



COUNTY OF LOS ANGELES  
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ANDREA SHERIDAN ORDIN  
County Counsel

September 21, 2010

TO: ALL DEPARTMENT HEADS

FROM: ANDREA SHERIDAN ORDIN *EMK for*  
County Counsel

RE: **Release of Employee Compensation Records – Additional Information**

This is a follow up to the Chief Executive Officer's prior memorandum dated September 9, 2010, regarding release of employee compensation records in response to a Public Records Act Request by the Bay Area News Group. The requester intends to post the information on a website <<http://www.contracostatimes.com/public-employee-salaries>> which contains a considerable amount of data from other governmental entities.

As a result of numerous calls and emails from human resources officers and employees raising personal safety and similar concerns, it was determined that it would be prudent to take steps to provide one final notice to allow for the consideration of employee requests that their names not be disclosed due to personal safety and other legitimate reasons. Therefore, on September 15, 2010, the Auditor-Controller provided the requester with an interim response consisting of a dataset that excludes all employee names, pending further review of personal safety claims and other potentially legitimate reasons for redaction of an employee's information.

In 2007, the California Supreme Court balanced the privacy concerns of public employees against the public's interest in how public funds are spent and resolved this question in favor of public disclosure. The Court expressed its view that the personal privacy rights of public employees are significantly less than those of the private sector, and held that the public's interest in disclosure of information about public employees, such as their names and salaries, clearly outweighs the personal privacy interests of the employees. While it was recognized that certain information of peace officers may be claimed as exempt, this exemption does not apply across the board but would apply in certain limited circumstances where

disclosure of an undercover officer's identity would endanger his or her safety. There may be other personal safety issues arising from disclosure.

Therefore, please re-notify every employee that their names will be provided on a second response that will be sent to the Bay Area News Group on October 5, 2010, unless they have a legitimate personal safety issue.

The following are examples of facts that may justify redaction of an employee's name:

- The employee is currently an approved participant in the California Secretary of State's Safe at Home program to protect the identities of victims of domestic violence, stalking, and sexual assault.
- The employee is a victim of domestic violence, or another violent crime, and has changed their residence and employment to conceal their location, and the perpetrator does not know their residence or employer.
- The employee has a restraining order (temporary or permanent) in effect and the person named in the restraining order is not aware of the name of their employer.
- The employee has sought, or has been granted, political asylum.

The following are examples of reasons that do not justify redaction of the employee's name:

- The employee does not want financial information about themselves publicized.
- The employee believes their right to privacy is more important than the public's right to know this information.
- The employee wants to avoid alerting creditors of their whereabouts.
- The employee considers their work location or the population that they serve to be dangerous.

As previously advised, certain employees in the Public Safety sector, such as undercover Sheriff deputies, as determined by those departments, will remain anonymous.

Employees making claims for anonymity must do so under penalty of perjury and are to do so using the enclosed form, which is also available at the following link: [http://file.lacounty.gov/lac/cm1\\_151774.pdf](http://file.lacounty.gov/lac/cm1_151774.pdf). Please note that the automatic link ("hovering") does not work. The website address must be typed in or cut and pasted into the search engine. Departments must make computer access available to any employee who wishes to submit a form but does not normally have computer access at work. Also attached is a pdf copy of the form which may be distributed to and used by county employees.

While you may address any questions concerning the validity of a request to your counsel, departments should bear in mind that the standard for redaction is high. Once a department has determined whether any applicant employee warrants redaction for personal safety reasons, please provide a copy of the completed form with the name, title, and employee number to Robert A. Davis, Assistant Auditor-Controller, by the close of business on September 29, 2010. Auditor-Controller will provide copies of the redaction requests to County Counsel to enable further review if deemed necessary.

Departments will be notified of all future requests for this type of information and will be asked to update the list of redacted employee names to ensure that redactions are still warranted and/or if any additional employees need to be added.

If you have questions concerning this matter, please contact me, Assistant County Counsel Elizabeth M. Cortez at (213) 974-1921, or Principal Deputy County Counsel Thomas M. Tyrrell at (213) 974-1833.

ASO:TMT:ds

Enclosure

c: William T Fujioka  
Chief Executive Officer

Wendy L. Watanabe  
Auditor-Controller

**REQUEST FOR CPRA REDACTION OF EMPLOYEE INFORMATION**

Name:                      Date:

E-Mail Address:                                      Work Phone:

Please explain how and why your safety could be compromised if your identity and the fact that you are employed by the County of Los Angeles in general were released publicly. (Provide additional sheets if necessary):

If different from above, please explain how and why your safety would be compromised if the County department for which you work, your title, or your actual work location were released publicly. (Provide additional sheets if necessary):

Is the person(s) you fear a former client of yours or have you been associated with that person(s) through your employment with the County? If yes, please explain.

Do you have a current Restraining Order (Temporary or Permanent) against the person(s) described above? If yes, please provide the effective date and a copy of the Restraining Order with your request. If you do not have a copy immediately available, state the court case number.

Does the individual named in the Restraining Order know you work for the County?

