

BRIGGS LAW CORPORATION

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Please respond to: Inland Empire Office

Inland Empire Office:
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BLC File(s): 1593.99

16 June 2017

Cindy Marten, Superintendent
San Diego Unified School District
4100 Normal Street
San Diego, CA 92103

Via Fax Only to 619-291-7182

Re: Request to Inspect and Obtain Copies of Public Records, Public Information, and Other Matters

Dear Public Records Officer:

On behalf of San Diegans for Open Government and pursuant to the California Constitution (Article I, Section 3), the California Public Records Act (GOV'T CODE § 6250 *et seq.*), the common law, and your agency's own local rules and regulations, I am writing to request an opportunity to first inspect and then obtain copies of the "public records" (as that term, including public information and other matters, is defined under the foregoing authorities) listed on *Attachment 1: Categories of Requested Public Records* to this request, regardless of whether the responsive public records are maintained on public or private devices and/or in public or private accounts.

I ask that you make a determination on this request within 10 days of your receiving it, or even sooner if you can do so without having to review the responsive records. If you believe that any of these records is exempt from disclosure, I urge you to note in your reply whether the exemption is discretionary and, if so, whether you are required to exercise your discretion to withhold the record in this particular case. If you determine that any portion of the responsive records is exempt from disclosure and that you intend to withhold that portion, I ask that you redact that portion for the time being and make the other portion available as requested. In any event, please respond with a signed notification citing the legal authorities on which you rely if you determine that any portion of the responsive records, if not all of them, is exempt and will not be disclosed.

If public records responsive to this request are available in one or more non-paper formats (including but not limited to electronic, magnetic, or digital formats), make sure that your response to this request includes production of all responsive records in non-paper formats even if the records are also available in paper format. If there are no records responsive to a particular category listed on *Attachment 1*, please confirm in writing that such records do not exist; and if responsive records used to exist but have been lost, stolen, or destroyed, please (i) identify the date of loss, theft, or destruction and (ii) provide a copy of all available evidence of the loss, theft, or destruction.



All responsive records must be produced for inspection before my client will pay for copies, unless I agree otherwise in writing after receiving your estimate of copying costs. Furthermore, my client reserves the right to make its own reproduction of the responsive records, at its own expense.

One final, important request: Please remind all agents of your agency that Government Code Section 6200 provides, *inter alia* and with my emphasis, that every public officer having custody of any record “filed or deposited in any public office, or ***placed in his or her hands for any purpose***, is punishable by imprisonment [for up to four years] . . . if, ***as to the whole or any part of the record*** . . . the officer willfully does or permits any other person to do any of the following: (a) Steal, remove, or secrete. (b) Destroy, mutilate, or deface. (c) Alter or falsify.” This punishment applies even when the officer maintains custody of such records outside your agency’s office or on the officer’s private property.¹

Thank you for your time and attention to this matter. If I can provide any clarification that will help you to expedite this request, please do not hesitate to contact me in writing. Because the law requires you to assist members of the public in making a focused and effective request that reasonably describes identifiable records, I will assume that you fully understand what public records are being sought unless I receive written correspondence from you to the contrary.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs

¹ Under regulations issued by the California Department of Education, there is no document-retention period shorter than the third July 1 after the record is deemed a “disposable record.” See CAL. CODE OF REGS., tit. 5, § 16020 *et seq.*



Attachment 1: Categories of Requested Public Records

Page 1 of 1 (following request letter)

1. Each and every e-mail that will no longer be retained by the San Diego Unified School District pursuant to the “District Email Process Change” sent by “SDUSD ITSS Department” on June 8, 2017, at or around 4:35 p.m. (A courtesy copy of the “District Email Process Change” follows this letter.)

2. BP 3580 (as mentioned in the aforementioned “District Email Process Change”).



> From: SDUSD ITSS Department
> Sent: Thursday, June 08, 2017 4:35 PM
> To: SDUSD ITSS Department
> Subject: ITSS Bulletin: District Email
> Process Changes
>
> Dear Colleagues,
> Please see below for important
> information.
>
> District Email Process Change
>
> Effective July 1, 2017, the District
> will no longer retain emails older than six months on the
> District's servers. This means employees who wish
> to retain a specific email must save that email on his or
> her local drive. Employees will be expected to retain
> only those emails that are essential to the employee's
> ongoing work or that must be retained under the District's
> document retention policy. To allow employees time to
> adjust to the new practice, employees will still have access
> to emails older than six months until July 1st.
>
> The District's document retention
> policy, outlined in BP 3580, can be found on the District
> website and is attached here for your convenience.
> Provided below are some key changes to the practice for
> email retention:
>
> What we are used to:
>
> New process
>
> Emails are searchable and may be
> accessed for several years after they have been sent/ read/
> deleted.
>
> Emails will be permanently deleted from
> the system after 6 months.
>
> Employees must delete email items and
> empty the trash for email to be permanently deleted.
>
> Emails will no longer be available
> after 6 months.
>
>
> Please contact the ITSS Help Desk,
> [REDACTED] for questions.