

BRIGGS LAW CORPORATION

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BLC File(s): 1593.99

26 July 2017

Cindy Marten, Superintendent
San Diego Unified School District
4100 Normal Street
San Diego, CA 92103

Via Fax Only to 619-291-7182

Re: Notice of Intent to Sue; Request for Settlement Meeting

Dear Superintendent Marten:

On behalf of San Diegans for Open Government, I am writing to notify you of my client's intent to file a lawsuit against the San Diego Unified School District on at least two grounds.

First, the governing board approved policies and regulations last night that appear to violate state laws that require school district's to retain every record – including electronic records – for at least three years after being deemed a “disposable record.” *See, e.g., CAL. CODE OF REGS., tit. 5, § 16020 et seq.; cf. GOV'T CODE § 6200* (criminalizing public officer's adverse treatment of public agency's records). The District's approach to retaining and destroying some electronic documents after just one year does not comply with the law.

Second, the District has developed a pattern and practice of not timely disclosing non-exempt public records to members of the public who ask for them. Many requesters are forced to wait well over a month for responsive public records, even though public records may be examined during the District's normal business hours under the California Public Records Act. *See GOV'T CODE § 6253(a)*. Thus, the District's lethargy in disclosing public records is also not in compliance with the law.

My client intends to file suit against the District unless the two sides can reach an agreement that brings the District into full compliance with the law. If the District is interested in discussing settlement, please let me know no later than August 15, 2017.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs





Attachment 1: Categories of Requested Public Records

Page 1 of 1 (following request letter)

1. Each and every **ELECTRONIC COMMUNICATION** sent or received since July 1, 2014, by any official, officer, employee, or other agent of the San Diego Unified School District that could be deleted or otherwise no longer retained by the District between July 26, 2017, and December 31, 2017.

As used above, “**ELECTRONIC COMMUNICATION**” includes all forms of electronic communication, such as e-mail and **MOBILE MESSAGES**; and “**MOBILE MESSAGES**” includes short message service (SMS) messages, extended message service (EMS) messages, and multimedia message service (MMS) messages.

