

After close of business January 16, 2020, the Respondents supplemented their response to my July 2, 2019 request for records. As background: Response was originally due after extension July 26, 2019. The Mayor’s Office originally timely provided responses on July 26, 27, and finished on July 29. Their responses did not comply however with various Sunshine and CPRA requirements, including but not limited to SFAC 67.26 requiring minimal withholding and a key by footnote or other clear reference to a SFAC 67.27 justification for each and every deletion, masking, or other segregation (aka “redaction”) of exempt info<sup>1</sup>. This complaint 19091 was filed in August 2019.

The Supervisor of Records (SoR) stated on Sept 5, 2019 that Respondents would provide the redaction reasons. Respondents failed to comply. As an aside, the SoR had a duty to order disclosure of the unjustified redactions due to their failure to comply, no later than 5 business days later, but the SoR did not do so - we will take this up separately.

The SoR further stated on Oct 10, 2019 pursuant to our follow-up that the non-exempt attachments would be provided by Respondents (note we had already requested every single part of the records, including attachments explicitly, in our original request and we have no duty to repeatedly request records). Only one additional attachment was provided; the remainder of withheld attachments (and parts of images, urls, etc.) do not appear to be justifiable even pursuant to the new Jan 2020 set of justifications. Every single piece of information that is deleted, masked, or segregated from the original records must be either provided or justified.

The following demonstrates some of the SFAC 67.26 violations more clearly. In many cases, Respondents “over-claimed” justifications. For example in 5 of the 12 total record sets, Respondents originally claimed four or more types of justifications, but it turns out they were all contact info, etc. under Constitutional privacy. The City cannot cite non-applicable justifications just to cover all their bases - they must cite only the actual justifications.

<b>Record set</b>	<b>Original Justifications - July 2019</b>	<b>Corrected Justifications - Jan 16, 2020</b>
(withholding of entire documents)	<ul style="list-style-type: none"> <li>Please note that certain documents have been withheld on the basis of the attorney-client privilege and/or the attorney work product doctrine. Gov’t Code § 6254(k); Evid. Code § 954; Code of Civ. Proc. § 2018.030; Gov’t Code § 6276.04; Admin. Code § 67.21(k).</li> </ul>	(no change)
Breed	<ul style="list-style-type: none"> <li>Please see the additional responsive records. Please note</li> </ul>	<ul style="list-style-type: none"> <li>All redactions - private contact information withheld to avoid an</li> </ul>

<sup>1</sup> And also for various metadata reasons not discussed here

	<p>that in addition to the redactions noted below regarding privilege, personal privacy, official information dial-in numbers and codes, and open personnel decisions, these files contain redactions of information that is exempt from disclosure because it relates to ongoing negotiations regarding real estate and/or constitutes draft recommendations of the author. See Admin. Code § 67.25(a), (e).</p> <ul style="list-style-type: none"> <li>● Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> <li>● Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</li> <li>● Please also note that certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).</li> <li>● Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).</li> </ul>	<p>unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</p>
<p>Power 1</p>	<ul style="list-style-type: none"> <li>● Please see the additional responsive records. Please note that in addition to the redactions noted below regarding privilege, personal privacy, official</li> </ul>	<ul style="list-style-type: none"> <li>● Redactions appearing between pages 2-9: Ongoing negotiations regarding real estate and draft recommendations of the author. See Admin. Code § 67.24(a), (e)<sup>2</sup>.</li> </ul>

<sup>2</sup> Corrected on same day from SFAC 67.25.

	<p>information dial-in numbers and codes, and open personnel decisions, these files contain redactions of information that is exempt from disclosure because it relates to ongoing negotiations regarding real estate and/or constitutes draft recommendations of the author. See Admin. Code § 67.25(a), (e).</p> <ul style="list-style-type: none"> <li>• Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> <li>• Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</li> <li>• Please also note that certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).</li> <li>• Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).</li> </ul>	<ul style="list-style-type: none"> <li>• Redactions appearing between pages 10-18: attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</li> <li>• Redactions appearing on page 19 – protection of the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).</li> <li>• Redactions appearing on pages 20-22 - private email addresses withheld to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> <li>• Redactions appearing on pages 23-25 - certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).</li> <li>• First Redaction on page 26 – mobile phone redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> <li>• Subsequent redactions on page 26 -32 - attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</li> </ul>
Bruss	<ul style="list-style-type: none"> <li>• Please see the additional responsive records. Please note that in addition to the redactions noted below regarding privilege, personal privacy, official information dial-in numbers and codes, and open personnel decisions, these files contain redactions of information that is exempt from disclosure because it relates to ongoing negotiations</li> </ul>	<ul style="list-style-type: none"> <li>• Redactions appearing on pages 5, 7, 24 - private email addresses withheld to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> <li>• Redactions appearing on pages 6, 25, 26, 31 – protection of the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code §</li> </ul>

	<p>regarding real estate and/or constitutes draft recommendations of the author. See Admin. Code § 67.25(a), (e).</p> <ul style="list-style-type: none"> <li>• Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> <li>• Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</li> <li>• Please also note that certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).</li> <li>• Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).</li> </ul>	<p>67.24(c).</p>
<p>Heckel 2</p>	<ul style="list-style-type: none"> <li>• Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> <li>• Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</li> <li>• Please also note that certain</li> </ul>	<p>the redactions in the batch of documents originally provided by me in the email below are all for the protection of information such as private email addresses, phone numbers and personal addresses to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1. I believed this was clear from the context of the documents which include redactions in email headers and sign-off information etc.</p>

	<p>call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).</p> <ul style="list-style-type: none"> <li>• Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).</li> </ul>	
Heckel 3	<ul style="list-style-type: none"> <li>• Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> <li>• Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</li> <li>• Please also note that certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).</li> <li>• Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).</li> </ul>	<p>the redactions in the batch of documents originally provided by me in the email below (Compliance Officer Hank Heckel Redacted 3) are all for to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1. I believed this was clear from the context of the documents which include redactions in email headers and sign-off information as well as to whistleblower complaints.</p>
Philhour	<ul style="list-style-type: none"> <li>• Please see the additional responsive records. Please note that in addition to the redactions noted below regarding privilege, personal privacy, official information dial-in numbers and codes, and open personnel decisions, these files contain redactions of information that is</li> </ul>	<ul style="list-style-type: none"> <li>• all for the protection of information such as private email addresses, phone numbers and personal addresses to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> </ul>

	<p>exempt from disclosure because it relates to ongoing negotiations regarding real estate and/or constitutes draft recommendations of the author. See Admin. Code § 67.25(a), (e).</p> <ul style="list-style-type: none"> <li>• Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> <li>• Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</li> <li>• Please also note that certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).</li> <li>• Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).</li> </ul>	
Elsbernd 1	<ul style="list-style-type: none"> <li>• Please see the additional responsive records. Please note that in addition to the redactions noted below regarding privilege, personal privacy, official information dial-in numbers and codes, and open personnel decisions, these files contain redactions of information that is exempt from disclosure because it relates to ongoing negotiations regarding real estate and/or constitutes draft recommendations of the author. See Admin. Code § 67.25(a), (e).</li> </ul>	<ul style="list-style-type: none"> <li>• Redactions appearing on pages 9, 25 - private contact information withheld to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> <li>• All other redactions – attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</li> </ul>

	<ul style="list-style-type: none"> <li>• Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> <li>• Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</li> <li>• Please also note that certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).</li> <li>• Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).</li> </ul>	
Elsbernd 2	<ul style="list-style-type: none"> <li>• Please see the additional responsive records. Please note that in addition to the redactions noted below regarding privilege, personal privacy, official information dial-in numbers and codes, and open personnel decisions, these files contain redactions of information that is exempt from disclosure because it relates to ongoing negotiations regarding real estate and/or constitutes draft recommendations of the author. See Admin. Code § 67.25(a), (e).</li> <li>• Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See</li> </ul>	<ul style="list-style-type: none"> <li>• All redactions - private contact information withheld to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> </ul>

	<p>Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</p> <ul style="list-style-type: none"> <li>• Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</li> <li>• Please also note that certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).</li> <li>• Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).</li> </ul>	
Cretan	<ul style="list-style-type: none"> <li>• Please note that <b>in addition to the redactions noted below</b>, the attached files also contain redactions of information withheld due to a law enforcement investigation exemption (Cal Gov. Code 6254(f)); informer identity protections (Cal. Evidence Code 1040) and/or due to personal privacy interests (California Constitution, Art. I, Sec. 1).</li> <li>• Please see the additional responsive records. Please note that in addition to the redactions noted below regarding privilege, personal privacy, official information dial-in numbers and codes, and open personnel decisions, these files contain redactions of information that is exempt from disclosure because it relates to ongoing negotiations regarding real estate and/or constitutes draft recommendations of the author. See Admin. Code § 67.25(a), (e).</li> <li>• Please note that certain personal</li> </ul>	<ul style="list-style-type: none"> <li>• Redaction on page 8- private contact information withheld to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</li> <li>• Redactions on pages 27-28 - law enforcement investigation exemption (Cal Gov. Code 6254(f)) and informer identity protections (Cal. Evidence Code 1040)</li> </ul>



	<p>information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.</p> <ul style="list-style-type: none"> <li>• Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</li> <li>• Please also note that certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).</li> <li>• Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).</li> </ul>	
Kittler	<ul style="list-style-type: none"> <li>• Please see the additional responsive records. Please note that in addition to the redactions noted below regarding privilege, personal privacy, official information dial-in numbers and codes, and open personnel decisions, these files contain redactions of information that is exempt from disclosure because it relates to ongoing negotiations regarding real estate and/or constitutes draft recommendations of the author. See Admin. Code § 67.25(a), (e).</li> <li>• Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c),</li> </ul>	<ul style="list-style-type: none"> <li>• Redaction on page 14- draft recommendations of the author (Admin. Code § 67.24(a), (e))</li> <li>• Redactions on all other pages - screenshots with personal information exempt from disclosure due to personal privacy interests (California Constitution, Art. I, Sec. 1).</li> </ul>

	<p>6254(k); California Constitution, Art. I, Sec. 1.</p> <ul style="list-style-type: none"><li>● Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</li><li>● Please also note that certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).</li><li>● Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).</li></ul>	
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