



Edwin M. Lee, Mayor  
Philip A. Ginsburg, General Manager

September 3, 2014

Sent Via Email and Interoffice Mail

Sunshine Ordinance Task Force  
City Hall, 1 Dr. Carlton B. Goodlett Place, Rm. 244  
San Francisco, CA 94102-4689

Dear Members of the Sunshine Ordinance Task Force ("SOTF"),

I understand you will consider today a referral from the San Francisco Ethics Commission of the complaint in File No. 12058 filed by Mr. Dominic Maionchi against the Recreation and Park Department (RPD). The Ethics Commission referred the matter back to you "for 'further factual information' because the Ethics Commission could not determine whether Phil Ginsburg was the properly named respondent." While the agenda for today's meeting does not clearly identify the scope of today's discussion, I wanted to give you information about my personal role in RPD decisions about the public records request Mr. Maionchi submitted to RPD on Thanksgiving Day, November 22, 2012.

RPD receives **hundreds** of public records requests each year. Ms. Olive Gong is the RPD employee who has responsibility for responding to such requests. The large majority of public records requests to RPD are routine – calling for documents the status of which is clear as a matter of fact and law. Ms. Gong handles these requests with a high degree of autonomy – consulting with her supervisor, other RPD staff or the City Attorney's Office only where she is uncertain about the status of a document. Ms. Gong does not report directly to me. In the course of my work as General Manager, I am occasionally briefed about the existence or status of a public records request. I can imagine circumstances in which the General Manager might be called upon to make a policy decision about whether documents should be disclosed to the public. I would expect to be involved in such a decision in a difficult case – where, for example, the law provides a basis for non-disclosure to serve an important public interest but does not compel non-disclosure, where senior members of my staff disagree, where a member of my staff proposes a course of action that conflicts with legal advice from the City Attorney's Office, where a record is subject to the attorney client privilege and may assist a private party in litigation, where a record is relevant to an ongoing criminal investigation, etc.

At some time before the Ethics Commission's April, 2014 hearing, I recall being aware of Mr. Maionchi's November 22, 2012 request and subsequent complaint to the SOTF. However, I was not personally involved in the RPD decision to redact the home address and telephone number from requested permit applications. The reason for this is simple: this was not a difficult case

calling for the time and attention of the General Manager. The City Attorney's Good Government Guide has long provided public advice that a member of the public's personal home telephone number and home address in City files is entitled to privacy protection under the California Constitution. Only rarely does the public interest in disclosure of such information outweigh the privacy interest we all have in our home address and telephone number. For example, where a home address is relevant to someone's entitlement to a public benefit, there is a strong public interest in ensuring that City departments provide that benefit only to eligible individuals.

Mr. Maionchi's initial request may have sought information relevant to what he considered to be a public issue; however, even if we assume his concern reflected an interest that was public in nature, it was in no way affected by the home address or home telephone number of the individuals mentioned in the documents RPD disclosed. RPD files contain the personal home address and telephone numbers of more than 60,000 members of the public. Individuals who apply for a permit to hold a family picnic, sign up for a yoga class or sign up their children for summer camp trust that RPD will treat the privacy of such information with great respect and will not allow the files we maintain for public purposes to be used as a telephone book. Thus, while I was not personally involved in the RPD decision to redact home addresses and telephone numbers from documents provided to Mr. Maionchi, I fully support the decision of my staff. I believe the redaction was consistent with widespread City practice as guided by long-standing public advice from the San Francisco City Attorney's Office.

Please let me know if I can provide further information in your consideration of this matter.

Sincerely,

Philip A. Ginsburg  
General Manager

cc: Dominic Maionchi (via email and U.S. mail)  
San Francisco Ethics Commission