File No. 19047 Item No. 8

SUNSHINE ORDINANCE TASK FORCE
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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)

From: Google Forms <sfbdsupvrs@gmail.com>
Sent: Friday, May 10, 2019 9:19 PM
To: SOTF, (BOS)
Subject: New Response Complaint Form

Your form has a new entry.

Here are the results.

Complaint against which Department or Commission	Office of Mayor
Name of individual contacted at Department or Commission	London N. Breed (Breed) in her official capacity as Mayor, Hank Heckel (Heckel) in his official capacity as Compliance Officer for Office of Mayor
Alleged Violation	Public Records
Please describe alleged violation	See full details at: https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72902/SF-Mayor-Calendar-SOTF-Appeal-72902.pdf (also emailed to SOTF)
Name	Anonymous

Email	72902-46637773@requests.muckrock.com
If anonymous, please let us know how to contact you. Thank you.	Anonymous- please use 72902-46637773@requests.muckrock.com

Sent via Google Forms Email

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

PEDER J. V. THOREEN
Deputy City Attorney

Direct Dial: (415) 554-3846
Email: Peder.Thoreen@sfcityatty.org

MEMORANDUM
PRIVILEGED AND CONFIDENTIAL

TO: Sunshine Ordinance Task Force

FROM: Peder J. V. Thoreen
Deputy City Attorney

DATE: June 13, 2019

RE: Complaint No. 19047: Anonymous v. Mayor London Breed and Hank Heckel, Office of the Mayor

COMPLAINT

An anonymous complainant ("Complainant") alleges that Mayor London Breed and Hank Heckel, of the Office of the Mayor (collectively, "Respondents"), violated public records laws.

COMPLAINANT FILES COMPLAINT

On May 13, 2019, Complainant filed this complaint with the Task Force, alleging that Respondent failed to provide complete responses to Complainant's request for public records, in violation of Administrative Code sections 67.26 and 67.27, and Government Code sections 6253, 6253.9, and 6255.

JURISDICTION

Mayor London Breed and Hank Heckel work within the Office of the Mayor, which is subject to the provisions of the Sunshine Ordinance and the California Public Records Act ("CPRA") regarding records requests. Respondents do no 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.
- Section 67.29-5 requires that certain officials maintain calendars that reflect certain, specified 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 requires justifications for the withholding of records.

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APPLICABLE CASE LAW

- None

BACKGROUND

On May 8, 2019, Complainant requested Respondents to immediately disclose:

> an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive).

Although as indicated Complainant initially requested the responsive items in their original format, Complainant went on to state: "if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record …, which contains many detailed headers beyond the ones generally printed out."

On May 9, 2019, Respondents provided calendar entries for the dates requested. Those documents were produced in PDF format for "ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1)."[1] Respondents noted that, pursuant to 6253.9(f), they were not required to provide electronic records "in an electronic format that would jeopardize or compromise the security or integrity of the original record," and Respondents contended that using a PDF format furthered those ends.[2]

Complainant raises two primary contentions. First, Complainant contends that the response was incomplete because

> the original electronic format of the Mayor's calendar may contain substantial additional information (such email addresses, conference call numbers, actual

[1] Cal. Gov. Code 6253.9(a)(1) reads: "(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] Cal. Gov. Code 6253.9(f) reads: "(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."

> names of attendees instead of group descriptions, the acceptance/rejection of individual attendees to the invite, etc.) than that which was printed out for us.

In Complainant's May 10, 2019, submission to the Task Force, Complainant further explained that Respondents had withheld "headers and metadata." In response, Respondents argue that the documents produced were from a calendar that complied with Proposition G, which, *inter alia*, added to the Sunshine Ordinance the requirement that certain officials maintain calendars with certain, specified information. *See* Admin. Code 67.29-5. Complainant does not dispute this contention; rather, Complainant contends that Proposition G only sets minimum requirement for calendars and does not provide a basis for withholding whatever other disclosable public records/information may exist.

With respect to Complainant's specifically identified deficiencies, Respondents contend that "email addresses" and "the acceptance/rejection of individual attendees to the invite" have not been withheld, because they do not exist in the calendar. Complainant does not appear to dispute this assertion.

Relatedly, with respect to the request for the "actual names of attendees instead of group descriptions," Respondents contend that, because Proposition G only requires the calendar to reflect individual attendees for meetings or events with fewer than ten attendees, the responsive documents are not required to, and therefore do not, identify individuals' names where more than ten people attended.[3] Respondents similarly contend that the calendar was not required to, and therefore does not, reflect conference call numbers.[4] In short, these categories of information simply do not exist in the responsive documents. Complainant does not appear to dispute that this information does not exist with respect to the calendar maintained in accordance with Proposition G, but Complainant contends that the request was not limit to so-called Proposition G calendars and questions whether some *other* responsive calendar might exist.

The central outstanding dispute regarding information withheld relates to the metadata associated with the calendar.[5] As an initial matter, Respondents contend they "do[] not routinely maintain specific types of metadata or index them as records," and that Respondents "and City departments generally do not search for and provide metadata in response to records requests." They contend that they lack staff with expertise in using, maintaining or searching metadata. Further, Respondents contend that producing metadata "can subject the City to security risks and

[3] Respondents contend that the documents in fact reflect attendees' names where the meeting or event had fewer than ten attendees, in accordance with Proposition G.

[4] Respondents also contend that disclosing conference call numbers "could jeopardize official, security-related, confidential, and/or privileged information which may be exchanged over the phone."

[5] Respondents contend that certain specific types of metadata, *e.g.*, attachments, exhibits, or inline images, do not exist. The dispute appears limited to headers, metadata, and timestamps, which I will collectively refer to as "metadata."

can lead to the inadvertent disclosure of privileged information," and that the "substantial need for confidentiality outweighs any interest the requester may have in accessing this information."[6]

In response, Complainant contends that whether Respondents index metadata or whether they have produced it in the past "has no bearing on whether they are, under the Sunshine Ordinance or CPRA, in fact, public records." Complainant also contends that in conjunction with another request, at least some metadata was produced by the Office of the Mayor under Mayor Lee. With respect to the various security and confidentiality concerns raised by Respondents, Complainant does not appear to dispute that such concerns may exist as to certain metadata in certain circumstances. Complainant contends, however, that these concerns do not provide a basis for the blanket withholding of all metadata, and that the concerns can be addressed by redacting protected information.

Complainant's second main issue relates to Respondents' justifications for producing documents in PDF format. Note, however, that because Complainant's request indicated that production in PDF format would be acceptable provided certain information was included, it may be unnecessary to decide this issue once the Task Force decides whether any impermissible withholding occurred.

With respect to the merits of this issue, Complainant contends that one of the bases asserted by Respondents for production in PDF format, namely, "ease of transferability and accessibility," is not a recognized basis for converting a document under Cal. Gov. Code 6235.9(a). With respect to Respondents' contention that the use of a PDF format was intended to protect "the security and integrity of the original record," Cal. Gov. Code 6253.9(f), Complainant contends that use of the PDF format would at most serve to protect the integrity of the copy, not the original. However, this argument avoids the point that, by withholding the original and providing the documents in an alternative format, Respondents are arguably protecting the integrity of the original within the meaning of the statute. Complainant further points out that a PDF can be altered or manipulated, and argues that, therefore, production in PDF format does not serve the purpose of protecting the integrity of the record.

The parties seem also to dispute what the native format, in fact, is, further complicating this issue. In Complainant's initial request, Complainant suggested that the calendars might be exported in ".ics, iCalendar, or vCard formats." Respondents contend that they do not "hold" the calendar in an iCalendar, ics or Vcard format and therefore are not required to produce the calendar in that format. *See* Cal. Gov. Code 6253.9(a)(1), *supra* n.1. Elsewhere, Respondents concede that they could export the calendar in the iCalendar format, but object because "this

[6] More detailed concerns that fall generally under these headings are set forth in Respondents' May 21 submission at page 3.

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format would simply create a 'native' file of the whole calendar, as opposed to individual entries." Complainant contends that this would nevertheless be a responsive record.

As indicated by the questions below, it may be useful for the parties to clarify:

- what they believe the native format is, and whether this determination hinges on whether an exported file can be opened in the original software,
- whether they contend that "exporting" the calendar in, for example, the iCalendar format creates a "non-native" or "non-original" record equivalent to a PDF, and
- whether there is any way to transmit the native data other than exporting it.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS

- Respondents contend that certain information does not exist because it is not required by Proposition G and therefore not included in the calendars that were disclosed. Complainant contends that his request is not limited Proposition G calendars. Do Respondents maintain any *other* calendars that would be responsive to Complainant's request?
- What is the legal basis for withholding metadata where it is associated with an otherwise disclosable public record? Do Respondents contend that the practical difficulties or their past practice provides a lawful basis upon which to withhold metadata? Does producing the metadata requested by Complainant require Respondents to create a record that would not otherwise exist?
- Complainant contends that at least some metadata has been produced in the past by the Office of the Mayor and includes a hyperlink in Complainant's submission. Can you describe what metadata was provided? Was it simply "to/from/subject" information in emails? Isn't that information that would usually be on the face of the emails (printed or otherwise), whereas here you are asking for something more?
- Complainant appears to accept Respondents' contention that some metadata may reflect sensitive information. Could that information be redacted, while producing other metadata?
- Complainant's initial request suggested that production in PDF format would be acceptable, provided it included certain information associated with the calendar items. Once we resolve the question of whether any impermissible withholding occurred, do we need to reach the question of whether Respondents were required to produce information in their original electronic format?

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- What is the native format in which Respondents' "hold" the calendar at issue? *See* Cal. Gov. Code 6253.9(a).
- Do Respondents contend that "exporting" the calendar in, for example, the iCalendar format creates a "non-native" record equivalent to a PDF? Is there any other way to transfer the information in a native format other than by exporting it?
- Does the question of whether a document is produced in a native format hinge on whether an exported file can be opened in the original software (*e.g.*, Microsoft Outlook), regardless of the format in which it is exported?

LEGAL ISSUES/LEGAL DETERMINATIONS

- Did Respondents 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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TO: Sunshine Ordinance Task Force
DATE: June 13, 2019
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RE: Complaint No. 19047: Anonymous v. Mayor London Breed and Hank Heckel, Office of the Mayor

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 petition, 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 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.

(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.

SEC. 67.29-5. CALENDARS OF CERTAIN OFFICIALS.

(a) The Mayor, City Attorney, Treasurer, Assessor-Recorder, District Attorney, Public Defender, Sheriff, every member of the Board of Supervisors, and every Department Head shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, either in person or by teleconference or other electronic means, with the exclusion of purely personal or social events at which no City business is discussed and that do not take place at City Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the City. For meetings not otherwise publicly recorded, the calendar shall include a general statement of issues discussed. Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date.

(b) For meetings or events with ten or fewer attendees, the calendar shall also identify the individual(s) present and organization(s) represented at the meeting or event if known by the official, unless the official is aware that the information would reveal the identity of a confidential whistleblower, would interfere with an individual's right to petition government where the individual has sought and been assured confidentiality, would disclose the attendance of members or representatives of a labor organization at a meeting to discuss matters within the scope of representation, as that term is defined in California Government Code Section 3504, would reveal personnel information not subject to disclosure, or is otherwise exempt from disclosure under State and local law.

(c) At any meeting or event with ten or fewer attendees, officials subject to subsection (a) of this Section 67.29-5 shall attempt to identify names of attendees present, and the organizations they represent; provided that an official shall not require any attendees to identify themselves, unless the official is aware that those attendees are campaign consultants registered with the Ethics Commission under Campaign and Governmental Conduct Code Article I, Chapter 5; lobbyists registered with the Ethics Commission under Campaign and Governmental Conduct Code Article II, Chapter 1; permit consultants registered with the Ethics Commission under Campaign and Governmental Conduct Code Article III, Chapter 4; Developers of Major Projects, as defined in Campaign and Governmental Conduct Code Section 3.510, if the Major Project is discussed at the meeting or event; and employees or representatives of any entity that has received a grant from or entered a contract with any City department within the previous 12 months. The official has no duty to ascertain whether any attendees fall into these categories. Within three business days after a meeting or event subject to this subsection (c), the official shall update the daily calendar to include the names of the attendees and organizations identified by or known to the official.

(d) For the purpose of calculating the total number of attendees at a meeting or event under subsections (b) and (c), an official shall not include himself or herself.

(e) The obligations imposed under subsections (b) and (c), and the obligations imposed upon members of the Board of Supervisors under subsection (a), shall not apply to meetings or events where City business is discussed only incidentally; to unplanned, casual conversations with residents; to campaign-related meetings, events, and appearances; or to meetings or events where all attendees are employees or officers in the official's City department, which for members of the Board of Supervisors shall mean that all attendees are members of the Board of Supervisors, legislative aides, or employees of the Office of the Clerk of the Board. Officials are not in violation of subsections (b) or (c), and members of the Board of Supervisors are not in violation of subsection (a), if they have made a good faith effort to comply with their obligations thereunder.

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.

(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:

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TO: Sunshine Ordinance Task Force
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(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.

(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. 19047

Anonymous v. Mayor London Breed and Hank Heckel, Office of the Mayor

Date filed with SOTF: 05/10/19

Contacts information (Complainant information listed first):
Anonymous (72902-46637773@requests.muckrock.com) (Complainant)
Mayor London Breed, Hank Heckel (hank.heckel@sfgov.org) (Respondents)

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.

Administrative Summary if applicable:

Complaint Attached.

Complainant/Petitioners Documents Submission

Leger, Cheryl (BOS)

From: 72902-46637773@requests.muckrock.com
Sent: Monday, July 1, 2019 2:11 PM
To: SOTF, (BOS)
Subject: RE: California Public Records Act Request #19047

July 1, 2019

This is a follow up to request number 19047:

I (anonymous in 19047) am happy to appear telephonically on July 23. I cannot be physically present however. 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 below:

My files to consider and include in the agenda/packet:
1. My complaint: https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72902/SF-Mayor-Calendar-SOTF-Appeal-72902.pdf
3. My rebuttal to Respondents' response:
https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72902/SF-Mayor-Calendar-Appeal-SOTF-19047-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).

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 72902-46637773@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%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAxJIxKbHL78P4hPis99Isuo1Y%3A1hi3Zk%3Agy_wqb5xJlHyKsYDmpdrE3dRyQU
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 72902
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.

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On June 25, 2019:
Subject: RE: California Public Records Act Request #19047
Thank you for the notice. I acknowledge receipt and have no objection to the continuance in 19047.

I would appreciate a response to my prior request to appear telephonically at the hearing, when you reschedule it - as I cannot be physically present. Please let me know conference call, Google Hangouts, Skype, or similar credentials by which I may answer any questions the Task Force may have.

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 June 25, 2019:
Subject: SOTF - Request for a continuance by Respondent
Dear Anonymous:

I just received a phone call from Hank Heckel of the Mayor's office who notified me that he will be out of the office on July 3 and therefore unavailable for the Compliance and Amendments Committee hearing on that date. Mr. Heckel also stated that there is no other person most knowledgeable available to attend this hearing from the Mayor's office. This request refers to file no. 19047 (complaint description below). By way of this email, I am also notifying the Chair of that Committee of the Respondent's request. Please acknowledge receipt of this message. Thank you.

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.

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

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On June 20, 2019:
Subject: RE: California Public Records Act Request #19047
RE: SOTF File 19047

I am happy to appear telephonically on July 3. I cannot be physically present however. 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 below:

My files to consider and include in the agenda/packet:
1. My complaint: https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72902/SF-Mayor-Calendar-SOTF-Appeal-72902.pdf
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Thanks,
Anonymous

On June 20, 2019:
Subject: SOTF - Notice of Hearing - Compliance and Amendments Committee; July 3, 2019 4:30 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 Compliance and Amendments 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 3, 2019

Location: City Hall, Room 408

Time: 4:30 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. 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.

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, June 26, 2019.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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On May 8, 2019:
Subject: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclosure Request
This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** 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). **

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

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items 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.

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): 72902-46637773@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%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAxJIxKbHL78P4hPis99lsuo1Y%3A1hi3Zk%3Agy_wqb5xJlHyKsYDmpdrE3dRyQU
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MuckRock News
DEPT MR 72902
411A Highland Ave
Somerville, MA 02144-2516

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Leger, Cheryl (BOS)

From: 72902-46637773@requests.muckrock.com
Sent: Tuesday, June 25, 2019 3:34 PM
To: SOTF, (BOS)
Cc: Heckel, Hank (MYR)
Subject: RE: California Public Records Act Request #19047

June 25, 2019

This is a follow up to request number 19047:

Thank you for the notice. I acknowledge receipt and have no objection to the continuance in 19047.

I would appreciate a response to my prior request to appear telephonically at the hearing, when you reschedule it - as I cannot be physically present. Please let me know conference call, Google Hangouts, Skype, or similar credentials by which I may answer any questions the Task Force may have.

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Anonymous

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https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAxJIxKbHL78P4hPis99lsuo1Y%3A1hfu1D%3Awd0zTQXn9ljKNkiD5rDe8zMwH7c&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dsotf%252540sfgov.org
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On June 25, 2019:
Subject: SOTF - Request for a continuance by Respondent
Dear Anonymous:

I just received a phone call from Hank Heckel of the Mayor's office who notified me that he will be out of the office on July 3 and therefore unavailable for the Compliance and Amendments Committee hearing on that date. Mr. Heckel also stated that there is no other person most knowledgeable available to attend this hearing from the Mayor's office. This request refers to file no. 19047 (complaint description below). By way of this email, I am also notifying the Chair of that Committee of the Respondent's request. Please acknowledge receipt of this message. Thank you.

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.

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

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On June 20, 2019:
Subject: RE: California Public Records Act Request #19047
RE: SOTF File 19047

I am happy to appear telephonically on July 3. I cannot be physically present however. 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 below:

My files to consider and include in the agenda/packet:
1. My complaint: https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72902/SF-Mayor-Calendar-SOTF-Appeal-72902.pdf
3. My rebuttal to Respondents' response:
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Thanks,
Anonymous

On June 20, 2019:
Subject: SOTF - Notice of Hearing - Compliance and Amendments Committee; July 3, 2019 4:30 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 Compliance and Amendments 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 3, 2019

Location: City Hall, Room 408

Time: 4:30 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. 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.

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, June 26, 2019.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

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On June 18, 2019:
Subject: RE: California Public Records Act Request #19047
Mr. Heckel,

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).

As I have noted in the past, the instant 19047 Task Force case raises similar (but not identical) issues to my case 19044 against the City Attorney's office. I was recently notified the by John Coté that the City Attorney's office will be working with their IT staff to further determine which metadata can be disclosed safely.

As your office I assume is advised by the the City Attorney's office on your metadata disclosure requirements as well, I hope your office and the City Attorney's office 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. I have sent Mr. Coté a similar email already.

I intend to continue to pursue both Task Force cases to ensure that, even if the respondents in both these cases eventually provide all non-exempt 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 right of the public to receive copies of non-exempt public records metadata when they ask for it.

Furthermore, and independently, I intend to pursue the argument that your office may not withhold (regardless of any metadata issues) calendar information merely because it is not on the Prop G list of minimum items the office must keep a record of.

Sincerely,

Anonymous

On June 7, 2019:
Subject: RE: California Public Records Act Request #19047
Thank you for this. We are still working through the issues raised by your petition and appreciate your patience.

[cid:image002.jpg@01D51D21.73207190]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 8, 2019:
Subject: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclosure Request
This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** 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). **

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

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items 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.

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

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QXn9ljKNkiD5rDe8zMwH7c&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dsotf%252540sfgov.org
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Leger, Cheryl (BOS)

From: 72902-46637773@requests.muckrock.com
Sent: Thursday, June 20, 2019 4:17 PM
To: SOTF, (BOS)
Subject: RE: California Public Records Act Request #19047

June 20, 2019

This is a follow up to request number 19047:

RE: SOTF File 19047

I am happy to appear telephonically on July 3. I cannot be physically present however. 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 below:

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3. My rebuttal to Respondents' response:
https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72902/SF-Mayor-Calendar-Appeal-SOTF-19047-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).

Thanks,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 72902-46637773@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAxJIxKbHL78P4hPis99Isuo1Y%3A1he6Im%3AeMK5VFf3humduXhE0SJeYJB794k&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%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 72902
411A Highland Ave
Somerville, MA 02144-2516

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On June 20, 2019:
Subject: SOTF - Notice of Hearing - Compliance and Amendments Committee; July 3, 2019 4:30 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 Compliance and Amendments 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 3, 2019

Location: City Hall, Room 408

Time: 4:30 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. 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.

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, June 26, 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 18, 2019:
Subject: RE: California Public Records Act Request #19047
Mr. Heckel,

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).

As I have noted in the past, the instant 19047 Task Force case raises similar (but not identical) issues to my case 19044 against the City Attorney's office. I was recently notified the by John Coté that the City Attorney's office will be working with their IT staff to further determine which metadata can be disclosed safely.

As your office I assume is advised by the the City Attorney's office on your metadata disclosure requirements as well, I hope your office and the City Attorney's office 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. I have sent Mr. Coté a similar email already.

I intend to continue to pursue both Task Force cases to ensure that, even if the respondents in both these cases eventually provide all non-exempt 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 right of the public to receive copies of non-exempt public records metadata when they ask for it.

Furthermore, and independently, I intend to pursue the argument that your office may not withhold (regardless of any metadata issues) calendar information merely because it is not on the Prop G list of minimum items the office must keep a record of.

Sincerely,

Anonymous

On June 7, 2019:
Subject: RE: California Public Records Act Request #19047
Thank you for this. We are still working through the issues raised by your petition and appreciate your patience.

[cid:image002.jpg@01D51D21.73207190]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 #19047
To the Supervisor of Records,

I previously petitioned you regarding my ref #72902, which is SOTF 19047, Anonymous v. Mayor London Breed and Hank Heckel, Office of the Mayor.
The Mayor provided a response to us in the SOTF case at:
https://cdn.muckrock.com/foia_files/2019/05/21/5.21.19_Response_to_SOTF_Complaint_File_19047_Re_Request_of_Anonymous.pdf
I have also sent a rebuttal to the SOTF:
https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72902/SF-Mayor-Calendar-Appeal-SOTF-19047-followup.pdf

I hope this additional information may be of use to you, and I look forward to your response.

Sincerely,
Anonymous

On June 4, 2019:
Subject: RE: California Public Records Act Request #19047
RE: SOTF - File No. 19047

Mr. Heckel, Mayor Breed, and Honorable Members of the Sunshine Ordinance Task Force,

I have attached a rebuttal to Mr. Heckel's response. I hope your Task Force will consider my complaint soon.

** 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). **

Sincerely,
Anonymous

On May 8, 2019:
Subject: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclosure Request
This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** 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). **

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

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items 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.

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): 72902-46637773@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAxJIxKbHL78P4hPis99Isuo1Y%3A1he6Im%3AeMK5VFf3humduXhE0SJeYJB794k&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dsotf%252540sfgov.org
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For mailed responses, please address (see note):
MuckRock News
DEPT MR 72902
411A Highland Ave
Somerville, MA 02144-2516

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Leger, Cheryl (BOS)

From: 72902-46637773@requests.muckrock.com
Sent: Monday, June 3, 2019 9:22 PM
To: Heckel, Hank (MYR)
Cc: SOTF, (BOS); Breed, Mayor London (MYR)
Subject: RE: California Public Records Act Request #19047
Attachments: SF-Mayor-Calendar-Appeal-SOTF-19047-followup.pdf

June 4, 2019

This is a follow up to request number 19047:

RE: SOTF - File No. 19047

Mr. Heckel, Mayor Breed, and Honorable Members of the Sunshine Ordinance Task Force,

I have attached a rebuttal to Mr. Heckel's response. I hope your Task Force will consider my complaint soon.

** 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). **

Sincerely,
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 72902-46637773@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAxJIlHIMv5WCJDSHoGRqLEvZI%3A1hY0xO%3AcybBfyEkLjcMqUc5AOTsUI5WQo8&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dhank.heckel%252540sfgov.org
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On May 21, 2019:
Dear Honorable Members of the Sunshine Ordinance Task Force,

Please see the attached response to the complaint noticed below, and the attached associated files.
Best Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

On May 21, 2019:
To Whom It May Concern:

I write to inform you that we are 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@01D51003.935E8850]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 15, 2019:
Attached is a new petition to the Supervisor of Records.

** 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 14, 2019:
Good Morning:

Mayor London Breed, Hank Heckel and the Office of the Mayor 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

<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 May 11, 2019:
The following Sunshine Task Force complaint against Office of Mayor was filed earlier today:
https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72902/SF-Mayor-Calendar-SOTF-Appeal-72902.pdf

** 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). **

Thank you,
Anonymous

On May 8, 2019:
This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** 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). **

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

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items 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.

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): 72902-46637773@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAxJIlHIMv5WCJDSHoGRqLEvZI%3A1hY0xO%3AcybBfyEkLjcMqUc5AOTsUI5WQo8&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dhank.heckel%252540sfgov.org
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For mailed responses, please address (see note):
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72902-46637773@requests.muckrock.com (Anonymous requestor)
US mail to: MuckRock News, DEPT MR 72902, 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
1 Dr. Carlton B. Goodlett Place
San Francisco CA 94102
sotf@sfgov.org
sent via email

Your ref.
#19047

Date
2019-06-03

RE: SF Sunshine Ordinance Complaint against Office of Mayor, ref 19047

To the 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 11, 2019, I filed a Sunshine Ordinance complaint with your Task Force against the Office of the Mayor, Mayor London Breed, Hank Heckel, and sent a copy to the Mayor's office by email as a courtesy.

On May 14, 2019, Cheryl Leger, Assistant Clerk, Board of Supervisors captioned my complaint *19047, Anonymous v. Mayor London Breed and Hank Heckel, Office of the Mayor* and requested from the Office of the Mayor a response within 5 business days.

On May 21, 2019, Mr. Heckel on behalf of the Mayor filed their response. A rebuttal to the Mayor's response follows below.

1. **Prop. G does not limit the portions of calendars that are disclosable public records**

    a) Respondents argue that all (1999) Prop. G (SF Admin Code Sec. 67.29-5) information was disclosed (Response pg. 2) and in the "Prop G format" (Response pg. 1). However, SF Admin Code Sec. 67.29-5 merely sets the *minimum* requirements for what calendar

information *must* be kept by the Mayor (and other specified officials). It in no way excludes other information from being disclosed, and does not alter the definition of "public records" under the Sunshine Ordinance or CPRA in anyway. If the Mayor's office in fact prepares, owns, uses, or retains any additional calendar or scheduling information (in paper or electronic format) re: the Mayor's calendar beyond the requirements of SF Admin Code Sec. 67.29-5, "relating to the conduct of the public's business," those records or portion thereof would also be public records, and must be disclosed unless specifically exempt under the CPRA/Sunshine Ordinance.

b) Respondents argue "The *Prop G* calendar maintained by the Office of the Mayor does not use the invite feature of the Outlook calendar to invite and record attendees" (Response pg. 2, emphasis mine). The disclosed record itself is labeled "PropG, Mayor (MYR)." It is unclear whether there is some other (non-Prop G) calendar maintained by the Mayor's office. Our request was for, *inter alia*, "an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, ..." Therefore either the Mayor's office should declare that it has no other records responsive to our request (i.e. the Mayor keeps no more detailed calendar information other than Prop. G information, which is difficult to believe) or state that all other such records are exempt from disclosure, with specific justification. The fact that information is not part of Prop. G/SF Admin Code Sec. 67.29-5 is not a justification for exemption. Furthermore, Prop. G (SF Admin Code Sec. 67.29-5) does not specify any format for calendar information. Neither SF Admin Code Sec. 67.29-5 nor any other provision of the Sunshine Ordinance can be interpreted in a way that would reduce my rights under the state-wide CPRA or conflict with it. To the extent that Respondents argue that *only* Sec. 67.29-5 calendar information is public, such argument would violate the CPRA.

c) Respondents argue no "substantiative information" has been withheld (Response pg. 1, 2). The CPRA and Sunshine Ordinance do not permit public agencies to determine for themselves what information is "substantiative." These laws concern themselves with the records only, and let the public decide for itself what records are important. However, I also argue why the information I seek is important below.

2. **Metadata is not categorically exempt from disclosure**

a) As background, while not binding upon your Task Force, consider this note from League of California Cities' "The People's Business"[1]:

> Agencies that receive requests for metadata or requests for records that include metadata should treat the requests the same way they treat all other requests for electronic information and disclose nonexempt metadata.

It also points out that "evolving law in other jurisdictions has held that local agency

[1]Retrieved June 3, 2019. April 2017. League of California Cities. "The People's Business." Page 14. http://www.cacities.org/Resources/Open-Government/THE-PEOPLE%E2%80%99S-BUSINESS-A-Guide-to-the-California-Pu.aspx

metadata is a public record subject to disclosure unless an exemption applies"[2] (see *Lake v. City of Phoenix*, (2009) 218 P.3d 1004, 1008; *O'Neill v. City of Shoreline* (2010) 240 P.3d 1149, 1154; *Irwin v. Onondaga County* (2010) 895 N.Y.S.2d 262, 268.).

b) Respondents argue that they do not index metadata as records, do not generally search metadata, and (this Administration) have not provided them in the past (Response pg. 3). The Mayor's failure to index and in the past search for or provide metadata has no bearing on whether they are, under the Sunshine Ordinance or CPRA, in fact, public records. Furthermore, the Office of the Mayor (under Mayor Lee) did provide, for example, certain metadata (i.e. From, To, Sent, and Subject headers) in response to e-mail records request[3]. Calendars and emails are not identical, and I do not concede that those few headers constitute sufficient disclosure (and in fact argue as much under a separate parallel SOTF complaint *19044, Anonymous v. Dennis Herrera, Elizabeth Coolbrith*), but it is the case that *some* metadata has in fact been disclosed by the Office of the Mayor in the past.

c) Respondents argue that metadata could create security risks or disclose privileged information (Response pg. 3). Respondents cite certain articles regarding hacking of the City of Atlanta systems (Response Attachment pp. 12–19), however the article itself does not seem to argue that such breaches were caused by disclosure of metadata. It is however the case that *certain* headers and similar could in fact create security risks, but this is not a blanket reason to withhold *all* headers or metadata.

d) There are ways for the Mayor (and other City agencies) to both meet their requirements under the Sunshine Ordinance, CPRA, and California Constitution while protecting the City's security. One proposal I made in *19044, Anonymous v. Dennis Herrera, Elizabeth Coolbrith* was[4]:

> 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 specifc [sic] content is exempt);

A similar process can be used for calendar items and electronic records in general: that the City consult with IT security experts and provide uniform policies on which headers/metadata are genuinely exempt due to security concerns and directing that others can be safely released.

[2] Ibid.
[3] See for example https://www.muckrock.com/foi/san-francisco-141/ed-lee-emails-52899/
[4] My May 17, 2019 follow-up to SOTF 19044, pg. 3, https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf

e) Respondents argue it is "necessary to withhold metadata that describes unique identifiers for individual computer terminals and computer servers and associated security certificates and similar information." (Response pg. 3) To the extent that means IP addresses and certificate private keys are exempt under the Sunshine Ordinance, I do not disagree. I am not sure how certificate private keys could be stored in calendar items.

f) To the extent that metadata could include attorney-client privilege, work product privilege, identity of a confidential whistleblower or protected health information (Response pg. 3), that concern exists for the non-metadata "body" of any record as well. It is routinely redacted and handled correctly by City agencies, and it should be no different for metadata. In *SOTF 19044, Anonymous v. Dennis Herrera, Elizabeth Coolbrith* for example, the City Attorney disclosed a redacted version of an email I requested by printing the entire record with all headers and then redacting the ones they felt were exempt from disclosure[5]. I argued[6] in *19044* that this disclosure remains insufficient due to the specifics of the headers not disclosed, but it shows that a process is possible.

3. **Respondents should disclose calendars in their native formats**

a) Respondents argue the iCalendar format would be a native file of the whole calendar (Response pg. 4). I agree, and that would be a record responsive to my request. Metadata would in fact have need to be redacted appropriately (see 2f above). Respondents argue the .ics format is not typically used or maintained by them (Response pg. 4). However, the '.ics' format *is* another name for the iCalendar format.[7] I used both names in my request since they may not be familiar terms.

b) Respondents argue that they do not hold "the *Prop G* calendar in an iCalendar, .ics or Vcard format" (emphasis mine, Response pg. 3). First, as argued in my Part 1, I have never requested only the *Prop G* calendar – all calendar information for the Mayor, in any format, for the days requested are responsive public records. Second, while Respondents may neither "hold" nor make copies for themselves or other agencies in iCalendar or vCard formats, it is difficult to believe that the only format Respondents hold calendar records is in PDF – this would be impractical to edit and use on a day-to-day basis. My request was for "an electronic copy, in the original electronic format" of the calendar. From the appearance of the disclosed partial calendar record, it appears the Respondents use Microsoft Outlook and/or Exchange for their Calendars. Microsoft Outlook/Exchange certainly do not "hold" calendar data in PDF formats. I did suggest .ics, iCalendar, or vCard as potential formats, as they are well-known or standardized formats. If anything, the concern about security risks should be lower using, for example, iCalendar, since it is publicly defined as a standard in IETF RFC 5545 (`https://tools.ietf.org/html/rfc5545` – as subsequently amended by RFCs 5546, 6868, 7529, 7953, 7986). Using the native formats does not preclude Respondents from redacting that specific information which is exempt under the Sunshine Ordinance.

[5] See `https://cdn.muckrock.com/foia_files/2019/05/17/4-18-19_Email_Received_Redacted.pdf`
[6] My May 17, 2019 follow-up to SOTF 19044, pp. 2–3, `https://cdn.muckrock.com/outbound_request_attachments/Anonymous_2859385/72056/SF-Email-Appeal-72056-SOTF-19044-corrected-a.pdf`
[7] `https://en.wikipedia.org/wiki/ICalendar`

4. **Respondents failed to justify their withholding adequately.** On May 9, 2019, Respondents cited Cal. Gov. Code 6253.9(a)(1) and Cal. Gov. Code 6253.9(f) as reasons to provide PDF formats as opposed to the original electronic format. They addressed solely the format issue. They provided us no determination whether the metadata/headers I requested existed and did not state they were withholding it (SF Admin Code 67.21(b), Govt Code 6253(c)), and they did not justify doing so (SF Admin Code 67.27). Furthermore, SF Admin Code 67.26 states in relevant part:

   > 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.

   If Respondents wished to withhold metadata/headers they should have printed it out in PDF format (since they prefer PDF), redacted the specific portions, and justified each redaction. If any non-"Prop G" calendar records do in fact exist (something I do not believe has been determined), Respondents did not address their existence or withholding in their response, either.

5. **Metadata and native formats include information that is both non-exempt and important.** San Francisco does not permit its agencies to use the public interest balance exemption (SF Admin Code 67.24(g,i)), however, I thought it would be useful to explain why non-exempt metadata and native formats may be useful to the public. Native formats allow the public to easily search, index, import, and analyze information about the public business; PDFs create an additional barrier to making this information universally accessible as they are not optimized for calendar storage. Metadata that does not put the City at risk for security breaches and is not otherwise exempt include information such as which event attendees accepted/rejected an invite, when an invite was created, when it was sent or received, who actually sent it (the Mayor, vs. her subordinates), which party initiated the calendar invite and more. Metadata can help answer common investigative and journalistic questions including "who knew what, and when did they know it?"

I respectfully ask that your Task Force find the Respondents did violate the Sunshine Ordinance through their May 9, 2019 response to my records request, that Respondents continue to do so, and direct the Respondents to:

1. Disclose all other calendar records (in whatever form, whether Prop G or not Prop G) in the date range requested.

2. Disclose all metadata/header names and all values except those values specifically exempt (regardless of the format used).

3. Produce the calendar records (including both the Prop G records previously disclosed in PDF form, and any new calendar items they disclose) in their native electronic format (or another format like iCalendar if it preserves those metadata).

Item 1 should be performed even if your Task Force finds all metadata categorically exempt and does not find that the Respondents are required to produce records in their original electronic format. Per our original request: "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 hope that the complaint is now ripe for consideration by your Task Force or a committee thereof. As it would be difficult for me to be physically present at any in-person hearings, and in order to maintain my anonymity, I would appreciate the opportunity to be heard via conference call (telephone, Google Hangouts, Skype, etc.) if needed. Since this e-mail mailbox is completely public, I can send an email from a private address to retrieve conference call connection information if it is available.

Sincerely,

72902-46637773@requests.muckrock.com (Anonymous requestor)

72902-46637773@requests.muckrock.com (Anonymous requestor)
US mail to: MuckRock News, DEPT MR 72902, 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: Office of the Mayor (mayorsunshinerequests@sfgov.org)
sent via email and web-form to Task Force, email to Office of Mayor

Our ref.
#72902

Date
2019-05-10

RE: SF Sunshine Ordinance Complaint against Office of Mayor, ref 72902

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 72902-46637773@requests.muckrock.com)

Date of Request: May 8, 2019

Complaint Against Employees: London N. Breed (Breed) in her official capacity as Mayor, Hank Heckel (Heckel) in his official capacity as Compliance Officer for Office of Mayor

Complaint Against Agency: Office of Mayor

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 May 8, 2019 we sent a San Francisco Sunshine Ordinance (Ordinance) and California Public Records Act (CPRA) request to the Office of Mayor (enclosed herein as Exhibit A, which also includes the communication back and forth with the Mayor's office and Heckel) for, *inter alia*:

> "1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."
>
> We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.
>
> However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items 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.

On May 8, 2019 Heckel acknowledged the request and on May 9, 2019 Heckel replied on behalf of Breed with records responsive to the request in relevant part:

> Re: Public Records Request received May 8, 2019
>
> To whom it may concern:
>
> This responds to your Immediate Disclosure Request below.
>
> Response Dated April 24, 2019 *[sic]*
>
> Thank you for your inquiry. Please see attached the requested information.
>
> This information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Moreover, pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record. The PDF format ensures the security and integrity of the original record.

and attached a PDF form (Exhibit B – the PDF file itself can also be downloaded at `https://cdn.muckrock.com/foia_files/2019/05/09/MuckRock_Calendar_Request_4-27_-_5-4.pdf`) of the requested calendar including only: times, physical locations, and titles of events and names or descriptions of some attendees, to which I replied on the same day in relevant part:

> We do not believe your arguments re: the acceptability of PDF format are valid and intend to contest them at the Sunshine Task Force. First, 6253.9(f) protects the integrity and security of the *original* record, not the copy of the record you provide to the public. Regardless, PDFs which are not digitally signed can be quite easily edited by anyone, no differently than editing say the .ics calendar file you could have provided to us. Second, 6253.9(a)(1) plainly requires provision of the *[sic]* in "any electronic format in which it holds the information" and we asked for the original format. Our understanding of computer systems indicates that format is not PDF.
>
> In the mean time, I will point out that the original electronic format of the Mayor's calendar may contain substantial additional information (such as email addresses, conference call numbers, actual names of attendees instead of group descriptions, the acceptance/rejection of individual attendees to the invite, etc.) than that which was printed out for us. In addition to, and separately from, not being in the original format, by converting to PDF, you may have withheld such portions of the record from us, without pointing out to us that the portions were in fact withheld nor providing statutory justification for exemption (required by CPRA and the Sunshine Ordinance) nor providing the name and title of the official responsible for such withholding. Please provide all such information, if any information was withheld in the PDF you released to us, as compared to the original format.

Since I had previously requested the entire calendar items in their original electronic format, 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 May 9, 2019, Heckel's response did not justify withholding portions of the responsive calendar records (namely the headers and metadata, which we had specifically requested in our original request). No statutory nor case law authority was provided. Note Heckel provided an argument (which we believe to be wrong, see below) for why he had not provided the original format. He did not provide any justification for withholding the header and metadata information, even in PDF format. Our original request did indicate that if the Mayor were to convert the calendar to PDF format, we still wanted the entire record with all headers, metadata, etc.

We specifically asked for calendars in the original electronic format. Calendars are not stored in PDF format by calendaring systems. From the City's SB 272 enterprise systems list, it appears the

City[1] uses Microsoft Exchange/Outlook as its email and calendaring system. Such a system should be able to export a full copy of calendar items in iCalendar/.ics format, which preserves most if not all of the item's content. This could be done by simply printing out the .ics/iCalendar exported file and redacting as needed.

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

On May 9, 2019, responsive records as provided in an attachment to Heckel's response (Exhibit B) did not withhold the minimum necessary portions of the calendars requested. While it may be argued that some of the headers of a calendar item could be withheld for privacy reasons (though we do not concede such point), that does not mean the Mayor can withhold all portions of the calendar items other than Time, Title, Physical Location, and (sometimes) Attendee Names/Descriptions.

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 Heckel's May 9, 2019 response wherein he did not indicate that the Mayor was withholding the remaining portions of the full calendar item records, with headers and metadata.

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 May 9, 2019 since Heckel provided the calendars 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. As described in Complaint 1, paragraph 2, we believe exporting of calendar items in iCalendar/.ics format should be easy given the City's systems.

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 second paragraph of complaint #3.

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 (headers, metadata) that are not exempt under the law were deleted by using the PDF print-out formats that the Mayor chose.

[1]For some reason, it appears only SF Public Health has listed its email system, not the Mayor, so this is an extrapolation.

6. Violations of CA Govt Code 6255

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

D. REBUTTALS:

1. CA Govt Code 6253.9(a)(1) does not permit use of formats for "transferability and accessibility"

In Heckel's May 9 response, the Office of the Mayor argued "This information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1)."

By its plain language, that is not what 6253.9(a)(1) requires. CA Govt Code 6253.9(a) reads:

> (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.

Since there is no ambiguity in the statute's language, 6253.9(a)(1) should be given its plain meaning. Nothing in this clause refers to conversion of files for transferability and accessibility.

2. CA Govt Code 6253.9(f) protects the security and integrity of originals, not copies

In Heckel's May 9 response, the Office of the Mayor argued "pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record. The PDF format ensures the security and integrity of the original record."

This argument fails for two reasons.

Most importantly, 6253.9(f) states (emphasis mine) "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." The Mayor appears to believe that the PDF format makes it harder for someone to modify the file. However that would be (if it was true) a protection of the integrity of *the copy*. That is not what the statute requires.

Otherwise, physical copies could not be provided under the CPRA, as they can be easily altered in writing/printed, and recopied, and passed off as the originals.

Secondarily, the PDF format, in the form that the Mayor has used it to provide the responsive record on May 9, does not even protect the security and integrity of *the copy*. Anyone can modify a PDF file with, among many other products, Apple's Preview app (a free default app that comes with Mac OS X computers), Adobe's Acrobat or Photoshop. Persons could also of course modify the iCalendar/.ics exported file copies just as easily. If the Mayor wants to use the PDF format to protect the copies (even though that is not what the statute requires), they would need to be, for example, digitally signed, which is an information technology solution that uses cryptography to make it extremely difficult to pass off an altered version of the copy as identical to the original. My examination of the PDF file provided by Heckel (`https://cdn.muckrock.com/foia_files/2019/05/09/MuckRock_Calendar_Request_4-27_-_5-4.pdf`) shows no indication of a standard PDF digital signature.

E. RELIEF REQUESTED

I have a parallel pending complaint (*Anonymous v. Dennis Herrera, Elizabeth Coolbrith*, SOTF File No. 19044) against the Office of the City Attorney for similar (but not identical) claims regarding alleged failure to disclose emails (not calendars) in their full, original electronic format. I ask the Task Force to keep in mind the possible conflicts of interest apparent in an attorney from the Office of City Attorney assisting the Task Force on this complaint, for which a ruling in my favor would tend to also favor finding against the City Attorney in case 19044 as well.

I ask the Task Force to find that the Office of the Mayor violated the Sunshine Ordinance (including any requirements of the CPRA incorporated by reference in SF Admin Code) on May 9, 2019.

I ask the Task Force to direct the Mayor or her delegate to produce the full calendars we originally requested, with redaction of only those headers or metadata (if any) that can be justified legally and explicitly.

I ask the Task Force to direct that calendars be produced by San Francisco agencies subject to the Sunshine Ordinance in their original format, preserving headers and metadata, 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 reserve my right to petition the Supervisor of Records and/or any judicial remedies that may be available.

encl: Exhibit A – Original Request and Communications with Mayor's Office

encl: Exhibit B – Responsive record titled "MuckRock Calendar Request 4-27 - 5-4.pdf"

Exhibit A

Correspondence with Office of Mayor
The MuckRock system censors the email address
as 'requests@muckrock.com' in certain locations.

From: Anonymous Person 05/08/2019

Subject: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclosure ... Email

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** 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). **

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

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items 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.

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: Anonymous Person 05/08/2019

Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclos... Email

We remind you of your obligation under City of San Jose v Superior Court (2017) to search personal accounts/devices for calendar items regarding the public's business, as appropriate.

** 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). **

From: Office of the Mayor 05/08/2019

Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclos... Email

Received. We are processing our response.

Thank you,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
(415) 554-4796

From: Office of the Mayor 05/09/2019

Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclos... Email

VIA ELECTRONIC MAIL
Requestor: Anonymous

Email: requests@muckrock.com

May 9, 2019

Re: Public Records Request received May 8, 2019

To whom it may concern:

This responds to your Immediate Disclosure Request below.

Response Dated April 24, 2019

Thank you for your inquiry. Please see attached the requested information.

This information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Moreover, pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record. The PDF format ensures the security and integrity of the original record.

Please also note that we are responding on behalf of the Mayor's Office only, and not on behalf of other city departments.

If you have any questions about your request or would like to submit another public records request, please feel free to contact us

at mayorsunshinerequests@sfgov.org<mailto:mayorsunshinerequests@sfgov.org>.
Best Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

MuckRock Calendar Request 4-27 - 5-4

View Embed Download

From: Anonymous Person 05/09/2019

Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclos... Email

We do not believe your arguments re: the acceptability of PDF format are valid and intend to contest them at the Sunshine Task Force. First, 6253.9(f) protects the integrity and security of the *original* record, not the copy of the record you provide to the public. Regardless, PDFs which are not digitally signed can be quite easily edited by anyone, no differently than editing say the .ics calendar file you could have provided to us. Second, 6253.9(a)(1) plainly requires provision of the in "any electronic format in which it holds the information" and we asked for the original format. Our understanding of computer systems indicates that format is not PDF.

In the mean time, I will point out that the original electronic format of the Mayor's calendar may contain substantial additional information (such as email addresses, conference call numbers, actual names of attendees instead of group descriptions, the acceptance/rejection of individual attendees to the invite, etc.) than that which was printed out for us. In addition to, and separately from, not being in the original format, by converting to PDF, you may have withheld such portions of the record from us, without pointing out to us that the portions were in fact withheld nor providing statutory justification for exemption (required by CPRA and the Sunshine Ordinance) nor providing the name and title of the official responsible for such withholding. Please provide all such information, if any information was withheld in the PDF you released to us, as compared to the original format.

** 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). **

Thank you.

Exhibit B
Responsive record produced by Heckel
on May 9, 2019

Page 4 of the calendar contained fonts missing on my computer - they appear to be merely bullet points.

PDF file available at:
https://cdn.muckrock.com/foia_files/2019/05/09/MuckRock_Calendar_Request_4-27_-_5-4.pdf

April 27, 2019
Saturday

8:45 AM - 9:15 AM	North Beach Farmers Market 2019 Season Open -- 699 Columbus Avenue, San Francisco, CA 94133
11:55 AM - 1:25 PM	12th Annual McKinley Elementary School Dogfest -- Duboce Park, Noe Street at Duboce Avenue, San Francisco, CA 94114
7:05 PM - 7:20 PM	A Banner of Love Gala: A Night in Venice -- St. Mary's Cathedral, 1111 Gough St., San Francisco
7:35 PM - 8:00 PM	San Francisco Gay Men's Chorus Crescendo Gala -- The Fairmont San Francisco, 950 Mason Street, Main Ballroom
8:40 PM - 9:00 PM	Beyond Differences Gala -- Terra Gallery, 511 Harrison Street, San Francisco

April 28, 2019
Sunday

12:30 PM - 1:00 PM	St. Francis Wood Women's League Annual Luncheon -- The Olympic Club Lakeside, Garden Court, 599 Skyline Blvd, San Francisco, CA 94132
7:00 PM - 7:30 PM	North Beach Citizens' Spring Dinner -- 666 Filbert Street, San Francisco CA 94133

April 29, 2019
Monday

9:00 AM - 9:30 AM	Meeting Re: Staff Check In -- Remote Conference Call Attendees: - Mayor's Office Staff
1:05 PM - 1:30 PM	Meeting with President Yee Re: District 7 -- City Hall, Room 200, Mayor's Office Attendees: - President Yee, Supervisor for District 7, Board of Supervisors - Jen Lowe, Legislative Aide, Board of Supervisors - Mayor's Office Staff
1:39 PM - 1:46 PM	Press availability re: MTA Director -- City Hall, Room 200
1:51 PM - 2:10 PM	Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office Attendees: - Mayor's Office Staff
2:34 PM - 2:45 PM	Swearing In Ceremony for Sophie Maxwell and Tim Paulson -- City Hall, International Room Attendees: - Sophie Maxwell, Public Utilities Commission Appointee - Tim Paulson, Public Utilities Commission Appointee

April 29, 2019 Continued
Monday

- Harlan Kelly Jr., General Manager, San Francisco Public Utilities Commission
- Larry Mazzola Jr., President (Plumbers & Pipe Fitters Local 38), Recreation and Park Commissioner
- Sandra Duarte, Executive Assistant San Francisco Building and Construction Trades Council
- Kim Tavaglione, Campaign Director San Francisco Labor Council
- Willie Adams, Port Commissioner
- Mayor's Office Staff

3:01 PM - 3:29 PM — **Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office**

Attendees:
- Mayor's Office Staff

3:31 PM - 4:03 PM — **Meeting Re: City Operations and Government Affairs -- City Hall, Room 200, Mayor's Office**

Attendees:
- Mayor's Office Staff

4:10 PM - 4:55 PM — **Meeting Re: Housing Bond with Supervisor Yee and Members of Housing Bond Working Group -- City Hall, Room 201**

6:00 PM - 6:30 PM — **Grace Cathedral Paris Sister City Event for Notre-Dame, Sri Lanka, Louisiana Churches, and Poway Synagogue -- Grace Cathedral, 1100 California Street**

6:45 PM - 8:00 PM — **Recode Decode Podcast Live Recording -- Manny's 3092 16th Street**

April 30, 2019
Tuesday

9:00 AM - 9:30 AM — **Meeting Re: Staff Check In -- Remote Conference Call**

Attendees:
- Mayor's Office Staff

10:35 AM - 10:50 AM — **Public Works Week Awards and Pins Ceremony -- Moscone Center South, Third Floor, 747 Howard St.**

12:00 PM - 12:30 PM — **Telephone Interview with LA Times Reporter Heidi Chang -- Remote Conference Call**

Attendees:
- Heidi Chang, Reporter, Los Angeles Times
- Mayor's Office Staff

12:35 PM - 1:15 PM — **Meeting Re: Budget -- City Hall, ROom 200, Mayor's Office**

Attendees:
- Mayor's Office Staff

April 30, 2019 Continued
Tuesday

1:34 PM - 1:50 PM

Meeting Re: Town Hall Event -- City Hall, Room 200, Mayor's Office
Attendees:
- Mayor's Office Staff

2:09 PM - 2:45 PM

Meeting with San Francisco Latino Parity and Equity Coalition -- City Hall, Room 201

2:46 PM - 3:10 PM

Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office
Attendees:
- Mayor's Office Staff

3:10 PM - 3:33 PM

Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office
Attendees:
- Mayor's Office Staff

May 1, 2019
Wednesday

9:00 AM - 9:30 AM

Meeting Re: Staff Check In -- Remote Conference Call
Attendees:
- Mayor's Office Staff

10:00 AM - 10:30 AM

Live Phone Interview with KIQI -- Remote Conference Call
Attendees:
- Isabel Gutierrez, KIQI radio host
- Marcos Gutierrez, KIQI radio host
- Mayor's Office Staff

11:00 AM - 11:30 AM

Fire Station 5 Ribbon Cutting -- Fire Station No. 5, 1301 Turk St

12:00 PM - 12:15 PM

Jewish Vocational Service Strictly Business Luncheon -- San Francisco Marriott Marquis Hotel, 780 Mission Street

2:04 PM - 2:43 PM

Meeting Re: City Services and Operations -- City Hall, Room 200, Mayor's Office
Attendees:
- Naomi Kelly, City Administrator, City and County of San Francisco
- Heather Green, Capital Planning Director, City and County of San Francisco
- Mayor's Office Staff

2:43 PM - 2:46 PM

Swearing In Ceremony for Frank Fung -- City Hall, Room 200, Mayor's Office
Attendees:
- Frank Fung, Planning Commissioner
- Aimee Fung, Daughter of Frank Fung
- Mayor's Office Staff

May 1, 2019 Continued
Wednesday

2:46 PM - 3:13 PM — **Meeting Re: City Services and Operations -- City Hall, Room 200, Mayor's Office**

Attendees:
- Naomi Kelly, City Administrator, City and County of San Francisco
- Heather Green, Capital Planning Director, City and County of San Francisco
- Mayor's Office Staff

3:20 PM - 3:46 PM — **Meet and Greet with Jamestown Community Center Youth -- City Hall, International Room**

4:03 PM - 4:35 PM — **Meeting Re: Public Safety -- City Hall, Room 200 Mayor's Office**

Attendees:

Chief William Scott, SFPD
Deirdre Hussey, Director of Policy and Public Affairs, SFPD
Mayor's Office Staff

5:00 PM - 5:20 PM — **Neighborhood Preference Program Tour and SFGovTV Interview -- 150 Van Ness**

Attendees:
- Mario Watts, resident
- Josiah Watts, resident
- Kim Dubin, Mayor's Office of Community Housing and Development
- Max Barnes, Mayor's Office of Community Housing and Development
- Mayor's Office Staff

5:30 PM - 6:00 PM — **Asian Pacific American Heritage Month Awards and Reception Celebration -- Herbst Theater, War Memorial Building, 401 Van Ness Avenue**

May 2, 2019
Thursday

9:00 AM - 9:30 AM — **Meeting Re: Staff Check In -- Remote Conference Call**

Attendees:
- Mayor's Office Staff

12:04 PM - 12:25 PM — **Lest We Forget Photo Exhibit for Holocaust Remembrance Day -- City Hall, Room 200, Mayor's Office**

12:31 PM - 12:48 PM — **Meeting re: Street Conditions -- City Hall, Room 200, Mayor's Office**

Attendees:
- Chief William Scott, Chief of Police, San Francisco Police Department
- Dr. Grant Colfax, Director, Department of Public Health
- Mohammed Nuru, Director, Department of Public Works
- Jeff Kositky, Director, Department of Homelessness and Supportive Housing
- Mary Ellen Carrol, Director, Department of Emergency Management
- Mayor's Office Staff

May 2, 2019 Continued
Thursday

1:31 PM - 2:11 PM — **Meeting Re: Budget -- City Hall, Room 200, Mayor's Office**
Attendees:
- Mayor's Office Staff

2:14 PM - 2:34 PM — **Meeting Re: Communications -- City Hall, Room 200, Mayor's Office**
Attendees:
- Mayor's Office Staff

2:34 PM - 3:07 PM — **Meeting Re: Commissions -- City Hall, Room 200, MO**
Attendees:
- Mayor's Office Staff

3:10 PM - 3:41 PM — **Meeting with Civil Grand Jury -- City Hall, Room 201**

3:42 PM - 3:49 PM — **Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office**
Attendees:
- Kylecia Broom, Community Development Assistant, Mayor's Office of Housing and Community Development
- Steven Gallardo, Displaced Tenant Housing Preference Program Coordinator, Mayor's Office of Housing and Community Development
- Mayor's Office Staff

5:30 PM - 6:00 PM — **Alliance of Black School Educators Scholarship and Salute Banquet -- African American Art and Culture Complex, 762 Fulton Street, 3rd Floor**

May 3, 2019
Friday

9:00 AM - 9:30 AM — **Meeting Re: Staff Check In -- Remote Conference Call**
Attendees:
- Mayor's Office Staff

1:00 PM - 1:30 PM — **Downtown Streets Team Mission Ribbon Cutting -- 3100 17th Street, San Francisco**

May 4, 2019
Saturday

3:30 PM - 4:30 PM — **San Francisco Lowrider Council Cinco De Mayo John O'Connell High School Car Show and Cruise -- John O'Connell High School Parking Lot, 2300 Block of Harrison Street**

May 4, 2019 Continued
Saturday

6:10 PM - 6:40 PM	**The Association of Chinese Teachers 50th Anniversary Gala --, Scottish Rite Masonic Center, 2850 19th Avenue**

Respondents Document Submission

Leger, Cheryl (BOS)

From: Heckel, Hank (MYR)
Sent: Tuesday, May 21, 2019 7:23 PM
To: SOTF, (BOS)
Cc: Breed, Mayor London (MYR); 72902-46637773@requests.muckrock.com
Subject: RE: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19047
Attachments: 5.21.19 Response to SOTF Complaint File 19047 Re Request of Anonymous.pdf; Attached Files to Response to SOTF Complaint File 19047.pdf

Dear Honorable Members of the Sunshine Ordinance Task Force,

Please see the attached response to the complaint noticed below, and the attached associated files.

Best Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

From: SOTF, (BOS)
Sent: Tuesday, May 14, 2019 11:12 AM
To: Heckel, Hank (MYR) <hank.heckel@sfgov.org>; Breed, London (MYR) <london.breed@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>
Cc: 72902-46637773@requests.muckrock.com
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19047

Good Morning:

Mayor London Breed, Hank Heckel and the Office of the Mayor 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.

Office of the Mayor
City & County of San Francisco

Via E-mail Only to SOTF@sfgov.org

Honorable Members of the Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

May 21, 2019

Re: *File No. 19047, Anonymous (c/o 72902-46637773@requests.muckrock.com) v. Office of the Mayor, Mayor London Breed, and Hank Heckel*

Dear Honorable Members of the Sunshine Ordinance Task Force ("SOTF"):

This letter serves as the response of the Office of the Mayor, Mayor London Breed and Hank Heckel (collectively "Respondents") to the complaint designated File No. 19047, filed by an Anonymous requestor using an email address affiliated with MuckRock.com. *See* Complaint Noticed to Respondents on May 14, 2019. The complaint alleges a violation of S.F. Administrative Code Section 67.25 "by failing to respond to a request for public records in a timely and/or complete manner." Respondents respectfully submit that the Office of the Mayor has responded to Anonymous's request in a timely and appropriate manner and has not violated the Sunshine Ordinance.

Background

On the afternoon of May 8, 2019, the Anonymous Complainant submitted an Immediate Disclosure Request to the Office of the Mayor seeking "an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)." *See* Anonymous E-mail sent at 2:09 PM, 5/8/19.

On the afternoon of May 9, 2019, the Office of the Mayor timely responded with a copy of the requested calendar entries containing the times of meetings and events, places of such meetings and events, names and information regarding attendees and a general statement of the issues discussed at a meeting or event, consistent with the "Prop G" calendar requirements. *See* Heckel E-mail sent at 4:13 PM, 5/9/19 and attached file; S. F. Admin Code § 67.29-5. The Office of the Mayor provided this information in a PDF format to avoid compromising the security and integrity of the record, citing to Cal. Gov. Code 6253.9 (f) as a basis. The calendar was provided in the Prop G format as required and no substantive information regarding the entries was withheld. Anonymous filed its complaint the next day seeking production of specific metadata and that the calendar be converted from Outlook into one or more formats other than PDF.

Argument

Respondents have provided the requested calendar entries with all substantive information required by Prop G and have not withheld the date, time, location, subject matter or required attendee information for any item. This information was provided in a PDF format which is nearly universally accessible, which safeguards against tampering with the record in its native format and which protects against a security breach of the system on which the record was created. Anonymous' complaint is focused on information which either a) does not exist or b) comprises non-substantive metadata such as security validation information, the disclosure of which could jeopardize the security and integrity of both the system on which the file was created and the overall City system in which such records may be maintained.

Anonymous complains that the Office of the Mayor has inappropriately withheld certain types of information in its response including 1) email addresses, 2) "actual names of attendees instead of group descriptions", 3) "the acceptance/rejection of individual attendees to the invite", 4) conference call numbers, and 5) "headers, metadata, timestamps, attachments, exhibits, and inline images". *See* Complaint Summary pp. 000009-000011.

Available Substantive Information Has Been Provided

As an initial matter, Items 1 and 3 above have not been withheld because they do not exist. The Prop G calendar maintained by the Office of the Mayor does not use the invite feature of the Outlook calendar to invite and record attendees. Accordingly there are no associated emails and no information concerning acceptance/rejection of individual attendees to provide. Regarding Item 3 above, the Office of the Mayor has provided the names and affiliations of individual attendees for meetings or events with ten or fewer attendees as required by the Prop G ordinance. (*See* S. F. Admin Code § 67.29-5 (b): "For meetings or events with ten or fewer attendees, the calendar shall also identify the individual(s) present and organization(s) represented at the meeting or event if known by the official"). The only events for which "group descriptions" were provided were events with greater than ten attendees. In addition, the date, time, location and subject matter information were provided in compliance with Prop G.

Regarding Item 4, no conference call numbers were recorded on the calendar because such information is not required under Prop G and provision of such numbers could jeopardize official, security-related, confidential, and/or privileged information which may be exchanged over the phone.

Metadata

Regarding the types of information included within Item 5 above, some of this information does not exist. For example, there are no attachments, exhibits or inline images (such as embedded images or hyperlinks) created and maintained for the calendar entries so there is no information to provide.

The remaining types of information identified – headers, metadata, and timestamps – can be broadly defined under the category of "metadata" and associated data. The term "metadata"

refers to electronic data embedded in a document about the document itself. The amount of metadata available for a particular file can vary greatly depending on the software used to create the file and the system on which it is maintained. The Office of the Mayor does not routinely maintain specific types of metadata or index them as records. Further, the Office of the Mayor and City departments generally do not search for and provide metadata in response to records requests. The current administration has not in the past provided metadata in response to a similar request. Searching through metadata is a highly technical and specialized effort, and the Office of the Mayor does not include staff with experience and expertise in using, maintaining or searching metadata.

Producing documents with metadata can subject the City to security risks and can lead to the inadvertent disclosure of privileged information. For example, certain types of metadata associated with Outlook files can include "headers" as requested by Anonymous that are lines of code information used for validation purposes to screen files from outside sources for viruses, malware and other cyber risks. Access to this data could provide information regarding the system used by the City to protect against phishing, hacking and other cyber-attacks. (For an illustration of the risks posed by such security breaches, see the attached New York Times article regarding the hacking and crippling of the City of Atlanta's computer systems). Accordingly, the Public Records Act expressly does not require an agency to produce records in their electronic formats if it would jeopardize or compromise the security or integrity of the original records, or of any software in which they are maintained. *See* Cal. Govt. Code § 6253.9(f). The Office of the Mayor cited this provision in its response to Anonymous.

To safeguard the security of the City's computer system, it is necessary to withhold metadata that describes unique identifiers for individual computer terminals and computer servers and associated security certificates and similar information. This information is highly sensitive, as disclosing it could allow a hacker to penetrate the system or enable a hacker to "spoof" emails and insert themselves into confidential and/or privileged discussions or send unauthorized emails on behalf of city officials. Thus, there is a substantial need for confidentiality that outweighs any interest the requester may have in accessing this information. *See* Cal. Evid. Code § 1040.

Metadata may include a wide variety of information that the Office of the Mayor has a right, and in some cases a legal duty, to withhold from public view. For example, metadata may be used to reveal the editing history of a privileged document or communications to or from or work product by members of the City Attorney's Office 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 in theory reveal the identity of a confidential whistleblower or protected health information. Cal. Evid. Code § 1041; Charter §§ C3.699-13(a), F1.107(c); C&GC Code §§ 4.120, 4.123; 45. C.F.R. §§ 164.500 et seq. Finally, there is the overarching risk that disclosure may reveal sensitive information about the operation of the City's computer and communications system that a third party could use to hack into the system, or to otherwise undermine the integrity and security of the system.

Format of Records

In connection with their request for metadata, Anonymous has sought production of the requested records in one or more specific formats other than PDF. For example, Anonymous requests that the calendar be exported in the ".ics, iCalendar or vCard" format. None of these are the native format in which the calendar is maintained. As a practical matter, the calendar excerpts cannot be routinely provided in these formats without including associated metadata that should be withheld for the reasons discussed above.

Regarding the iCalendar format, conversion of the calendar to this format would simply create a "native" file of the whole calendar, as opposed to individual entries. The normal view of this format to the user also does not provide additional substantive information beyond what would be viewed in the standard Outlook view. Associated metadata would still have to be extracted from the server or the file by someone with the requisite technical expertise and should be withheld in any case, as noted above.

Regarding an .ics format, this would require exporting the file to a format that is not typically used or maintained. This also carries the same concerns regarding the technical steps of harvesting metadata and the risks associated with disclosing it.

Regarding Vcard, we have not seen an available method for saving or converting the calendar to this format that is readily accessible to the users of the system in the Office of the Mayor.

Anonymous' position regarding these formats is also not supported by the Public Records Act and the Sunshine Ordinance. Contrary to Anonymous's argument, Cal. Gov. Code 6253.9 (a), which the Office of the Mayor cited in providing the calendar entries as a PDF, does not dictate that we provide the requested files in one of the specific formats requested. Cal. Gov. Code 6253.9 (a)(1) states that the "[t]he agency shall make the information available in any electronic format in which it holds the information." The Office of the Mayor does not "hold" the Prop G calendar in an iCalendar, .ics or Vcard format because, as noted above, the calendar is not maintained in any of these formats. Providing the calendar in such a format or indeed any format containing the headers and other metadata requested would require a conversion or export or some other transformative step. Cal. Gov. Code 6253.9 (a)(2) separately states the "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 Office of the Mayor does not use the requested formats to create copies of the Prop G calendar for its own use or to provide it to other agencies.

Similarly, 6253.9 (f) provides support for declining to produce a record in a particular format if disclosure in such format jeopardizes the security or integrity of the record or the system on which it is maintained: "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."

Further, the Sunshine Ordinance provides that "[t]o the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records." S.F. Admin Code 67.21-1(a). The Office of the Mayor has maintained the calendar entries sought and provided them in a PDF format that is convenient, efficient and economical to view. The formats sought by requestor are less universally accessible and carry risks with associated metadata. Further, nothing in the sections of the Sunshine Ordinance limiting or abrogating disclosure exceptions in the California Public Records Act overturns the specific protections of Cal Govt. Code 6253.9 (f) regarding data security. *See* S.F. Admin Code 67.24 (a) – (i).

Appropriateness of Response

Anonymous makes a secondary argument that the Office of the Mayor violated the Sunshine Ordinance by withholding information without citing a basis for doing so. As noted above, no substantive information was redacted or otherwise withheld from the Prop G calendar entries. Furthermore, regarding metadata, the Office of the Mayor noted that it was providing the information in PDF, as opposed to a native format, and specifically cited Cal Gov. Code 6253.9 (f) and its protection for the security and integrity of the record and the underlying system. Accordingly Respondents submit that Anonymous was provided with specific notice regarding the reasons for the format provided.

For all of the above reasons, the Office of the Mayor respectfully submits that it has provided a timely and appropriate response to Anonymous's request and there has been no violation of the Sunshine Ordinance. The Office of the Mayor is available to work with Anonymous and SOTF to address further questions and concerns regarding the request.

Sincerely,

/s/ Hank Heckel

Hank Heckel
Compliance Officer
Office of the Mayor
City and County of San Francisco

Heckel, Hank (MYR)

From: 72902-46637773@requests.muckrock.com
Sent: Wednesday, May 08, 2019 2:09 PM
To: MayorSunshineRequests, MYR (MYR)
Subject: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclosure Request

May 8, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** 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). **

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

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items 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.

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): 72902-46637773@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%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dmayorsunshinerequests%252540sfgov.org&url_auth_token=AAAxJIlHIMv5WCJDSHoGRqLEvZI%3A1hOToC%3AZxoqEQ1u6tRb0KZAtaUyEN5NsAQ
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 72902
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.

Heckel, Hank (MYR)

From:	MayorSunshineRequests, MYR (MYR)
Sent:	Thursday, May 09, 2019 4:13 PM
To:	72902-46637773@requests.muckrock.com; MayorSunshineRequests, MYR (MYR)
Subject:	RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclosure Request
Attachments:	MuckRock Calendar Request 4-27 - 5-4.pdf

VIA ELECTRONIC MAIL
Requestor: Anonymous

Email: 72902-46637773@requests.muckrock.com

May 9, 2019

Re: Public Records Request received May 8, 2019

To whom it may concern:

This responds to your Immediate Disclosure Request below.

Response Dated April 24, 2019

Thank you for your inquiry. Please see attached the requested information.

This information has been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Moreover, pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record. The PDF format ensures the security and integrity of the original record.

Please also note that we are responding on behalf of the Mayor's Office only, and not on behalf of other city departments.

If you have any questions about your request or would like to submit another public records request, please feel free to contact us at mayorsunshinerequests@sfgov.org.

Best Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

From: 72902-46637773@requests.muckrock.com [mailto:72902-46637773@requests.muckrock.com]
Sent: Wednesday, May 08, 2019 2:22 PM
To: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>
Subject: RE: California Public Records Act Request: April 28-May 4, 2019 Calendar - Immediate Disclosure Request

May 8, 2019

This is a follow up to a previous request:

We remind you of your obligation under City of San Jose v Superior Court (2017) to search personal accounts/devices for calendar items regarding the public's business, as appropriate.

** 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): 72902-46637773@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%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dmayorsunshinerequests%252540sfgov.org&url_auth_token=AAAxJllHIMv5WCJDSHoGRqLEvZI%3A1hOU0U%3AnmnEixANjDyfWbvkZ6uZtNUkXgI
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

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On May 8, 2019:
This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance, made before close of business May 8, 2019.

** 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). **

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

"1. an electronic copy, in the original electronic format, with all calendar item headers, email addresses, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the Mayor's calendar, with all items, from April 28 to May 4, 2019 (inclusive)."

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, calendars exported in the .ics, iCalendar, or vCard formats with all non-exempt headers, metadata, attachments, etc. are best. Such formats are easily exportable from Google Calendar, Microsoft Outlook, Microsoft Exchange or other common calendaring/email systems.

However, if you choose to convert calendar items, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original calendar item record (as specified in request "1"), which contains many detailed headers beyond the ones generally printed out. If you instead provide PDFs or printed items 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.

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): 72902-46637773@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%252Foffice-of-the-mayor-3891%252Fapril-28-may-4-2019-calendar-immediate-disclosure-request-72902%252F%253Femail%253Dmayorsunshinerequests%252540sfgov.org&url_auth_token=AAAxJIlHIMv5WCJDSHoGRqLEvZI%3A1hOU0U%3AnmnEixANjDyfWbvkZ6uZtNUkXgI
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April 27, 2019

8:45 AM - 9:15 AM	North Beach Farmers Market 2019 Season Open -- 699 Columbus Avenue, San Francisco, CA 94133
11:55 AM - 1:25 PM	12th Annual McKinley Elementary School Dogfest -- Duboce Park, Noe Street at Duboce Avenue, San Francisco, CA 94114
7:05 PM - 7:20 PM	A Banner of Love Gala: A Night in Venice -- St. Mary's Cathedral, 1111 Gough St., San Francisco
	Ballroom
8:40 PM - 9:00 PM	Beyond Differences Gala -- Terra Gallery, 511 Harrison Street, San Francisco

April 28, 2019

	Skyline Blvd, San Francisco, CA 94132
7:00 PM - 7:30 PM	North Beach Citizens' Spring Dinner -- 666 Filbert Street, San Francisco CA 94133

April 29, 2019

9:00 AM - 9:30 AM	Meeting Re: Staff Check In -- Remote Conference Call Attendees: - Mayor's Office Staff
1:05 PM - 1:30 PM	Meeting with President Yee Re: District 7 -- City Hall, Room 200, Mayor's Office Attendees: - President Yee, Supervisor for District 7, Board of Supervisors - Jen Lowe, Legislative Aide, Board of Supervisors - Mayor's Office Staff
1:39 PM - 1:46 PM	Press availability re: MTA Director -- City Hall, Room 200
1:51 PM - 2:10 PM	Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office Attendees: - Mayor's Office Staff
2:34 PM - 2:45 PM	Swearing In Ceremony for Sophie Maxwell and Tim Paulson -- City Hall, International Room Attendees: - Sophie Maxwell, Public Utilities Commission Appointee - Tim Paulson, Public Utilities Commission Appointee

April 29, 2019 Continued

- Harlan Kelly Jr., General Manager, San Francisco Public Utilities Commission
- Larry Mazzola Jr., President (Plumbers & Pipe Fitters Local 38), Recreation and Park Commissioner
- Sandra Duarte, Executive Assistant San Francisco Building and Construction Trades Council
- Kim Tavaglione, Campaign Director San Francisco Labor Council
- Willie Adams, Port Commissioner
- Mayor's Office Staff

3:01 PM - 3:29 PM — **Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office**
Attendees:
- Mayor's Office Staff

3:31 PM - 4:03 PM — **Meeting Re: City Operations and Government Affairs -- City Hall, Room 200, Mayor's Office**
Attendees:
- Mayor's Office Staff

4:10 PM - 4:55 PM — **Meeting Re: Housing Bond with Supervisor Yee and Members of Housing Bond Working Group -- City Hall, Room 201**

6:00 PM - 6:30 PM — **Grace Cathedral Paris Sister City Event for Notre-Dame, Sri Lanka, Louisiana Churches, and Poway Synagogue -- Grace Cathedral, 1100 California Street**

6:45 PM - 8:00 PM — **Recode Decode Podcast Live Recording -- Manny's 3092 16th Street**

April 30, 2019

9:00 AM - 9:30 AM — **Meeting Re: Staff Check In -- Remote Conference Call**
Attendees:
- Mayor's Office Staff

10:35 AM - 10:50 AM — **Public Works Week Awards and Pins Ceremony -- Moscone Center South, Third Floor, 747 Howard St.**

12:00 PM - 12:30 PM — **Telephone Interview with LA Times Reporter Heidi Chang -- Remote Conference Call**
Attendees:
- Heidi Chang, Reporter, Los Angeles Times
- Mayor's Office Staff

12:35 PM - 1:15 PM — **Meeting Re: Budget -- City Hall, ROom 200, Mayor's Office**
Attendees:
- Mayor's Office Staff

April 30, 2019 Continued

1:34 PM - 1:50 PM	**Meeting Re: Town Hall Event -- City Hall, Room 200, Mayor's Office** Attendees: - Mayor's Office Staff
2:09 PM - 2:45 PM	**Meeting with San Francisco Latino Parity and Equity Coalition -- City Hall, Room 201**
2:46 PM - 3:10 PM	**Meeting Re: Scheduling -- City Hall, Room 200, Mayor's Office** Attendees: - Mayor's Office Staff
3:10 PM - 3:33 PM	**Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office** Attendees: - Mayor's Office Staff

May 1, 2019

9:00 AM - 9:30 AM	**Meeting Re: Staff Check In -- Remote Conference Call** Attendees: - Mayor's Office Staff
10:00 AM - 10:30 AM	**Live Phone Interview with KIQI -- Remote Conference Call** Attendees: - Isabel Gutierrez, KIQI radio host - Marcos Gutierrez, KIQI radio host - Mayor's Office Staff
11:00 AM - 11:30 AM	**Fire Station 5 Ribbon Cutting -- Fire Station No. 5, 1301 Turk St**
12:00 PM - 12:15 PM	**Jewish Vocational Service Strictly Business Luncheon -- San Francisco Marriott Marquis Hotel, 780 Mission Street**
2:04 PM - 2:43 PM	**Meeting Re: City Services and Operations -- City Hall, Room 200, Mayor's Office** Attendees: - Naomi Kelly, City Administrator, City and County of San Francisco - Heather Green, Capital Planning Director, City and County of San Francisco - Mayor's Office Staff
2:43 PM - 2:46 PM	**Swearing In Ceremony for Frank Fung -- City Hall, Room 200, Mayor's Office** Attendees: - Frank Fung, Planning Commissioner - Aimee Fung, Daughter of Frank Fung - Mayor's Office Staff

May 1, 2019 Continued

2:46 PM - 3:13 PM	**Meeting Re: City Services and Operations -- City Hall, Room 200, Mayor's Office** Attendees: - Naomi Kelly, City Administrator, City and County of San Francisco - Heather Green, Capital Planning Director, City and County of San Francisco - Mayor's Office Staff
3:20 PM - 3:46 PM	**Meet and Greet with Jamestown Community Center Youth -- City Hall, International Room**
4:03 PM - 4:35 PM	**Meeting Re: Public Safety -- City Hall, Room 200 Mayor's Office** Attendees: • Chief William Scott, SFPD • Deirdre Hussey, Director of Policy and Public Affairs, SFPD • Mayor's Office Staff
5:00 PM - 5:20 PM	**Neighborhood Preference Program Tour and SFGovTV Interview -- 150 Van Ness** Attendees: - Mario Watts, resident - Josiah Watts, resident - Kim Dubin, Mayor's Office of Community Housing and Development - Max Barnes, Mayor's Office of Community Housing and Development - Mayor's Office Staff
5:30 PM - 6:00 PM	**Asian Pacific American Heritage Month Awards and Reception Celebration -- Herbst Theater, War Memorial Building, 401 Van Ness Avenue**

May 2, 2019

9:00 AM - 9:30 AM	**Meeting Re: Staff Check In -- Remote Conference Call** Attendees: - Mayor's Office Staff
12:04 PM - 12:25 PM	**Lest We Forget Photo Exhibit for Holocaust Remembrance Day -- City Hall, Room 200, Mayor's Office**
12:31 PM - 12:48 PM	**Meeting re: Street Conditions -- City Hall, Room 200, Mayor's Office** Attendees: - Chief William Scott, Chief of Police, San Francisco Police Department - Dr. Grant Colfax, Director, Department of Public Health - Mohammed Nuru, Director, Department of Public Works - Jeff Kositky, Director, Department of Homelessness and Supportive Housing - Mary Ellen Carrol, Director, Department of Emergency Management - Mayor's Office Staff

May 2, 2019 Continued

1:31 PM - 2:11 PM	**Meeting Re: Budget -- City Hall, Room 200, Mayor's Office** Attendees: - Mayor's Office Staff
2:14 PM - 2:34 PM	**Meeting Re: Communications -- City Hall, Room 200, Mayor's Office** Attendees: - Mayor's Office Staff
2:34 PM - 3:07 PM	**Meeting Re: Commissions -- City Hall, Room 200, MO** Attendees: - Mayor's Office Staff
3:10 PM - 3:41 PM	**Meeting with Civil Grand Jury -- City Hall, Room 201**
3:42 PM - 3:49 PM	**Meeting Re: Government Affairs -- City Hall, Room 200, Mayor's Office** Attendees: - Kylecia Broom, Community Development Assistant, Mayor's Office of Housing and Community Development - Steven Gallardo, Displaced Tenant Housing Preference Program Coordinator, Mayor's Office of Housing and Community Development - Mayor's Office Staff
5:30 PM - 6:00 PM	**Alliance of Black School Educators Scholarship and Salute Banquet -- African American Art and Culture Complex, 762 Fulton Street, 3rd Floor**

May 3, 2019

9:00 AM - 9:30 AM	**Meeting Re: Staff Check In -- Remote Conference Call** Attendees: - Mayor's Office Staff
1:00 PM - 1:30 PM	**Downtown Streets Team Mission Ribbon Cutting -- 3100 17th Street, San Francisco**

May 4, 2019

May 4, 2019 Continued

6:10 PM - 6:40 PM	The Association of Chinese Teachers 50th Anniversary Gala -- Scottish Rite Masonic Center, 2850 19th Avenue

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.

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.

U.S. | A Cyberattack Hobbles Atlanta, and Security Experts Shudder

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.

U.S. | A Cyberattack Hobbles Atlanta, and Security Experts Shudder

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.

U.S. | A Cyberattack Hobbles Atlanta, and Security Experts Shudder

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'

READ 244 COMMENTS

The Washington Post

National

8 days after cyberattack, Baltimore's network still hobbled

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.

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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Leger, Cheryl (BOS)

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

Leger, Cheryl (BOS)

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). F***or 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

 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.*

Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Tuesday, June 25, 2019 3:12 PM
To: 72902-46637773@requests.muckrock.com
Cc: Heckel, Hank (MYR)
Subject: SOTF - Request for a continuance by Respondent

Dear Anonymous:

I just received a phone call from Hank Heckel of the Mayor's office who notified me that he will be out of the office on July 3 and therefore unavailable for the Compliance and Amendments Committee hearing on that date. Mr. Heckel also stated that there is no other person most knowledgeable available to attend this hearing from the Mayor's office. This request refers to file no. 19047 (complaint description below). By way of this email, I am also notifying the Chair of that Committee of the Respondent's request. Please acknowledge receipt of this message. Thank you.

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.

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

Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Thursday, June 20, 2019 2:40 PM
To:	Vien, Veronica (DPH); Alex Lewis-Koskinen; Jamie Whitaker; Stewart-Kahn, Abigail (HOM); Patterson, Kate (ART); Ashley Rhodes; 72902-46637773 @requests.muckrock.com; Heckel, Hank (MYR)
Subject:	SOTF - Notice of Hearing - Compliance and Amendments Committee; July 3, 2019 4:30 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 Compliance and Amendments 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 3, 2019

Location: City Hall, Room 408

Time: 4:30 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. 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.

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). F***or inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, June 26, 2019.***

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

 Click here to complete a Board of Supervisors Customer Service Satisfaction form.

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Leger, Cheryl (BOS)

From: SOTF, (BOS)
Sent: Tuesday, May 14, 2019 11:12 AM
To: Heckel, Hank (MYR); Breed, London (MYR); Breed, Mayor London (MYR)
Cc: 72902-46637773@requests.muckrock.com
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19047
Attachments: SOTF - Complaint Procedure 2018-12-05 FINAL.pdf; 19047 Complaint.pdf

Good Morning:

Mayor London Breed, Hank Heckel and the Office of the Mayor 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