



March 13, 2014

Mayor Kevin Faulconer  
City Administration Building  
202 C Street, 11th Floor  
San Diego, CA 92101

*Via US Mail, Facsimile to 619-236-7228, and  
email to [kevinfaulconer@sandiego.gov](mailto:kevinfaulconer@sandiego.gov)*

**Re: Email Deletion & Public Records Request**

Dear Mayor Faulconer:

On February 28, 2014, I sent the attached correspondence to then Interim Mayor Todd Gloria, regarding the City's Administrative Regulation 90.67, a records management policy which would implement an automatic deletion protocol for emails older than one year. The correspondence was also sent to the City Attorney, City Clerk, and all members of the City Council. In our correspondence, we asked for a response no later than March 11, 2014, which has now passed.

While we have read statements in the press that this procedure has been "put on hold," we have never received an official response. Further, although we are unsure what "put on hold" means, it certainly is not an unconditional commitment that the plan or regulation will not be implemented. Finally, the City Attorney has taken the position that such a policy would be legal. We disagree that it would be legal, either on its face or as applied.

Therefore, we must receive (1) a response showing that Administrative Regulation 90.67 has been formally repealed and (2) a commitment that it will not be implemented at a later time, unless we receive notice and an opportunity to challenge the policy. Unless we receive such a response, we feel that we have no other choice than to move forward with a legal challenge at this time.

If we do not receive a response as set forth above no later than March 19<sup>th</sup>, we will be moving forward to obtain an injunction to prevent the City from taking any acts in furtherance of deletion of public records less than two years old.

Further, please consider this our request pursuant to the California Public Records Act for all records from January 1, 2014 to present regarding Administrative Regulation 90.67 or the deletion of emails less than one year old. This should include, but is not limited to, any reports, policies, procedures, and communications.

If you have any question regarding the documents we are requesting, please don't hesitate to contact me.

Sincerely,

Terry Francke  
General Counsel

CC: San Diego City Council  
San Diego City Attorney  
San Diego City Clerk