requests.muckrock.com  
**Sent:** Tuesday, June 4, 2019 3:53 PM  
**To:** SOTF, (BOS)  
**Subject:** RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
**Attachments:** 5-SF-Attorney-Email-Appeal-SOTF-19044-followup.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

June 4, 2019

This is a follow up to a previous request:

Re: SOTF File No. 19044

Task Force,

I have included a rebuttal to Respondents' response. Please consider this in conjunction with my May 17 follow up and original May 8 complaint.

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

Thank you for your consideration,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hYIIE%3AV17AqzQIJZDAHJ5z77q2dVhs024](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hYIIE%3AV17AqzQIJZDAHJ5z77q2dVhs024)

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---

On June 4, 2019:  
RE: File No. 19044

Thank you, since the Respondents have indeed provided a response I hope to have a rebuttal for your consideration by tomorrow.

---

On June 4, 2019:  
Dear Muckrock Requestor.

I apologize for not forwarding this response.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

[CustomerSatisfactionIcon]<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

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---

On June 3, 2019:  
Re: SOTF File No. 19044

Task Force,  
Please read the attached follow up letter.

Thank you for your consideration.

\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\*

On May 22, 2019:  
To the Supervisor of Records:

I understand. Ms. Coolbrith sent us additional disclosures in the interim, and we have replied here:  
[https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf)

Thank you for your consideration.

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On May 21, 2019:  
To Whom It May Concern: I write to inform you that we are still working on responding to your petition. I hope to have a response to you no later than the end of next week. Thank you for your patience.

[cid:image003.jpg@01D51004.01E2EBE0]Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
[www.sfcityattorney.org](http://www.sfcityattorney.org)

On April 20, 2019:  
This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:  
20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:  
<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:  
20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:  
<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:  
<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:  
DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hYIE%3AV17AqzQIJZDAHJ5z77q2dVhs024](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hYIE%3AV17AqzQIJZDAHJ5z77q2dVhs024)

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DEPT MR 72056  
411A Highland Ave  
Somerville, MA 02144-2516

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**Leger, Cheryl (BOS)**

---

**From:** 72056-97339218@requests.muckrock.com  
**Sent:** Tuesday, June 4, 2019 2:33 PM  
**To:** SOTF, (BOS)  
**Subject:** RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

June 4, 2019

This is a follow up to a previous request:

RE: File No. 19044

Thank you, since the Respondents have indeed provided a response I hope to have a rebuttal for your consideration by tomorrow.

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

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Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

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On June 3, 2019:  
Re: SOTF File No. 19044

Task Force,  
Please read the attached follow up letter.

Thank you for your consideration.

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representative).\*\*

---

On May 21, 2019:

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[cid:image003.jpg@01D51004.01E2EBE0]Bradley Russi  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102  
www.sfcityattorney.org

---

On May 17, 2019:

Re: SOTF File No. 19044

Task Force: The respondent agency recently disclosed additional portions of records after the complaint filing. I have attached my response for your files here, as I am not withdrawing my complaint. The PDF has been emailed to the respondent agency (City Attorney office) as well.

Thank you for your consideration.

\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\*

---

On April 20, 2019:

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A1. the e-mail message with Message-Id:  
<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A2. the e-mail message with Message-Id:  
<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:  
<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A4. the e-mail message with Message-Id:  
<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:  
<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:

DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAUFBaWtyfyRXNxlh3MkFOGTxo%3A1hYH2z%3AWGQMvurTi3qDNI35wjDtrIDTrS8](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAUFBaWtyfyRXNxlh3MkFOGTxo%3A1hYH2z%3AWGQMvurTi3qDNI35wjDtrIDTrS8)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 72056

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



**Leger, Cheryl (BOS)**

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**From:** 72056-97339218@requests.muckrock.com on behalf of '72056-97339218@requests.muckrock.com' <72056-97339218@requests.muckrock.com>  
**Sent:** Friday, May 17, 2019 7:30 PM  
**To:** SOTF, (BOS)  
**Subject:** RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
**Attachments:** SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

May 17, 2019

This is a follow up to a previous request:

Re: SOTF File No. 19044

Task Force: The respondent agency recently disclosed additional portions of records after the complaint filing. I have attached my response for your files here, as I am not withdrawing my complaint. The PDF has been emailed to the respondent agency (City Attorney office) as well.

Thank you for your consideration.

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?url\\_auth\\_token=AAAuFBaWtyfyRXNxlh3MkFOGTxo%3A1hRp6l%3AoT YDaemFTyuQL7jLpjfwzDyNVKU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAuFBaWtyfyRXNxlh3MkFOGTxo%3A1hRp6l%3AoT YDaemFTyuQL7jLpjfwzDyNVKU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 72056

411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---

On May 17, 2019:

Apologies, the second sentence to pg. 2, para 4, should read " Since I believe the record responsive to **\*\*A5/A6\*\*** is in fact an email sent by Coolbrith herself..." not A3/A4.

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

---

On May 17, 2019:

Re: SOTF File No. 19044

Task Force: The respondent agency recently disclosed additional portions of records after the complaint filing. I have attached my response for your files here, as I am not withdrawing my complaint. The PDF has been emailed to the respondent agency (City Attorney office) as well.

Thank you for your consideration.

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

---

On May 17, 2019:

My response is attached. It will also be sent to the Sunshine Task Force.

Thank you!

**\*\*Note this is a public mailbox, and that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

---

On May 17, 2019:

Dear Sir/Madam,

We have investigated your request further and have conducted a reasonable and diligent search and are able to supplement our production with the attached PDF. The PDF shows the headers and metadata associated with the email responsive to your request #s A3/A4. We have redacted some of the metadata based on the need to protect the security of our computer system. See Cal. Evid. Code section 1040. Also, please note that while we have agreed to produce some metadata excerpts in this instance, we reserve our right to revisit this approach in the future. Generally we do not disclose metadata at all, for the reasons stated to you in our prior responses.

Unfortunately, we were not able to locate headers/metadata for the emails responsive to your request #s A1/A2 and A5/A6. We have conducted a reasonable and diligent search for the information you asked for, but could not locate anything further.

As we have now complied with your request, we would respectfully ask that you withdraw your complaint to the Sunshine Ordinance Task Force as well as your petition to the Supervisor of Records.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<<mailto:cityattorney@sfcityatty.org>>

Sincerely,

[cid:image003.jpg@01D50CC4.0D86F790]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>> Twitter<<https://twitter.com/SFCityAttorney>>

Instagram<<https://www.instagram.com/sfcityattorney/>>

---

On May 14, 2019:

To Whom It May Concern:

I write to acknowledge receipt of your petition to the Supervisor of Records below. Thank you.

[cid:image002.jpg@01D50A4E.10559A30]Bradley Russi

Deputy City Attorney

Office of City Attorney Dennis Herrera

City Hall, Room 234

1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102

[www.sfcityattorney.org](http://www.sfcityattorney.org)

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On April 20, 2019:

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:

20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:

<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:

20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:  
<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:  
<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:  
DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?url\\_auth\\_token=AAAuFBaWtyfyRXNxLh3MkFOGTxo%3A1hRp6l%3AoTYDaemFTyuQL7jLpjfwzDyNVKU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAuFBaWtyfyRXNxLh3MkFOGTxo%3A1hRp6l%3AoTYDaemFTyuQL7jLpjfwzDyNVKU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 72056  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.





72056-97339218@requests.muckrock.com (Anonymous requestor)

US mail to: MuckRock News, DEPT MR 72056, 411A Highland Ave, Somerville, MA 02144-2516

Please use email only. I am an anonymous user of MuckRock.com, not a MuckRock representative.

City Attorney  
Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco CA 94102  
cc: Sunshine Ordinance Task Force  
*sent via email to Task Force, email to City Attorney*

Our ref.  
SOTF 19044

Date  
2019-05-17

RE: SF Sunshine Ordinance Complaint 19044, Anonymous v. Dennis Herrera, Elizabeth Coolbrith

To the City Attorney and Sunshine Ordinance Task Force:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

On May 17, 2019 I received an additional email (Exhibit A) from Ms. Coolbrith on behalf of the City Attorney: (i) disclosing additional portions of one of the records (Exhibit B) responsive to my request (Exhibit C), (ii) justifying withholding the redacted portions per Cal. Evid. Code section 1040, (iii) stating in part that:

Also, please note that while we have agreed to produce some metadata excerpts in this instance, we reserve our right to revisit this approach in the future. Generally we do not disclose metadata at all, for the reasons stated to you in our prior responses.

and (iv) requesting I withdraw my Task Force complaint<sup>1</sup> and my parallel petition to the Supervisor of Records.<sup>2</sup> I am replying both to the City Attorney's office and also forwarding this response to the Task Force for their files and consideration.

<sup>1</sup>[https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/San-Francisco-Sunshine-Ordinance-Appeal-Request-72056.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/San-Francisco-Sunshine-Ordinance-Appeal-Request-72056.pdf)

<sup>2</sup>[https://cdn.muckrock.com/outbound\\_request\\_attachments/Anonymous\\_2859385/72056/SF-Sunshine-Ordinance-Supervisor-of-Records-Petition-72056-a.pdf](https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Sunshine-Ordinance-Supervisor-of-Records-Petition-72056-a.pdf)

While I appreciate the additional, partial, disclosure to my request, I unfortunately cannot withdraw my complaint and petition for at least the following reasons:

1. In prior cases,<sup>3</sup> the Task Force has, notwithstanding additional disclosures by the respondent agency, formally decided that prior actions/disclosures of the agency did in fact violate the Sunshine Ordinance/CPRA. While I believe the current disclosure is still deficient relative to the standards of the Sunshine Ordinance and the CPRA (see below), even if the Task Force determines that the May 17 disclosure does in fact meet all legal requirements, I ask that the Task Force still rule that the May 8 and April 24 responses of the City Attorney violated one or more of SF Admin Code 67.27, 67.26, 67.21, and/or Govt Code 6253.9, 6253, 6255 as discussed in my initial Task Force complaint. This is especially important because the City Attorney has stated explicitly that they reserve their right to revisit the production of even the partial metadata excerpts they provided in their May 17 response, and appear to have a general policy of not disclosing email headers/metadata.
2. The May 17 response continues to not be disclosed in the original electronic format as requested. This should be easy to do via export of the message (in for example .msg format) using the Microsoft Exchange/Outlook systems the City Attorney's office appears to use (or from other similar mechanisms of other widely used e-mail systems, like the "Show Original" feature of a Google Apps e-mail system). Anecdotally, I have requested email public records from many other California public agencies under the CPRA and have in-fact received disclosure of .msg format e-mails, regardless of the even stricter requirements of the SF Sunshine Ordinance in particular.
3. Even if the disclosure in PDF format is acceptable under the law, the May 17 response fails to disclose one or more headers that I believe are part of the full A3/A4 record responsive to my requests. You will notice in Exhibit B that for headers that are redacted both the name and value are redacted. Since the City Attorney must minimize its withholding to only those parts of the record explicitly excluded from disclosure, I believe the Task Force should direct the City Attorney to: (a) disclose all header *names* regardless of whether the *values* of those headers are exempt under Evid. Code section 1040 (or otherwise), and (b) disclose the values of one or more of the following headers since I do not believe they are all in fact exempt: Cc, Bcc, X-Envelope-From, Thread-Topic, Thread-Index, Sender, References, In-Reply-To, X-Originatororg, Delivered-To, X-Forwarded-To, X-Forwarded-For
4. The May 17 response fails to disclose any additional headers or metadata of the email record responsive to request A5/A6 (it only includes additional info for A3/A4<sup>4</sup>). Since I believe the record responsive to A5/A6 is in fact an email sent by Coolbrith herself, it should be easy to export this email. At the very least, as paragraph 2 of section C2 of the original complaint states, the actual email addresses of the 'From' and 'Sender', not just names, should be disclosed. Moreover, Outlook/Exchange should have one or more of the: Date, Sender, Message-Id, To, From, Subject, Mime-Version, Content-Type, Return-Path, Cc, Bcc, X-Envelope-From, Thread-Topic, Thread-Index, Sender, References, In-Reply-To, X-

Corrected

<sup>3</sup>Examples: Ann Treboux v. Kate Patterson and the Arts Commission (17001), Ann Treboux v. Margaret Baumgartner and the Office of the City Attorney (17023)

<sup>4</sup>I accept the City Attorney's determination that it does not have records responsive to A1/A2, and do not request any further action from the City Attorney or Task Force on A1/A2. Request B was satisfactorily handled previously.

Originatororg, Delivered-To, X-Forwarded-To, X-Forwarded-For headers that can and should be exported.

Vindicating the right of the public under the Sunshine Ordinance/CPRA to receive emails in their full, original electronic format, with minimal withholding (including disclosure of all headers and metadata not explicitly exempted from disclosure by the Sunshine Ordinance), and with all withholding justified, is a goal of this complaint. It is important that the Task Force re-inforces that this is required of San Francisco agencies.

Furthermore, I hope the City Attorney will, after a decision from the Task Force, prepare an official opinion that carefully considers all the various e-mail headers and metadata (in good-faith consultation with information technology security experts) and promulgate a minimal set of headers that must be exempted from disclosure under the law which can be applied uniformly by San Francisco agencies, and thus fulfill the office's responsibility to advocate on behalf of the public's right to know all non-exempt portions of emails regarding the public's business.

However, I am also willing to compromise with the City Attorney in the following way:

1. the City Attorney publishes an opinion that in its independent legal judgment, and in good-faith consultation with information technology security experts, that all e-mail header names are non-exempt and at least the following e-mail header values (in addition to body, attachments and inline images) [Date, Sender, Message-Id, To, From, Subject, Mime-Version, Content-Type, Return-Path, Cc, Bcc, X-Envelope-From, Thread-Topic, Thread-Index, Sender, References, In-Reply-To, X-Originatororg, Delivered-To, X-Forwarded-To, X-Forwarded-For] are in fact not automatically exempt from disclosure (unless the specific content is exempt); and
2. I withdraw my complaint to the Task Force and petition to the Supervisor of Records.

However, I do not know whether such a compromise coupled with a withdrawal from the Task Force is permitted by relevant policies and laws or would be something the City Attorney and Task Force would like to consider.

If instead the City Attorney only finishes further disclosure of A3/A4/A5/A6, I currently intend to maintain my complaint to the Task Force so they can determine that May 17 and prior disclosures were in fact insufficient.

Thank you.

encl: Exhibit A – May 17, 2019 Email from Coolbrith

encl: Exhibit B – May 17, 2019 Disclosed Record entitled “4-18-19 Email Received\_Redacted.pdf”

encl: Exhibit C – My original April 20, 2019 request

Exhibit A – May 17, 2019 Email from Coolbrith

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

Dear Sir/Madam,

We have investigated your request further and have conducted a reasonable and diligent search and are able to supplement our production with the attached PDF. The PDF shows the headers and metadata associated with the email responsive to your request #s A3/A4. We have redacted some of the metadata based on the need to protect the security of our computer system. See Cal. Evid. Code section 1040. Also, please note that while we have agreed to produce some metadata excerpts in this instance, we reserve our right to revisit this approach in the future. Generally we do not disclose metadata at all, for the reasons stated to you in our prior responses.

Unfortunately, we were not able to locate headers/metadata for the emails responsive to your request #s A1/A2 and A5/A6. We have conducted a reasonable and diligent search for the information you asked for, but could not locate anything further.

As we have now complied with your request, we would respectfully ask that you withdraw your complaint to the Sunshine Ordinance Task Force as well as your petition to the Supervisor of Records.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<<mailto:cityattorney@sfcityatty.org>>

Sincerely,

Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>  
Twitter<<https://twitter.com/SFCityAttorney>>  
Instagram<<https://www.instagram.com/sfcityattorney/>>

Exhibit B – May 17, 2019 Disclosed Record entitled “4-18-19 Email Received\_Redacted.pdf”

Next page. Also available at:

[https://cdn.muckrock.com/foia\\_files/2019/05/17/4-18-19\\_Email\\_Received\\_Redacted.pdf](https://cdn.muckrock.com/foia_files/2019/05/17/4-18-19_Email_Received_Redacted.pdf)

[REDACTED]

[REDACTED]

Date: Thu, 18 Apr 2019 17:30:50 +0000  
Sender: 71969-51399120@requests.muckrock.com  
Message-Id: <20190418173050.1.2B43534B4544D903@requests.muckrock.com>

To: cityattorney@sfcityatty.org  
From: 71969-51399120@requests.muckrock.com  
Subject: California Public Records Act Request: Immediate Disclosure Request  
- PRA Opinions  
Mime-Version: 1.0  
Content-Type: multipart/mixed; boundary="b2e1fbcebbd64db587dfc7e9a4eeaf40"  
Return-Path:  
bounce+5bea6f.556-cityattorney=sfcityatty.org@requests.muckrock.com

[REDACTED]

[Redacted]

X-MS-Exchange-Organization-MessageDirectionality: Incoming

[Redacted]

[Redacted]

X-MS-PublicTrafficType: Email

[Redacted]

[Redacted]

[Redacted]

[Redacted]





Exhibit C – Original April 20, 2019 Email Request

Subject: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

April 20, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id: 20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id: <20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id: 20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id: <20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:  
<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:  
DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata,

attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

**Leger, Cheryl (BOS)**

---

**From:** 72056-97339218@requests.muckrock.com  
**Sent:** Wednesday, May 8, 2019 1:42 PM  
**To:** SOTF, (BOS)  
**Subject:** RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

May 8, 2019

This is a follow up to a previous request:

I have gone ahead and submitted a form entry. Please note however your own website says that instead of filling out the form I could send a letter, which I previously did.

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAuFBaWtyfyRXNxLh3MkFOGTxo%3A1hOTNj%3ACvu\\_j\\_jWvCNNKOGFdP3SmqFOVMI](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAuFBaWtyfyRXNxLh3MkFOGTxo%3A1hOTNj%3ACvu_j_jWvCNNKOGFdP3SmqFOVMI)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 72056  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On May 8, 2019:

To Whom It May Concern:

I need for you to fill out the Complaint Form in order to process your request. It is at the link below:

<https://sfgov.org/sunshine/complaint-form>

Thank you.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

[CustomerSatisfactionIcon]<<http://www.sfbos.org/index.aspx?page=104>> Click here<<http://www.sfbos.org/index.aspx?page=104>> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<<http://www.sfbos.org/index.aspx?page=9681>> provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

---

On May 8, 2019:

Hello,

I was previously told I need to file a complaint form. I do not believe using your specific form is necessary even under your own polices, which merely require me to include "Short and concise description of the facts, The name of the Department where the request was submitted – as well as any individual working at the agency who the request involves, A description of how the action or inaction violates the Sunshine Ordinance, Supporting documentation, if applicable, such as a copy of the request to department and or any response from the department, Provide at least one reliable method of contacting the requester (i.e. email address, mailing address or telephone number)." Your website says I may send my own formal letter.

All of those minimum requirements, incl. the request and responses, are met in my original emailed PDF letter, which I have again attached here and also faxed to the SOTF. Please confirm receipt.

Thank you!

\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\*

---

On May 8, 2019:

We sent the attached Sunshine Ordinance complaint to the Sunshine Ordinance Task Force.

\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\*

On May 8, 2019:

See attached Sunshine Ordinance complaint.

\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\*

On May 8, 2019:

See attached Sunshine Ordinance complaint.

\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\*

On April 20, 2019:

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:

20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:

<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:

20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:

<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:

<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:

DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAUFBaWtyfyRXNxLh3MkFOGTxo%3A1hOTNj%3ACvu\\_jjWvCnNKOGFdP3SmqFOVMI](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAUFBaWtyfyRXNxLh3MkFOGTxo%3A1hOTNj%3ACvu_jjWvCnNKOGFdP3SmqFOVMI)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 72056

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



SUNSHINE ORDINANCE TASK FORCE

Room 244 - Tel. (415) 554-7724; Fax (415) 554-7854

1 Dr. Carlton B. Goodlett Place

San Francisco CA 94102

cc: City Attorney (cityattorney@SFCITYATTY.ORG)

*sent via email and fax to Task Force, email to City Attorney*

Our ref.

#72056

Date

2019-05-08

RE: SF Sunshine Ordinance Complaint against City Attorney, ref 72056

To Whom It May Concern:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

A. METADATA:

Complainant Name: (Anonymous - use email 72056-97339218@requests.muckrock.com)

Date of Request: April 20, 2019

Complaint Against Employees: Dennis Herrera (Herrera) in his official capacity as city attorney, Elizabeth A. Coolbrith (Coolbrith) in her official capacity as paralegal for city attorney

Complaint Against Agency: Office of City Attorney

Yes - Alleged violation of public records access

Yes - Alleged failure to provide information in a timely manner in accordance with the provisions of the Sunshine Ordinance

No - Alleged violation of a public meeting

**B. NARRATIVE:**

On April 20, 2019 we sent a San Francisco Sunshine Ordinance (Ordinance) and California Public Records Act (CPRA) request to the City Attorney – enclosed herein as Exhibit A, which also includes the communication back and forth with the City Attorney’s office and Coolbrith. On April 22, 2019 Coolbrith replied on behalf of Herrera with records responsive to part "B" and asking for clarification on part "A", to which I replied on the same day. On April 23, 2019 Coolbrith notified us our request would not be treated as an Immediate Disclosure request.

On April 24, 2019 Coolbrith provided us “two emails [that] are responsive to portions A3/A4, and A5/A6 of your request.” (with the responsive records provided as Exhibit B and Exhibit C).

I replied on the same day as follows:

Thank you. As we noted in our initial request, we requested the entire email message, which contains numerous other headers in addition to those you have provided so far.

We do not see any statutory justification cited for withholding that portion of the public record. Please do provide the entire message with all headers (except those statutorily excluded from disclosure).

The MuckRock.com system automatically sent a reminder to City Attorney on May 8, 2019, to which Coolbrith replied on the same day in part:

We already completed our response to your request on April 24, 2019. We do not intend to produce anything further in response to your request.

I replied on the same day, in part:

Your PDFs include From, To, Subject, Sent, Attachments, and Body of the emails. You have withheld certain portions of the email records, including but not limited to:

- Header: X-Envelope-From
- Header: Received
- Header: Thread-Topic
- Header: X-Originating-Ip
- Header: Thread-Index
- Header: Sender
- Header: X-Originatororg

Please provide a statutory justification for such withholding, and the name and title of the official responsible for that withholding, per CPRA.

Since I had previously requested the entire email message with full headers and statutory justification, I proceeded to file this complaint.



### C. COMPLAINTS:

I make the following allegations. I am not an attorney, so my understanding is associated with proper sections of the law to the best of my (lay) ability.

#### 1. Violations of SF Admin Code Sec. 67.27. Justification Of Withholding

On April 24, 2019 and May 8, 2019, Coolbrith's responses did not justify withholding portions of the responsive email records (namely the headers, which we had specifically requested in our original request and April 24, 2019 reply). No statutory nor case law authority was provided.

#### 2. Violations of SF Admin Code Sec. 67.26. Withholding Kept To A Minimum

On April 24, 2019, responsive records as provided in attachments to Coolbrith's response (Exhibits B and C) did not withhold the minimum necessary portions of the emails requested. While it may be argued that some of the headers of an email could be withheld for privacy reasons (though we do not concede such point), that does not mean the City Attorney can withhold all portions of the email other than From, To, Subject, Sent, the attachments, and the email body.

Furthermore, information that is clearly public record was withheld by converting the email record to PDF format in the specific manner that the City Attorney did. For example, the From header in one of the PDFs states "Coolbrith, Elizabeth (CAT) on behalf of CityAttorney." The original e-mail record would include the email address of "Coolbrith, Elizabeth (CAT)" and "CityAttorney" instead of just their names - these are official, public employee email addresses that there is no reason to withhold.

#### 3. Violations of SF Admin Code Sec. 67.21. Process For Gaining Access To Public Records; Administrative Appeals.

67.21(b) ("...If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance...") was violated by Coolbrith's April 24, 2019 response wherein she did not indicate that the City Attorney believed the remaining portion (other headers) of the emails we requested were exempt, and on May 8 as well when Coolbrith indicated they would not disclose any more records without any justification.

67.21(i) ("The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. ") was violated since it is the City Attorney itself denying us access to a portion of the email record.

67.21(l) ("Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department...") was violated on April 24, 2019 since Coolbrith provided the emails requested in PDF format and not the raw/original format stored by the email

servers. This original format (which we specifically requested) contains those additional headers we requested.

#### 4. Violations of CA Govt Code 6253.9

6253.9(a)(1) (“...The agency shall make the information available in any electronic format in which it holds the information...”) was violated for reasons stated under the third paragraph of complaint #3. We specifically asked for emails in the format the agency held them in. Emails are not held in PDF format by email servers.

#### 5. Violations of CA Govt Code 6253

6253(a) (“Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.”) was violated for reasons stated under complaint #2. Portions of the responsive email records that are not exempt under the law were deleted.

#### 6. Violations of CA Govt Code 6255

6255(a) was violated for reasons stated under complaint #1.

#### D. RELIEF REQUESTED

SF Admin Code Sec 67.30 provides in part that “The City Attorney shall serve as legal advisor to the task force. The Sunshine Ordinance Task Force shall, at its request, have assigned to in an attorney from within the City Attorney's Office or other appropriate City Office, who is experienced in public-access law matters. This attorney shall serve solely as a legal advisor and advocate to the Task Force and an ethical wall will be maintained between the work of this attorney on behalf of the Task Force and any person or Office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney.” I ask the Task Force to keep in mind the possible conflicts of interest apparent in an attorney from the Office of City Attorney investigating complaints against the City Attorney itself.

I ask for the Task Force to direct the City Attorney to produce the full emails we originally requested, with redaction of only those headers (if any) that can be justified legally and explicitly. I ask the Task Force to direct that emails be produced by San Francisco agencies subject to the Sunshine Ordinance in their original format, preserving headers, except those that can be withheld with explicit justification. I ask for a hearing, to the extent possible given my desire to remain anonymous.

I do not believe adequate relief is available under SF Admin Code Sec 67.21(d) since the City Attorney is also the Supervisor of Records. However, we reserve our right to petition the Supervisor of Records in that capacity, separate from his capacity as the local agency responsible for responding to our request under the CPRA.

encl: Exhibit A – Original Request and Communications with City Attorney

encl: Exhibit B – Responsive record titled Email\_4.18.19.pdf

encl: Exhibit C – Responsive record titled Email\_4.19.19.pdf

# Exhibit A

From: Anonymous Person

04/20/2019

Subject: California Public Records Act Request: Immediate Disclosure Request - Em...



This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:  
20190418173050.839.30844@f720c6d2-4be2-4478-af65-  
b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:  
<20190418173050.839.30844@f720c6d2-4be2-4478-af65-  
b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:  
requests@muckrock.com

A4. the e-mail message with Message-Id:  
<requests@muckrock.com>

A5. the e-mail message with Message-Id:  
<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.nampr  
d09.prod.outlook.com>

A6. the e-mail message with Message-Id:  
DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.nampr  
d09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

**From: San Francisco City Attorney**

**04/22/2019**

**Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...** [Email](#)

Hello,

I am writing in response to your below immediate disclosure request, received today.

Regarding your first request, "A" - could you please provide more context? I am not sure I understand what the emails are or how to locate them based on the information provided.

Regarding your second request, "B", please see below links to the Good Government Guide and to information on the San Francisco Sunshine Ordinance. Our office's internal advice is exempt from disclosure under attorney-client privilege.

<https://www.sfcityattorney.org/good-government/good-government-guide/>

<https://www.sfcityattorney.org/good-government/>

Please send replies  
to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<<mailto:cityattorney@sfcityatty.org>>

Sincerely,

[cid:image003.jpg@01D4F8F6.4D963580]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
www.sfcityattorney.org  
Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>  
Twitter<<https://twitter.com/SFCityAttorney>>  
Instagram<<https://www.instagram.com/sfcityattorney/>>



image003

 Download



image001

 Download

**From: Anonymous Person**

**04/22/2019**

**Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...**

**Email**

Message-Ids uniquely identify e-mail messages in your email servers. From the headers of your most recent email, it appears your office uses Microsoft Outlook and/or Microsoft Exchange - therefore, your IT department/contractor should be able to retrieve e-mail records directly from your server using the Message-Ids we have provided.

**From: San Francisco City Attorney**

**04/23/2019**

**Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...**

**Email**

Hello,

I am writing in response to part A of your below request.

Your request was sent as an "Immediate Disclosure Request" under San Francisco Administrative Code Section 67.25(a). But to qualify under that section, the request must be "simple, routine and readily answerable." The Sunshine Ordinance requires shorter response times in those situations where a department is able to quickly locate and produce the requested records. In order to respond to your request, this office will need to conduct a review of our electronic files to find responsive records. For this reason, we are not treating your request as one appropriately filed as an "immediate disclosure" request, but as one which is subject to the normally applicable 10-day response time, which will be May 2, 2019. However, we will endeavor to fulfill your request as soon as possible.

Sincerely,

[cid:image003.jpg@01D4F8F6.4D963580]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
www.sfcityattorney.org  
Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>  
Twitter<<https://twitter.com/SFCityAttorney>>  
Instagram<<https://www.instagram.com/sfcityattorney/>>



image003

 Download



image001

 Download

**From: Anonymous Person**

**04/22/2019**

**Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...** 

Message-Ids uniquely identify e-mail messages in your email servers. From the headers of your most recent email, it appears your office uses Microsoft Outlook and/or Microsoft Exchange - therefore, your IT department/contractor should be able to retrieve e-mail records directly from your server using the Message-Ids we have provided.

**From: San Francisco City Attorney**

**04/23/2019**

**Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...** 

Hello,

I am writing in response to part A of your below request.

Your request was sent as an "Immediate Disclosure Request" under San Francisco Administrative Code Section 67.25(a). But to qualify under that section, the request must be "simple, routine and readily answerable." The Sunshine Ordinance requires shorter response times in those situations where a department is able to quickly locate and produce the requested records. In order to respond to your request, this office will need to conduct a review of our electronic files to find responsive records. For this reason, we are not treating your request as one appropriately filed as an "immediate disclosure" request, but as one which is subject to the normally applicable 10-day response time, which will be May 2, 2019. However, we will endeavor to fulfill your request as soon as possible.



Please send replies  
to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D4F9EE.FD8B8960]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>  
Twitter<<https://twitter.com/SFCityAttorney>>  
Instagram<<https://www.instagram.com/sfcityattorney/>>



image001

Download



image002

Download

**From: San Francisco City Attorney**

**04/24/2019**

**Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...**

Dear Sir/Madam,

The attached two emails are responsive to portions A3/A4, and A5/A6 of your request below. We have conducted a reasonable and diligent search and did not locate any further responsive documents.

In addition, please note that we already responded to portion B of your request, on 4/22/2019.

If you have further questions or need anything additional, please feel free to reach out to us at the below contact information.

Please send replies  
to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D4FA8E.F0958DA0]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>  
Twitter<<https://twitter.com/SFCityAttorney>>  
Instagram<<https://www.instagram.com/sfcityattorney/>>



Email 4.19.19

View Embed Download



image001

Download



image002

Download



Email 4.18.19

View Embed Download

**From: Anonymous Person**

04/24/2019

**Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...**

Thank you. As we noted in our initial request, we requested the entire email message, which contains numerous other headers in addition to those you have provided so far.

We do not see any statutory justification cited for withholding that portion of the public record. Please do provide the entire message with all headers (except those statutorily excluded from disclosure).

**From: Muckrock Staff**

05/08/2019

**Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...**

To Whom It May Concern:

I'm following up on the following California Public Records Act request, copied below, and originally submitted on April 20, 2019. You had previously indicated that it would be completed on May 2, 2019. I wanted to check on the status of my request, and to see if there was a new estimated completion date.

Thanks for your help, and let me know if further clarification is needed.

**From: San Francisco City Attorney**

05/08/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

Email

Hello,

We already completed our response to your request on April 24, 2019. We do not intend to produce anything further in response to your request.

Please send replies  
to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D50583.20D9FFB0]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>  
Twitter<<https://twitter.com/SFCityAttorney>>  
Instagram<<https://www.instagram.com/sfcityattorney/>>



image002

Download



image001

Download

From: Anonymous Person

05/08/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

Email

Your PDFs include From, To, Subject, Sent, Attachments, and Body of the emails. You have withheld certain portions of the email records, including but not limited to:

- Header: X-Envelope-From
- Header: Received
- Header: Thread-Topic
- Header: X-Originating-Ip
- Header: Thread-Index
- Header: Sender
- Header: X-Originatororg

Please provide a statutory justification for such withholding, and the name and title of the official responsible for that withholding, per CPRA.

\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service

used to issue this request (though I am not a MuckRock representative).\*\*

Exhibit B - a responsive email record. note it includes an attachment of a separate CPRA request.

## Coolbrith, Elizabeth (CAT)

---

**From:** 71969-51399120@requests.muckrock.com  
**Sent:** Thursday, April 18, 2019 10:31 AM  
**To:** CityAttorney  
**Subject:** California Public Records Act Request: Immediate Disclosure Request - PRA Opinions  
**Attachments:** ZX03-190418-0620-20SF20Attorney.pdf

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

April 18, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.  
Please see the attached letter.

Filed via MuckRock.com

E-mail (Preferred): 71969-51399120@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url\\_auth\\_token=AAAuFPyowSKvISVcsOY\\_\\_\\_QbVFM%3A1hHAs4%3AOwQe4c\\_mSkc6wjcWujmU\\_cmkaGU](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url_auth_token=AAAuFPyowSKvISVcsOY___QbVFM%3A1hHAs4%3AOwQe4c_mSkc6wjcWujmU_cmkaGU)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 71969  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

## California Public Records Act Request

### Immediate Disclosure Request

Your immediate response is requested.

Date	Our Ref. Num.
2019-04-18	ZX03-190418-06

Please provide the following public records pursuant to the California Public Records Act (the "Act")<sup>1</sup>, the San Francisco Sunshine Ordinance, and Article I of the California Constitution. If the recipient cannot address this request, please forward it to the appropriate official or staff member. "You" and "your," refer to each of the one or more requestee public agencies, and not merely the individual recipient or member, agent, officer, or employee of the public agency. "Including" means "including but not limited to." We reserve all of our rights under the Act and other applicable law.

**All of your responses, including any disclosed records, secret URLs or file share passwords, may be automatically, instantly, and publicly viewable via the muckrock.com service.**

Please be certain all responses are properly redacted. I am not a representative of MuckRock.

We request electronic copies of only those records that will be provided to us without any fees and/or that you waive fees. As we do not want any physical copies, we are not expecting any fees. However, if you determine that you would assess fees to provide us with copies of some or all records (which we may challenge), instead provide us with the fee-free determination of which responsive records exist, so that we may inspect the records instead (for free), if we so choose. As numerous records may be responsive, after providing your statutory response within appropriate deadlines, we are happy to receive record production in a rolling or incremental manner.

### Requestee Public Agency

City and County of San Francisco – City Attorney

### Requestor

An anonymous member of the public<sup>2</sup>, who may be contacted only via email

<sup>1</sup>References to the Act are made with respect to the Cal. Gov't. Code as listed on [https://leginfo.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=](https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=)

<sup>2</sup>Since Act requests are not even required to be in writing ("The California Public Records Act plainly does not require a written request." *Los Angeles Times v. Alameda Corridor Transp. Auth.* (2001) 88 Cal.App.4th 1381, 1392.) and may not be distinguished by the purpose of the request (Gov't Code sec. 6257.5), I choose not to use any forms you may have made available for Act requests nor will I identify myself nor provide contact information other than e-mail address. I will not use any private entity's contracted public records website if doing so would require agreement to terms or privacy policies which impose any conditions beyond the requirements of the Act.

## Requests

Electronic copies, via email, of all records prepared, owned, used, or retained by each agency (including all appendices, attachments, inline images, exhibits, or shared files referenced in or by the below requested records, and including all public records that pursuant to *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 may exist on personal accounts or devices) of any of the following:

- R1. all requests for legal opinion from the City Attorney pursuant to San Francisco Administrative Code 67.21 from January 1, 2010 through April 18, 2019
- R2. all responses to R1, including published and unpublished opinions and refusals to provide an opinion

Note that per Gov't Code 6253.9(a)(1): "The agency shall make the information available in any electronic format in which it holds the information." If you have these records in .msg or .eml formats, please provide a lossless copy of that record in that original format, or in another format that fully preserves all e-mail headers and other metadata. If you instead, for example, print the email to PDF format, we will lose valuable data associated with the record, and you will not have provided us a complete copy of the public record.

In your notice of determination, state whether you have records responsive to each of the requests made. Please cite legal authority for any records or portions thereof withheld<sup>3</sup> and the names and titles<sup>4</sup> of each person responsible for such withholding. Please perform a diligent search for responsive records and examine them before determining they are exempt, as you may find that responsive records have segregatable disclosable portions that you must disclose,<sup>5</sup> which cannot be determined unless you actually search for records.

Please provide all records solely in electronic format<sup>6</sup> and via e-mail. If a record is available on your public website, a URL is preferable to duplication. If it is not, please consider publishing it so as to benefit the entire public and not just me. If records are too large to provide over e-mail, please use a file sharing service if your agency has one. If you use your file sharing service, and file access would expire, please set the expiration to no less than 30 days after notifying us of record availability. We choose not to provide a mailing address for physical CD-ROMs or USB drives both to preserve anonymity and reduce financial and environmental costs.

All public records "prepared, owned, used, or retained"<sup>7</sup> by every agency<sup>8</sup> named must be considered. Under *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 personal email accounts or mobile devices may contain disclosable public records - please search them as appropriate. If multiple agencies are addressed, a response from each is expected.

Please make note of the reference number (ZX03-190418-06) as I may have sent you multiple,

<sup>3</sup> Gov't Code sec. 6255

<sup>4</sup> Gov't Code sec. 6253(d)

<sup>5</sup> Gov't Code sec. 6253(a)

<sup>6</sup> Gov't Code sec. 6253.9(a)

<sup>7</sup> Gov't Code sec. 6252(e)

<sup>8</sup> See Gov't Code sec. 6527(e)(5) if you are a joint powers agency or joint powers authority.



distinct requests with different reference numbers.

Please promptly disclose<sup>9</sup> of all disclosable records responsive to this request, and provide assistance, as needed, in identifying and locating responsive records and overcoming objections to their disclosure,<sup>10</sup> in accordance with the Act, any "requirements for [yourself] that allow for faster, more efficient, or greater access to records,"<sup>11</sup> and other applicable laws and regulations.

Thank you for your prompt attention to this matter.

---

<sup>9</sup>Gov't Code sec. 6253(b)

<sup>10</sup>Gov't Code sec. 6253.1(a)

<sup>11</sup>Gov't Code sec. 6253(e)

Exhibit C

## Coolbrith, Elizabeth (CAT)

---

**From:** Coolbrith, Elizabeth (CAT) on behalf of CityAttorney  
**Sent:** Thursday, April 18, 2019 12:59 PM  
**To:** '71969-51399120@requests.muckrock.com'  
**Subject:** RE: California Public Records Act Request: Immediate Disclosure Request - PRA Opinions

Hello,

I am writing in response to your immediate disclosure request received April 18, 2019. Please note that we are invoking an extension of time under Government Code section 6253(c) due to the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records. We will endeavor to process your request as quickly as possible and anticipate responding no later than the close of business May 3, 2019.



Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)

Sincerely,

**Elizabeth A. Coolbrith**

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

**From:** 71969-51399120@requests.muckrock.com <71969-51399120@requests.muckrock.com>

**Sent:** Thursday, April 18, 2019 10:31 AM

**To:** CityAttorney <cityattorney@SFCITYATTY.ORG>

**Subject:** California Public Records Act Request: Immediate Disclosure Request - PRA Opinions

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

April 18, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.  
Please see the attached letter.

Filed via MuckRock.com

E-mail (Preferred): [71969-51399120@requests.muckrock.com](mailto:71969-51399120@requests.muckrock.com)

Upload documents directly:

<https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2>

[Flogin%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url\\_auth\\_token=AAAuFPyowSKvISVcsOY\\_QbVFM%3A1hHAs4%3AOwQe4c\\_mSkc6wjCwujmU\\_cmkaGU](mailto:login%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url_auth_token=AAAuFPyowSKvISVcsOY_QbVFM%3A1hHAs4%3AOwQe4c_mSkc6wjCwujmU_cmkaGU)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 71969  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

May 8, 2019

2019 MAY -8 PM 1:20

This is a follow up to a previous request:

BY AK

See attached Sunshine Ordinance complaint.

\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\*

Filed via MuckRock.com  
E-mail (Preferred): 72056-97339218@requests.muckrock.com

For mailed responses, please address (see note):  
MuckRock News  
DEPT MR 72056  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---

On May 8, 2019:  
Your PDFs include From, To, Subject, Sent, Attachments, and Body of the emails. You have withheld certain portions of the email records, including but not limited to:

- Header: X-Envelope-From
- Header: Received
- Header: Thread-Topic
- Header: X-Originating-IP
- Header: Thread-Index
- Header: Sender
- Header: X-Originatororg

Please provide a statutory justification for such withholding, and the name and title of the official responsible for that withholding, per CPRA.

\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\*

---

On May 8, 2019:  
Hello,

We already completed our response to your request on April 24, 2019. We do not intend to produce anything further in response to your request.

Please send replies to  
cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D50583.20D9FFB0]Elizabeth A. Coolbrith  
Paralegal

Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
www.sfcityattorney.org  
Find us on: Facebook<https://www.facebook.com/sfcityattorney/>  
Twitter<https://twitter.com/SFCityAttorney>  
Instagram<https://www.instagram.com/sfcityattorney/>

---

On April 24, 2019:  
Thank you. As we noted in our initial request, we requested the entire email message, which contains numerous other headers in addition to those you have provided so far. We do not see any statutory justification cited for withholding that portion of the public record. Please do provide the entire message with all headers (except those statutorily excluded from disclosure).

---

On April 24, 2019:  
Dear Sir/Madam,

The attached two emails are responsive to portions A3/A4, and A5/A6 of your request below. We have conducted a reasonable and diligent search and did not locate any further responsive documents.

In addition, please note that we already responded to portion B of your request, on 4/22/2019.

If you have further questions or need anything additional, please feel free to reach out to us at the below contact information.

Please send replies to  
cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D4FA8E.F0958DA0]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
www.sfcityattorney.org  
Find us on: Facebook<https://www.facebook.com/sfcityattorney/>  
Twitter<https://twitter.com/SFCityAttorney>  
Instagram<https://www.instagram.com/sfcityattorney/>

---

On April 23, 2019:  
Hello,

I am writing in response to part A of your below request.

Your request was sent as an "Immediate Disclosure Request" under San Francisco Administrative Code Section 67.25(a). But to qualify under that section, the request must be "simple, routine and readily answerable." The Sunshine Ordinance requires shorter response times in those situations where a department is able to quickly locate and produce the requested records. In order to respond to your request, this office will need to conduct a review of our electronic files to find responsive records. For this reason, we are not treating your request as one appropriately filed as an "immediate disclosure" request, but as one which is subject to the normally applicable 10-day response time, which will be May 2, 2019. However, we will endeavor to fulfill your request as soon as possible.

Please send replies to  
cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D4F9EE.FD8B8960]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
www.sfcityattorney.org  
Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>  
Twitter<<https://twitter.com/SFCityAttorney>>  
Instagram<<https://www.instagram.com/sfcityattorney/>>

---

On April 20, 2019:

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:  
20190418173050.839.30844@f720c6d2-4be2-4478-af65-  
b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:  
<20190418173050.839.30844@f720c6d2-4be2-4478-af65-  
b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:  
20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:  
<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:  
<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:  
DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking

attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com  
E-mail (Preferred): 72056-97339218@requests.muckrock.com

For mailed responses, please address (see note):  
MuckRock News  
DEPT MR 72056  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



72056-97339218@requests.muckrock.com (Anonymous requestor)

US mail to: MuckRock News, DEPT MR 72056, 411A Highland Ave, Somerville, MA 02144-2516

Please use email only. I am an anonymous user of MuckRock.com, not a MuckRock representative.

SUNSHINE ORDINANCE TASK FORCE

Room 244 - Tel. (415) 554-7724; Fax (415) 554-7854

1 Dr. Carlton B. Goodlett Place

San Francisco CA 94102

cc: City Attorney (cityattorney@SFCITYATTY.ORG)

sent via email and fax to Task Force, email to City Attorney

2019 MAY -8 PM 1:20  
AK  
OFFICE OF THE ATTORNEY GENERAL  
SAN FRANCISCO

Our ref.  
#72056

Date  
2019-05-08

RE: SF Sunshine Ordinance Complaint against City Attorney, ref 72056

To Whom It May Concern:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

A. METADATA:

Complainant Name: (Anonymous - use email 72056-97339218@requests.muckrock.com)

Date of Request: April 20, 2019

Complaint Against Employees: Dennis Herrera (Herrera) in his official capacity as city attorney, Elizabeth A. Coolbrith (Coolbrith) in her official capacity as paralegal for city attorney

Complaint Against Agency: Office of City Attorney

Yes - Alleged violation of public records access

Yes - Alleged failure to provide information in a timely manner in accordance with the provisions of the Sunshine Ordinance

No - Alleged violation of a public meeting

---

RE: SF Sunshine Ordinance Complaint against City Attorney, ref 72056

---

## B. NARRATIVE:

On April 20, 2019 we sent a San Francisco Sunshine Ordinance (Ordinance) and California Public Records Act (CPRA) request to the City Attorney – enclosed herein as Exhibit A, which also includes the communication back and forth with the City Attorney's office and Coolbrith. On April 22, 2019 Coolbrith replied on behalf of Herrera with records responsive to part "B" and asking for clarification on part "A", to which I replied on the same day. On April 23, 2019 Coolbrith notified us our request would not be treated as an Immediate Disclosure request.

On April 24, 2019 Coolbrith provided us "two emails [that] are responsive to portions A3/A4, and A5/A6 of your request." (with the responsive records provided as Exhibit B and Exhibit C).

I replied on the same day as follows:

Thank you. As we noted in our initial request, we requested the entire email message, which contains numerous other headers in addition to those you have provided so far.

We do not see any statutory justification cited for withholding that portion of the public record. Please do provide the entire message with all headers (except those statutorily excluded from disclosure).

The MuckRock.com system automatically sent a reminder to City Attorney on May 8, 2019, to which Coolbrith replied on the same day in part:

We already completed our response to your request on April 24, 2019. We do not intend to produce anything further in response to your request.

I replied on the same day, in part:

Your PDFs include From, To, Subject, Sent, Attachments, and Body of the emails. You have withheld certain portions of the email records, including but not limited to:

- Header: X-Envelope-From
- Header: Received
- Header: Thread-Topic
- Header: X-Originating-IP
- Header: Thread-Index
- Header: Sender
- Header: X-Originatororg

Please provide a statutory justification for such withholding, and the name and title of the official responsible for that withholding, per CPRA.

Since I had previously requested the entire email message with full headers and statutory justification, I proceeded to file this complaint.

RE: SF Sunshine Ordinance Complaint against City Attorney, ref 72056

---

### C. COMPLAINTS:

I make the following allegations. I am not an attorney, so my understanding is associated with proper sections of the law to the best of my (lay) ability.

#### 1. Violations of SF Admin Code Sec. 67.27. Justification Of Withholding

On April 24, 2019 and May 8, 2019, Coolbrith's responses did not justify withholding portions of the responsive email records (namely the headers, which we had specifically requested in our original request and April 24, 2019 reply). No statutory nor case law authority was provided.

#### 2. Violations of SF Admin Code Sec. 67.26. Withholding Kept To A Minimum

On April 24, 2019, responsive records as provided in attachments to Coolbrith's response (Exhibits B and C) did not withhold the minimum necessary portions of the emails requested. While it may be argued that some of the headers of an email could be withheld for privacy reasons (though we do not concede such point), that does not mean the City Attorney can withhold all portions of the email other than From, To, Subject, Sent, the attachments, and the email body.

Furthermore, information that is clearly public record was withheld by converting the email record to PDF format in the specific manner that the City Attorney did. For example, the From header in one of the PDFs states "Coolbrith, Elizabeth (CAT) on behalf of CityAttorney." The original e-mail record would include the email address of "Coolbrith, Elizabeth (CAT)" and "CityAttorney" instead of just their names - these are official, public employee email addresses that there is no reason to withhold.

#### 3. Violations of SF Admin Code Sec. 67.21. Process For Gaining Access To Public Records; Administrative Appeals.

67.21(b) ("...If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance...") was violated by Coolbrith's April 24, 2019 response wherein she did not indicate that the City Attorney believed the remaining portion (other headers) of the emails we requested were exempt, and on May 8 as well when Coolbrith indicated they would not disclose any more records without any justification.

67.21(i) ("The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. ") was violated since it is the City Attorney itself denying us access to a portion of the email record.

67.21(l) ("Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department...") was violated on April 24, 2019 since Coolbrith provided the emails requested in PDF format and not the raw/original format stored by the email

---

RE: SF Sunshine Ordinance Complaint against City Attorney, ref 72056

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servers. This original format (which we specifically requested) contains those additional headers we requested.

#### 4. Violations of CA Govt Code 6253.9

6253.9(a)(1) ("...The agency shall make the information available in any electronic format in which it holds the information...") was violated for reasons stated under the third paragraph of complaint #3. We specifically asked for emails in the format the agency held them in. Emails are not held in PDF format by email servers.

#### 5. Violations of CA Govt Code 6253

6253(a) ("Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.") was violated for reasons stated under complaint #2. Portions of the responsive email records that are not exempt under the law were deleted.

#### 6. Violations of CA Govt Code 6255

6255(a) was violated for reasons stated under complaint #1.

#### D. RELIEF REQUESTED

SF Admin Code Sec 67.30 provides in part that "The City Attorney shall serve as legal advisor to the task force. The Sunshine Ordinance Task Force shall, at its request, have assigned to in an attorney from within the City Attorney's Office or other appropriate City Office, who is experienced in public-access law matters. This attorney shall serve solely as a legal advisor and advocate to the Task Force and an ethical wall will be maintained between the work of this attorney on behalf of the Task Force and any person or Office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney." I ask the Task Force to keep in mind the possible conflicts of interest apparent in an attorney from the Office of City Attorney investigating complaints against the City Attorney itself.

I ask for the Task Force to direct the City Attorney to produce the full emails we originally requested, with redaction of only those headers (if any) that can be justified legally and explicitly. I ask the Task Force to direct that emails be produced by San Francisco agencies subject to the Sunshine Ordinance in their original format, preserving headers, except those that can be withheld with explicit justification. I ask for a hearing, to the extent possible given my desire to remain anonymous.

I do not believe adequate relief is available under SF Admin Code Sec 67.21(d) since the City Attorney is also the Supervisor of Records. However, we reserve our right to petition the Supervisor of Records in that capacity, separate from his capacity as the local agency responsible for responding to our request under the CPRA.

---

*RE: SF Sunshine Ordinance Complaint against City Attorney, ref 72056*

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encl: Exhibit A - Original Request and Communications with City Attorney

encl: Exhibit B - Responsive record titled Email\_4.18.19.pdf

encl: Exhibit C - Responsive record titled Email\_4.19.19.pdf

# Exhibit A

From: Anonymous Person

04/20/2019

Subject: California Public Records Act Request: Immediate Disclosure Request - Em... 

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:

20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:

<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:

requests@muckrock.com

A4. the e-mail message with Message-Id:

<requests@muckrock.com>

A5. the e-mail message with Message-Id:

<DM5PR09MB1497363CAABBE6806E88810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:

DM5PR09MB1497363CAABBE6806E88810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

From: San Francisco City Attorney

04/22/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - Small

Hello,

I am writing in response to your below immediate disclosure request, received today.

Regarding your first request, "A" - could you please provide more context? I am not sure I understand what the emails are or how to locate them based on the information provided.

Regarding your second request, "B", please see below links to the Good Government Guide and to information on the San Francisco Sunshine Ordinance. Our office's internal advice is exempt from disclosure under attorney-client privilege.

<https://www.sfcityattorney.org/good-government/good-government-guide/>

<https://www.sfcityattorney.org/good-government/>

Please send replies  
to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org) <<mailto:cityattorney@sfcityatty.org>>



Sincerely,

[cid:image003.jpg@01D4F8F6.4D963580]Elizabeth A. Coolbrith  
 Paralegal  
 Office of City Attorney Dennis Herrera  
 (415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
 Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>  
 Twitter<<https://twitter.com/SFCityAttorney>>  
 Instagram<<https://www.instagram.com/sfcityattorney/>>



image003

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image001

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From: Anonymous Person

04/22/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... [Email](#)

Message-Ids uniquely identify e-mail messages in your email servers. From the headers of your most recent email, it appears your office uses Microsoft Outlook and/or Microsoft Exchange - therefore, your IT department/contractor should be able to retrieve e-mail records directly from your server using the Message-Ids we have provided.

From: San Francisco City Attorney

04/23/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... [Email](#)

Hello,

I am writing in response to part A of your below request.

Your request was sent as an "Immediate Disclosure Request" under San Francisco Administrative Code Section 67.25(a). But to qualify under that section, the request must be "simple, routine and readily answerable." The Sunshine Ordinance requires shorter response times in those situations where a department is able to quickly locate and produce the requested records. In order to respond to your request, this office will need to conduct a review of our electronic files to find responsive records. For this reason, we are not treating your request as one appropriately filed as an "immediate disclosure" request, but as one which is subject to the normally applicable 10-day response time, which will be May 2, 2019. However, we will endeavor to fulfill your request as soon as possible.

Sincerely,

[cid:image003.jpg@01D4F8F6.4D963580]Elizabeth A. Coolbrith  
Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

www.sfcityattorney.org

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>

Twitter<<https://twitter.com/SFCityAttorney>>

Instagram<<https://www.instagram.com/sfcityattorney/>>



image003

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image001

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From: Anonymous Person

04/22/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... Email

Message-Ids uniquely identify e-mail messages in your email servers. From the headers of your most recent email, it appears your office uses Microsoft Outlook and/or Microsoft Exchange - therefore, your IT department/contractor should be able to retrieve e-mail records directly from your server using the Message-Ids we have provided.

From: San Francisco City Attorney

04/23/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... Email

Hello,

I am writing in response to part A of your below request.

Your request was sent as an "Immediate Disclosure Request" under San Francisco Administrative Code Section 67.25(a). But to qualify under that section, the request must be "simple, routine and readily answerable." The Sunshine Ordinance requires shorter response times in those situations where a department is able to quickly locate and produce the requested records. In order to respond to your request, this office will need to conduct a review of our electronic files to find responsive records. For this reason, we are not treating your request as one appropriately filed as an "immediate disclosure" request, but as one which is subject to the normally applicable 10-day response time, which will be May 2, 2019. However, we will endeavor to fulfill your request as soon as possible.

Please send replies  
to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D4F9EE.FD8B8960]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>  
Twitter<<https://twitter.com/SFCityAttorney>>  
Instagram<<https://www.instagram.com/sfcityattorney/>>



image001

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image002

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**From: San Francisco City Attorney**

**04/24/2019**

**Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...** [Small](#)

Dear Sir/Madam,

The attached two emails are responsive to portions A3/A4, and A5/A6 of your request below. We have conducted a reasonable and diligent search and did not locate any further responsive documents.

In addition, please note that we already responded to portion B of your request, on 4/22/2019.

If you have further questions or need anything additional, please feel free to reach out to us at the below contact information.

Please send replies  
to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D4FA8E.F0958DA0]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>  
 Twitter<<https://twitter.com/SFCityAttorney>>  
 Instagram<<https://www.instagram.com/sfcityattorney/>>



Email 4.19.19

View Embed Download



image001

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image002

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Email 4.18.19

View Embed Download

**From: Anonymous Person**

**04/24/2019**

**Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...** [Email](#)

Thank you. As we noted in our initial request, we requested the entire email message, which contains numerous other headers in addition to those you have provided so far.

We do not see any statutory justification cited for withholding that portion of the public record. Please do provide the entire message with all headers (except those statutorily excluded from disclosure).

**From: Muckrock Staff**

**05/08/2019**

**Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...** [Email](#)

**To Whom It May Concern:**

I'm following up on the following California Public Records Act request, copied below, and originally submitted on April 20, 2019. You had previously indicated that it would be completed on May 2, 2019. I wanted to check on the status of my request, and to see if there was a new estimated completion date.

Thanks for your help, and let me know if further clarification is needed.

**From: San Francisco City Attorney**

**05/08/2019**

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... 

Hello,

We already completed our response to your request on April 24, 2019. We do not intend to produce anything further in response to your request.

Please send replies  
to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org) <<mailto:cityattorney@sfcityatty.org>>

Sincerely,

[cid:image002.jpg@01D50583.20D9FFB0]Elizabeth A. Coolbrith  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: Facebook <<https://www.facebook.com/sfcityattorney/>>  
Twitter <<https://twitter.com/SFCityAttorney>>  
Instagram <<https://www.instagram.com/sfcityattorney/>>



image002



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image001

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From: Anonymous Person

05/03/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... 

Your PDFs include From, To, Subject, Sent, Attachments, and Body of the emails. You have withheld certain portions of the email records, including but not limited to:

- Header: X-Envelope-From
- Header: Received
- Header: Thread-Topic
- Header: X-Originating-Ip
- Header: Thread-Index
- Header: Sender
- Header: X-Originatororg

Please provide a statutory justification for such withholding, and the name and title of the official responsible for that withholding, per CPRA.

\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service

used to issue this request (though I am not a MuckRock representative).\*\*

Exhibit B - a responsive email record. note it includes an attachment of a separate CPRA request.

**Coolbrith, Elizabeth (CAT)**

---

**From:** 71969-51399120@requests.muckrock.com  
**Sent:** Thursday, April 18, 2019 10:31 AM  
**To:** CityAttorney  
**Subject:** California Public Records Act Request: Immediate Disclosure Request - PRA Opinions  
**Attachments:** ZX03-190418-0620-20SF20Attorney.pdf

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

April 18, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.  
Please see the attached letter.

Filed via MuckRock.com

E-mail (Preferred): 71969-51399120@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url\\_auth\\_token=AAAuFPyowSKvISVcsOY\\_\\_\\_QbVFM%3A1hHAs4%3AOwQe4c\\_mSkc6wjcWujmU\\_cmkaGU](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url_auth_token=AAAuFPyowSKvISVcsOY___QbVFM%3A1hHAs4%3AOwQe4c_mSkc6wjcWujmU_cmkaGU)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 71969  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



RE: California Public Records Act Request - Ref# ZX03-190418-06

California Public Records Act Request

Immediate Disclosure Request

Your immediate response is requested.

Date
2019-04-18

Case Ref. Num.
ZX03-190418-06

Please provide the following public records pursuant to the California Public Records Act (the "Act")<sup>1</sup>, the San Francisco Sunshine Ordinance, and Article I of the California Constitution. If the recipient cannot address this request, please forward it to the appropriate official or staff member. "You" and "your," refer to each of the one or more requestee public agencies, and not merely the individual recipient or member, agent, officer, or employee of the public agency. "Including" means "including but not limited to." We reserve all of our rights under the Act and other applicable law.

All of your responses, including any disclosed records, secret URLs or file share passwords, may be automatically, instantly, and publicly viewable via the muckrock.com service.

Please be certain all responses are properly redacted. I am not a representative of MuckRock.

We request electronic copies of only those records that will be provided to us without any fees and/or that you waive fees. As we do not want any physical copies, we are not expecting any fees. However, if you determine that you would assess fees to provide us with copies of some or all records (which we may challenge), instead provide us with the fee-free determination of which responsive records exist, so that we may inspect the records instead (for free), if we so choose. As numerous records may be responsive, after providing your statutory response within appropriate deadlines, we are happy to receive record production in a rolling or incremental manner.

Requestee Public Agency

City and County of San Francisco - City Attorney

Requestor

An anonymous member of the public<sup>2</sup>, who may be contacted only via email

<sup>1</sup>References to the Act are made with respect to the Cal. Gov't. Code as listed on [https://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=](https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=)

<sup>2</sup>Since Act requests are not even required to be in writing ("The California Public Records Act plainly does not require a written request." *Los Angeles Times v. Alameda Corridor Transp. Auth.* (2001) 88 Cal.App.4th 1381, 1392.) and may not be distinguished by the purpose of the request (Gov't Code sec. 6257.5), I choose not to use any forms you may have made available for Act requests nor will I identify myself nor provide contact information other than e-mail address. I will not use any private entity's contracted public records website if doing so would require agreement to terms or privacy policies which impose any conditions beyond the requirements of the Act.

RE: California Public Records Act Request - Ref# ZX03-190418-06

### Requests

Electronic copies, via email, of all records prepared, owned, used, or retained by each agency (including all appendices, attachments, inline images, exhibits, or shared files referenced in or by the below requested records, and including all public records that pursuant to *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 may exist on personal accounts or devices) of any of the following:

- R1. all requests for legal opinion from the City Attorney pursuant to San Francisco Administrative Code 67.21 from January 1, 2010 through April 18, 2019
- R2. all responses to R1, including published and unpublished opinions and refusals to provide an opinion

Note that per Gov't Code 6253.9(a)(1): "The agency shall make the information available in any electronic format in which it holds the information." If you have these records in .msg or .eml formats, please provide a lossless copy of that record in that original format, or in another format that fully preserves all e-mail headers and other metadata. If you instead, for example, print the email to PDF format, we will lose valuable data associated with the record, and you will not have provided us a complete copy of the public record.

In your notice of determination, state whether you have records responsive to each of the requests made. Please cite legal authority for any records or portions thereof withheld<sup>3</sup> and the names and titles<sup>4</sup> of each person responsible for such withholding. Please perform a diligent search for responsive records and examine them before determining they are exempt, as you may find that responsive records have segregatable disclosable portions that you must disclose,<sup>5</sup> which cannot be determined unless you actually search for records.

Please provide all records solely in electronic format<sup>6</sup> and via e-mail. If a record is available on your public website, a URL is preferable to duplication. If it is not, please consider publishing it so as to benefit the entire public and not just me. If records are too large to provide over e-mail, please use a file sharing service if your agency has one. If you use your file sharing service, and file access would expire, please set the expiration to no less than 30 days after notifying us of record availability. We choose not to provide a mailing address for physical CD-ROMs or USB drives both to preserve anonymity and reduce financial and environmental costs.

All public records "prepared, owned, used, or retained"<sup>7</sup> by every agency<sup>8</sup> named must be considered. Under *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 personal email accounts or mobile devices may contain disclosable public records - please search them as appropriate. If multiple agencies are addressed, a response from each is expected.

Please make note of the reference number (ZX03-190418-06) as I may have sent you multiple,

<sup>3</sup>Gov't Code sec. 6255

<sup>4</sup>Gov't Code sec. 6253(d)

<sup>5</sup>Gov't Code sec. 6253(a)

<sup>6</sup>Gov't Code sec. 6253.9(a)

<sup>7</sup>Gov't Code sec. 6252(e)

<sup>8</sup>See Gov't Code sec. 6527(e)(5) if you are a joint powers agency or joint powers authority.

---

*RE: California Public Records Act Request - Ref# ZX03-190418-06*

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distinct requests with different reference numbers.

Please promptly disclose<sup>9</sup> of all disclosable records responsive to this request, and provide assistance, as needed, in identifying and locating responsive records and overcoming objections to their disclosure,<sup>10</sup> in accordance with the Act, any "requirements for [yourself] that allow for faster, more efficient, or greater access to records,"<sup>11</sup> and other applicable laws and regulations.

Thank you for your prompt attention to this matter.

---

<sup>9</sup>Gov't Code sec. 6253(b)

<sup>10</sup>Gov't Code sec. 6253.1(a)

<sup>11</sup>Gov't Code sec. 6253(e)

Exhibit C

Coolbrith, Elizabeth (CAT)

From: Coolbrith, Elizabeth (CAT) on behalf of City Attorney
Sent: Thursday, April 18, 2019 12:59 PM
To: '71969-51399120@requests.muckrock.com'
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - PRA Opinions

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San Francisco City Attorney
PRA Office
Room 234
1 Doctor Carlton B Goodlett Place
SF, CA 94102

April 18, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.
Please see the attached letter.

Filed via MuckRock.com

E-mail (Preferred): 71969-51399120@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2

[login%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url\\_auth\\_token=AAAuFPyow5KvISVesOY\\_ObVFEM%3A1hHAs4%3AOwQe4c\\_mSke6wicWujmUcmkaGU](mailto:login%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url_auth_token=AAAuFPyow5KvISVesOY_ObVFEM%3A1hHAs4%3AOwQe4c_mSke6wicWujmUcmkaGU)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 71969

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

## Leger, Cheryl (BOS)

---

**From:** 72056-97339218@requests.muckrock.com  
**Sent:** Wednesday, May 8, 2019 1:14 PM  
**To:** SOTF, (BOS)  
**Subject:** RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
**Attachments:** San-Francisco-Sunshine-Ordinance-Appeal-Request-72056.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco City Attorney  
PRA Office  
Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

May 8, 2019

This is a follow up to a previous request:

Hello,

I was previously told I need to file a complaint form. I do not believe using your specific form is necessary even under your own policies, which merely require me to include "Short and concise description of the facts, The name of the Department where the request was submitted – as well as any individual working at the agency who the request involves, A description of how the action or inaction violates the Sunshine Ordinance, Supporting documentation, if applicable, such as a copy of the request to department and or any response from the department, Provide at least one reliable method of contacting the requester (i.e. email address, mailing address or telephone number)." Your website says I may send my own formal letter.

All of those minimum requirements, incl. the request and responses, are met in my original emailed PDF letter, which I have again attached here and also faxed to the SOTF. Please confirm receipt.

Thank you!

**\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

Filed via MuckRock.com  
E-mail (Preferred): 72056-97339218@requests.muckrock.com  
Upload documents directly:  
[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAUfBaWTyfyRXNxLh3MkFOGTxo%3A1hOSw](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAUfBaWTyfyRXNxLh3MkFOGTxo%3A1hOSw)

q%3AUSdr2dvHFzLRenwXwcwadvp\_TKjw

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 72056  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---

On May 8, 2019:

We sent the attached Sunshine Ordinance complaint to the Sunshine Ordinance Task Force.

**\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

---

On May 8, 2019:

See attached Sunshine Ordinance complaint.

**\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

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On May 8, 2019:

See attached Sunshine Ordinance complaint.

**\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

---

On May 8, 2019:

Your PDFs include From, To, Subject, Sent, Attachments, and Body of the emails. You have withheld certain portions of the email records, including but not limited to:

- Header: X-Envelope-From
- Header: Received
- Header: Thread-Topic
- Header: X-Originating-Ip
- Header: Thread-Index
- Header: Sender
- Header: X-Originatororg

Please provide a statutory justification for such withholding, and the name and title of the official responsible for that withholding, per CPRA.



\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\*

On May 8, 2019:

Hello,

We already completed our response to your request on April 24, 2019. We do not intend to produce anything further in response to your request.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<<mailto:cityattorney@sfcityatty.org>>

Sincerely,

[cid:image002.jpg@01D50583.20D9FFB0]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>> Twitter<<https://twitter.com/SFCityAttorney>>

Instagram<<https://www.instagram.com/sfcityattorney/>>

On April 20, 2019:

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:

20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:

<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:

20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:

<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:

<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:

DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hOSwq%3AUSdr2dvHFzLRenwXwcwarp\\_TKjw](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hOSwq%3AUSdr2dvHFzLRenwXwcwarp_TKjw)

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MuckRock News

DEPT MR 72056

411A Highland Ave

Somerville, MA 02144-2516

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## Leger, Cheryl (BOS)

---

**From:** 72056-97339218@requests.muckrock.com on behalf of '72056-97339218@requests.muckrock.com' <72056-97339218@requests.muckrock.com>  
**Sent:** Wednesday, May 8, 2019 12:22 PM  
**To:** SOTF, (BOS)  
**Subject:** RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
**Attachments:** San-Francisco-Sunshine-Ordinance-Appeal-Request-72056\_Hf2o10v.pdf

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May 8, 2019

This is a follow up to a previous request:

See attached Sunshine Ordinance complaint.

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---

On May 8, 2019:

Hello,

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Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)

Sincerely,

[cid:image002.jpg@01D50583.20D9FFB0]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>> Twitter<<https://twitter.com/SFCityAttorney>>

Instagram<<https://www.instagram.com/sfcityattorney/>>

---

On April 24, 2019:

Thank you. As we noted in our initial request, we requested the entire email message, which contains numerous other headers in addition to those you have provided so far.

We do not see any statutory justification cited for withholding that portion of the public record. Please do provide the entire message with all headers (except those statutorily excluded from disclosure).

---

On April 24, 2019:

Dear Sir/Madam,

The attached two emails are responsive to portions A3/A4, and A5/A6 of your request below. We have conducted a reasonable and diligent search and did not locate any further responsive documents.

In addition, please note that we already responded to portion B of your request, on 4/22/2019.

If you have further questions or need anything additional, please feel free to reach out to us at the below contact information.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D4FA8E.F0958DA0]Elizabeth A. Coolbrith

Paralegal

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B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

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I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 72056-97339218@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url\\_auth\\_token=AAAuFBaWtyfyRXNxLh3MkFOGTxo%3A1hOS8T%3AP5IYm2REzYM7cKphKGmeI7xASmU](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAuFBaWtyfyRXNxLh3MkFOGTxo%3A1hOS8T%3AP5IYm2REzYM7cKphKGmeI7xASmU)

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# Respondents Document Submission

**Leger, Cheryl (BOS)**

---

**From:** Young, Victor (BOS)  
**Sent:** Monday, May 20, 2019 3:04 PM  
**To:** SOTF, (BOS)  
**Cc:** Calvillo, Angela (BOS)  
**Subject:** FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19044  
**Attachments:** response.pdf

FYI



**John Coté**  
Communications Director  
Office of City Attorney Dennis Herrera  
(415) 554-4662 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

---

**From:** Cote, John (CAT)  
**Sent:** Friday, May 17, 2019 4:56 PM  
**To:** SOTF, (BOS) <[sotf@sfgov.org](mailto:sotf@sfgov.org)>  
**Cc:** Guzman, Andrea (CAT) <[Andrea.Guzman@sfcityatty.org](mailto:Andrea.Guzman@sfcityatty.org)>  
**Subject:** RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19044

Dear Sunshine Ordinance Task Force:

Our response to File No. 19044 is attached.

Best,



**John Coté**  
Communications Director  
Office of City Attorney Dennis Herrera  
(415) 554-4662 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

---

**From:** SOTF, (BOS) <[sotf@sfgov.org](mailto:sotf@sfgov.org)>  
**Sent:** Friday, May 10, 2019 3:54 PM  
**To:** Cote, John (CAT) <[John.Cote@sfcityatty.org](mailto:John.Cote@sfcityatty.org)>; Guzman, Andrea (CAT) <[Andrea.Guzman@sfcityatty.org](mailto:Andrea.Guzman@sfcityatty.org)>  
**Cc:** [72056-97339218@requests.muckrock.com](mailto:72056-97339218@requests.muckrock.com)  
**Subject:** SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19044

Good Afternoon:

Dennis Herrera, Elizabeth Coolbrith and the Office of the City Attorney have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.



**The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice.** This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:  
*Complaint Attached.*

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA  
City Attorney

OFFICE OF THE CITY ATTORNEY

JOHN COTÉ  
Press Secretary,  
Communications Director

Direct Dial: (415) 554-4662  
Email: john.cote@sfcityattfy.org

May 17, 2019

VIA ELECTRONIC MAIL

Honorable Members of the Sunshine Ordinance Task Force  
c/o: Clerk of the Board of Supervisors  
Attn: Victor Young, Administrator  
Room 244, City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco CA 94102  
victor.young@sfgov.org

Re: Sunshine Ordinance Task Force Complaint No. 19044  
*Anonymous (MuckRock News) v. Office of the City Attorney*

Dear Honorable Task Force Members:

We write in response to the complaint filed by an anonymous person affiliated with MuckRock News, alleging that our office failed to respond to a request in a timely and/or complete manner. We received the request on April 22, 2019. It provided three email "message-Ids," and asked for either a native copy of the associated emails, or in the alternative a copy in PDF format, with the metadata from the native copy pasted into an attachment.

A message-Id is a unique tracking number for an email that is not visible in the body or header of the email, but is nonetheless available in the email's metadata. The term "metadata" refers to electronic data embedded in a document about the document itself. The amount of email metadata available for a particular email can vary greatly depending on the particulars of the email itself and the system(s) used to send and receive the email. Searching through metadata is a highly technical and specialized effort, and we do not believe we have ever received a request like this before.

If a requester already knows a particular email's message-Id, that may suggest that the requester already has access to the email in native form or to the metadata in which the message-Id is encoded. After investigating the matter with help from our information technology department, we were able to locate two responsive records: emails that MuckRock had exchanged with our office just one week prior, on April 18 and April 19. Although MuckRock presumably still had these emails, we produced the emails back to them, on April 24, in PDF format but without any further metadata. Upon receipt of the PDFs, MuckRock responded that it also wanted the metadata.

Our office generally does not produce metadata. State law does not provide authoritative guidance on whether metadata are subject to disclosure under the Public Records Act. Producing documents with metadata can subject the City to security risks and can lead to the inadvertent disclosure of privileged information. And the Public Records Act expressly does not require an agency to produce records in their electronic formats if it would jeopardize or compromise the

Letter to Sunshine Ordinance Task Force, Page 2  
May 17, 2019

security or integrity of the original records, or of any proprietary software in which they are maintained. Cal. Govt. Code § 6253.9(f).

In this instance, we have elected to supplement our production, and have now given the requester the metadata we were able to find following a reasonable and diligent good faith search. *See* Exhibit A. To safeguard the security of our computer system, it is necessary for us to withhold certain portions of the metadata that describe unique identifiers for our individual computer terminals and computer servers and our security certificates and similar information. This information is highly sensitive, as disclosing it could allow a hacker to penetrate our system or enable a hacker to “spoof” our emails and insert themselves into attorney-client discussions or send unauthorized emails on our behalf. There is a real need for confidentiality that outweighs any interest the requester may have in accessing this information. *See* Cal. Evid. Code § 1040.

Our decision to disclose any metadata at all is limited to this specific case – the request covered only two emails, the emails were to and from MuckRock and therefore were not privileged, and we determined that disclosing these certain metadata excerpts would be unlikely to compromise the security or integrity of our system. We reserve our right to withhold metadata in response to future requests. Metadata may include a wide variety of information that the City Attorney’s Office has a right, and in some cases a legal duty, to withhold from public view. For example, metadata may be used to reveal the history of how our office has edited a document or to whom within the City we have sent a draft, which is exempt from disclosure under the attorney-client privilege and work product privilege. Cal. Gov’t Code § 6276.04; Cal. Evid. Code § 954; Cal. Code Civ. Proc. § 2018.030. Disclosing metadata could also reveal the identity of a confidential whistleblower, which is privileged. Cal. Evid. Code § 1041; Charter §§ C3.699-13(a), F1.107(c); C&GC Code §§ 4.120, 4.123. Finally, as with the metadata fields that we have redacted here, disclosure may also reveal sensitive information about the operation of the City’s computer and communications system that a third party could use to hack into our system, or to otherwise undermine the integrity and security of our system.

A court is likely to conclude that the principles of reasonableness and cost containment that govern the disclosure of records under the Public Records Act and the Sunshine Ordinance allow the City to decline to produce metadata from electronic records. These principles would also allow the City to extend the normal deadlines for responding to a record request, to give the City time to investigate whether the metadata should be disclosed at all, and if so to perform any necessary redactions, particularly if the information requested was voluminous.

This position is consistent with our office’s general position concerning the obligations of a City department with respect to metadata and the production of electronic records in PDF format, as stated in the Good Government Guide which is available on our website. *See* Exhibit B (excerpts). Because we have now complied with the request to search for and produce metadata, we respectfully ask that the complaint be dismissed.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

  
John Cote  
Press Secretary, Communications Director

## Coolbrith, Elizabeth (CAT)

---

**From:** Coolbrith, Elizabeth (CAT) on behalf of CityAttorney  
**Sent:** Friday, May 17, 2019 3:20 PM  
**To:** '72056-97339218@requests.muckrock.com'  
**Cc:** CityAttorney  
**Subject:** RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information  
**Attachments:** 4-18-19 Email Received\_Redacted.pdf

Dear Sir/Madam,

We have investigated your request further and have conducted a reasonable and diligent search and are able to supplement our production with the attached PDF. The PDF shows the headers and metadata associated with the email responsive to your request #s A3/A4. We have redacted some of the metadata based on the need to protect the security of our computer system. See Cal. Evid. Code section 1040. Also, please note that while we have agreed to produce some metadata excerpts in this instance, we reserve our right to revisit this approach in the future. Generally we do not disclose metadata at all, for the reasons stated to you in our prior responses.

Unfortunately, we were not able to locate headers/metadata for the emails responsive to your request #s A1/A2 and A5/A6. We have conducted a reasonable and diligent search for the information you asked for, but could not locate anything further.

As we have now complied with your request, we would respectfully ask that you withdraw your complaint to the Sunshine Ordinance Task Force as well as your petition to the Supervisor of Records.



Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)

Sincerely,

**Elizabeth A. Coolbrith**  
Paralegal  
Office of City Attorney Dennis Herrera  
(415) 554-4685 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

**From:** 72056-97339218@requests.muckrock.com <72056-97339218@requests.muckrock.com>  
**Sent:** Wednesday, May 08, 2019 9:55 AM  
**To:** CityAttorney <cityattorney@SFCITYATTY.ORG>  
**Cc:** CityAttorney <cityattorney@SFCITYATTY.ORG>  
**Subject:** RE: California Public Records Act Request: Immediate Disclosure Request - Email Record Full Information

San Francisco City Attorney  
PRA Office

Room 234  
1 Doctor Carlton B Goodlett Place  
SF, CA 94102

May 8, 2019

This is a follow up to a previous request:

Your PDFs include From, To, Subject, Sent, Attachments, and Body of the emails. You have withheld certain portions of the email records, including but not limited to:

- Header: X-Envelope-From
- Header: Received
- Header: Thread-Topic
- Header: X-Originating-Ip
- Header: Thread-Index
- Header: Sender
- Header: X-Originatororg

Please provide a statutory justification for such withholding, and the name and title of the official responsible for that withholding, per CPRA.

**\*\*Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).\*\***

Filed via MuckRock.com

E-mail (Preferred): [72056-97339218@requests.muckrock.com](mailto:72056-97339218@requests.muckrock.com)

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url\\_auth\\_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hOPqN%3A7oronmiVFTUFdl0TsdhK9kZpwVk](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hOPqN%3A7oronmiVFTUFdl0TsdhK9kZpwVk)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News  
DEPT MR 72056  
411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

---

On May 8, 2019:  
Hello,

We already completed our response to your request on April 24, 2019. We do not intend to produce anything further in response to your request.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<<mailto:cityattorney@sfcityatty.org>>

Sincerely,

[cid:image002.jpg@01D50583.20D9FFB0]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>

Twitter<<https://twitter.com/SFCityAttorney>> Instagram<<https://www.instagram.com/sfcityattorney/>>

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On April 24, 2019:

Thank you. As we noted in our initial request, we requested the entire email message, which contains numerous other headers in addition to those you have provided so far.

We do not see any statutory justification cited for withholding that portion of the public record. Please do provide the entire message with all headers (except those statutorily excluded from disclosure).

---

On April 24, 2019:

Dear Sir/Madam,

The attached two emails are responsive to portions A3/A4, and A5/A6 of your request below. We have conducted a reasonable and diligent search and did not locate any further responsive documents.

In addition, please note that we already responded to portion B of your request, on 4/22/2019.

If you have further questions or need anything additional, please feel free to reach out to us at the below contact information.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<<mailto:cityattorney@sfcityatty.org>>

Sincerely,

[cid:image002.jpg@01D4FA8E.F0958DA0]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>

Twitter<<https://twitter.com/SFCityAttorney>> Instagram<<https://www.instagram.com/sfcityattorney/>>

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On April 23, 2019:

Hello,

I am writing in response to part A of your below request.

Your request was sent as an "Immediate Disclosure Request" under San Francisco Administrative Code Section 67.25(a). But to qualify under that section, the request must be "simple, routine and readily answerable." The Sunshine Ordinance requires shorter response times in those situations where a department is able to quickly locate and produce the requested records. In order to respond to your request, this office will need to conduct a review of our electronic files to find responsive records. For this reason, we are not treating your request as one appropriately filed as an "immediate disclosure" request, but as one which is subject to the normally applicable 10-day response time, which will be May 2, 2019. However, we will endeavor to fulfill your request as soon as possible.

Please send replies to [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D4F9EE.FD8B8960]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>

Twitter<<https://twitter.com/SFCityAttorney>> Instagram<<https://www.instagram.com/sfcityattorney/>>

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On April 22, 2019:

Message-Ids uniquely identify e-mail messages in your email servers.

From the headers of your most recent email, it appears your office uses Microsoft Outlook and/or Microsoft Exchange - therefore, your IT department/contractor should be able to retrieve e-mail records directly from your server using the Message-Ids we have provided.

---

On April 20, 2019:

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:

[20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com](mailto:20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com)

A2. the e-mail message with Message-Id:

<[20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com](mailto:20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com)>

A3. the e-mail message with Message-Id:

[20190418173050.1.2B43534B4544D903@requests.muckrock.com](mailto:20190418173050.1.2B43534B4544D903@requests.muckrock.com)

A4. the e-mail message with Message-Id:  
<[20190418173050.1.2B43534B4544D903@requests.muckrock.com](mailto:20190418173050.1.2B43534B4544D903@requests.muckrock.com)>

A5. the e-mail message with Message-Id:  
<[DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com](mailto:DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com)>

A6. the e-mail message with Message-Id:  
[DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com](mailto:DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com)

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,  
Anonymous

Filed via MuckRock.com

E-mail (Preferred): [72056-97339218@requests.muckrock.com](mailto:72056-97339218@requests.muckrock.com)

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency\\_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url\\_auth\\_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hOPqN%3A7oronmiVFTUFdl0TsdhK9kZpwVk](https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-email-record-full-information-72056%252F%253Femail%253Dcityattorney%252540sfcityatty.org&url_auth_token=AAAuFBaWTyfyRXNxLh3MkFOGTxo%3A1hOPqN%3A7oronmiVFTUFdl0TsdhK9kZpwVk)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):  
MuckRock News  
DEPT MR 72056



411A Highland Ave  
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

[REDACTED]

[REDACTED]

Date: Thu, 18 Apr 2019 17:30:50 +0000  
Sender: 71969-51399120@requests.muckrock.com  
Message-Id: <20190418173050.1.2B43534B4544D903@requests.muckrock.com>

To: cityattorney@sfcityatty.org  
From: 71969-51399120@requests.muckrock.com  
Subject: California Public Records Act Request: Immediate Disclosure Request  
- PRA Opinions  
Mime-Version: 1.0  
Content-Type: multipart/mixed; boundary="b2e1fbcebbd64db587dfc7e9a4eeaf40"  
Return-Path:  
bounce+5bea6f.556-cityattorney=sfcityatty.org@requests.muckrock.com

[REDACTED]

[Redacted]

X-MS-Exchange-Organization-MessageDirectionality: Incoming

[Redacted]

[Redacted]

X-MS-PublicTrafficType: Email

[Redacted]

[Redacted]

[Redacted]



# Good Government Guide

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An Overview of the Laws Governing  
the Conduct of Public Officials



PAGES 1-122 LAST UPDATED FEBRUARY 2019

PAGES 122-193 LAST UPDATED SEPTEMBER 2014

Dennis J. Herrera

City Attorney of San Francisco

The Public Records Act imposes additional requirements about information that is in an electronic format. Cal. Govt. Code § 6253.9. As a general rule, the Act requires a department to make the information available in any electronic format in which it holds the information, and to make a copy of an electronic record available in the format requested if the department has used that format to create copies for its own use or for other agencies. Cal. Govt. Code §§ 6253.9(a)(1), (2). But these provisions do not require a department to reconstruct a record in an electronic format if the record is no longer available electronically or create it in a format it has not used. Cal. Govt. Code § 6253.9(c). However, the text of the Sunshine Ordinance on these issues is not clear, so the safer legal course is to make electronic records available in the format requested if that can be easily accomplished without requiring the department to reprogram a computer. This general approach is subject to limitations, discussed below, regarding metadata and easily manipulated formats.

The Sunshine Ordinance does not require a department to program or reprogram a computer to respond to a public records request. Admin. Code § 67.21(l). But, as explained below, the Public Records Act does. In this respect, the rule that a department has no duty to create a record has evolved in the electronic age: where information exists in electronic form, a department must engage in data compilation, extraction, or programming to produce the electronic record, provided the requester is willing to pay for the cost of production which includes the programming or reprogramming of the computer. Cal. Govt. Code § 6253.9(b)(2). In similar fashion, a department must produce an electronic copy of a record that it ordinarily produces at regularly scheduled intervals. Cal. Govt. Code § 6253.9(b)(1).

#### ii. **Portable Document Format, or PDF**

To facilitate accessibility and ease of use, many City departments provide their electronic records to the public as PDF files. PDF, which stands for “Portable Document Format,” is a file format created by Adobe Systems in the early 1990s to facilitate the exchange of electronic documents across multiple operating systems, and without requiring the purchase of specific software or hardware. PDF is now an open standard, meaning it is available without charge, is non-proprietary, and can be accommodated by different software. The advantages of providing records in this format are that:

- PDF is a free, open format.
- PDF records are viewable and printable on any computer platform.
- PDF records typically look like the original records and thus preserve the integrity of the original information.
- PDF records can enable full-text searches to locate words and terms features in PDF documents that are saved in electronic format.
- PDF records work with assistive technologies to make the information available to persons with disabilities.

#### iii. **Metadata**

Sometimes a requester seeks a record in its original electronic format, which likely involves proprietary software, such as Microsoft Word or Excel. In such instances, the electronic

document will usually contain embedded, hidden information known as “metadata.” Metadata may include information such as when the document was originally created; the document’s authors and editors; comments shared among co-authors and editors; and tracked changes in versions of the document before its completion. These metadata may not be readily apparent in the final document, but may nonetheless be fully available to the recipient were the document provided in its native file format. Depending on the nature of the record requested, some or all of the metadata it contains may be properly exempt from disclosure. In still other instances – including comments that may contain legal advice, medical, personnel or otherwise private information – the disclosure of metadata might be restricted or actually prohibited by law.

While case law does not provide authoritative guidance on legal questions relating to public disclosure of metadata, and while technologies continue to evolve, there is no evidence that either the Public Records Act or the Sunshine Ordinance was intended to require public entities to search, and then review and possibly redact, metadata in electronic records. Neither is there an apparent legislative intent to require government agencies to produce records in their electronic formats if their release would jeopardize or compromise the security or integrity of the original records, or of any proprietary software in which they are maintained. Cal. Govt. Code § 6253.9(f).

At the same time, department personnel should consider the usability of public information provided to requesters in responding to public records requests. In asking for a public record in a native file format like Microsoft Excel, for example, a requester may simply be seeking a format that will enable searching, querying, manipulating and summarizing public information in a manner that is far easier than if the record were provided in a scanned PDF or on a printed page. In some instances, the very same technology innovations that can present difficult public records questions may help resolve these issues through conversion to file formats that both meet the requester’s needs and avoid problems with unauthorized disclosure of metadata. Departments seeking further advice on these issues or other issues pertaining to metadata, including where a public records request specifically seeks metadata, should consult with their information technology staff and with the City Attorney’s Office.

A Board of Supervisors’ policy directs its clerk to provide responsive records in the original format when the requester so requests. Other departments may wish to consider their own policy options in light of the possible risks of unintended or impermissible disclosure of metadata in documents specific to their own department’s functions.

#### **iv. Information on personal communications devices**

Communications relating to the City’s business that a public employee or official sends or receives on personal electronic devices such as cell phones and personal computers are subject to disclosure as public records. The key criteria for determining whether such a communication is a public record are the content and context of the record, including the purpose of the communication and the sender(s) and intended recipient(s); whether it concerns City business; and whether a City official or employee has received or created it in the performance of work duties, even if not required or solicited. For more information on

U.S. | A Cyberattack Hobbles Atlanta, and Security Experts Shudder

*The New York Times*

# *A Cyberattack Hobbles Atlanta, and Security Experts Shudder*

By Alan Blinder and Nicole Perlroth

March 27, 2018

ATLANTA — The City of Atlanta’s 8,000 employees got the word on Tuesday that they had been waiting for: It was O.K. to turn their computers on.

But as the city government’s desktops, hard drives and printers flickered back to life for the first time in five days, residents still could not pay their traffic tickets or water bills online, or report potholes or graffiti on a city website. Travelers at the world’s busiest airport still could not use the free Wi-Fi.

Atlanta’s municipal government has been brought to its knees since Thursday morning by a ransomware attack — one of the most sustained and consequential cyberattacks ever mounted against a major American city.

The digital extortion aimed at Atlanta, which security experts have linked to a shadowy hacking crew known for its careful selection of targets, laid bare once again the vulnerabilities of governments as they rely on computer networks for day-to-day operations. In a ransomware attack, malicious software cripples a victim’s computer or network and blocks access to important data until a ransom is paid to unlock it.

“We are dealing with a hostage situation,” Mayor Keisha Lance Bottoms said this week.

The assault on Atlanta, the core of a metropolitan area of about six million people, represented a serious escalation from other recent cyberattacks on American cities, like one last year in Dallas where hackers gained the ability to set off tornado sirens in the middle of the night.



Part of what makes the attack on Atlanta so pernicious are the criminals behind it: A group that locks up its victims' files with encryption, temporarily changes their file names to "I'm sorry" and gives the victims a week to pay up before the files are made permanently inaccessible.

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Threat researchers at Dell SecureWorks, the Atlanta-based security firm helping the city respond to the ransomware attack, identified the assailants as the SamSam hacking crew, one of the more prevalent and meticulous of the dozens of active ransomware attack groups. The SamSam group is known for choosing targets that are the most likely to accede to its high ransom demands — typically the Bitcoin equivalent of about \$50,000 — and for finding and locking up the victims' most valuable data.

In Atlanta, where officials said the ransom demand amounted to about \$51,000, the group left parts of the city's network tied in knots. Some major systems were not affected, including those for 911 calls and control of wastewater treatment. But other arms of city government have been scrambled for days.

The Atlanta Municipal Court has been unable to validate warrants. Police officers have been writing reports by hand. The city has stopped taking employment applications.

Atlanta officials have disclosed few details about the episode or how it happened. They have urged vigilance and tried to reassure employees and residents that their personal information was not believed to have been compromised.

Dell SecureWorks and Cisco Security, which are still working to restore the city's systems, declined to comment on the attacks, citing client confidentiality.

Ms. Bottoms, the mayor, has not said whether the city would pay the ransom.

The SamSam group has been one of the more successful ransomware rings, experts said. It is believed to have extorted more than \$1 million from some 30 target organizations in 2018 alone.

It is not ideal to pay up, but in most cases, SamSam's victims have said that they can more easily afford the \$50,000 or so in ransom than the time and cost of restoring their locked data and compromised systems. In the past year, the group has taken to attacking hospitals, police departments and universities — targets with money but without the luxury of going off-line for days or weeks for restoration work.

Investigators are not certain who the SamSam hackers are. Judging from the poor English in the group's ransom notes, security researchers believe they are probably not native English speakers. But they cannot say for sure whether SamSam is a single group of cybercriminals or a loose hacking collective.

Ransomware emerged in Eastern Europe in 2009, when cybercriminals started using malicious code to lock up unsuspecting users' machines and then demanding 100 euros or similar sums to unlock them again. Over the past decade, dozens of online cybercriminal outfits — and even some nation states, including North Korea and Russia — have taken up similar tactics on a larger scale, inflicting digital paralysis on victims and demanding increasing amounts of money.

Cybersecurity experts estimate that criminals made more than \$1 billion from ransomware in 2016, according to the F.B.I. Then, last May, came the largest ransomware assault recorded so far: North Korean hackers went after tens of thousands of victims in more than 70 countries around the world, forcing Britain's public health system to reject patients, paralyzing computers at Russia's Interior Ministry, at FedEx in the United States, and at shipping lines and telecommunications companies across Europe.

A month later, Russian state hackers deployed similar ransomware to paralyze computers in Ukraine on the eve of the country's independence day. That attack shut down automated teller machines in Kiev, froze government agencies and even forced workers at the Chernobyl nuclear power plant to monitor radiation levels manually. Collateral damage from that attack affected computers at Maersk, the Danish shipping conglomerate; at Merck, the American-based pharmaceutical giant; and even at businesses in Russia.

Attempted ransomware attacks against local governments in the United States have become unnervingly common. A 2016 survey of chief information officers for jurisdictions across the country found that obtaining ransom was the most common purpose of cyberattacks on a city or county government, accounting for nearly one-third of all attacks.

The survey, conducted by the International City/County Management Association and the University of Maryland, Baltimore County, also found that about one-quarter of local governments reported that they were experiencing attacks of one kind or another, successful or not, at least as often as once an hour.

Yet less than half of the local governments surveyed said they had developed a formal cybersecurity policy, and only 34 percent said they had a written strategy to recover from breaches.

Experts said government officials needed to be more aggressive about preventive measures, like training employees to spot and sidestep “phishing” attempts meant to trick them into opening the digital door for ransomware.

“It’s going to be even more important that local governments look for the no-cost/low-cost, but start considering cybersecurity on the same level as public safety,” said David Jordan, the chief information security officer for Arlington County, Va. “A smart local government will have fire, police and cybersecurity at the same level.”

Ms. Bottoms, who took office as mayor of Atlanta in January, acknowledged that shoring up the city’s digital defenses had not been a high priority before, but that now “it certainly has gone to the front of the line.”

“As elected officials, it’s often quite easy for us to focus on the things that people see, because at the end of the day, our residents are our customers,” Ms. Bottoms said. “But we have to really make sure that we continue to focus on the things that people can’t see, and digital infrastructure is very important.”

During the ransomware attack, local leaders have sometimes been able to do little but chuckle at a predicament that was forcing the city to turn the clock back decades.

Asked on Monday how long the city might be able to get by doing its business strictly with ink and paper, Ms. Bottoms replied: “It was a sustainable model until we got computer systems. It worked for many years. And for some of our younger employees, it will be a nice exercise in good penmanship.”

Security researchers trying to combat ransomware have noticed a pattern in SamSam’s attacks this year: Some of the biggest have occurred around the 20th of the month.

Allan Liska, a senior intelligence analyst at Recorded Future who has been tracking the group, said in an interview that he believed that SamSam gains access to its victims' systems and then waits for weeks before encrypting the victims' data. That delay, Mr. Liska said, makes it harder for responders to figure out how the group was able to break in — and easier for SamSam's hackers to strike twice.

The Colorado Department of Transportation was able to restore its systems on its own after a SamSam attack, without paying SamSam a dime. But a week later, the hackers struck the department again, with new, more potent ransomware.

“They are constantly learning from their mistakes, modifying their code and then launching the next round of attacks,” Mr. Liska said.

Alan Blinder reported from Atlanta, and Nicole Perlroth from Boulder, Colo.

A version of this article appears in print on March 27, 2018, on Page A14 of the New York edition with the headline: Atlanta Hobbled by Major Cyberattack That Mayor Calls 'a Hostage Situation'

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The Washington Post

National

## 8 days after cyberattack, Baltimore's network still hobbled

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By David McFadden | AP

May 15 at 7:38 PM

BALTIMORE — More than a week after a cyberattack hobbled Baltimore's computer network, city officials said Wednesday they can't predict when its overall system will be up and running and continued to give only the broadest outlines of the problem.

Baltimore's government rushed to take down most computer servers on May 7 after its network was hit by ransomware. Functions like 911 and EMS dispatch systems weren't affected, officials say, but after eight days, online payments, billing systems and email are still down. Finance department employees can only accept checks or money orders.

No property transactions have been conducted since the attack, exasperating home sellers and real estate professionals in the city of over 600,000. Most major title insurance companies have even prohibited their agents from issuing policies for properties in Baltimore, according to the Greater Baltimore Board of Realtors.

Citing an ongoing criminal investigation, Baltimore's information technology boss Frank Johnson and other city leaders said Wednesday they could provide no specifics about the attack from the ransomware variant RobbinHood or realistically forecast when the various hobbled layers of the city's network would be back up.

"Anybody that's in this business will tell you that as you learn more those plans change by the minute. They are incredibly fluid," said Johnson, stressing that city employees, expert consultants and others were working "round the clock" to mend the breached network.

The FBI's cyber squad agents have been helping employees in Maryland's biggest city try to determine the source and extent of the latest attack.

Johnson's tenure has now included two major breaches to the city's computer systems. This month's problems come just over a year since another ransomware attack slammed Baltimore's 911 dispatch system, prompting a worrisome 17-hour shutdown of automated emergency dispatching. The March 2018 attack required operating the critical 911 service in manual mode.

Johnson is one of the city's highest paid employees, earning \$250,000 a year. That's more than the mayor, the city's top prosecutor and the health commissioner are paid. This latest attack came about a week after the firing of a city employee who, the inspector general said, had downloaded thousands of sexually explicit images onto his work computer during working hours.

While all municipalities are menaced by malware, cybersecurity experts say organizations that fall victim to such attacks often haven't done a thorough job of patching systems regularly.

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Asher DeMetz, lead security consultant for technology company Sungard Availability Services, suggested that eight days was a long time for a network to remain down.

"The City of Baltimore should have been prepared with a recovery strategy and been able to recover within much less time. That time would be dictated by a risk assessment guiding how long they can afford to be down," DeMetz said in an email. "They should have been ready, especially after the previous attack, to recover from ransomware."

City Solicitor Andre Davis said Baltimore was working "hand in glove" with the FBI, Microsoft officials, and expert contractors that he and other officials declined to identify. Before TV news crews, Davis likened the cyberattack to a brutal assault, a comparison that many residents can clearly understand in a city struggling to bring down one of urban America's highest rates of violent crime.

"My preferred way of thinking about it is: The city network was viciously assaulted by a culprit and seriously injured," Davis said. Baltimore's top lawyer portrayed the city network as an injured patient who has emerged from the ICU and faces a "long course of physical therapy."

Baltimore authorities, who hope to prosecute the culprit behind the latest attack, said they were in close contact with counterparts in Atlanta. Last year, a ransomware attack significantly disrupted city operations there and caused millions of dollars in losses. In December, two Iranian men already indicted in New Jersey in connection with a broad cybercrime and extortion scheme were indicted on federal charges in Georgia related to that ransomware attack demanding payment for a decryption key.

It's not clear what culprits are demanding from Baltimore's City Hall.

"We're not going to address or discuss in any way the ransom demand," Davis said.

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The Washington Post

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## Leger, Cheryl (BOS)

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**From:** SOTF, (BOS)  
**Sent:** Monday, August 5, 2019 12:14 PM  
**To:** '72056-97339218@requests.muckrock.com'; '72902-46637773@requests.muckrock.com'  
**Subject:** SOTF - Complaint Committee hearing of August 20, 2019

Dear Anonymous:

I write to you today to confirm your audio appearance at the August 20, 2019, Complaint Committee hearing. This is because you will need to provide your telephone number for a telephone appearance in hearing room 408 at City Hall in San Francisco. I will forward instructions for your appearance before that date.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724



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## Leger, Cheryl (BOS)

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**From:** SOTF, (BOS)  
**Sent:** Monday, July 1, 2019 4:48 PM  
**To:** 72056-97339218@requests.muckrock.com  
**Cc:** COTE, JOHN (CAT)  
**Subject:** SOTF - Complaint Committee Appearance of July 23, 2019; File No. 19044

Dear Anonymous:

I just received word from the Respondent regarding the complaint below, that they will be on vacation during the time of the Complaint Committee hearing of July 23, 2019, and therefore unavailable. Please let me know as soon as possible if you agree to this change in scheduling. I would like to schedule this matter for the August Complaint Committee hearing. Thank you.

**File No. 19044:** Complaint filed by Anonymous against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

Thank you for your consideration.

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724



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## Leger, Cheryl (BOS)

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**From:** Cote, John (CAT) <John.Cote@sfcityatty.org>  
**Sent:** Monday, June 17, 2019 3:12 PM  
**To:** SOTF, (BOS)  
**Cc:** '72056-97339218@requests.muckrock.com'; GUZMAN, ANDREA (CAT)  
**Subject:** Request for Continuance > RE: SOTF - Notice of Hearing - Complaint Committee; June 25

Dear Ms. Leger,

I would like to request a continuance for File No. 19044, currently scheduled for the June 25 hearing of the Complaint Committee. I'd like to reschedule this item to the committee's next hearing date. The records request in this matter raises unusual security questions, and we are continuing to review the matter with our IT staff to see if there is a way to safely provide the requester more of the information that they have requested. We expect to know one way or another by the next hearing date.



Thank you for your consideration,

**John Cote**  
Communications Director  
Office of City Attorney Dennis Herrera  
(415) 554-4662 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

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**From:** SOTF, (BOS) <sotf@sfgov.org>  
**Sent:** Friday, June 14, 2019 10:40 AM  
**To:** Ray Hartz Jr <rwhartzjr@comcast.net>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; 72056-97339218@requests.muckrock.com; Liz Arbus <liz.arbus@aol.com>; Patterson, Kate (ART) <kate.patterson@sfgov.org>  
**Cc:** Ng, Wilson (BOS) <wilson.l.ng@sfgov.org>; Lee, Ivy (BOS) <ivy.lee@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>; Maybaum, Erica (BOS) <erica.maybaum@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>; Cote, John (CAT) <John.Cote@sfcityatty.org>; Guzman, Andrea (CAT) <Andrea.Guzman@sfcityatty.org>  
**Subject:** SOTF - Notice of Hearing - Complaint Committee; June 15, 2019 5:30 p.m.

Good Morning:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Complaint Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: June 25, 2019

Location: City Hall, Room 408

Time: 5:30 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

**File No. 19042:** Complaint filed by Ray Hartz against Norman Yee, President of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.16, by failing to place his 150-word summaries in the meeting minutes (Board of Supervisors April 30, 2019 meeting).

**File No. 19043:** Complaint filed by Ray Hartz against Angela Calvillo, Clerk of the Board of Supervisors, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.15(d), by failing to place his 150-word summaries as submitted to the Board of Supervisors “in the minutes.”


**File No. 19044:** Complaint filed by Anonymous against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

**File No. 19049:** Complaint filed by Liz Arbus against the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

#### **Documentation (evidence supporting/disputing complaint)**

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). *For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, June 18, 2019.*

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

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*Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

## Leger, Cheryl (BOS)

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**From:** SOTF, (BOS)  
**Sent:** Monday, July 29, 2019 2:06 PM  
**To:** Juan De Anda; Rudakov, Vladimir (HSA); Pang, Ken (HSA); JOHN HOOPER; Corgas, Christopher (ECN); Thompson, Marianne (ECN); Nuru, Mohammed (DPW); Steinberg, David (DPW); Goldberg, Jonathan (DPW); 72056-97339218@requests.muckrock.com; Cote, John (CAT); 72902-46637773@requests.muckrock.com; Heckel, Hank (MYR)  
**Subject:** SOTF - Notice of Appearance - Complaint Committee; August 20, 2019 5:30 p.m.

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Complaint Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

**Date:** August 20, 2019

**Location:** City Hall, Room 408

**Time:** 5:30 p.m.

**Complainants:** Your attendance is required for this meeting/hearing.

**Respondents/Departments:** Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

**Complaints:**

**File No. 19068:** Complaint filed by Sophia De Anda against the Human Services Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

**File No. 19061:** Complaint filed by John Hooper against the Office of Economic and Workforce Development for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

**File No. 19062:** Complaint filed by John Hooper against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

**File No. 19044:** Complaint filed by Anonymous against Dennis Herrera and the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and/or complete manner.

**File No. 19047:** Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Office of the Mayor for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.25 and 67.29-5, by failing to respond to a request for public records in a timely and/or complete manner.

## Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). *For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, August 13, 2019.*

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724

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## Leger, Cheryl (BOS)

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**From:** SOTF, (BOS)  
**Sent:** Friday, May 10, 2019 3:54 PM  
**To:** COTE, JOHN (CAT); GUZMAN, ANDREA (CAT)  
**Cc:** 72056-97339218@requests.muckrock.com  
**Subject:** SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19044  
**Attachments:** SOTF - Complaint Procedure 2018-12-05 FINAL.pdf; 19044.pdf

Good Afternoon:

Dennis Herrera, Elizabeth Coolbrith and the Office of the City Attorney have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following complaint/request within five business days.

**The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice.** This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:  
*Complaint Attached.*

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
Tel: 415-554-7724



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