

From: [Josh Wilner](#)
To: [Thinh. Tan \(DA\)](#)
Cc: [PRA Response](#); [Chessie Thacher](#); [Caitlin Shaw](#); [Ellen Leonida](#)
Subject: Outstanding Items From Our October 26 Phone Meeting
Date: Friday, November 4, 2022 12:11:48 PM

Hi Tan,

Thanks for meeting with me last Wednesday. To memorialize what we discussed, you informed me that your office stands on all previous legal exemptions asserted by Rick Miller and you intend to continue withholding all currently withheld documents responsive to our July 2021 and February 2022 CPRA requests.

The only item still currently under discussion is the email search responsive to Category 3 of our July request. You have represented that, when your IT Team ran the following search terms, your team hit upon the following items:

Search Terms and Corresponding Items

1. "Racial Justice Act" (the entire phrase): 2,167 items (3.15 GB)
2. "RJA": 22,509 items (5.48 GB)
3. "AB 2542": 3,854 items (2.97 GB)
4. "Implicit Bias": 18,399 items (11.98 GB)
5. "Racism": 36,581 items (17.41 GB)

During our last call, I had hoped to discuss ways to narrow these searches, but you, unfortunately, were not prepared to discuss your office's IT capabilities at the time. I now propose the following to reach an efficient resolution of this issue:

- For search terms #1 and #3 – your office runs searches for "Racial Justice Act" and "AB 2542" and produces responsive records on a rolling basis. At the most, these searches would yield 6,021 records (2,167 items + 3,854 items), but such a total count is unlikely since we anticipate that the great majority of these records contain both the Racial Justice Act and AB 2542. Please let us know if your office lacks the capacity to de-duplicate records that hit on both terms. To further reduce the number of duplicative records, we should also discuss your office's capacity to thread email communications—which is gathering all forwards, replies, and reply-all messages together. Email threading identifies email relationships, and then extracts and normalizes email metadata.
- For search term #2 – please help us to understand why the term "RJA" hits on so many records. In your office, does the acronym stand for one or more things beyond the "Racial Justice Act"? Might it be the beginning of a colleague's email address or relate to a different team, program, or statute?
- For search terms #4 and #5 – once we understand your office's capacity to de-duplicate

records and thread email communications, as well as to exclude documents containing terms that we mutually agree are unrelated to our PRA request, we can discuss the best manner in which to proceed. It would also be helpful to understand if your IT Team has capacity to do searches for terms that appear within a few words of one another.

Please let me know if you have any questions about these proposed next steps. Once you have gathered the information about what your IT Team is able to do, we should discuss again by phone. It would be most productive if someone from your IT Team could join us for the discussion. We propose having a call on **November 10**. Please let us know what time works best for you. **Alternatively, please send written responses re the above issues by no later than the 10th.**

We appreciate your help on these matters consistent with your PRA obligations under Government Code section 6253.1(a), which requires that your office “assist” members of the public to identify responsive records, “describe . . . [its] information technology” and “provide suggestions for overcoming any practical basis for denying access to the records or information sought.”

Again, thanks, we look forward to talking or to otherwise receiving your written response next week.

Joshua Wilner

BRAUNHAGEY & BORDEN LLP

San Francisco

351 California Street, 10th Floor

San Francisco, CA 94104

Tel: (415) 599-0210

New York

7 Times Square

27th Floor

New York, NY 10036-6524

Tel: (646) 829-9403