

After close of business January 16, 2020 and again on January 17, the Respondents supplemented their response to my July 2, 2019 request for records. As background: Response was originally due after extension on 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 info¹. This complaint 19091 was filed in August 2019.

The Supervisor of Records (SoR) stated on **Sept 5, 2019** that Respondents would provide all redaction reasons. Respondents failed to comply. The SoR had a duty to "immediately" order disclosure of the unjustified redactions due to their failure to comply, but the SoR did not do so.

The SoR further stated on **Oct 10, 2019** pursuant to our follow-up petition that the non-exempt attachments would be provided by Respondents². Only one additional attachment was provided. Again, the SoR had a duty to "immediately" order disclosure since SoR acknowledged that public records had been withheld. Respondents did not comply. SoR made no orders.

After a **third, January 15, 2020**, petition to the Supervisor of Records demanding compliance, finally on January 16, Respondents added individual redaction reasons, and on January 17, provided or justified withholding no less than 26 additional attachments improperly withheld in their entirety without justification since last July, which they also failed to provide on Oct. 10.

The Mayor's Office and the Supervisor of Records acted unlawfully, including engaging in collusive behavior to evade the issuance of lawfully-required SFAC 67.21(d) orders.

We are still reviewing the redactions to see if we wish to contest any of the them. At this time the Mayor's Office continues to withhold certain information: color in the records, cropped images, and URLs. There is no justification not to provide all such non-metadata information.³

You should find all violations against the Respondents. Respondents violated SFAC 67.26 for not providing footnotes or clear references to justifications for redactions and not minimizing withholding (which continues as of today). Respondents obviously also gave an incomplete response, SFAC 67.21, with numerous attachments not provided.

If the Mayor's Office continues to not provide footnotes or clear references for all redactions in the future - in their records responses, not in complaints - we shall allege willful and intentional violation.

¹ And also for various metadata reasons not discussed here

² 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.

³ Respondents possess currently and also possessed last July the standard Adobe Acrobat PDFMaker tool that allows for lawfully compliant production with minimal withholding (which tool includes the option to exclude all email headers if they so wish until SOTF 20006 is resolved).

We also intend to monitor their responses to all other records requestors. All persons must get the benefits of the Sunshine Ordinance - every record, every requestor, every request, every time.

We will pursue the SoR's violations of the law separately. The SoR is not a Respondent in this case.

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 FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). The author is an adversarial party against the City. Nothing herein is legal, IT, or professional advice of any kind, and the City should consult its own advisors. 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.

Respectfully,

ANONYMOUS
Complainant/Petitioner

EXHIBIT A

Record set	Original Justifications - July 2019⁴	Corrected Justifications - Jan 16, 2020
(withholding of entire documents)	<ul style="list-style-type: none">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).	(no change)
Breed	<ul style="list-style-type: none">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).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.Please note that certain information has been redacted on the basis of the attorney-client	<ul style="list-style-type: none">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.

⁴ This includes all reasons in the email messages associated with the recordset, which Heckel indicated on Jan 17, 2020 were not intended to apply to individual recordsets.

	<p>privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</p> <ul style="list-style-type: none"> • 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). • 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). 	
Power 1	<ul style="list-style-type: none"> • 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). • 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. • 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). • 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). • 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). 	<ul style="list-style-type: none"> • Redactions appearing between pages 2-9: Ongoing negotiations regarding real estate and draft recommendations of the author. See Admin. Code § 67.24(a), (e)⁵. • Redactions appearing between pages 10-18: attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k). • 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). • 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. • 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). • 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. • Subsequent redactions on page 26 -32 - attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).
Bruss	<ul style="list-style-type: none"> • 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). • 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. • Please note that certain information has been 	<ul style="list-style-type: none"> • 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. • 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 § 67.24(c).

⁵ Corrected on same day from SFAC 67.25.

	<p>redacted on the basis of the attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).</p> <ul style="list-style-type: none"> • 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). • 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). 	
Heckel 2	<ul style="list-style-type: none"> • 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. • 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). • 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). • 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). 	<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>
Heckel 3	<ul style="list-style-type: none"> • 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. • 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). • 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). • 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). 	<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"> • 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). 	<ul style="list-style-type: none"> • 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.

	<ul style="list-style-type: none"> • 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. • 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). • 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). • 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). 	
Elsbernd 1	<ul style="list-style-type: none"> • 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). • 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. • 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). • 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). • 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). 	<ul style="list-style-type: none"> • 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. • All other redactions – attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).
Elsbernd 2	<ul style="list-style-type: none"> • 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). • Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to 	<ul style="list-style-type: none"> • 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.

	<p>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"> • 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). • 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). • 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). 	
Cretan	<ul style="list-style-type: none"> • Please note that in addition to the redactions noted below, 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). • 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). • 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. • 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). • 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). • 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). 	<ul style="list-style-type: none"> • 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. • Redactions on pages 27-28 - law enforcement investigation exemption (Cal Gov. Code 6254(f)) and informer identity protections (Cal. Evidence Code 1040)
Kittler	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Redaction on page 14- draft recommendations of the author (Admin. Code § 67.24(a), (e)) • Redactions on all other pages - screenshots with personal information exempt from disclosure due to personal privacy interests (California Constitution, Art. I, Sec. 1).

	<p>constitutes draft recommendations of the author. See Admin. Code § 67.25(a), (e).</p> <ul style="list-style-type: none">• 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.• 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).• 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).• 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).	
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