



Andrea Ford
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Thursday, March 9, 2023

Via email: 141746-25925662@requests.muckrock.com

Dear Bryan Tor:

On March 3, 2023, the Alameda County Social Services Agency (Agency) received your request via email pursuant to the California Public Records Act, Government Code §7920.000 *et seq.* (CPRA) for:

“Any emails, text messages, reports, memos, or any other written or digital communications sent or received by any employee of your agency between January, 2020 and the date on which this request is processed which include or reference any or all of the following phrases: "Proud Boy," "Proud Boys," "The Three Percenters," "Three Percenters," "Stop the Steal," "StopTheSteal.us," "QAnon," "Boogaloo," "Thin Blue Line," "Blue Lives Matter," and/or "car caravan.”

The Agency requests that you narrow your request given that the Agency has over one thousand employees and this request is for a search of all written or digital communications sent or received for an over three-year time period. As currently framed, the request is vague, overbroad, and would require an extensive search.


Moreover, many of the records held by Agency employees are likely to include information that is statutorily privileged and confidential and thus must be either entirely withheld or extensively redacted. Communications by Employees of the Agency’s Department of Workforce and Benefits Administration are likely to contain information related to individuals receiving public social services which is confidential pursuant to Welfare and Institutions Code section 10850. Communications by employees of the Agency’s Children and Family Services Department are likely to have information related to juvenile case files which is confidential pursuant to Welfare and Institutions Code section 827 and 10850. Further, Penal Code Section 11167.5 mandates confidentiality of Agency records as it pertains to investigations of alleged abuse or neglect of youth, and Penal Code Section 11167 mandates confidentiality of the reporting party. The CPRA exempts from disclosure any record where the disclosure is prohibited by state law. (See Gov. Code § 7927.705.) Considering the care that must be taken in reviewing and redacting each email, it will likely take a significant amount of time to complete a thorough review of these communications and exclude and redact information that is not subject to production.

The Agency objects to processing this request as it is now framed as it is unduly burdensome and not tailored to obtain records that are subject to production. Government Code section 7922.000 allows the Agency to refrain from producing public records if the public interest in not making the records public clearly outweighs the public interest served by the disclosure. “[A] person who seeks public records must present a reasonably focused and specific request, so that the public agency will have an opportunity to promptly identify and locate such records and

to determine whether any exemption to disclosure applies.” (*Fredericks v. Superior Court* (2015) 233 Cal.App.4th 209, 227, *disapproved on other grounds in National Lawyers Guild, San Francisco Bay Area Chapter v. City of Hayward* (2020) Cal.5th 488, 508 n.9.) Your request for a search of all Agency employees’ written or digital communications does not comply with this requirement.

There is a public interest in ensuring the confidentiality of public social services and juvenile case files and in minimizing costs and encouraging efficiency in government. In furtherance of those interests, the Agency requests that you tailor your request more narrowly. This should allow the Agency to focus the search on the subject matter you seek and reduce the volume of likely irrelevant, privileged, confidential, and otherwise exempt records.

Sincerely,

DocuSigned by:

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Andrea Ford