



Chesa Boudin  
District Attorney

October 29, 2021

Anonymous  
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Re: Your Public Record Act request received on September 29, 2021.

To whom it may concern:

This letter is in response to your Public Record Act request received by our office via email on September 29, 2021, making the following request:

“Exact copies of Any communications of any form on government or personal property with Judge Bruce Chan in 2021 in the constructive possession of the Office of DA. Include formatting, date and time stamps, images, hyperlink urls, all email addresses, each individual email in a thread separately, and each attachment in it's own original electronic format.”

Under the Public Records Act and the Sunshine Ordinance, a “public record” is broadly defined to include “any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by any state or local agency, regardless of the physical form or characteristics.” Cal. Govt. Code §6252(e). If the department has no records responsive to the specific request, the department has no duty to create or recreate one.

Records that contain the work product of an attorney for the People of the State of California are protected from disclosure. Cal. Govt. Code § 6254(k); Cal. Code Civ. Proc. §2018.030. The attorney work-product doctrine functions as a privilege, protecting from disclosure “[a] writing that reflects an attorney’s impressions, conclusions, opinions or legal research or theories.” Cal. Code Civ. Proc. § 2018.030(a). The attorney work-product doctrine also extends beyond records prepared for litigation purposes.

The investigatory records of a law enforcement agency are exempt from disclosure under the California Public Records Act. Cal. Govt. Code § 6254(f). Case law specifically holds that a District Attorney's investigatory records cannot be subject to compelled disclosure, whether the investigation is opened or closed, under conflicting laws. *Rivero v. Superior Court* (1997) 54 Cal. App. 4th 1048, 1059-1060.

The California Constitution includes an individual right to privacy. Both state and local law recognize as a general principle that the right to personal privacy sometimes precludes disclosure of public records or information contained in those records. Cal. Govt. Code §§ 6250, 6254(c); Cal. Const., Art. I, §§ 1, 3(b); Admin. Code §67.1(g); Admin. Code Chapter 12M. These authorities may protect private information or records from disclosure even absent a statutory or constitutional provision addressing the specific information or type of record in question

Please see the attached responsive records to your request. We have withheld responsive records in accordance with the attorney work product and investigatory records exemptions listed above. Additionally, we have redacted personal email and cell phone numbers from the attached records under the right to privacy listed above.

Sincerely,  
Robyn Burke  
San Francisco District Attorney's Public Records