

Strikeout/Underline

~~Section 215: ——— Publicity of Records~~

~~All books, records and accounts of every office and Department of the City shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the Council, except such records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.~~

~~Section 216: ——— Copies of Records~~

~~Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same who shall be charged for such copies or extracts, and for certification, the charge to be fixed by the Council.~~

Section 216.1: Access to Government Information

(a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

(b) (1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of ~~public~~ City bodies and the writings of ~~public~~ City officials, employees and agencies shall be open to public scrutiny, as well as the writings of contractors in the possession of the City, or to which it has the right of access by contract or by applicable statute or regulation.

(2) A statute, ~~court rule, ordinance, regulation~~ or other State or City authority, including those in effect on the effective date of this Section, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. ~~No limitation of access not mandated by state or federal law shall have greater scope or duration than required by demonstrable need.~~ (3) ~~A statute, court rule~~ An ordinance, regulation, policy or other City authority adopted after the effective date of this Section that limits the right of access beyond state or federal law requirements shall ~~not be adopted effective until justified~~ with findings of fact, supported by substantial evidence, demonstrating the interest protected by the limitation, the need for the limitation to protect that interest, and the likelihood that the limitation will be effective in protecting the interest.

(3) ~~Nothing in this Section supersedes or modifies the right of privacy guaranteed by Section 1 of the California Constitution or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.~~

(4) ~~Nothing in this Section supersedes or modifies any provision of this Charter or the California Constitution, including the guarantees that a person may not be deprived of life, liberty or property without due process of law, or denied equal protection of the laws.~~

(4) Limitations on the right of access to meetings and writings not required by state or federal law existing in City ordinances, regulations, policies or other authorities in effect on the effective date of this Section shall, two years of from that date and every third year thereafter, be neither asserted or relied on until justified by the City Council with findings of fact, supported by substantial evidence, demonstrating the interest protected by the limitation, the need for the limitation to protect that interest, and the likelihood that the limitation will be effective in protecting the interest.

~~(5) — This Section does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings of public bodies that is in effect on the effective date of this Section, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.~~

(5) For purposes of this subdivision, a policy is a position, whether or not codified, asserted with virtually total invariability, that resolves against access the discretion provided in State law to grant or deny access to a meeting of a public body or the writing of a City official, employee, contractor or agency.

(c)The City of San Diego is committed to open, transparent, and accessible government; it is in the best interest of the City that its agencies and departments make their data available online using machine readable open standards and formats to make City operations more transparent, effective and accountable to the public. Open data policies will permit the public to assist in identifying efficient solutions for government, promote innovative strategies for social progress and create economic opportunities.

Smooth Version

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(2) A statute, ordinance, regulation or other State or City authority, including those in effect on the effective date of this Section, shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. No limitation of access not mandated by state or federal law shall have greater scope or duration than required by demonstrable need.

(3) An ordinance, regulation, policy or other City authority adopted after the effective date of this Section that limits the right of access beyond state or federal law requirements shall not be effective until justified with findings of fact, supported by substantial evidence, demonstrating the interest protected by the limitation, the need for the limitation to protect that interest, and the likelihood that the limitation will be effective in protecting the interest.

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