

October 11, 2020

Dennis Herrera
Attn. General Government Team
City Attorney/Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Via email to supervisor.records@sfcityattty.org

Supervisor of Records Dennis Herrera,

This is an SFAC 67.21(d) petition against the Department of Technology. Please determine, in writing, within 10 days, whether each of the contested parts of records in Appendix A are public, and order their disclosure.

The City's response to email records requests, at least in this case, has come a long way since summer 2019. There is, however, still some work remaining to achieve full compliance that is reflected in this petition.

I will preempt your arguments here: To claim that the information is not reasonably segregable per GC 6253(a) has no bearing on my request. The CPRA provides the public with two separate rights: a right to inspect records in person pursuant to Gov Code 6253(a) and a right to get copies of records under Gov Code 6253(b).

1. I have only exercised my rights for *copies* under GC6253(b) and no reasonable segregation requirement exists under GC6253(b). This comports with common sense: partial redaction is not possible on an original record viewed in person, but is entirely possible to do for a copy. The Sunshine Ordinance does have an analog to the "reasonable segregation" requirement when viewing electronic records *in person* - see SFAC 67.21(l): "**Inspection** of documentary public information **on a computer monitor** need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance." Again, this is common sense: you cannot redact info *on a computer monitor* but you can on a *copy*.
2. Even if you were to *wrongly* state that the reasonable segregation requirement applies to copies, SFAC 67.26 has no such requirement and demands in San Francisco minimal withholding with citation to each part of the record withheld - the CPRA allows the local Sunshine Ordinance to require better access, as it does.

As a California licensed attorney subject to the Rules of Professional Conduct, you are warned not to intentionally mis-state or mis-cite these laws to achieve the outcome you want. I ask that you act honorably instead.

Appendix A lists the contested redactions. Appendix B has the record produced thus far.

Sincerely,

Anonymous

NOTE: 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 (signature.asc attachment), 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 government all be disclosable public records.

APPENDIX A - Challenged Redactions

All examples are non-exhaustive. We do not waive production of any record or part of record not mentioned below, nor do we concede that unmentioned records or parts of records are exempt or not public records.

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1. A single City Govt email address (almost certainly hank.heckel@sfgov.org) has been improperly withheld under the line labeled "Return-Path". It is the electronic analogue to a return address on a mail envelope - i.e. where to send . As long as it is a govt email address, and not a personal one (unless that personal address is used to conduct public business), it is disclosable. Source: <https://tools.ietf.org/pdf/rfc5321.pdf> , page 58.
2. The date/timestamp of receipt of the email has been improperly withheld under the lines labeled Received. Source: <https://tools.ietf.org/pdf/rfc5321.pdf>, page 59-60
3. The Content-Type and MIME-Version (indicators of the format of the record) should be released. Source: <https://tools.ietf.org/html/rfc2045#section-5> , <https://tools.ietf.org/html/rfc2045#section-4>

Following up

Heckel, Hank (MYR)

Fri 10/11/2019 11:46 AM

To: Makstman, Michael (TIS) <Michael.Makstman@sfgov.org>

Hi Mike,

Could you give me a call when you have a chance?

Thanks,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
(415) 554-4796

Received:

Information Security Cal. Govt. Code 6254.19

Authentication-Results:

Information Security Cal. Govt. Code 6254.19

Received:

Information Security Cal. Govt. Code 6254.19

Received:

Content-Type: Information Security Cal. Govt. Code 6254.19

From: "Heckel, Hank (MYR)" <hank.heckel@sfgov.org>

To: "Makstman, Michael (TIS)" <Michael.Makstman@sfgov.org>

Subject: Following up

Thread-Topic: Following up Thread-Index: AdWAZDJmu6AUfAeiQo6Ywy1jmWNINg==

Date: Fri, 11 Oct 2019 18:46:35 +0000

Message-ID:

<MW2PR0901MB3722A5B4A4EE4987BFF97284EB970@MW2PR0901MB3722.namprd09.prod.outlook.com>

Accept-Language: en-US

Content-Language: en-US

X-MS-Has-Attach:

X-MS-Exchange-Organization-SCL: Information Security Cal. Govt. Code 6254.19

X-MS-TNEF-Correlator:

Information Security Cal. Govt. Code 6254.19

MIME-Version: Information Security Cal. Govt. Code 6254.19

X-MS-Exchange-Organization-MessageDirectionality: Information Security Cal. Govt. Code 6254.19

X-MS-Exchange-Organization-AuthSource: Information Security Cal. Govt. Code 6254.19

X-MS-Exchange-Organization-AuthAs: Information Security Cal. Govt.

X-MS-Exchange-Organization-AuthMechanism: Information Security Cal. Govt. Code 6254.19

X-Originating-IP: Information Security Cal. Govt. Code 6254.19

X-MS-Exchange-Organization-Network-Message-Id: Information Security Cal. Govt. Code 6254.19

X-MS-PublicTrafficType: Information Security Cal. Govt. Code 6254.19

Return-Path: Information Security Cal. Govt. Code

X-MS-Exchange-Organization-ExpirationStartTime: Information Security Cal. Govt. Code 6254.19

X-MS-Exchange-Organization-ExpirationStartTimeReason: Information Security Cal. Govt. Code 6254.19

X-MS-Exchange-Organization-ExpirationInterval: Information Security Cal. Govt. Code 6254.19

X-MS-Exchange-Organization-ExpirationIntervalReason: OriginalSubmit

X-MS-Office365-Filtering-Correlation-Id: Information Security Cal. Govt. Code 6254.19

X-MS-Office365-Filtering-HT: Information Security Cal. Govt. Code 6254.19

X-MS-TrafficTypeDiagnostic: Information Security Cal. Govt. Code 6254.19

X-MS-Oob-TLC-OOBClassifiers: Information Security Cal. Govt. Code 6254.19
Information Security Cal. Govt. Code 6254.19
1;SRVR: Information Security Cal. Govt. Code 6254.19
Infor LANG: Infor X-Microsoft-Antispam: Information Security Cal.
X-MS-Exchange-CrossTenant-OriginalArrivalTime: Information Security Cal. Govt. Code 6254.19
X-MS-Exchange-CrossTenant-FromEntityHeader: Information Security Cal. Govt. Code 6254.19
X-MS-Exchange-CrossTenant-Id: Information Security Cal. Govt. Code 6254.19
X-MS-Exchange-CrossTenant-Network-Message-Id: Information Security Cal. Govt. Code 6254.19
X-MS-Exchange-CrossTenant-MailboxType: Information Security Cal. Govt. Code 6254.19
UserPrincipalName:
Information Security Cal. Govt. Code 6254.19
X-MS-Exchange-Transport-CrossTenantHeadersStamped: Information Security Cal. Govt. Code 6254.19
X-MS-Exchange-Transport-EndToEndLatency: Information Security Cal. Govt. Code 6254.19
X-MS-Exchange-Processed-By-BccFoldering: Information Security Cal. Govt. Code 6254.19
X-Microsoft-Antispam-Mailbox-Delivery:
Information Security Cal. Govt. Code 6254.19
Microsoft-Antispam-Message-Info:
Information Security Cal. Govt. Code 6254.19

Heckel, Hank (MYR)
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To: Makstman, Michael (TIS)

Hi Mike,

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Thanks,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
(415) 554-4796

Redaction Log

Reason	Page (# of occurrences)	Description
Information Security Cal. Govt. Code 6254.19	1 (21) 2 (17)	We have withheld records responsive to your request [and/or redacted parts of the records provided in response to your request] on the basis that the information contained may reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.
no reason	1 (4) 2 (1)	---