



Office of Transparency Proposal Office of the City Attorney

Rules Committee
March 20, 2024

California Public Records Act (CPRA)

California Government Code
§§ 7920.000 – 7931.000
(formerly 6250 – 6276.48).
Also known as Public Records
Act “PRA” or California Public
Records Act “CPRA.”

Modeled after Freedom of
Information Act,
5 U.S.C. § 552 et seq.

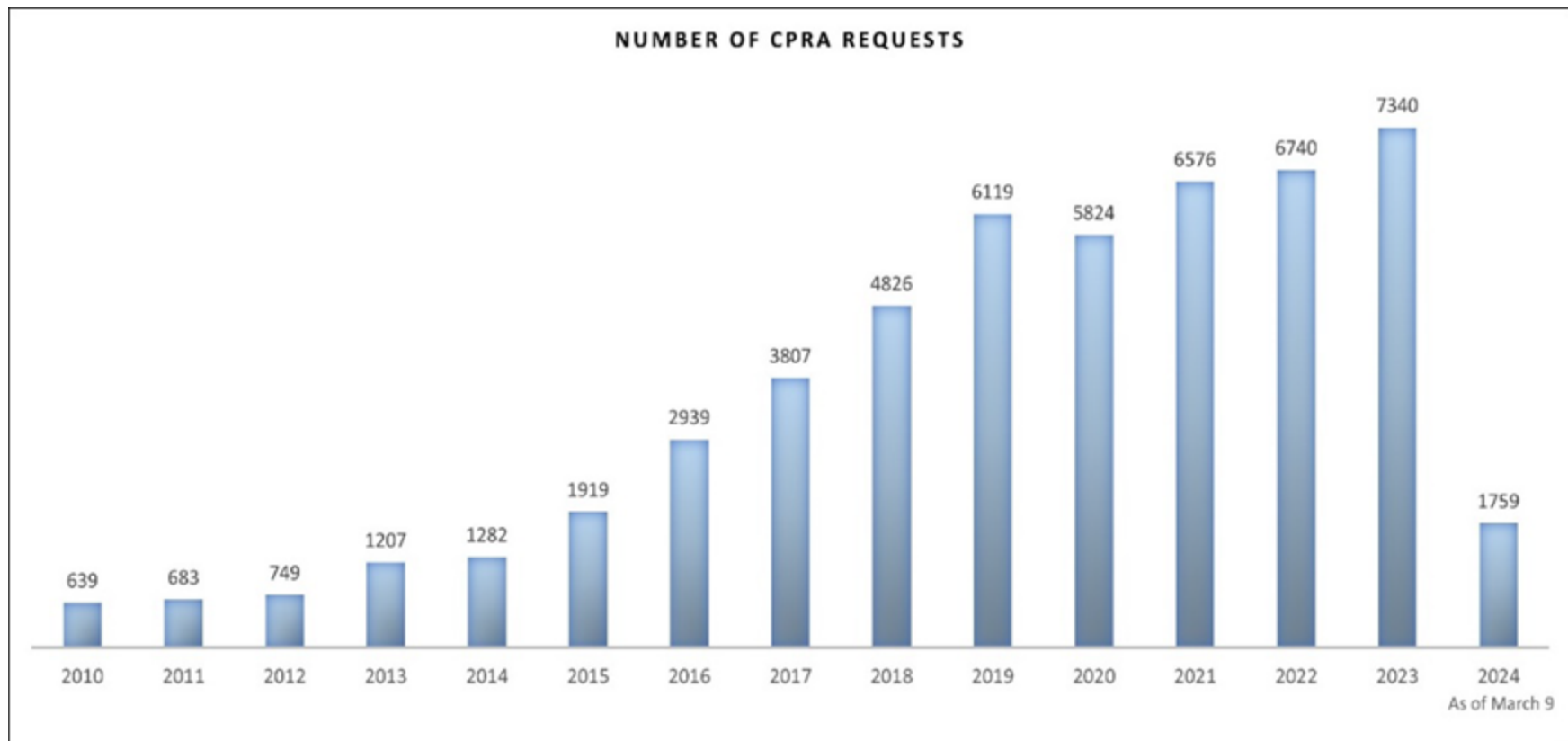
No meet and confer required
even if the request is unclear.

Applies to state and local
agencies.

Anyone can request, even
anonymously.

Policy of CPRA favors
disclosure.

NextRequest Analysis of PRA Requests



Areas for Improvement

- Lack of a coordinated City response
- Inconsistent review and determinations
- Council and most independent departments do not use NextRequest
- Difficulty assigning personnel to this function

Staffing Issues

- Staff turnover contributes to inconsistent PRA responses. Most department liaisons are inexperienced and in the position for only 3 to 6 months.
- Many staff feel ill-equipped to apply PRA exemptions and provide responses.
- Limited resources constrain the City's ability to provide meaningful, on-going training to those handling these requests.
- Negative perception of this responsibility because the job is thankless, unrewarding, oftentimes overwhelming, and often seen as a punishment.
- The lack of resources, the volume of requests, and the public scrutiny make recruitment and retention difficult.
- Many City employees who are not members of the *PRA Administration Office* work on PRA requests in addition to the assigned duties of their position.

Litigation

- Litigious requesters target the inefficiencies in the City's PRA coordination.
- IT searches may be imperfect; the City may run identical searches on different days and get different results.
- The number of PRA requests seeking records on personal devices has increased. We must rely on each individual employee to search their personal devices.
- Lack of communication and coordination within the City puts the City at a disadvantage in litigation.

The Proposal

- Open an Office of Transparency
 - Staff
 - Paralegals
 - Attorneys
- Assign Transparency Liaison
 - Assigned from high volume departments to communicate with Office of Transparency
- Workflow
 - Office of Transparency staff will log PRA requests and send to department liaison
 - Liaison finds responsive records and sends to Office of Transparency staff
 - Office of Transparency reviews responsive records, make redactions, evaluates potential exemptions
- Benefits
 - Timely and accurate response
 - Less litigation

Recommendation

We request that the Rules Committee direct the Mayor's Office to work with the City Attorney to prepare a draft ordinance to add a transparency office to the San Diego Municipal Code for the Council's consideration at a future meeting.