

From: Anonymous Person

06/04/2020 Subject: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosure Re... [Email](#)

Jeff Kositsky:

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to you. Your response is required by June 5, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records. Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color images. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:

- All withholding of any information must be justified in writing (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or 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 below 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 like NextRequest 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. *****

1. All text or chat messages (including group messages) in any form or application (including but not limited to SMS, MMS, WhatsApp, WeChat, Signal, Instagram, Twitter, Facebook, Hangouts, Skype, Teams):

- a) sent by you to/cc/bcc any of Mayor London Breed, Sean Elsbernd, SFPD Chief William Scott, Grant Colfax, Tomás Aragón, Dennis Herrera, Mohammed Nuru, Alaric Degrafinried, Andy Lynch, Hank Heckel, Mary Ellen Carroll, or Abigail Stewart-Kahn (the "Named Public Officials") OR
 - b) sent by any of the Named Public Officials and received by you (and possibly others, such as in a group message) OR
 - c) sent by a third party and received by both you and any of the Named Public Officials (such as in a group message),
- with timestamps between Jan 1, 2019 and June 3, 2020 (inclusive), including a personal property search under City of San Jose vs Superior Court (2017). While the phone numbers are not needed, the following must be preserved: the timestamps, the textual content, attachments, and images, and also ALL sender and recipient names (including groups). Pursuant to SF Admin Code 67.21(l), which requires you to use any electronic format that we request, please provide the records in spreadsheet format. For an example of the format of the response, see SFPD Chief Scott's prior response here: https://cdn.muckrock.com/foia_files/2020/04/14/Text_Messages_Breed_Scott_Redacted.pdf and clearly referenced redaction justifications

here: https://cdn.muckrock.com/foia_files/2020/04/14/ChiefOfficeResponse201.pdf (though I do not concede all of them are appropriate redactions) . Please provide rolling responses, starting with the most recent records going backwards.

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations. Remember as department head you had an obligation to maintain in a professional and businesslike manner your correspondence and release it as public records (SF Admin Code 67.27-9(a)); and we will cross-check your responses with all other parties to ensure you have not destroyed or withheld records improperly. You have stated to the press that you were in fact part of some of the previously disclosed text messages.

Thank you for your anticipated cooperation in this matter.

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](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

06/15/2020 

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosur... [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 June 4, 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: Department of Homelessness And Supportive Housing

06/15/2020 

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosur... [Email](#)

Dear Anonymous,
We have received your request and we are processing our response.

Please note that due to the continuing public health emergency, City workers are naturally working under unusual and difficult conditions with many called in for service as disaster service workers or otherwise prioritizing work on the public health emergency and with many others working remotely while also providing care for children or other family members. This impacts the ability to respond to records requests, particularly in gathering documents when working from a remote location. The City's emergency orders have suspended certain provisions of the Sunshine

Ordinance in response, including immediate disclosure requests and the 10 day period in which to provide or withhold documents.

Please understand that compliance with the California Public Records Act and the Sunshine Ordinance, subject to the scope of these orders, otherwise remains in effect and city departments are fulfilling those obligations while navigating the challenges of the health emergency. Further, your request is neither simple nor routine and does not seek easily accessible documents. It also requires consultation with another city department. Thus, it would not ordinarily be answered as an immediate disclosure request and would be treated as a regular records request, irrespective of the emergency orders. See Cal. Gov. Code 6253 and Admin. Code 67.25(b).

With regard to your Public Records Request, are invoking an extension to allow the Department of Emergency Management to consult with other City departments. (S.F. Admin. Code § 67.25(b); Govt. Code § 6253(c) (authorizing an extension of up to 14 calendar days until June 29, 2020).)

Please note that we are responding on behalf of the Department of Emergency Management only, and not on behalf of other City departments.

If you have any questions regarding your request or would like to send another public records request, please do not hesitate to contact the Department of Emergency Management.

Sincerely,
/s/
Victor Wai Ho Lim
External Affairs Officer

Department of Emergency Management



~WRD3645

 [Download](#)

From: Muckrock Staff

07/01/2020 

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosur... [Email](#)

To Whom It May Concern:

I'm following up on the following California Public Records Act request, copied below, and originally submitted on June 4, 2020. You had previously indicated that it would be completed on June 29, 2020. I wanted to check on the status of my request, and to see if there was a new estimated completion date.

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

From: Department of Homelessness And Supportive Housing

07/01/2020 

Subject: Automatic reply: California Public Records Act Request: Inter-Agency Text Messages - Immedi... [Email](#)

San Francisco's Emergency Operations Center is active to support preparation and response to COVID-19 (Novel Coronavirus). Inquiries unrelated to COVID-19 may experience a delay in response.

I am working offsite at the City's Emergency Operations Center as a Disaster Service Worker and this will delay my response.

The City of San Francisco takes the health and well-being of our community extremely seriously. We are taking extensive and proactive actions to prevent the spread of COVID-19 to our most vulnerable populations.

Know the facts: Risk for COVID-19 is based on travel, contacts and exposure to the virus. No racial, ethnic or cultural group is more at risk. The most common symptoms of COVID-19 are fever, cough and shortness of breath. If you are feeling sick, please first call your doctor, a nurse hotline, or an urgent care center. Do not go to the emergency room of a hospital unless you are having an actual emergency.

Stay at home: The City has issued a Public Health Order requiring people to stay home except for essential needs. Vulnerable populations, including adults over the age of 60 and people with health conditions, must stay home. Everyone else is required to stay home except to get food, care for a relative or friend, get necessary health care, or go to an essential job. Stay at least 6 feet apart if leaving your home for essential activities.

Access resources and services:

Find free meals for children <<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.sfusd.edu%2Fservices%2Fhealth-wellness%2Fnutrition-school-meals&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7dfcc0231f73f%7C0%7C0%7C637205014047709501&sdata=Y08ZK8fvcx0kvfFfqdfDAEyes5yGx66OP3Pi9O2YMgk%3D&reserved=0>>

Find out about emergency childcare centers <<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsf.gov%2Finformation%2Fsan-francisco-converts-rec-facilities-emergency-child-care-centers&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7dfcc0231f73f%7C0%7C0%7C637205014047709501&sdata=Y%2B3Ry2ruNdfWsN1Mq4UiODh9vMiK%2B3lgrdlxSkvPOqM%3D&reserved=0>>

Get City help if your business or employment is impacted by COVID-19 <<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Foewd.org%2Fassistance-guidance-businesses-and-workers-impacted-covid-19%23Biz%2520and%2520Employers&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7dfcc0231f73f%7C0%7C0%7C637205014047719490&sdata=wzcOXPJvDfMdopRkruaTYHuoQby5JIAdkum0cX1W2oE%3D&reserved=0>>

Find City services that are open during the coronavirus outbreak <<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsf.gov%2Finformation%2Fcity-services-whats-open&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7dfcc0231f73f%7C0%7C0%7C637205014047719490&sdata=3BUb2D%2BWU0uGqm%2FL0UtNj1kVh5xXiXRM7KAzicBEDfE%3D&reserved=0>>

Download fact sheets, social media graphics, or flyers <<https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsf.gov%2Foutreach-toolkit-coronavirus-covid->

19&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfcc0231f73f%7C0%7C0%7C637205014047729485&sdata=j5p9kCq8eiAfRL%2F3MWtJtQQz76xMHUIdVuUIAI%2Fo91U%3D&reserved=0>

Stay informed: Text COVID19SF to 888-777 for text message alerts. Call 311<tel:311> or visit[www.SF.gov/coronavirus](https://na01.safelinks.protection.outlook.com?url=http%3A%2F%2Fwww.sf.gov%2Fcoronavirus&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfcc0231f73f%7C0%7C0%7C637205014047729485&sdata=yvqQI77wzGVKsWNmodMTF%2F1Ho8rmv5TquEzGDjOsek8%3D&reserved=0)<[https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.sf.gov%2Fcoronavirus&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfcc0231f73f%7C0%7C0%7C637205014047729485&sdata=yvqQI77wzGVKsWNmodMTF%2F1Ho8rmv5TquEzGDjOsek8%3D&reserved=0](https://na01.safelinks.protection.outlook.com?url=http%3A%2F%2Fwww.sf.gov%2Fcoronavirus&data=02%7C01%7Cvictor.lim%40sfgov.org%7Ce3e34451ee9c4656e5aa08d7ce958e24%7C22d5c2cfce3e443d9a7fdfcc0231f73f%7C0%7C0%7C637205014047729485&sdata=yvqQI77wzGVKsWNmodMTF%2F1Ho8rmv5TquEzGDjOsek8%3D&reserved=0)> for more information.

From: Anonymous Person

07/01/2020

Subject: RE: California Public Records Act Request: Inter-Agency Text Messages - Immediate Disclosur...

None

Jeff Kositsky,

As you have refused to provide your responsive records within the 10 + 14 days set out by law, complaints will be filed.

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](https://www.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