



Memorandum

TO: SUNSHINE REFORM TASK
FORCE

FROM: Dan McFadden

SUBJECT: Document J. Public Records

DATE: February 16, 2007

On November 15, 2006, staff distributed two documents in preparation for the discussion on Public Records. *Document K. Ordinance Comparison Table* set out the Milpitas Government Ordinance and summarized the similarities and differences among the Milpitas, San Francisco, Oakland, Benicia and Contra Costa ordinances with respect to public records. *Document L. Public Information Reform Proposals*, provided the reform proposals submitted by the public related to public records.

Staff noted additional work was underway on Document J which would outline discussion questions, State law requirements, and San Jose's current practice related to public records. Due to the complexity and volume of information related to public records, staff has provided an overall discussion document and grouped the public records provisions into three key areas.

Document J. Public Record Groupings

Discussion Document

- A. Summarizes key requirements of the Public Records Act;
- B. Outlines the City's Current practice for responding to public requests for information; and,
- C. Provides an overview of key considerations

Section 1. Public Information that Must be Disclosed

- A. Law Enforcement Information
- B. Other Public Information:
 - i. Drafts and Memoranda
 - ii. Litigation Material
 - iii. Personnel Information
 - iv. Contracts, Bids, and Proposals
 - v. Budget and Other Financial Information

Section 2. Process for Disclosure

- A. Immediacy of Response
- B. Justification of Withholding
- C. Withholding Kept to a Minimum
- D. Fees for Duplication
- E. Index to Records
- F. Records Survive Transition of Officials
- G. Correspondence and Records Shall be Maintained
- H. Advertising Space Provider
- I. Sources of Outside Funding Disclosed

Section 3. Definitions, Access, and Appeals

- A. Definitions
- B. Gaining Access to Public Records; Administrative Appeals

The order reflects the sequence of discussions proposed by staff on Public Records, beginning February 24, 2007, with an expert panel presentation on *Law Enforcement Records*. This initial discussion on Law Enforcement will be followed by a discussion on *Other Public Information to be Disclosed, Process for Disclosing Information*, and concluding with discussions on the *Definitions, Access to Public Records, and Administrative Appeals*. Each section provides (1) a summary of sections applicable to San Jose under the Public Records Act; (2) information pertaining to San Jose's practice; and (3) questions to facilitate discussion.

Following the Task Force's agreement on the intent and language of the provisions under Public Records, staff will re-organize the sections in an order consistent with the framework of the San Francisco Sunshine Ordinance.

Attachments:

Public Records Discussion Document, 2/16/07

Document J-1A. Public Information that Must be disclosed -- Law Enforcement Information
2/16/07

Memorandum RE: SJPD Input for Sunshine Reform Task Force, 2/15/07



Dan McFadden
Interim Deputy City Manager