

Date: January 8, 2008

Item No. 2  
File No. 07061 &  
07062

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Complaint by: Library Users (Warfield) vs. SF Library**
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Completed by: Frank Darby

Date: January 2, 2008

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.

**SUNSHINE ORDINANCE  
TASK FORCE**



**City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-7724  
Fax No. 415) 554-7854  
TDD/TTY No. (415) 554-5227**

**ORDER OF DETERMINATION  
September 25, 2007**

October 1, 2007

Peter Warfield  
Library Users Association  
P.O. Box 170544  
San Francisco, CA 94117-0544

Sue Blackman  
San Francisco Public Library  
100 Larkin Street  
San Francisco, CA 94102-4733

Re: Combined complaints #07061 and 07062 filed by Peter Warfield, on behalf of the Library Users Association, against the San Francisco Public Library for alleged inadequate posting and maintenance on the website of information about donations to the library, and for inadequate response to an Immediate Disclosure Request of August 9, 2007.

Based on the information provided to the Task Force from the Complainant Peter Warfield, Respondent Sue Blackman, and hearing public comment, the following Order of Determination is adopted:

Although the San Francisco Public Library (Library) has acknowledged and has taken measures to correct the failures to post information to its website and provide the records requested, the Task Force finds that the Library violated Sunshine Ordinance Sections 67.29-2, 67.29-6, and 67.21 for failure to promptly update the website, failure to adequately disclose on the website sources of outside funding, and failure to provide requested records by not providing the home addresses of donors. The Library is ordered to release copies of the donor records requested without redacting the home address of donors within five (5) days of the date of this Order of Determination.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on September 25, 2007 by the following vote: (Craven / Knee )

Ayes: Craven, Knee, Cauthen, Chu, Comstock, Wolfe, Goldman, Williams

Noes: Pilpel

Excused: Chan

A handwritten signature in black ink, appearing to read "D. Comstock".

Douglas Comstock, Chair  
Sunshine Ordinance Task Force

cc: Ernie Llorente, Deputy City Attorney



*San Francisco Public Library*  
100 Larkin Street, San Francisco, CA 94102 - 4733

Honorable Members, Sunshine Ordinance Task Force  
c/o Frank Darby, Jr., Task Force Administrator  
Office of the Clerk, Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

December 24, 2007

**Re: January 8, 2007 Task Force Hearing On Complaints #07061 & 07062, Library Users (Warfield) v. SF Public Library**

Dear Task Force Members:

I am writing to express my disappointment with the process by which Complaints #07061 & 07062 have been handled by the Task Force and to explain why a Library representative will not be attending the upcoming January 8<sup>th</sup> hearing on this matter.

The Task Force's January 8<sup>th</sup> hearing will be the fifth time that the Task Force or a committee thereof has held a hearing on this single matter. The four prior occasions were as follows: (1) on September 25, 2007, a hearing on the merits before the full Task Force; (2) on October 10, 2007, a hearing before the Compliance and Amendments Committee; (3) on November 14, 2007, a hearing before the Compliance and Amendments Committee for a second time; (4) and on November 27, 2007, a hearing before the full Task Force for a second time, to consider the recommendation of the Compliance and Amendments Committee. Sue Blackman, the Library's Custodian of Records and Commission Secretary, has attended each of these four hearings. She has spent upwards of twelve hours attending hearings on this matter.

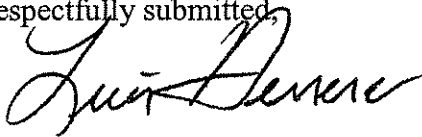
At the most recent hearing on November 27<sup>th</sup>, the Task Force was supposed to vote on whether to refer this matter to the Ethics Commission. The matter was Item #12 on the agenda and did not come up until 10:15 p.m. Despite the late hour, the Task Force still had a quorum (six members were present) and Ms. Blackman, having waited four hours, was also still present. But when the Task Force reached the agenda item, Mr. Warfield – the complainant – asked the Task Force to continue the item because there were not sufficient votes (for a vote for referral to the Ethics Commission to succeed, all six members would have had to vote unanimously in favor of referral, and Mr. Warfield stated off microphone that he would not be able to get all six votes). Ms. Blackman objected to the continuance. Notwithstanding her objection, the Task Force granted Mr. Warfield's request and voted to continue the matter. Because a quorum was still present, the Task Force then proceeded to hear the next item on the agenda.

The Task Force's conduct at the November 27<sup>th</sup> hearing demonstrates a disturbing lack of respect for Library staff time and resources. Ever since Mr. Warfield filed this Complaint back in August, the Library has acted diligently and in good faith to resolve this matter, not only by sending a representative to each hearing on this matter but also by making

four detailed written submissions to the Task Force explaining the legal justification for its redaction of the home addresses of individual donors from the requested records. [See September 18th Library letter to Task Force; October 5th Library letter to Compliance Committee; November 9th Library letter to Compliance Committee; November 20<sup>th</sup> Library letter to Task Force]. Moreover, in November, I referred Chairman Knee's request for additional "written legal justification" to the City Attorney's Office and obtained a written response from the City Attorney's Office, which I forwarded to the Task Force on November 9<sup>th</sup>.

In light of this course of events, I cannot see any reason for Ms. Blackman to spend any more time attending a Task Force hearing on this matter. I am confident that Ms. Blackman's testimony at the four prior hearings along with our four prior written submissions to the Task Force and the City Attorney's letter have all made abundantly clear both the Library's position on this matter and the legal justification for this position. Accordingly, I will not be sending a departmental representative to the January 8<sup>th</sup> meeting. I trust that our written submission for the November 27<sup>th</sup> meeting, including all attachments, will be considered by the Task Force at its January 8<sup>th</sup> hearing on this matter.

Respectfully submitted,



Luis Herrera  
City Librarian

cc: Library Commission



## *San Francisco Public Library*

Honorable Members, Sunshine Ordinance Task Force  
c/o Frank Darby, Jr., Task Force Administrator  
Office of the Clerk, Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

November 20, 2007

**Re: November 27, 2007 Task Force Hearing On Complaint # 07062, Library Users (Warfield) v. SF Public Library**

Dear Task Force Members:

It is my understanding that at its November 14, 2007 meeting, the Compliance and Amendments Committee considered for a second time Complaint #07062 concerning the Library's redaction of home addresses on its donor disclosure forms and voted to refer the matter back to the Task Force for consideration at its November 27, 2007 meeting. I am submitting this letter to (1) provide a brief summary of the steps that the Library has taken over the last few months to address the Task Force's concerns over the Library's redaction of the home addresses of individual donors from records provided to Mr. Warfield in response to his public records request, and (2) explain why referral of this matter to the District Attorney, Attorney General or Ethics Commission would be unwarranted.

First, I wish to provide a brief summary of the course of events related to this Complaint and the Library's multiple efforts to address the Task Force's concerns:

- On August 9, 2007, Mr. Warfield made a public records request for, among other things, "the amount and source of funds" donated to the Library for the last three years. In response to this request, the Library provided Mr. Warfield with copies of the Library's "Donor Disclosure/Gift Acknowledgement Forms." These forms reflected donations made by 21 individuals totaling \$5,220 dollars. The donations ranged from \$100 to \$1,000, with the average donation being \$217.50. These forms contained spaces for home address and home phone number, which information the Library redacted. In no case did the Library redact the name of the individual donor or the amount of his/her donation from the forms.<sup>1</sup> Nor

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<sup>1</sup> Section 67.29-6 of the Sunshine Ordinance requires disclosure of the "amount and source" of gifts to the City. The Ordinance specifically requires disclosure of two kinds

did the Library redact any business address or business phone number from such documents.

- On August 27, 2007, Mr. Warfield filed two complaints with the Task Force, one of which – Complaint # 07062 – alleged, among other things, that the Library's redaction of the donors' home addresses on the donor forms was unlawful.
- On September 18, 2007, the Library submitted a nine-page letter to the Task Force responding to the myriad allegations in Mr. Warfield's complaints. (See Attachment A). In that letter, we explained the legal basis for redacting individual donors' home addresses – the need to protect the donors' right to privacy. As part of our explanation, we provided multiple citations to state and city law providing for the protection of privacy.
- On September 25, 2007, the Task Force heard this matter and issued an Order of Determination dated October 1, 2007, directing the Library to release the donors' home addresses. The Task Force found no violation of law in our redacting donors' home phone numbers, hence the Order only covered home addresses.
- On October 5, 2007, I submitted a letter to the Compliance and Amendments Committee in which I explained that the Library would not comply with the Task Force's Order of Determination because to do so would violate the privacy rights of those individuals whose home addresses are on the requested donor records. (See Attachment B). I explained that the Library's decision to redact home addresses from the donor records was based on oral advice received from the City Attorney's Office that disclosure of this information would violate the donors' privacy rights. I also explained that the Library was willing – pursuant to a suggestion made by Task Force members at the September 25<sup>th</sup> hearing – to amend its Donor Disclosure Form to provide a check box that would allow a donor to choose to have his/her personal contact information disclosed to the public. The Library is currently amending its form to reflect this change.
- On October 10, 2007, the Compliance and Amendments Committee heard this matter for the first time. No action was taken at this meeting.
- On November 6, 2007, Committee Chairman Richard Knee sent me an email requesting that the Library provide "written legal justification" for redacting individual donors' home addresses with citations of statutory and case laws.
- On November 9, 2007, I submitted a letter to the Compliance and Amendments Committee in response to Chairman Knee's request. (See Attachment C). In that letter, I explained that the Library had already

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of information: "[1] the *names* of all individuals or organizations contributing such money and [2] a *statement as to any financial interest* the contributor has involving the City." S.F. Admin. Code § 67.29-6 (emphasis added).

provided written legal justification for redacting individual donors' home addresses in our original written response to the Task Force dated September 18, 2007. I explained that since I was not qualified to provide further written legal analysis with citations to case law, etc., I had referred Chairman Knee's request for additional "written legal justification" to the City Attorney's Office. I included as an attachment to my letter a response from the City Attorney's Office dated November 9, 2007. (See Attachment D). The City Attorney letter concluded that "the privacy provisions cited in the September 18<sup>th</sup> letter provide ample authority for our [that is, the City Attorney's] legal conclusion that a donor's home address should not be disclosed." The letter also stated that if the Committee would like a more thorough written legal analysis of this issue, it may make such a request directly to the City Attorney's Office.

- On November 14, 2007, the Compliance and Amendments Committee heard this matter again and voted to refer the matter back to the full Task Force. It is my understanding that the Committee declined to request a written legal opinion from the City Attorney's Office on the redaction of donors' home addresses.

This course of events amply demonstrates that referral of this matter to the District Attorney, Attorney General or Ethics Commission would be entirely unwarranted. The Library has on three occasions – in letters dated September 18<sup>th</sup>, October 5<sup>th</sup> and November 9<sup>th</sup> – provided the Task Force with written legal justification for its redaction of the home addresses of individual donors from the requested records. In its September 18<sup>th</sup> letter, the Library cited multiple privacy provisions from the state constitution, state statutes and city laws that justify the protection of home addresses. As explained in my October 5<sup>th</sup> and November 9<sup>th</sup> letters, the Library relied on the legal advice of the City Attorney's Office when it redacted the donors' home addresses. In its November 9<sup>th</sup> letter, the City Attorney confirmed the legal conclusion that disclosure of the home addresses would violate the privacy rights of individual donors.

The Task Force and the Library disagree regarding the scope of donors' personal right to privacy. But this disagreement cannot warrant referral to an outside agency. Following in good faith the advice of the City Attorney's Office – the Library's Charter-mandated legal advisor – cannot be grounds for finding a willful violation of the law or official misconduct.

In addition, it is noteworthy that (1) the Sunshine Ordinance does not require the Library to obtain donors' home addresses, much less make their addresses public, and (2) the Task Force itself has recognized that donors' personal contact information is not inherently public, as evidenced by the Task Force's failure to find our redaction of donors' home phone numbers unlawful. Reliance on a good faith disagreement over a relatively narrow point of law, rooted in the advice of the City Attorney's Office, as a basis for referring this matter to the District Attorney, Attorney General, or Ethics Commission, would be a gross abuse of discretion.

For the reasons set forth above, the Task Force should conclude that referral to an outside body is unwarranted under the circumstances of this case.

Respectfully submitted,

Luis Herrera  
City Librarian

Attachments: (1) Attachment A, September 18<sup>th</sup> Library Letter to Task Force  
(2) Attachment B, October 5<sup>th</sup> Library letter to Compliance  
Committee  
(3) Attachment C, November 9<sup>th</sup> Library letter to Compliance  
Committee  
(4) Attachment D, November 9<sup>th</sup> City Attorney letter to Library

cc: Francesca Gessner, Deputy City Attorney





*San Francisco Public Library*  
100 Larkin Street, San Francisco, CA 94102 - 4733

Honorable Members, Compliance and Amendments Committee  
Sunshine Ordinance Task Force  
c/o Frank Darby, Jr., Task Force Administrator  
Office of the Clerk, Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

October 5, 2007

**Re: Order of Determination dated October 1, 2007 re: Complaints #07061 & 07062**

Dear Task Force Members:

I am writing in response to the Task Force's Order of Determination ("Order") issued on October 1, 2007, regarding combined complaints #07061 and 07062 filed by Peter Warfield in his capacity as Executive Director of the Library Users Association. The Order instructs the Library "to release copies of the donor records requested without redacting the home addresses of donors within five (5) days of the date of this Order of Determination." We respectfully disagree with the Task Force on this issue. As explained below, the Library will not comply with the Order because to do so would violate the privacy rights of those individuals whose home addresses are on the requested donor records.

As you are aware, in response to Mr. Warfield's August 9, 2007 public records request, the Library provided him with over thirty copies of the Library's Donor Disclosure/Gift Acknowledgment forms. A subset of those forms contained home addresses and home phone numbers, which the Library redacted. The Library did not redact the name of the individuals or organizations on such documents. Nor did the Library redact any business address or business phone number on such documents.

Prior to redacting the home addresses from the donor forms, the Library sought the advice of the City Attorney's Office. The City Attorney's Office orally advised us that home addresses and home phone numbers of donors should not be disclosed to the public. The City Attorney's Office explained that disclosure of this information would violate the donors' privacy rights. In reliance on this advice, the Library redacted the donors' home addresses.

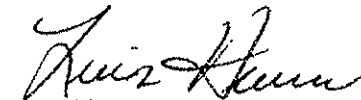
This decision was consistent with the Library's general policy of declining to disclose home addresses and phone numbers of individuals in response to public records requests. The Library does not function as a conduit to transmit personal

information about individuals contained in the Library's files to members of the public who request such information. The Library recognizes that public records laws serve the essential function of providing information to the public about the workings of government, which makes it possible for the public to monitor government. But access to the home addresses and home telephone numbers of individuals who donate to the Library does not promote these purposes. Instead, disclosure threatens intrusion into the zone of personal privacy. The Public Records Act and the Sunshine Ordinance do not create a license for the Library to violate the privacy rights of individuals.

When I received the Order on October 1, 2007, I again consulted with the City Attorney's Office which again advised me orally that redaction of the donors' home addresses was necessary to protect their privacy rights. Thus, under the circumstances of this case, the Library is neither required nor permitted to provide an individual's home address to a member of the public. Because compliance with the Order would expose the Library to liability for violating the privacy rights of individuals, the Library declines to release the home addresses of donors on the forms provided to Mr. Warfield in response to his public records request.

Although the Library will not disclose the home addresses of the individuals on the donor forms provided to Mr. Warfield, the Library is willing – pursuant to a suggestion made by Task Force members at the hearing on this matter on September 25, 2007 – to amend its Donor Disclosure form to provide a check box that would allow a donor to choose to have his/her personal contact information disclosed to the public. Providing donors with this option may enable the Library to make this information for certain donors available to the public in the future without violating rights to privacy. The Library is prepared to discuss this idea at the Compliance and Amendments Committee hearing on October 10, 2007.

Respectfully submitted,



Luis Herrera  
City Librarian



"Richard A. Knee"  
<rak0408@earthlink.net>

11/06/2007 04:55 PM

Please respond to  
rak0408@earthlink.net

To citylibrarian@sfpl.org

cc sotf@sfgov.org, Ernest.Llorente@sfgov.org

bcc

Subject Request for justification of records withholding

To Luis Herrera  
San Francisco City Librarian

Dear Mr. Herrera:

As you might be aware, the Sunshine Ordinance Task Force found on September 25, 2007, that the San Francisco Public Library had violated the Ordinance by refusing to provide certain unredacted records to the Library Users Association.

The records provided to the Complainant's representative, Peter Warfield, did not contain personal contact information of persons who had made donations to the San Francisco Public Library.

The Task Force's Compliance and Amendments Committee is scheduled to resume consideration of this matter -- Cases 07061 and 07062 -- at its next regular meeting, Wednesday, November 14, 2007. Preparatory to that discussion, the Committee requests that you provide written legal justification for said redactions, with citations of statutory and case laws, particularly those enacted or adjudicated since November, 2004, when California voters passed an initiative enshrining in the state Constitution the principle of the people's right to know about the workings of their government.

In addition, the Committee asks that you or a knowledgeable representative attend said meeting to be able to answer Committee members' questions. The meeting is to be held in City Hall Room 406, starting at 4 p.m. If you have any questions, please contact me through the office of Task Force Administrator Frank Darby, phone 554-7724, e-mail SOTF@sfgov.org. Thank you for your kind attention.

Sincerely,  
Richard Knee, Chair  
Sunshine Ordinance Task Force Compliance and Amendments Committee

Cc: Frank Darby, Sunshine Ordinance Task Force Administrator; Ernest Llorente, Deputy City Attorney; other Committee members, via Mr. Darby



"Luis Herrera"  
<lherrera@sfpl.org>  
11/09/2007 03:34 PM

To <rak0408@earthlink.net>, <sotf@sfgov.org>, <ernest.Llorente@sfgov.org>  
cc "Sue A. Blackman" <sblackman@sfpl.org>

bcc

Subject Response to Richard Knee's email dated November 6, 2007

History:  This message has been forwarded.

Attached is a response to Richard Knee's email dated November 6, 2007, as well as supporting attachments.

Luis Herrera  
City Librarian

The San Francisco Public Library  
100 Larkin Street  
(415) 557-4232



LH letter.pdf Attorneys response 11 9 07.pdf 10 05 07 response.pdf 9 18 07 letter.pdf



## *San Francisco Public Library*

Honorable Members, Compliance and Amendments Committee  
Sunshine Ordinance Task Force  
c/o Frank Darby, Jr., Task Force Administrator  
Office of the Clerk, Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

November 9, 2007

**Re: Compliance and Amendments Committee Hearing On Complaints #07061 & 07062**

Dear Committee Members:

This letter is in response to Chairman Knee's email dated November 6, 2007 regarding the upcoming meeting of the Compliance and Amendments Committee on Wednesday November 14, 2007. According to your email, at this meeting the Committee will once again consider the Library's redaction of the home addresses of individual donors from records that the Library provided to Peter Warfield in response to his public records request of August 9, 2007.

The Committee previously heard this matter at its October 10, 2007 meeting. Prior to that hearing, I submitted a letter to the Committee dated October 5, 2007, in which I explained that the Library will not comply with the Task Force's Order of Determination dated September 25, 2007, because to do so would violate the privacy rights of those individuals whose home addresses are on the requested donor records. In that letter, I explained that the Library's decision to redact home addresses from the donor records was based on oral advice received from the City Attorney's Office that disclosure of this information would violate the donors' privacy rights.

In your email dated November 6, 2007, you request that the Library send a representative to next week's Committee meeting and "provide written legal justification for said redactions, with citations of statutory and case laws ...." As I assume you are aware, the Library already provided written legal justification for redacting individual donors' home addresses in our original response to the Sunshine Ordinance Task Force dated September 18, 2007. For your reference, I have quoted below the pertinent section of our September 18<sup>th</sup> letter that addressed this matter and included several statutory citations:

The Library does not release home phone numbers and home addresses of individuals, including donors, in order to protect their right to privacy. Both state law and local law recognize and protect personal privacy. See Cal. Govt. Code § 6250 (stating that in enacting the Public Records Act, the Legislature is "mindful of the right of individuals to privacy"); Cal. Govt. Code § 6254(c) (exempting from disclosure "personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy"); Cal. Govt. Code § 6254(k) (exempting from disclosure "[r]ecords, the disclosure of which is exempted or prohibited pursuant to state or federal law"); Cal. Const. Art. I, § 1 (including in the declaration of inalienable rights the right to privacy); S.F. Admin. Code § 67.1(g) (stating that individuals in San Francisco "have rights to privacy that must be respected"); S.F. Admin. Code Chapter 12M (prohibiting disclosure of personal information except under certain circumstances). We note by way of example that the Task Force's own website lists "home telephone numbers" as an example of information that is exempt from disclosure under the Public Records Act and the Sunshine Ordinance.<sup>1</sup>

The redaction of home addresses and home phone numbers is entirely consistent with the donor disclosure requirements of the Sunshine Ordinance. Section 67.29-6 requires disclosure of "the amount and source" of gifts to the City. Specifically, it requires disclosure of "the names of all individuals or organizations contributing such money and a statement as to any financial interest that the contributor has involving the City." S.F. Admin. Code § 67.29-6. Nowhere does it require disclosure of donors' personal contact information. While donors' identity and financial interest with the City and the dollar amount of their gifts are relevant to the ability of members of the public to monitor the operations of government, the home addresses and phone numbers of such donors do not address that ability. The purpose underlying the Ordinance's disclosure provisions – to shed light on the use of gifts to curry favor with City officials or influence City policy – is served by disclosing such information. But disclosing donors' personal contact information in no way furthers this purpose.

People have a right to privacy in their homes. In accordance with the law, the Library respects their right to privacy by not disclosing home addresses or home phone numbers. This specific claim is without merit and should be dismissed.

It appears from your email that the Committee is requesting additional written legal justification beyond that which was provided in our September 18<sup>th</sup> letter. As the City Librarian, I am not qualified to provide written legal analysis with citations to case law, etc. Accordingly, I have referred your request for additional "written legal justification"

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<sup>1</sup> The Task Force website states: "Under the California Public Records Act and the San Francisco Sunshine Ordinance, some records are exempt from disclosure. Examples of records that do not have to be disclosed are: Personnel records, Medical records, *Home telephone numbers* ...." Frequently Asked Questions, *available at* [http://www.sfgov.org/site/sunshine\\_index.asp?id=4418](http://www.sfgov.org/site/sunshine_index.asp?id=4418) (emphasis added).

to the City Attorney's Office, which has responded with a letter dated November 9, 2007, a copy of which is attached. The City Attorney's Office has stated:

We have reviewed the following two documents: (1) Library Commission Secretary Sue Blackman's letter to the Task Force dated September 18, 2007, and (2) your letter to the Compliance and Amendments Committee dated October 5, 2007. We agree with the reasoning and legal citations set forth therein which reflect the legal advice that our Office has given you. Specifically, we agree that the privacy provisions cited in the September 18<sup>th</sup> letter provide ample authority for our legal conclusion that a donor's home address should not be disclosed.

The email from the Compliance and Amendments Committee may indicate that the Committee does not feel the legal analysis of this issue in the above-mentioned letters is sufficiently thorough. If the Committee seeks a more thorough written legal analysis of this matter, it may of course make such a request directly to our Office by contacting me.

With regards to your request that a Library representative attend next week's Committee hearing, while we are certainly willing to send the Commission Secretary, she will not be able to speak to the specific legal issues regarding redaction of home addresses beyond that which we have already addressed in our September 18<sup>th</sup> letter to the Task Force and my October 5<sup>th</sup> letter to this Committee.

Respectfully submitted,

Luis Herrera  
City Librarian

Attachments: (1) September 18, 2007 letter from Library Commission Secretary Sue Blackman to the Sunshine Ordinance Task Force  
(2) October 5, 2007 letter from City Librarian Herrera to the Compliance and Amendments Committee  
(3) November 9, 2007 letter from City Attorney's Office to City Librarian Herrera



DENNIS J. HERRERA  
City Attorney

FRANCESCA GESSNER  
Deputy City Attorney

DIRECT DIAL: (415) 554-4762  
E-MAIL: francesca.gessner@sfgov.org

November 9, 2007

Luis Herrera  
City Librarian  
100 Larkin Street  
6<sup>th</sup> Floor City Librarian's Office  
San Francisco CA 94102

Re: Redaction of Home Addresses of Donors on Donor Disclosure Forms

Dear Mr. Herrera:

You have forwarded to the City Attorney's Office the email from Chairman Knee of the Compliance and Amendments Committee of the Sunshine Ordinance Task Force dated November 6, 2007 regarding the Library's redaction of home addresses of donors on donor disclosure forms that were provided to Mr. Peter Warfield in response to his public records request of August 9, 2007. In that email, Chairman Knee requests that the Library "provide written legal justification for said redactions, with citations of statutory and case laws, particularly those enacted or adjudicated since November 2004, when California voters passed an initiative enshrining in the state Constitution the principle of the people's right to know about the workings of their government."

We have reviewed the following two documents: (1) Library Commission Secretary Sue Blackman's letter to the Task Force dated September 18, 2007, and (2) your letter to the Compliance and Amendments Committee dated October 5, 2007. We agree with the reasoning and legal citations set forth therein which reflect the legal advice that our Office has given you. Specifically, we agree that the privacy provisions cited in the September 18<sup>th</sup> letter provide ample authority for our legal conclusion that a donor's home address should not be disclosed.

The email from the Compliance and Amendments Committee may indicate that the Committee does not feel the legal analysis of this issue in the above-mentioned letters is sufficiently thorough. If the Committee seeks a more thorough written legal analysis of this matter, it may make such a request directly to our Office by contacting me.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

FRANCESCA GESSNER  
Deputy City Attorney





*San Francisco Public Library*  
100 Larkin Street, San Francisco, CA 94102 - 4733

Honorable Members, Compliance and Amendments Committee  
Sunshine Ordinance Task Force  
c/o Frank Darby, Jr., Task Force Administrator  
Office of the Clerk, Board of Supervisors  
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San Francisco, CA 94102-4689

October 5, 2007

**Re: Order of Determination dated October 1, 2007 re: Complaints #07061 & 07062**

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Prior to redacting the home addresses from the donor forms, the Library sought the advice of the City Attorney's Office. The City Attorney's Office orally advised us that home addresses and home phone numbers of donors should not be disclosed to the public. The City Attorney's Office explained that disclosure of this information would violate the donors' privacy rights. In reliance on this advice, the Library redacted the donors' home addresses.

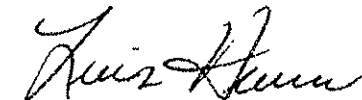
This decision was consistent with the Library's general policy of declining to disclose home addresses and phone numbers of individuals in response to public records requests. The Library does not function as a conduit to transmit personal

information about individuals contained in the Library's files to members of the public who request such information. The Library recognizes that public records laws serve the essential function of providing information to the public about the workings of government, which makes it possible for the public to monitor government. But access to the home addresses and home telephone numbers of individuals who donate to the Library does not promote these purposes. Instead, disclosure threatens intrusion into the zone of personal privacy. The Public Records Act and the Sunshine Ordinance do not create a license for the Library to violate the privacy rights of individuals.

When I received the Order on October 1, 2007, I again consulted with the City Attorney's Office which again advised me orally that redaction of the donors' home addresses was necessary to protect their privacy rights. Thus, under the circumstances of this case, the Library is neither required nor permitted to provide an individual's home address to a member of the public. Because compliance with the Order would expose the Library to liability for violating the privacy rights of individuals, the Library declines to release the home addresses of donors on the forms provided to Mr. Warfield in response to his public records request.

Although the Library will not disclose the home addresses of the individuals on the donor forms provided to Mr. Warfield, the Library is willing – pursuant to a suggestion made by Task Force members at the hearing on this matter on September 25, 2007 – to amend its Donor Disclosure form to provide a check box that would allow a donor to choose to have his/her personal contact information disclosed to the public. Providing donors with this option may enable the Library to make this information for certain donors available to the public in the future without violating rights to privacy. The Library is prepared to discuss this idea at the Compliance and Amendments Committee hearing on October 10, 2007.

Respectfully submitted,



Luis Herrera  
City Librarian



## *San Francisco Public Library*

Honorable Members, Sunshine Ordinance Task Force  
c/o Frank Darby, Jr., Task Force Administrator  
Office of the Clerk, Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

September 18, 2007

**Re: Complaints #07062 and #07061, Filed By Peter Warfield On Behalf Of Library Users Association Against The San Francisco Public Library**

Dear Task Force Members:

This letter responds to the two complaints filed by Peter Warfield, in his capacity as Executive Director of the Library Users Association ("the Association"), on August 27, 2007 against the San Francisco Public Library: Complaint # 07062, entitled "Inadequate Response to Immediate Disclosure Request of 8-9-07," and Complaint #07061, entitled "Inadequate Posting and Maintenance of Website." The Library received a copy of the complaints on August 30, 2007.

Before addressing the specifics of these complaints, we make two general points that this letter addresses in greater length.

*Mootness of specific claims.* The Library does not contest that the Task Force has jurisdiction to hear these complaints. Nevertheless, we respectfully ask Mr. Warfield to withdraw certain of his specific claims because they are moot. In the alternative, the Task Force should dismiss several of his specific claims as moot. The remaining claims that are not moot are without merit and should be dismissed.

*Duplicative nature of Complaint #07061.* Complaint #07061 essentially repeats one of the allegations made in Complaint #07062. Accordingly, we respectfully ask Mr. Warfield to withdraw Complaint #07061 because of its duplicative nature. In the alternative, we request either that the Task Force dismiss Complaint #07061 because of its duplicative nature or that the two complaints be consolidated and heard as one agenda item.

We now address the specifics of the two complaints.

**COMPLAINT #07062**

**"Inadequate Response to Immediate Disclosure Request of 8-9-07"**

This complaint alleges that the Library's reply to Mr. Warfield's August 9, 2007 immediate disclosure request was inadequate in five ways. We address each aspect of the complaint below.

**(1) "Incomplete Response"**

The complaint first asserts that the Library's response to Mr. Warfield's August 9 public records request was "incomplete" because at least two grant award letters from the Friends of the San Francisco Public Library "did not include material that the letters said were included."

The Library initially provided Mr. Warfield with copies of these letters as the Library maintained them in its files. We did not notice that the letters in the Library's files did not contain the enclosures to which they referred. On Friday, August 24, Mr. Warfield visited the Library Commission office in person – to discuss a different immediate disclosure request he had filed earlier that day – and during that visit he asserted that he had not received "a complete packet" in response to his August 9 request. At that time, we did not understand what he was asking for, as his assertion was unspecific and we had already provided him with copies of all of the letters. It was not until the Library received a copy of this complaint on August 30 that we learned that Mr. Warfield wanted the attachments that the letters we had provided referenced. Upon receiving the complaint, we took steps to address this issue. In a letter to Mr. Warfield sent on September 6, 2007 (attached hereto as Exhibit A), the Library explained that it had located the attachments and would provide them to him at his convenience. Later that day, I hand-delivered copies of the attachments to Mr. Warfield when I saw him at the Library Commission meeting.

Because Mr. Warfield has now received the records at issue, we respectfully request that Mr. Warfield withdraw this claim because it is moot. In the alternative, the Task Force should dismiss this specific claim.

**(2) "Unlawful Withholding of Donor Information"**

The complaint next asserts that "contact information for most of the donors was redacted, and in at least one case, even the name of the person to be remembered was redacted."

**Redaction of donors' home addresses/phone numbers**

In response to his August 9, 2007 request, the Library provided Mr. Warfield with copies of the Library's "Donor Disclosure/Gift Acknowledgement Forms." These forms contain addresses and phone numbers for each donor. (A sample copy of this form is attached

hereto as Exhibit B). Where the contact information was a home address and/or home phone number, the Library redacted such information. Where the donor form included a business address and/or business phone number, the Library did not redact such information.

The Library does not release home phone numbers and home addresses of individuals, including donors, in order to protect their right to privacy. Both state law and local law recognize and protect personal privacy. *See* Cal. Govt. Code § 6250 (stating that in enacting the Public Records Act, the Legislature is "mindful of the right of individuals to privacy"); Cal. Govt. Code § 6254(c) (exempting from disclosure "personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy"); Cal. Govt. Code § 6254(k) (exempting from disclosure "[r]ecords, the disclosure of which is exempted or prohibited pursuant to state or federal law"); Cal. Const. Art. I, § 1 (including in the declaration of inalienable rights the right to privacy); S.F. Admin. Code § 67.1(g) (stating that individuals in San Francisco "have rights to privacy that must be respected"); S.F. Admin. Code Chapter 12M (prohibiting disclosure of personal information except under certain circumstances). We note by way of example that the Task Force's own website lists "home telephone numbers" as an example of information that is exempt from disclosure under the Public Records Act and the Sunshine Ordinance.<sup>1</sup>

The redaction of home addresses and home phone numbers is entirely consistent with the donor disclosure requirements of the Sunshine Ordinance. Section 67.29-6 requires disclosure of "the amount and source" of gifts to the City. Specifically, it requires disclosure of "the names of all individuals or organizations contributing such money and a statement as to any financial interest that the contributor has involving the City." S.F. Admin. Code § 67.29-6. Nowhere does it require disclosure of donors' personal contact information. While donors' identity and financial interest with the City and the dollar amount of their gifts are relevant to the ability of members of the public to monitor the operations of government, the home addresses and phone numbers of such donors do not address that ability. The purpose underlying the Ordinance's disclosure provisions – to shed light on the use of gifts to curry favor with City officials or influence City policy – is served by disclosing such information. But disclosing donors' personal contact information in no way furthers this purpose.

People have a right to privacy in their homes. In accordance with the law, the Library respects their right to privacy by not disclosing home addresses or home phone numbers. This specific claim is without merit and should be dismissed.

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<sup>1</sup> The Task Force website states: "Under the California Public Records Act and the San Francisco Sunshine Ordinance, some records are exempt from disclosure. Examples of records that do not have to be disclosed are: Personnel records, Medical records, *Home telephone numbers* ...." Frequently Asked Questions, *available at* [http://www.sfgov.org/site/sunshine\\_index.asp?id=4418](http://www.sfgov.org/site/sunshine_index.asp?id=4418) (emphasis added).

### **Redaction of honoree's name**

The Library first learned of this issue on August 30 when it received a copy of Mr. Warfield's complaint. Upon learning of the problem, the Library reviewed the redacted records provided and realized that one of the forms included information that the gift was in memory of an identified individual, and that the Library had redacted the honoree's name prior to making the record available to Mr. Warfield. The redaction of this name was an error that occurred in the process of redacting other personal information.

In the attached letter sent to Mr. Warfield on September 6 (Exhibit A), the Library explained that it would make a copy of the form that included the honoree's name available to him. Later that day, I hand-delivered a copy of the form with the honoree's name disclosed, to Mr. Warfield when I saw him at the Library Commission meeting.

Accordingly, we respectfully request that Mr. Warfield withdraw this specific claim because it is moot. In the alternative, the Task Force should dismiss this specific claim as moot.

### **(3) "Web posting was incomplete/inaccurate"**

The complaint next asserts that the Library's website is missing donations from the Friends of the San Francisco Public Library (the "Friends") for the last four years, and grants such as the \$153,000 grant from the Bill and Melinda Gates Foundation, that did appear in the Library's binders on grants that Mr. Warfield has inspected.

#### **Website posting of Friends donations**

Although the Library was not current in posting its gifts from the Friends on its website, the Library has now updated its website to show these donations.<sup>2</sup> As a result, we respectfully request that Mr. Warfield withdraw this specific claim because it is moot. In the alternative, the Task Force should dismiss this specific claim as moot.

#### **Website posting of grants**

The Library, like other City departments, has a long-standing practice of posting gifts – but not grants – on its website pursuant to Section 67.29-6 of the Sunshine Ordinance. That section requires departments to disclose the "amount and source" of "outside funding" on their websites. S.F. Admin. Code § 67.29-6. The disclosure must include "the names of all individuals or organizations *contributing* such money and a statement as to any financial interest that the *contributor* has involving the City." *Id.* (emphasis added). The law's use of the terms "contributing" and "contributor" indicate that its requirements apply to gifts and charitable donations, but not grants from non-profit foundations or governmental entities, which are not commonly thought of as "contributions."

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<sup>2</sup> See <http://www.sfgov.org/site/frame.asp?u=http://www.sfpl.org/>.

The City Attorney's Good Government Guide explains that the phrase "outside funding" in Section 67.29-6 means "*gifts* made to the City by private entities for City functions ...." Good Government Guide 2007-08 at p. 117 (emphasis added). The Guide instructs that Section 67.29-6 "requires City departments to report *gifts* exceeding \$100 in value." *Id.* at p. 58 (emphasis added). Nowhere does the Guide ever suggest that grants received by a department must be posted on its website. Thus, in accordance with the Guide's instructions, the Library – along with other City departments – posts gifts but not grants on its website.

City law treats gifts and grants differently because grants are subject to entirely different legal requirements and public processes than are gifts. In addition, grants from federal, state, or local governments and/or private foundations generally require an application process and may involve several applicants competing for the same grant. More importantly, however, the Library cannot accept and expend a grant of any amount without first receiving approval from the Board of Supervisors as part of a publicly noticed public meeting. See S.F. Admin. Code § 10.170-1 (Board must approve "[t]he acceptance and expenditure of federal, State, or other grant funds"); S.F. Admin. Code § 10.170-2.5 (no grant funds "shall be expended in whole or in part unless and until such expenditure is approved by the Board of Supervisors"). As the Controller's Budget Instructions for Fiscal Year 2007-2008 explain, Board approval for grants can be obtained through one of three ways: "(a) the budget process using the Annual Appropriation Ordinance, (b) through an Accept and Expend Resolution for grants not creating new positions, or (c) through an Accept and Expend Ordinance amending the ASO if new positions are created."<sup>3</sup> As these procedures make clear, grants must go through their own highly visible public approval process.

By way of example, the grant from the Bill and Melinda Gates Foundation referenced in the complaint was heard before the full Board of Supervisors at its December 13, 2005 meeting and the Board passed a resolution to accept and expend the grant on that date. (See Resolution No. 871-05 attached hereto as Exhibit C). This resolution, like all resolutions, is posted on the Board of Supervisors' website.<sup>4</sup> Similarly, in fiscal year 2006-07, the Library received four grants, all of which went through a public process at the Board of Supervisors as follows: (a) a resolution to accept and expend an \$11,332 grant from the California State Library was heard by the Board of Supervisors at its September 12, 2006 meeting and adopted on September 14, 2006 (Resolution No. 0524-06), and (b) three grants that were incorporated into the Library budget through the budget process using the Annual Appropriation Ordinance 2006-07 ("AAO"): (1) a \$66,103 grant from the California State Library; (2) a \$23,400 grant from the Friends, and (3) a \$37,932 grant from the Friends (Ordinance No. 0202-06). Again, the grant

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<sup>3</sup> See Controller's Budget Instructions for Fiscal Year 2007-2008 at p.52, available at [http://www.sfgov.org/site/controller\\_index.asp?id=1826](http://www.sfgov.org/site/controller_index.asp?id=1826).

<sup>4</sup> See Board of Supervisors website at [http://www.sfgov.org/site/bdsupvrs\\_index.asp?id=4381](http://www.sfgov.org/site/bdsupvrs_index.asp?id=4381).

resolution appears on the Board of Supervisors' website. The AAO appears in full on the Controller's website.<sup>5</sup>

As these examples demonstrate, the City has a specific, open and transparent process for the acceptance and expenditure of grants, including posting of grant information on the City's website. Section 67.29-6 of the Ordinance does not require the Library or any other City department to post grants on departmental websites. Indeed, the Library is unaware of any other department that posts incoming grants on its website. Because this specific claim is without merit, the Task Force should dismiss it.

**(4) "Written agreements with donating entities were not provided, as required by Sunshine 67.29-6"**

The complaint next asserts that the Library's response was not adequate because "[w]ritten agreements with donating entities were not provided, as required by Sunshine 67.29-6."

In response to Mr. Warfield's August 9 request for "written agreements," the Library provided all documents responsive to this aspect of his request, namely the Donor Disclosure/Gift Acknowledgment Forms.<sup>6</sup> To comply with Section 67.29-6 of the Sunshine Ordinance, the Library provides "Donor Disclosure/Gift Acknowledgement Forms" to donors of gifts worth \$100 or more. (A sample form is attached hereto as Exhibit B). The Library has used this form for over seven years. The Good Government Guide provides this form to all City departments. It requires donors to disclose the information required by Section 67.29-6. As the form states, it is designed "to help the Library comply with the Sunshine Ordinance." Indeed, the form contains the entire text of Section 67.29-6. The form lists the various types of financial interests that a donor may have involving the City and requires donors to identify what, if any, financial interest they have with the City.

The Library provided all of the Donor Disclosure Forms that it has for the time period Mr. Warfield requested, and has no other responsive records. Because this specific claim is without merit, the Task Force should dismiss it.

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<sup>5</sup> See Controller's website at

[http://www.sfgov.org/site/uploadedfiles/controller/reports/AAO\\_FYE\\_June\\_30\\_2007.pdf](http://www.sfgov.org/site/uploadedfiles/controller/reports/AAO_FYE_June_30_2007.pdf)

<sup>6</sup> On September 13, 2007, the Library also provided Mr. Warfield with a document entitled "Public-Private Support and Cooperation Framework" between the San Francisco Public Library and the Friends. (See the letter attached hereto as Exhibit D). Mr. Warfield almost certainly received this document back in 2005 when it was an explanatory document attached to the agenda for a Library Commission meeting. Paragraph 3.5 of this document, which is posted on the Library's website, states that both parties agree to comply with any applicable provision of the Sunshine Ordinance. As a courtesy, we forwarded him another copy on September 13, as he may consider it responsive to his August 9 request for "written agreement[s] that the entity/ies agree to abide by the Sunshine Ordinance."



## **(5) "Additional Problems"**

Finally, the complaint asserts that the response was late because it was sent on Monday, August 13 as opposed to Friday, August 10, and that the Library's protocol that public records requests should be e-mailed to the Library Commission Secretary – as opposed to the City Librarian – contradicts Section 67.21(a) of the Sunshine Ordinance.

### **Timeliness of response**

As explained in my August 10 email to Mr. Warfield (attached hereto as Exhibit E), I did not receive his request until August 10 because he emailed his request to the City Librarian email account, rather than to me as the Custodian of Records. In my August 10 email, I reminded Mr. Warfield of the Library's "Procedures for Public Records Requests" which were enacted in 2002 and which require requests be submitted to the Custodian of Records and not to other Library staff in order to ensure that all persons seeking Library records will receive prompt service. (A copy of the Procedures is attached as Exhibit F).<sup>7</sup> We believe that Mr. Warfield is fully aware of this protocol.

Because I did not receive Mr. Warfield's request until another Library staff person found it in the City Librarian email account on August 10 and forwarded it to me on that day, I explained to Mr. Warfield that I would respond to him on the first business day after I received the request, which would be by close of business on Monday, August 13, which I did. Accordingly, the Library's response was timely pursuant to Section 67.25(a) of the Sunshine Ordinance. Because this specific claim is without merit, the Task Force should dismiss it.

### **The Library's instruction for e-mailing public records requests**

The Task Force has already addressed the Library's procedures for public records requests and found them to be lawful. In May 2002, the Library adopted its "Procedures for Public Records Requests," which were patterned after the Board of Supervisors' procedures. On October 3, 2002, Mr. Warfield filed a complaint with the Task Force challenging the Library's procedures as a violation of Section 67.21(a) of the Sunshine Ordinance. His complaint focused on the Library's procedure that records requests made after 4:00 p.m. would be treated as having been received at the beginning of the next business day. On October 22, 2002, the Task Force dismissed his complaint. (A copy of that complaint and the Task Force's Order of Determination are attached hereto as Exhibit G.)

Mr. Warfield is now challenging the Library's procedures again. This time he focuses on the requirement that public records requests be directed to the designated Custodian of Records – the Library Commission Secretary – and not to other Library staff. Just as the

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<sup>7</sup> The Library's "Procedures for Public Records Requests" are on the Library's website at <http://www.sfpl.org/librarylocations/administration/publicrecords.htm>.

Task Force upheld these procedures back in 2002, so too should it conclude now that they are reasonable measures that are fully in compliance with the Sunshine Ordinance.

The relevant portion of the Procedures state:

All public records requests shall be directed to the Library's Custodian of Records who will coordinate the Library's response. Members of the public should not enter nonpublic staff areas or direct a public records request to staff other than the designated Custodian of Records. Requests shall be directed to the Custodian of Records in the following ways: By voice mail: 415-557-4233; By email: [sblackman@sfpl.org](mailto:sblackman@sfpl.org); By fax: 415-557-4240; or in person at the Main Library, 100 Larkin Street, Room 681.

*See Exhibit F.* As the Procedures explain, the Library adopted these procedures to ensure that public records requesters receive prompt service:

The San Francisco Public Library has issued these procedures to improve its ability to provide public records under the San Francisco Sunshine Ordinance, SF Administrative Code Chapter 67, and the California Public Records Act, Government Code Section 6250 et seq. These procedures ensure that all persons seeking Library records will receive prompt, accurate and courteous service without disrupting Library staff's other operational duties.

*See Exhibit F.* Indeed, this case demonstrates why these procedures are reasonable and appropriate to ensure that the Library can provide prompt and accurate service to public records requesters. By emailing his immediate disclosure request to the City Librarian email account – a general account to which many communications of many different types are sent – rather than to the Custodian of Records, Mr. Warfield caused a one-day delay in the receipt by the Custodian of Records of the request. Hence, the response to Mr. Warfield's immediate disclosure request was delayed by one day.

Nothing in the Sunshine Ordinance prohibits a department from designating a single Custodian of Records for handling public records requests. Section 67.21 of the Sunshine Ordinance, which Mr. Warfield cites in his complaint, refers to "a custodian of a public record" and "the office of the custodian" but does not define these terms. S.F. Admin. Code §§ 67.21(a), (b). Given the absence of a definition of "custodian" in Section 67.21, or in any other part of the Ordinance, departments have discretion to implement the Ordinance by adopting a reasonable interpretation that will facilitate the timely and accurate processing of public records requests. In fact, the Public Records Act expressly authorizes local agencies to adopt requirements "that allow for faster, more efficient" responses to public records requests. *See* Cal. Gov. Code § 6253(e) ("Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the

minimum standards set forth in this chapter." ). If a large department that receives a lot of public records requests, including many immediate disclosure requests, finds that it will facilitate quicker and better responses to requesters if there is a single designated Custodian of Records to whom requests are directed, it is entirely reasonable for that department to structure its internal processes for receiving public records requests accordingly. That is the path the Library has taken.

We do not suggest that a department may ignore a public records request sent to any departmental employee, rather than to the designated Custodian of Records. Rather, given a reasonable departmental process for receiving public records requests – the designation of a Custodian of Records, in this case, to receive requests – a particular requester who fails to comply with that process, whether willfully or out of ignorance, must allow the department a reasonable time to forward the request. The time for responding to the request should start to run from the Custodian of Records' receipt of it. Here, a Library staff member forwarded Mr. Warfield's request from the City Librarian email account to the Custodian of Records within one day of receipt. That amount of time was certainly reasonable and cannot be considered excessive.

In short, nothing in the Sunshine Ordinance prevents a department from requiring that public records requests be directed to a person designated as the department's Custodian of Records.<sup>8</sup> The Library's designation of a Custodian of Records to receive public records requests is a reasonable means of ensuring that the Library is able to respond to requests in a timely and accurate manner. This specific claim is without merit and should be dismissed.

**COMPLAINT #07061:**  
**"Inadequate Posting and Maintenance on Website"**

This complaint is virtually indistinguishable from Claim #3 in Complaint #07062 – "Web posting was incomplete/inaccurate." Indeed, the Library is unable to ascertain any difference between these two claims. Accordingly, the Library's response to this complaint is the same as that stated for Claim #3 above.

In light of the duplicative nature of Mr. Warfield's two complaints, the Library asks that Complaint #07061 be dismissed or that the two complaints be consolidated and heard as a single agenda item. As another alternative, we respectfully ask Mr. Warfield to withdraw the second complaint because of its duplicative nature.

**CONCLUSION**

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<sup>8</sup> Of course, a department may choose not to designate a single Custodian of Records and instead have an open-ended process for making requests, but it is not required to do so, particularly given the problems that such a system may create for a department in responding to public records requests in a timely and accurate manner.

As explained above, several of the claims raised in these two complaints are moot because the Library has provided Mr. Warfield with the records and/or information about which he complained. The remaining claims that are not moot are without merit. Accordingly, both complaints should be dismissed.

We hope this letter will be of assistance to the Task Force. If I can be of further assistance with respect to these two complaints, please do not hesitate to contact me.

Very truly yours,

Sue Blackman  
Custodian of Records  
Library Commission Secretary



"Sue A. Blackman"  
<sblackman@sfpl.org>

11/13/2007 01:43 PM

To <rak0408@earthlink.net>, <sotf@sfgov.org>

cc

bcc

Subject Compliance and Amendments Committee Complaints  
#07061 & 07062

History: This message has been replied to.

Good afternoon,

I am just following up to insure that you are in receipt of the letter and attachments sent to you by email on Friday, November 9 by the City Librarian, Luis Herrera. I would like to make sure that all members of the Committee receive this information prior to tomorrow's meeting. Please let me know if you have any questions or if I can provide any additional information.

Sue Blackman  
Secretary, Library Commission  
San Francisco Public Library  
100 Larkin Street  
San Francisco, CA 94102  
415.557.4233

*The San Francisco Public Library is dedicated to free and equal access to information, knowledge, independent learning and the joys of reading for our diverse community.*