

Department of Emergency Management

Number: 06.01.05

Division of Communications

Replaces: Policy Dated:

**Policies and Procedures:
Release of Public Records**

Date: May 29, 2008

Approved: _____

- I. Purpose:** Policy and Procedures for Responding to Records Requests Under the San Francisco Sunshine Ordinance and the California Public Records Act.
- II. References:** Sunshine Ordinance - San Francisco Administrative Code Chapter 67
California Public Records Act - Gov't Code §§ 6250 et seq.
- III. Policy:** The San Francisco Department of Emergency Management ("DEM" or "Department") is committed to providing members of the public their full right of access to DEM public records under the San Francisco Sunshine Ordinance and the California Public Records Act. The goal is to ensure that members of the public receive prompt, accurate and thorough responses to their requests for public records maintained by the Department.
- IV. Definition:** From the California Public Records Act: "Records" are any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (§6252(e)) A "Writing" is any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (§6252(g))."
From the San Francisco Sunshine Ordinance: "Public Information" means the content of public records, whether provided in documentary form or in an oral communication, but does not include "computer software" developed by the City and County of San Francisco. (§67.20(b))
- V. Department Records that are Subject to Disclosure:**
Every record made or received by the Department is presumed to be a public record that members of the public may inspect or obtain a copy of upon request. If a responsive record contains both exempt and non-exempt information, the Department will redact the exempt material and make the remainder of the record available to the requesting party.

VI. Department Records NOT Subject to Disclosure:

- A. Some records in the possession of the Department are exempt from public disclosure under federal, state or local law. Examples of records the Department is prohibited from disclosing or may decline to disclose include:
 - 1. Personnel, medical or similar files the disclosure of which would constitute an unwarranted invasion of personal privacy.
 - 2. Confidential communications between the Department and lawyers for the City protected by the attorney-client privilege.
 - 3. Proprietary financial information submitted to the Department in response to a request for proposal prior to award of a contract.
 - 4. Records, the disclosure of which is exempted or prohibited under federal or state law.
 - 5. Community safety camera footage is exempt from disclosure under San Francisco Administrative Code Chapter 19.
- B. The Department is not required to respond to interrogatories or to create a document in response to a public records request. In addition, the Department is not required to respond to prospective requests.

VII. Requests from the Public

The Department Custodian of Records Office duties include receiving and responding to requests for public records. Members of the public should direct records requests to the Department's Custodian of Records Office. Members of the public should not direct a request to other Department personnel as that may delay the Department's response while the request is forwarded to the Custodian of Records Office.

- A. Requests for records may be verbal or in writing. Requests must include a reasonable description of an identifiable record or records. To expedite the request, members of the public should be as specific as possible. Requests should include telephone number, address, and/or other contact information that the Department can use, if necessary to contact the requesting party for clarification of a request or to advise when the responsive records are available.
 - 1. Although not legally required, a written request will help the Department understand the request and respond to it in a timely and efficient manner. Members of the public are encouraged to use the Department's Public Records Request form located on our website <http://www.sfgov.org/site/ecd>
 - 2. Members of the public are not required to provide the reason for the request for records. If necessary, however, personnel in the Custodian of Records Office may ask questions about the request to better understand what information the requester desires to assist the requester in forming a focused and effective request.
 - 3. The Custodian of Records Office will assist a requesting party to identify the existence, form, and nature of public records or information maintained by the Department.
- B. Written requests may be faxed, mailed, or hand delivered to:
Department of Emergency Management
Custodian of Records Office
Fax: 415-558-3869

1011 Turk Street
San Francisco, CA 94102

- C. Requests by telephone may be made by calling:
Department of Emergency Management
Custodian of Records Office
Telephone: 415-558-3826

VIII. Time Allowed for Department to Respond to a Request

The Department responds to all requests for public records as promptly as reasonably possible, and provides responsive records, if any, after they are available. Upon request, the Department will provide responsive records to a requesting party on an incremental or "rolling" basis.

- A. Generally, the Department has 10 calendar days to respond to a request to inspect or receive copies of records. In certain circumstances, the Department may extend its time to respond by an additional 14 calendar days. If the Department extends the time to respond, the Department will notify the requesting party in writing within the initial 10-day response period of the reason(s) for the extension and the estimated date for the response.
- B. The Department may extend its response time when it must:
1. Search for, collect and appropriately examine a voluminous amount of separate and distinct records included in a single request.
 2. Search for and collect the requested records from a remote storage facility or location separate from Department Headquarters.
 3. Consult with another agency or City department that has a substantial interest in the response to the request.
 4. Compile data or construct a computer report to extract data.

IX. Immediate Disclosure Requests

Members of the public may request "immediate disclosure" of public records. Generally, the Department must respond to an Immediate Disclosure Request by the close of business the next business day after the request is received. The Department may extend the time to respond to an Immediate Disclosure request by an additional 14 calendar days for the same reasons, and following the same procedure, described in Section VIII above.

- A. Immediate Disclosure Requests must be made in writing. Members of the public cannot make a verbal Immediate Disclosure Request.
- B. The Immediate Disclosure deadline applies only when the words "Immediate Disclosure Request" are placed:
1. Across the top of the request, and
 2. On the envelope, subject line, or cover sheet in which the request is transmitted.

X. Department's Response to a Records Request

- A. The Department will provide a written response that will notify the requestor (1) whether the Department has located any responsive records, (2) whether any exemptions to disclosure apply and if so the legal and factual grounds for the exemptions, and (3) whether any responsive records are available for inspection or pick-up. The Department's response will also generally include the number of responsive records available for inspection or pick-up, if any, as well as any applicable fees. The Department will also inform the requester if it knows or believes that another City department may have additional responsive records.
- B. Unless the requesting party has requested a response through some other method, the Department responds to requests by letter sent via U.S. Mail (if a return mailing address is provided). If the requesting party has requested an alternative method of response, the Department will honor that request to the extent possible.

XI. Inspection of Records

- A. Members of the public may inspect any responsive records without charge.
- B. If the requesting party wants to inspect responsive records, he or she should contact the Department's Custodian of Records Office. The Department will make the records available for review at a location designated by the Department, typically the Department's Headquarters at 1011 Turk Street, San Francisco. Records will be available for inspection Monday through Friday, 8:00 a.m. to 4:30 p.m. (excluding legal holidays). The Department may have Department personnel present during the inspection.
- C. If records include both exempt and non-exempt information, the Department will only provide copies of the records, and will not make the records available for inspection.

XII. Collection of Records

- A. A requesting party may obtain copies of any responsive documents. Two-sided copies will be made when practicable. There are several options to obtain copies:
 - 1. A requesting party may pick up copies of any responsive documents at the Department's Headquarters at 1011 Turk Street, San Francisco. Monday through Friday, from 8:00 a.m. to 5:00 p.m. The requesting party must pay any applicable fee before he or she can collect the records.
 - 2. A requesting party may have the Department produce any responsive records through U.S. Mail. If the requesting party elects this option, the Department will send the records after receiving payment of any applicable fees.
 - 3. If the responsive documents are less than 10 pages, the Department can fax copies to the requesting party. If there are 10 or more pages of responsive documents, the Department will not produce documents via fax.
 - 4. The requesting party may ask that the Department provide the records by email. The Department does not charge a fee to send copies of

electronic records. The Department will send records by email, but only under the following circumstances:

- a. The records already exist in an electronic format.
 - b. The records do not contain any exempt information.
 - c. The total size of the transmission would be less than 10 MB.
 - d. The Department will not email audio files.
- B. Unless the requesting party has requested delivery of any responsive records through some other method, the Department will hold those records for pick-up at Department Headquarters.

XIII. Fees

- A. Copies: When responsive documents copied to the order of the requester amount to 100 or more pages, the Department charges 10 cents per page copied, and 20 cents per page for 2-sided copies. For routinely produced documents, such as an agenda, the Department charges one cent per page for copies. There is no charge for copies of responsive documents where the responsive documents amount to 99 or fewer pages.
- B. Copies other than Paper Records: Where a requesting party seeks a copy of a record in other than a paper format, the Department will charge the party for the cost of the medium on which the information is duplicated. The Department currently charges \$35.00 per audio CD. Fees for duplications are subject to change.
- C. Postage: The Department does not charge for the cost of postage when the requesting party asks the Department to send copies of the responsive records through U.S. mail. Charges for postage are assessed only when special arrangements are made for overnight delivery, or when records are sent to addresses outside the U.S.
- D. Method of Payment: Fees can be paid in cash or by check or money order made payable to "City and County of San Francisco".

XIV. Abandoned Requests

The Department will hold any responsive records for 30 calendar days after the date of the Department's written response to the requesting party. A requesting party who is unable to inspect the records or collect copies within that 30-day period may contact the Department's Custodian of Records Office to make arrangements to inspect or collect the copies at a later date. After the 30-day period, however, if the requesting party has not made such arrangements with the Department, the Department will return the records to their appropriate files or storage. After that time, the requesting party must submit a new request to obtain the records.

XV. Complaint Process

Supervisor of Records. If a requesting party believes that the Department has improperly withheld a public record, he or she may petition the City's Supervisor of Records for review of the Department's response by submitting the following to the Supervisor of Records:

- A. A request for review by the Supervisor of Records;
- B. A copy of the original request; and
- C. A copy of the Department's response.
- D. The requesting party should submit the petition to:

Office of the City Attorney
Attention: Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Tel. No. (415) 554-4700
Fax. No. (415) 554-4745
TDD/TTY No. (415) 554-6779

Sunshine Ordinance Task Force. A requesting party who believes that the Department has improperly withheld a record or otherwise failed to fulfill its obligations under the City's Sunshine Ordinance may also file a complaint with the City's Sunshine Ordinance Task Force, by submitting the complaint to:

Sunshine Ordinance Task Force
Attention: Sunshine Ordinance Task Force Administrator
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4683
Tel. No. (415) 554-7724
Fax. No. (415) 554-7854
TDD/TTY No. (415) 554-5227

Any member of the public with questions about the Department's public records request policy or procedures may contact the Custodian of Records Office at: (415) 558-3826.

Information about the Sunshine Ordinance and the City's public records request process is generally available at the following City websites:

San Francisco Sunshine Ordinance Task Force
http://www.sfgov.org/site/sunshine_index.asp

City Attorney's Office, Access to Public Records in San Francisco
http://www.sfgov.org/site/cityattorney_index.asp?id=476