

# Anonymous Public Records Audit of San Francisco

arecordsrequestor@protonmail.com  
<https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/>

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Anonymous

Attn. Michael Carlin  
Public Utilities Commission  
525 Golden Gate Avenue  
San Francisco, CA 94102  
*via email, CC: Dennis Herrera, City Attorney,  
and Board of Supervisors*

March 19, 2021

## **Demand that SFPUC retract false statements of fact**

Public Utilities Commission, City and County of San Francisco, and counsel:

PUC, an agency of the City and County of San Francisco, wrote a letter to a MuckRock request email address addressed to me on March 19, 2021 with multiple false statements of fact. That letter is available on MuckRock<sup>1</sup> and says in relevant part:

Dear Requester, ... As you recall, on July 9, 2020, due to an "inadvertent error in the redactions we performed for the text messages we provided you on July 6, 2020," we demanded that you destroy all copies of the record you have again requested and not forward copies to others, and we provided you a copy of the record in its place, available here <<https://sfpuc.sharefile.com/d-s62b89803d7484d6e94cbc0ce1b8b3ad3>>.

This contains multiple lies. As you may be aware, the full request thread is available to the public on MuckRock <sup>2</sup> and proves PUC is lying (see "Evidence of False Statements of Fact" section below).

Instead of lying about what happened, the City should thank me. The only

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<sup>1</sup><https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/#comm-1053002>

<sup>2</sup><https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/>

reason more people don't have the unredacted file is because I, voluntarily and without obligation to do so, informed you about the partial redactions, as I often inform various City departments.<sup>3</sup>

What I have sadly learned is that no good deed goes unpunished, and the behavior of the PUC and City Attorney in this case, and the broader retaliation by the City Attorney against my guaranteed rights of public

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<sup>3</sup>Including but not limited to:

1. Oct 31, 2019 email to CIO/CISO regarding improperly applied redactions in DT records;
2. Jan 17, 2020 email to Mayor's Office, CIO, CISO regarding release of IP address info in City contract records;
3. Jan 22, 2020 email to City Attorney's Office, CIO, CISO regarding release of employee addresses and phone numbers on a Board of Appeals record;
4. Jan 30, 2020 email to CIO/CISO regarding release of a person's Social Security Number, drivers license, and birth date on a City website;
5. July 16, 2020 email to SFPD regarding their release of Bryan Carmody's drivers license number
6. repeated warnings in July and December 2020 and January 2021 (and associated SOTF complaint) to the City Attorney's Office that they too had released Bryan Carmody's drivers license information, with no acknowledgment until March 2021;
7. Dec 18, 2020 voluntary redaction of Sean Elsbernd's phone numbers and familial affairs as released by Police Commission;
8. Dec 21, 2020 email to Public Works and Mayor's Office regarding Public Works' release of the Mayor's personal phone number – for which I was thanked with an illegal (imperfected) and unconstitutional (see *Publius v Boyer-Vine*) demand by the Mayor's Office not to communicate the number to others (a demand which the City later had to retract);
9. Feb 25, 2021 email to City Attorney's Office disclosing the URLs of Herrera's release of his personal email address to a *different records requester* that I found online; and
10. Mar 15, 2021 email to CIO, CISO, and City Attorney's Office regarding potential for widespread release of unredacted email attachment information via NextRequest.

access and appeal in order to prevent me from uncovering City misconduct, forces me to rethink my policy of informing the City going forward.

My alerting PUC to the lock box code in the unredacted PDF appears to have harmed the public interest because the other messages between Kelly and Wong were hidden from public view while you and Herrera took your time in re-releasing the other unredacted messages over half a year later. If I had not so informed you, the public would have had the opportunity to learn about the Kelly-Wong interactions, whether allegedly criminal or not, even before he was arrested.

The public has its own right to hold the government accountable and ensure officials use their vast powers of temporarily delegated sovereignty in the public interest as opposed to their private interest – we do not have to rely solely on the whims of prosecutors.

I am proud of my ability to consistently beat the City of San Francisco on Sunshine issues on the basis of a precise application of the law<sup>4</sup> – I don't need to cheat or lie to win and I will not permit any insinuations to the contrary. I win because I am correct, and the City nearly always attempts to hide some disclosable public information in records or otherwise skirt the transparency laws.

I demand, not request, that the City of San Francisco retract its false statements of fact, by email to myself and to MuckRock no later than close of business March 22, 2021.

**EVIDENCE OF FALSE STATEMENTS OF FACT:**

On July 8, 2020, PUC sent me on my own personal email the following message (emphasis mine): “Dear **MuckRock**, ... The SFPUC hereby

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<sup>4</sup>See: at least 14 out of 15 decisions by the Sunshine Ordinance Task Force in my favor;  
<https://sunshine-advocacy.gitlab.io/san-francisco-ca-us/01/log>

**requests** that **MuckRock** immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in **its** possession and remove them from all **publicly accessible locations**, including the MuckRock.com website.”<sup>5</sup> On July 9, PUC separately sent to MuckRock the following message: “The SFPUC hereby requests that MuckRock immediately destroy all copies of Bates numbers PUC 000175 through PUC 000219 in its possession and remove them from all publicly accessible locations, including the MuckRock.com website.”<sup>6</sup>

First, I am not MuckRock - and I had no obligation even to acknowledge your request since it was directed to MuckRock, and not to me. Regardless, I did respond voluntarily and without any obligation to do so, informing you that I deleted my own copy of the PDF. That does not mean my brain was wiped of the information contained in the PDF. And it doesn't mean that copies of the PDF in any other person's possession would be magically deleted either.

Second, you have now falsely characterized this request as a “demand.” As your July letter states - it was a request, not a demand.

Third, you falsely state that you demanded that I "not forward copies to others." You did not ask me not to forward the PDF to anyone else. You asked MuckRock (not me) to remove the document from all publicly accessible locations. As I understand, Michael of MuckRock separately informed you that they had never had a copy to distribute in the first place. Regardless, to be clear, I never posted my copy of that PDF publicly nor have I provided my copy of that PDF to anyone else, even though I had no obligation to refrain from doing either.

Whether you believe me or not, I did in fact delete my copies of the

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<sup>5</sup><https://www.documentcloud.org/documents/20509097>

<sup>6</sup><https://www.documentcloud.org/documents/20509099>

original unredacted PDF when I told you as such on July 9.<sup>7</sup> If you're wondering how I still have the SHA hash of the file, it is because I hashed the file prior to deletion so I could always prove that the file at some point existed, that I did in fact at some point have possession of it, if someone ever challenged that I had previously had such access, and to uniquely identify the file. Hashing is a common mathematical technique to prove the existence of and uniquely identify a block of data (like a PDF file) to a very high degree of certainty, without having to keep a copy of the data. If this is unclear, you may wish to consult your IT professionals about it.

Whatever your frustration at the public at large potentially having access to the PDF, it is a result of your own (and Mr. Kelly's) failure to properly redact public records, the City's absurd policy of letting senior officials unilaterally decide what to hide from the public without any oversight in performing redactions (apparently on City Attorney Herrera's advice), and your subsequent public release of those records on your website.

*Your own* PUC sharefile URL provided the PDF to anyone who wanted it, and that link – but not the unredacted file – appears publicly on the MuckRock thread.<sup>8</sup>

Do better next time.

Very truly yours,

Anonymous

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<sup>7</sup><https://www.documentcloud.org/documents/20513701>

<sup>8</sup><https://www.muckrock.com/foi/san-francisco-141/inter-agency-text-messages-immediate-disclosure-request-sf-puc-94992/#comm-911729>