

Office of City Attorney,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the [MuckRock.com](https://muckrock.com) service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 8, 2019 re: your department head's calendars. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

Mr. Heckel, Compliance Officer for the Mayor, made an intriguing assertion at the full SOTF hearing for Case 19047. While the task force ruled against the Mayor for *prior* calendar records, Mr. Heckel appeared to argue that all future meetings of the Mayor are somehow completely secret (the SOTF did not rule on future meetings since they were not requested in 19047). I will be testing that purported claim of exemption. Note that it is implausible that there would be no prospective scheduling information for upcoming events your department head must attend to, even though Prop G/67.29-5 requires no such calendar be kept.

All calendars, whether Prop G/67.29-5 or not, that your agency prepared, owned, used, or retained re: the public's business are public records (see SOTF 19047; Sup. of Records response of Sept. 6; and Good Government Guide).

I suspect your office may attempt to use Gov Code 6254(f). The entirety of a future schedule cannot possibly be confidential law enforcement investigatory records under GC 6254(f). This exemption does not even exist for your office, which is not "the office of the Attorney General [or] the Department of Justice, the Office of Emergency Services [or] any state or local police agency" so the first clause re: security procedures does not apply. Furthermore a calendar cannot be "investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes." This would be an absurd stretch of the words of the statute; every meeting is not "for correctional, law enforcement, or licensing purposes." Information regarding the security detail for the department head may potentially be lawfully withheld under 6254(f) - but there is a lot more to a calendar than a security detail, such as normal political and policy meetings. I don't care about the security detail, and you may exclude the security detail info from responsive records. If you believe certain parts of a meeting record are redactable under 6254(f) or otherwise you must only redact each minimal portion and cite each justification.

All records must be provided in rolling fashion.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:

1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head's

prospective/expected calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end

time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records

1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records.

2. REGULAR DISCLOSURE: If the department head or any of the department head's staff uses any invitation/guestlist tracking systems on behalf of the department head (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2, for the date range in #1. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the department head, their senior-most deputy, their chief of staff (or equivalent, and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

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

Dear Requester,

I am writing in behalf of the City Attorney's Office in response to your immediate disclosure requests numbered 1a and 1b in your below request. Please note we hereby invoke an extension of no more than 14 days to consult with another department regarding the records (See Cal. Gov't Code §6253(c)(3)). We will endeavor to process your request as quickly as possible and anticipate responding no later than the close of business October 23, 2019.

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

Sincerely,

[cid:image002.jpg@01D57EB4.04A912E0]Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

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www.sfcityattorney.org

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~WRD059

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From: Anonymous Person

10/09/2019

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclos...

Email

What department are you consulting?

They are your *own* department's calendars.

You are the attorneys that everyone else in the City consults, and usually uses to claim that kind of extension.

And I didn't ask for any special formats or custom metadata, so Dept of Tech. would also not make any sense.

I also recall that in Case 19044 your agency testified that your own IT staff redacted records.

Provide immediately the calendar meetings in 1a and 1b.

I will contest this untimely production of 1a and 1b in addition to any other failures of production.

Also, I will be continue to argue it is a 10-day, not 14-day, extension under 67.25.

Sincerely,
Anonymous

From: San Francisco City Attorney

10/15/2019 ⚙

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclos... Email

Dear requester,

Please see attached document responsive to your request numbered 1b below. We are working on the remainder of your requests, and will respond to those as soon as possible.

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

Sincerely,

[cid:image002.jpg@01D58351.286C3F30]Elizabeth A. Coolbrith

Paralegal

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~WRD371

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From: Anonymous Person

10/15/2019 ⚙

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclos... Email

Perfect, thanks. Is 1b complete? We asked for non-Prop G calendars as well.

From: San Francisco City Attorney

10/15/2019 ⚙

Subject: RE: California Public Records Act Request: Future Calendars and Meetings - Immediate Disclos... Email

Yes, 1b is complete.

Thanks,

[cid:image002.jpg@01D5835B.3719ADB0]Elizabeth A. Coolbrith
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~WRD250

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