

Text and Chat

Messages -

Immediate

Disclosure

Request - San

Francisco

Universal

Search (DEM)

Share

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[Anonymous Person](#)
filed this request with
the [Department of
Emergency
Management of San
Francisco City and
County, CA.](#)

It is a clone of [this
request.](#)

Submitted	Dec. 5, 2020
Due	Dec. 15, 2020
Est. Com...	None Edit

CloneDownload as ZipGet Help

15Communications

2Files

3Notes

Sharing

Filter communications

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From: Anonymous Person12/05/2020⚙

Subject: California Public Records Act Request: Text and Chat Messages - Immedia...Email

To Department of Emergency Management and its Department Head or Elected Official:

**** DO NOT DESTROY ANY RESPONSIVE RECORDS. YOU MUST PRESERVE AND ORDER YOUR EMPLOYEES TO PRESERVE RECORDS DURING THE PENDENCY OF ALL APPEALS. WE WILL APPEAL ALL REDACTIONS OR WITHHOLDINGS. ****

Immediate Disclosure Request.

Every department head/elected official must preserve and maintain all correspondence in a professional and businesslike manner (SFAC 67.29-7(a)) and also separately must comply with retention policies (SFAC 67.29-1). Note that if your retention policies do not retain text messages, I will argue before the SOTF and court that this is a failure to maintain ****all correspondence**** in a professional and businesslike manner.

Relevant precedent: SOTF 19098 - Anonymous v SFPD. Unanimous finding of violation for unlawfully withholding text message metadata (including the to/from/etc. - note SFPD had provided the dates and times, and you must as well), and also for unlawfully printing and scanning electronic records which does not constitute a "copy" of an electronic record.

See also prior rulings in my favor in SOTF 19044, 19047, 19091, 19098, 19103, and 19108 which ruled against the City for email, text messages, past and future calendar entries, meeting details, electronic metadata, and attachments.

The Mayor's Office appears to have destroyed their copies of certain text messages. I'd be happy to get them from her, if she preserved every record. Alas she did not, therefore we must now conduct a universal search of the City. You cannot refer me to another department unless you search and

STATUS [Edit](#)

Awaiting Response

EMBARGO [Edit](#)

This request has no embargo.

PROJECTS [Edit](#)

Text Messages
to/from SF Mayor
London Breed

TAGS [Edit](#)

revive sf-myr-texts

sf-texts

determine that you have no copies in your department. If this is causing more work for you, ask your Mayor to stop destroying her public records.

Note there are many anonymous requesters using MuckRock - I am just one of them. If you previously produced some subset of these records to a MuckRock email address, please reference that prior response so you do not duplicate work. If I am unable to get the prior MuckRock response because it is someone else's and they have marked it private, you will however need to provide me a copy here as well.

1. This is an immediate disclosure request for text, chat, or instant messages between the Department Head/Elected Official and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE RECORDS.

2. This is a regular records request for text, chat, or instant messages between any non-department head/elected official (i.e. the other dept employees) and either Sean Elsbernd, Andrea Bruss, London Breed, Harlan Kelly, Jr., Naomi Kelly, Hank Heckel, or Walter Wong, including all group messages, and all messages in threads, in any form and any app (including, but not limited to, SMS, MMS, text, iMessage, Teams, Discord, WeChat, QQ, Signal, Telegram, WhatsApp, Facebook, Facebook Messenger, Twitter, Instagram, Hangouts, Meet, Slack, Skype, Viber, Snapchat, Line, Kik, FaceTime, Wickr Me, Chatroulette, Threema, KakaoTalk, Duo, GroupMe, Wire, Voxer, Allo, Tango, Bumble, Grindr, Tinder, Olive, Taimi, but NOT including email), on any government accounts/devices or on personal accounts or devices regarding

the conduct of public business, including all participant names, message text, images, attachments, dates, and times, including any in trash or deleted folders or similar (see Good Government Guide - if the records have not been permanently deleted as of the time you receive this request, you must retrieve them from the so-called trash folders and provide them). Provide rolling responses. Provide exact copies including all metadata. There is no limitation by subject or date. If the total pages to produce numbers over 500, inform me of the rough dates, employees involved, and subject matter, and I may be willing to narrow the initial production, AS LONG AS YOU PRESERVE ALL THE RECORDS.

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.

Your non-exhaustive obligations:

- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- Every redaction must be keyed by footnote or by other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must 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 above 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)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** 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 the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

I look forward to your lawful response.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the [MuckRock.com](https://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.

Sincerely,

Anonymous

From: Muckrock Staff

12/15/2020



Subject: RE: California Public Records Act Request: Text and Chat Messages - Imm...

Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Dec. 5, 2020. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff

12/30/2020



Subject: RE: California Public Records Act Request: Text and Chat Messages - Imm...

Email

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

From: Anonymous Person

12/30/2020



Subject: RE: California Public Records Act Request: Text and Chat Messages - Imm...

Email

Supervisor of Records Dennis Herrera,

The DEM and its department head Mary Ellen Carroll refuse to comply in any way to the below December 5, 2020 request - no response whatsoever. Please determine in writing that one or more records or parts thereof not disclosed are public and order them disclosed.

Sincerely,
Anonymous

From: Anonymous Person

12/30/2020



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Email

Supervisor of Records Dennis Herrera,

The DEM and its department head Mary Ellen Carroll refuse to comply in any way to the below December 5, 2020 request - no response whatsoever. Please determine in writing that one or more records or parts thereof not disclosed are public and order them disclosed.

Sincerely,
Anonymous

From: Muckrock Staff

01/14/2021



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Email

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I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Dec. 5, 2020. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff

01/29/2021



Subject: RE: California Public Records Act Request: Text and Chat Messages - Imm...

Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Dec. 5, 2020. Please let me know when I can expect to receive a response.

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

From: Muckrock Staff

02/15/2021



Subject: RE: California Public Records Act Request: Text and Chat Messages - Imm...

Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Dec. 5, 2020. Please let me know when I can expect to receive a response.

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

From: Anonymous Person

02/27/2021



Subject: RE: California Public Records Act Request: Text and Chat Messages - Imm...

Email

Your office recently received a request "All City comms with Mr. Kelly's yahoo accounts - immediate disclosure request".

Please provide all further responses to that request on this email address.

All of your responses will be available to the public on [MuckRock.com](https://muckrock.com)

Thank you,
Anonymous

From: Department of Emergency Management

03/08/2021



Subject: RE: California Public Records Act Request: Text and Chat Messages - Imm...

Email

To: Anonymous

Email: requests@muckrock.com<mailto:requests@muckrock.com>

Dear Anonymous,

In regards to your request sent to the Department of Emergency Management

(DEM) on December 5, 2020, DEM has completed the search for your request. DEM has no responsive records for items #1 or #2 of your request. We apologies for our delayed response.

Thank you.

Victor Wai Ho Lim, MPA | 林偉浩
CCC Liaison to Electeds & Board of Supervisors
Joint Information Center API Outreach Campaign Manager
San Francisco Covid-19 Command Center

External Affairs Officer | 外務特派專員
Department of Emergency Management | 三藩市應急管理局
415-558-2768 direct | 直線
415-748-0028 cell | 手機
415-558-2712 media line | 傳媒



~WRD0003

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From: Anonymous Person

03/08/2021



Subject: RE: California Public Records Act Request: Text and Chat Messages - Imm...

[Email](#)

No - I don't care whether you NOW have responsive records - that gives Carroll plenty of time to delete them.

You were required by law to search at the time of my request. Unless DEM can verify in writing that as of December 5, 2020 there were no responsive records, I will file complaints.

--Anonymous

From: Department of Emergency Management

03/08/2021



Subject: RE: California Public Records Act Request: Text and Chat Messages - Imm...

[Email](#)

Dear Anonymous,

Thank you for your follow up email.

Unfortunately, DEM has no way of providing any information about whether any records existed during a time period prior to when DEM conducted its search. As you know, due to the continuing public health emergency, DEM's responses to public records requests may be delayed as we focus on

responding to the emergency, working under unusual and difficult conditions. In light of these conditions, the City's emergency orders have suspended certain provisions of the Sunshine Ordinance, including immediate disclosure requests and the 10 day period in which to provide or withhold documents. We continue to respond to records requests as diligently and promptly as we are able under the circumstances.

Victor Wai Ho Lim, MPA | 林偉浩

CCC Liaison to Electeds & Board of Supervisors

Joint Information Center API Outreach Campaign Manager

San Francisco Covid-19 Command Center

External Affairs Officer | 外務特派專員

Department of Emergency Management | 三藩市應急管理局

415-558-2768 direct | 直線

415-748-0028 cell | 手機

415-558-2712 media line | 傳媒



~WRD0005

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From: Anonymous Person

03/08/2021



Subject: RE: California Public Records Act Request: Text and Chat Messages - Imm...

[Email](#)

None of the emergency orders suspended the CPRA requirement of responding within 10 and 24 days with the result of your search. Your non-answer tells me everything I need to know about your boss destroying records. You waited multiple months apparently to conduct the search.

A complaint will be filed momentarily against you and Carroll.

This is a further immediate disclosure request for any text chat or instant messages in the current possession of your department head about the conduct of public business.

From: Anonymous Person

03/08/2021



Subject: RE: California Public Records Act Request: Text and Chat Messages - Imm...

[Email](#)

Mary Ellen Carroll:

None of the emergency orders suspended the CPRA requirement of

responding within 10 and 24 days with the result of your search. Mr. Lim's non-answer tells me everything I need to know about you destroying records. A complaint will be filed momentarily.

This is a further immediate disclosure request for any text chat or instant messages in your current possession about the conduct of public business.

--Anonymous

From: Anonymous Person

03/08/2021



Subject: RE: California Public Records Act Request: Text and Chat Messages - Imm...

Email

Mary Ellen Carroll:

None of the emergency orders suspended the CPRA requirement of responding within 10 and 24 days with the result of your search. Mr. Lim's non-answer tells me everything I need to know about you destroying records. A complaint will be filed momentarily.

This is a further immediate disclosure request for any text chat or instant messages in your current possession about the conduct of public business.

--Anonymous

We'll automatically follow-up with the agency in 2 weeks, 1 day.

Disable

Follow Up

Appeal

Get Help

You may [follow up](#) manually with the agency or [appeal](#) their decision. If you appeal, MuckRock staff can review the rejection and help write an appeal.



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