

Mediation Process: Takeaways and Suggested Improvements

CHRIS NARDI, LAW CLERK

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Lessons Learned

- Most mediations address “customer service” issues: lack of timely responses from departments
 - 14 out of 15 pending mediations allege unlawfully delayed responses
 - 3 out of 15 pending mediations allege a department is withholding records
 - 2 out of 15 pending mediations challenge a department’s redactions
- Electronic data requests (EDDR) are slowing departmental responses to requests
 - Currently, ITD is estimated to take two months to process an EDDR
- Biggest challenge with processing mediations is getting timely responses from requesters and departmental staff



Administrative Procedures in Other Cities

- San Francisco
 - Review by Sunshine Ordinance Task Force (SOTF)
 - SOTF has backlog of 100+ complaints
 - SOTF can order department to disclose records
 - Enforcement mechanisms are weak: can refer to Ethics Commission, etc.
 - Ordinance allows punishing willful nondisclosure
- San Jose
 - Multiple appeals, including to City's Open Government Manager
 - If an appeal is successful, the City must disclose the record
 - Open Government Manager is central liaison that ensures timely & lawful responses

Suggested Improvements

- Short term
 - Clear backlog of mediations
 - Increase staff responsiveness to mediators
- Medium term
 - Identify root causes of request delays
- Long term
 - Enhance oversight role of the City's Open Government Coordinator
 - Enhance the Commission's power over Sunshine Ordinance disputes