



Brief Mayoral Candidate Q-and-A on Open Records

Kevin Faulconer

1. In your administration, would emails sent and received from private email accounts by elected officials and city employees related to public business be treated as public records? Why or why not?

Yes.

2. In your administration, would text messages sent and received from private and city-owned cell phones by elected officials and city employees related to public business be treated as public records? Why or why not?

Yes.

3. If you answered yes to either question, how would you ensure compliance?

Bringing trust and transparency back to the mayor's office will be a key focus of my administration. I've already taken action to increase transparency. I recently requested an independent audit of the City's public records policy to identify ways to make it simpler for people to access public data.

The California Public Records Act defines records as "all communications related to public business." It does not include personal messages or messages that relate to campaigns.

If a message is created using a government cell phone or computer, it is presumed to be public. If a message is created using a personal device or software, you would use the following test: personal messages that are unrelated to city business would remain private and messages related to public business covered under the Public Records Act would be subject to public records requests.

To enforce this, my administration would encourage employees to use official email and devices for all city business. When public requests are received on private email accounts, city employees would be instructed to reply with, "Please email me at (JohnDoe@sandiego.gov) and I will respond."

There is a final and key component to my plan. I would appoint a Transparency and Open Government Task Force to review public record procedures and related policies and help hold city officials accountable to ensure ongoing compliance with the California Public Records Act.