

For Immediate release

**SAN FRANCISCO** — The Northern California Chapter of the Society of Professional Journalists (“SPJ NorCal”), the First Amendment Coalition, the Pacific Media Workers Guild, the California News Publishers Association, San Franciscans for Sunshine and the Reporters Committee for Freedom of the Press urge San Francisco Mayor London Breed to rescind the recent suspension of important elements of San Francisco’s Sunshine Ordinance.

Last month, Mayor Breed declared a local state of emergency as agencies across the city worked to combat the spread of the novel coronavirus. In a subsequent [March 23 “supplement”](#) to that declaration, Mayor Breed indefinitely “suspended” rights to public information under San Francisco’s voter-enacted Sunshine Ordinance. While some changes to government practices are to be expected due to challenges presented by the pandemic, Mayor Breed’s decision to limit the free flow of information contrary to an ordinance enacted by San Francisco voters erodes government transparency and public trust at a time when both are critical. Elected leaders and public officials should not use the COVID-19 crisis as an excuse to stop following laws they simply do not like. It is not necessary to suspend the right to receive documents and information exchanged during contract negotiations, nor the right to a response to a Public Records Act request unimpeded by the often abused “catch-all” exemption from disclosure found in Government Code section 6255, to combat this public health emergency. In fact, the Sunshine Ordinance section expressly forbids “assert(ing) an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure.”

In 1999, the people of San Francisco adopted the Sunshine Ordinance, protecting their rights of access to public meetings and records, which the California Supreme Court found are “essential to the functioning of a democracy.” Initiatives like the Sunshine Ordinance are not a right the government has granted to the people, but a power that the people have reserved for themselves. Section 14.101 of San Francisco’s Charter states: “No initiative or declaration of policy approved by the voters shall be subject to veto, or to amendment or repeal except by the voters, unless such initiative or declaration of policy shall otherwise provide.” The Sunshine Ordinance affirms that the mayor and other elected officials and public bodies are subject to the will of the people where transparency and accountability are concerned, when it states: “The people do not cede to these entities the right to decide what the people should know about the operations of local government.” Mayor Breed’s actions disregard the essential importance of government transparency and the will of San Francisco voters. California’s state transparency laws establish a floor, not a ceiling, for the public’s right of access. By enacting the Sunshine Ordinance, San Franciscans adopted greater protections for themselves.

The indefinite nature of the suspension of Sunshine Ordinance rights makes it particularly troubling. Without a termination date, the suspension amounts to a de facto repeal of the affected provisions. Such sweeping changes, made by mayoral proclamation, are not authorized by the Sunshine Ordinance, nor are they authorized by 2018’s “Privacy First Policy” (Proposition B), which allows the Board of Supervisors to make amendments to the ordinance only if they are “not inconsistent with” the ordinance’s “original purpose or intent.”

As we [have stated recently](#), we recognize the difficult choices facing government agencies as a result of COVID-19. Some delay in responding to public records requests might be inevitable in some cases.

But there is no factual or legal justification for the indefinite suspension of the provisions of San Francisco's landmark Sunshine Ordinance.

Especially in times of crisis, when the government is more involved than ever in the daily lives of its citizens, it is critical to preserve the people's right to know what their government is doing on their behalf. SPJ NorCal, the First Amendment Coalition, the Pacific Media Workers Guild, the California News Publishers Association, San Franciscans for Sunshine and the Reporters Committee for Freedom of the Press call upon the Mayor and the Board of Supervisors to restore public trust and demonstrate a commitment to restoring rights under the Sunshine Ordinance.

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First Amendment Coalition

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California News Publishers Association

San Franciscans for Sunshine

Reporters Committee for Freedom of the Press