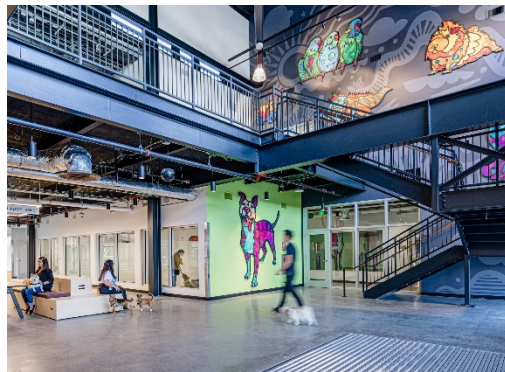


Dec. 9, 2024

Public Records and the Sunshine Ordinance

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Custodian of Records & Executive Assistant to the Director



The Sunshine Ordinance



- Adopted by San Francisco voters in 1999
- Rule of thumb: EVERYTHING IS SUBJECT TO PUBLIC DISCLOSURE
- There are few, rare exceptions
- This is why keeping *everything* is challenging – even non-records (documents) must be produced upon request of the public
- Requests may be made in writing or verbally

Requesting documents from Public Works

The screenshot shows the 'City and County of San Francisco' NextRequest portal. At the top, there is a navigation bar with 'NextRequest' on the left, 'Make request', 'All requests', and 'Documents' in the center, and a 'Sign in' button on the right. The main content area is titled 'REQUEST A PUBLIC RECORD' and includes a sub-header 'Documents, photos, emails, texts, videos, data and other records.' Below this is a 'Request description' section with a rich text editor containing the text 'Enter your request - please include all information that could help fulfill this request.' To the right of the form is a 'PARTICIPATING DEPARTMENTS' section listing various city departments.

REQUEST A PUBLIC RECORD
Documents, photos, emails, texts, videos, data and other records.

Request description

B I U [List Icons]

Enter your request - please include all information that could help fulfill this request.

PARTICIPATING DEPARTMENTS
The following departments are accepting public records request through this portal:

- *Animal Care and Control*
- *Arts Commission*
- *Building Inspection*
- *Controller*
- *Department of Public Health*
- *Department of Technology*
- *Ethics Commission*
- *Fire Department*
- *Homelessness and Supportive Housing*

Screenshot of City's online public records request portal: sanfrancisco.nextrequest.com

- Most requests are received through the NextRequest online portal
- About 70% are fairly straightforward requests that generally don't take long to fulfill:
 - From unions to verify project info, certified payroll, etc.
 - Utility/sewer maps/info from contractors
 - Contracts or bid results
 - From law firms, title companies and others seeking documentation of violations and records for a property
 - Copies of permits

Other frequent topics

City and County of San Francisco
NextRequest

Make request All requests Documents Sign in

Explore 7413 requests ▼
If you need San Francisco records that may have been previously released, please search past requests. You may find what you need! 1 2 ... 75 < >

Filters [Reset filters](#)

7413 Requests filtered by Department ids ☰

Search requests ⓘ
Search by keyword in a request

Request status
 Open
 Closed

Departments ⓘ
Public Works ✕

Apply filters

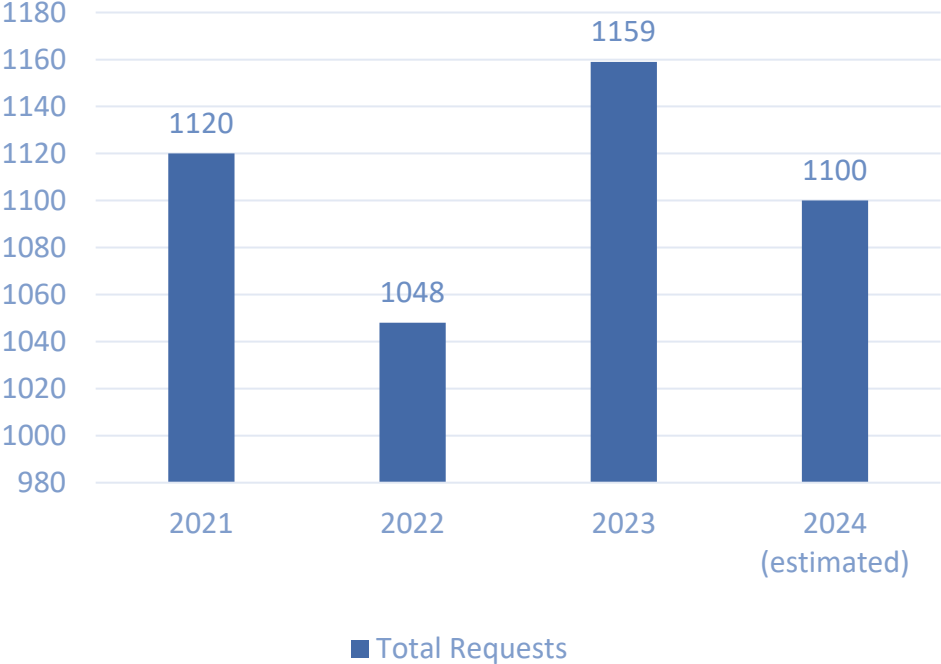
Request	Status	Request description	Departments
24-6862	📁	Hello, I am looking for hazmat-related files for a property I...	Public Works
24-6837	📁	Immediate disclosure request: Mayor transition report Hi, I ...	Public Works
24-6834	📁	Public Records Act Request to the San Francisco Department of ...	Public Works
24-6827	📁	We would like to request underground sewer / storm drain drawi...	Public Works
24-6823	☑	I am requesting records for MUNI. The records I am deman...	Public Works
24-6820	☑	Our accident reconstruction company, Kauderer & Associates is ...	Public Works
24-6816	📁	Hello, I'm currently preparing construction plans and wanted...	Public Works

Screenshot of City's online public records request portal: sanfrancisco.nextrequest.com

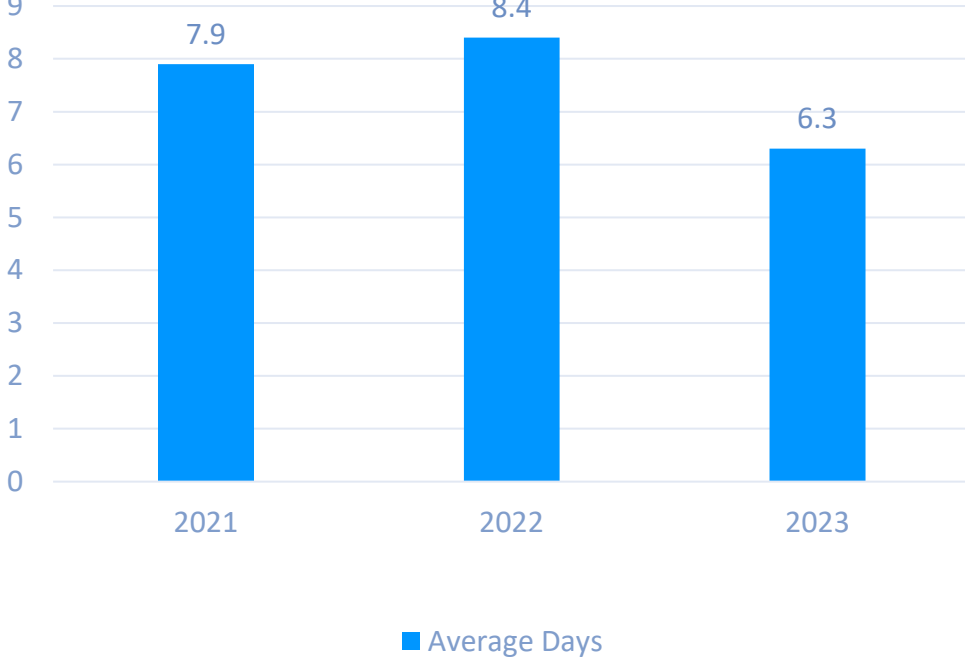
- Tree-related (this can be as simple as a copy of a permit to remove a tree or as complicated as a complete list of our tree database and tree-related service requests)
- Media requests
- Voluminous requests from law firms related to current or pending legal actions
- Homelessness issues (such as bag-and-tag records, emails by topic) by activists/attorneys
- Personnel-related documents

Records requests by the numbers

Year-Over-Year Records Requests



Average Days to Close Request



When is a request not a public records request?

- When the request is for material that we normally distribute to the public, such as brochures, project flyers and meeting agendas
 - In such a case, staff can provide the document to the individual or let them know where the requested information can be found (such as on our website)
- When the request is actually a question: If the person isn't seeking a specific document but wants information
 - In these cases, the person should be directed to a staff member who is authorized to speak to the public and provide information

Information requests versus records requests

On behalf of the Senior Pastor and Board of Trustees of Bethel AME Church San Francisco (located at 916 Laguna Street on the SE corner at Golden Gate Ave), we wish to make the following inquiries regarding the above subject DPW Project. We make these inquiries so that we can notify the members of our Congregation as they come for meetings and services frequently during not only Sunday but during the week as well. Several of our members use wheelchairs, walkers and other ambulatory devices to enter and exit our building. We also conduct a Food Pantry Ministry every Friday from 8am until 2pm distributing Food assistance to over 200 Hundred persons weekly.

- 1. Can you advise us as to what kind of and when written notice was sent to Bethel AMEC San Francisco regarding this Public Works Project? **Can you furnish a copy with your reply?***
- 2. **Can you provide us with a complete estimated project schedule** as to when full construction will begin and end at 916 Laguna Street on the SE corner at Golden Gate Ave?*
- 3. Can we meet with you or members of your construction team before or when they begin this Public Works project to understand, on the ground, what egress issues may arise during construction.*

As you can see, this Public Works project could impact the spiritual services and community outreach we currently provide. Therefore, your prompt reply to this inquiry would be appreciated.

What is the response time allowed for a public records request?



- A standard public records or Sunshine request is due 10 calendar days upon receipt by Public Works
- This usually means just six to eight working days
- An Immediate Disclosure Request is due at the close of business on the next business day following receipt and is used for a "simple, routine, or otherwise readily answerable request"
- A single two-week extension is available in most instances

How we respond



- Identify where the records may be
- Work with bureaus to pull records
- Confer with City Attorney's Office as needed
- Review every document to determine if anything needs to be redacted or withheld

What if we miss the deadline for responding to a request?

Requesters may complain to the Sunshine Ordinance Task Force

- 2021
 - Seven appearances before full Sunshine Ordinance Task Force (SOTF) regarding four complaints; task force found department to be in violation in each case
 - We followed the advice of City Attorney's Office, but the Task Force disagreed with City Attorney's Office
- 2022
 - One complaint heard by SOTF, which found no violation
 - No dedicated staff assistant
- 2023
 - One complaint heard by SOTF, which found no violation
 - Added staffer, which allowed us to close a number of old files, including one from 2020, seven from 2021, three from 2022
 - Second budgeted staff position left unfilled
- 2024
 - Two complaints heard by SOTF, which found no violation in either

Sunshine Ordinance Task Force

- The Sunshine Ordinance Task Force was established by Chapter 67 of the San Francisco Administrative Code
- The purpose of the Task Force is to protect the public's interest in open government and to carry out the duties enumerated in Chapter 67
- The Task Force advises the Board of Supervisors and provides information to other City departments on appropriate ways to implement the Sunshine Ordinance
- Recent internal Task Force rule changes have improved process and time commitment
- Our best practices to ensure issues don't rise to the level of a complaint to the Task Force:
 - Yearly FAQ to staff on how to deal with Sunshine requests
 - Training sessions for staff groups
 - Staffing is critical – new assistant is the only person whose job is almost entirely responding to requests
 - Data/records management
 - Organized a citywide group – Custodians of Records Working Group
 - Initiated constructive dialogue between City custodians and Sunshine Ordinance Task Force
- Of note: Public Works was cited as example of departments employing best practices nationwide in a UC Berkeley Goldman School of Public Policy report on improving transparency

Best practices for staff and commissioners



- Emails and texts related to City business are subject to disclosure
 - Your text to a coworker wishing them a happy birthday is not subject to disclosure
 - Your text to a coworker about a growing sinkhole is subject to the Sunshine Ordinance
- The same rules apply to Teams and Skype/Zoom messages
- These rules apply to both City-issued and personal devices
 - Anyone can request your messages, regardless of what device you use, if they are related to City business
- Text messages are almost always non-records under the department's records retention policy and can be deleted when you're done with them



QUESTIONS