

From: Anonymous Person**09/26/2020** **Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req...****Email**

Thank you. This is a new immediate disclosure request:

7. An exact copy of the entire original email record, including but not limited to all email headers (names and values), for the single oldest email received by your office from requests@muckrock.com to cityattorney@sfcityatty.org. Please be sure to preserve (at least, but not only) email header names and at least the timestamps in the "Received" headers. Consult your own City CISO if you believe I'm wrong. If you claim GC 6255(a), it will be SOTF not you who still decides whether the interest in non-disclosure "clearly outweighs" the interest in disclosure. If you do not provide this single record with minimal redactions and footnotes or other clear references for justifications for each and every withheld portion of the record, an additional willful violation and official misconduct complaint will be filed against Dennis Herrera as department head on the basis of prior order SOTF 19044.

Please indicate "no responsive records" for each request if that is true.

Above are Immediate Disclosure Requests (SF Admin Code 67.25(a)). Your initial response is required by Sept 29, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce all records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not or print and scan electronic records or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations: All withholding of any information must be justified (SFAC 67.27). All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to justification and only the minimal exempt portion of a record may be withheld (SFAC 67.26). Respond to emailed requests (SFAC 67.21(b)). You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)). You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)). You must do all of this in your response, and you cannot wait until we file complaints. If you wait to comply with the Sunshine Ordinance until after we file complaints, we will not withdraw any complaints and request SOTF find you in violation, regardless of what you do after filing.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until your procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

NOTE: Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly-viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the [MuckRock.com](https://www.muckrock.com) FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

--Anonymous

From: San Francisco City Attorney

10/13/2020 

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... [Email](#)

Dear Requester,

We would like to send an update that we need additional time to complete your request, and currently expect to have our review completed by 11/03/2020. Thank you for your patience.

Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,
Odaya

[signature_540561676]Odaya Buta
Paralegal

Office of City Attorney Dennis Herrera

www.sfcityattorney.org<applewebdata://354EB39C-2368-4201-BE40-DFCD2DA81691/www.sfcityattorney.org>

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From: Anonymous Person

10/13/2020 

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... [Email](#)

This is a violation not just of the Sunshine Ordinance but of the CPRA as well.

You were asked for a single email record on Sep. 26 (which is treated as if you received it on Sep. 28, Monday).

The CPRA, and Sunshine Ordinance, required a response in 10 days. You failed to provide me one. It is now the 15th day.

Under Gov Code 6253(a) you owed me in 10-days either a determination or an extension for 14 days. You failed to provide such determination and violated the law. You also unlawfully failed to state what unusual circumstance warrants an extension.

Your extension lasts until Oct 23, 2020 - 14 days from 10 days from constructive receipt of my request, and no further.

From your response in 19044 and from now multiple other City agencies' production of email metadata, I know that a single email worth of metadata is 2-3 pages to produce at even a large font. It's just not a lot.

If Dennis Herrera is willfully refusing to comply with the SOTF's orders to provide email header

If Dennis Herrera is primarily refusing to comply with the court's orders to provide email header metadata, say so clearly, and don't waste time.

Sincerely,
Anonymous

From: San Francisco City Attorney

10/15/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

Dear Requester,

We apologize for not sending a response to your email last week. Please accept this email as our acknowledgment that we do have a document that is responsive to your request. You asked us to produce an email from 101881-requests@muckrock.com, including certain metadata. We do have such an email, but we are invoking a 14-day extension to confer with other interested departments under Government Code § 6253 and Administrative Code § 67.25. We will send you a response by October 22, 2020.

Sincerely,

[signature_540561676]Odaya Buta
Paralegal
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From: San Francisco City Attorney

10/22/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

Dear Requester,

We would like to send an update that we need additional time to complete your request, and currently expect to have our review completed by 11/05/2020. Thank you for your patience.

Please send replies
to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org%3cmailto:cityattorney@sfcityatty.org>

Sincerely,
Odaya

[signature_540561676]Odaya Buta

[signature_540561676]Odaya Buta
Paralegal
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From: Anonymous Person

11/02/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

Good morning,

We will expect your compliant production of the single email metadata by Nov. 5.

We have now received mostly-compliant (though we have some disputes) responses from DPW: <https://sanfrancisco.nextrequest.com/documents/5817767> and from DT: <https://sanfrancisco.nextrequest.com/documents/5577453>

Sincerely,

Anonymous

From: San Francisco City Attorney

11/05/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... Email

Dear Requester,

We apologize for the delay and would like to update that we need additional time to complete your request. We are expecting to have our review completed by 11/19/2020. Thank you for your patience.

Please send replies to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,

[signature_540561676]Odaya Buta
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From: Anonymous Person

11/05/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... [Email](#)

Then we will file complaints. This is a redaction of a 2-3 page document, tops. It can't take this long. DPW figured out how to do this for a single email in a matter of days after it was discussed. Dragging your feet won't help turn legally disclosable information into secret information.

--Anonymous

From: San Francisco City Attorney

11/19/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... [Email](#)

Dear Requester,

We apologize for the delay and would like to update that we need additional time to complete your request. We are expecting to have our review completed by 12/10/2020. Thank you for your patience.

Please send replies to cityattorney@sfcityatty.org<<mailto:cityattorney@sfcityatty.org>>
Sincerely,

[signature_540561676]Odaya Buta

Paralegal

Office of City Attorney Dennis Herrera

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From: Anonymous Person

11/19/2020

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... [Email](#)

Can your office be honest? What is taking so long to review? 2 pages of documents? Is for less

Can your office be honest? what is taking so long to review 2-3 pages of documents? in far less time than it has taken you to review a single email, DPW - an organization that presumably lacks the expertise of DT - has produced dozens of redacted emails in metadata format...

From: Anonymous Person

02/25/2021

Subject: RE: California Public Records Act Request: Herrera Text Messages - Immediate Disclosure Req... None

It's been months and there has been no response. Further complaints will be filed. And you've already seen that last time you argued that COVID allowed you to withhold metadata, SOTF compliance turned the argument around and argued COVID requires more disclosure, not less.