

MEMORANDUM OF LAW

DATE: May 10, 1989

TO: Councilmember Abbe Wolfsheimer, District 1

FROM: City Attorney

SUBJECT: Daily Appointment Schedule

By means of your May 1, 1989 memorandum you inquired under what parameters you are required to release a "daily appointment schedule" as requested by Bob Trettin, a candidate for City Council.

The California Public Records Act (California Government Code section 6250 et seq.) provides that "any person may receive a copy of any identifiable public record or copy thereof." California Government Code section 6256. Hence Mr. Trettin is a proper applicant for public documents within the statute. Moreover, public records are defined broadly to include "any writing containing information relating to the conduct of the public's business...." California Government Code section 6254(d).

As to the issue of public calendars, I attach this office's memorandum of March 16, 1982 summarizing the court's ruling in San Diego Newsline v. City, Superior Court Case No. 478990, which held that calendars maintained by your staff are, in fact, public records but that certain personal appointments and information may be redacted from the document prior to being copied and released. Thus to the extent Mr. Trettin's request for a "daily appointment schedule" equates to a daily calendar kept by your staff reflecting your official schedule and functions, you must supply same with personal items redacted.

To the extent you maintained a personal calendar for your personal convenience in organizing your responsibilities, there is authority that such a calendar is not a public record and, as such, need not be produced. Bureau of National Affairs v. United States Department of Justice, 742 F.2d 1484, 1496 (D.C. Cir. 1984).

In summary, a copy of the daily appointment schedule kept by your office must be disclosed with personal information redacted while a personal calendar kept by you for personal reasons need not. Moreover, Administrative Regulation 95.20 permits you to charge 15 cents per page for same plus staff time in excess of one-half hour compiling same.

I trust this gives you the parameters of production you desired and I remain available to assist on specific questions.

JOHN W. WITT, City Attorney

By

Ted Bromfield

Chief Deputy City Attorney

TB:mb:015:(x043.2)

Attachments

ML-89-45