

Oakland needs better handle on its records

MY WORD by John Russo & Courtney Ruby



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RECENT ALLEGATIONS HAVE severely shaken the public's confidence in City Hall. Oakland has failed in the eyes of the public to conduct the people's business in the most ethical, open and transparent way possible.

With the shakeup that occurred inside City Hall over the last two weeks, the City Council has an opportunity to clean up some of the loose practices and policies that have allowed certain officials to operate in gray areas with little transparency or accountability.

At the top of the council's list should be the city's policy on retention of public records.

As your elected "watchdog" officials in City Hall, we have serious concerns about the city's records-management policies — especially the policy of systematically deleting e-mails from our servers after only 30 days.

These days, a great and ever-increasing part of the city's business is done through e-mail. Permanently erasing important directives, decisions and electronic "paper" trails puts a shroud of secrecy over the workings of City Hall and prevents public officials from ever being held accountable for their actions.

Without reliable public records, no one is ever responsible when something goes wrong. Citizens hear the old "mistakes were made" excuse. But documentation showing why mistakes were made — and who made them — never sees the light of day.

It is also difficult for us, your elected watchdogs — the city auditor and the city attorney — to do our jobs if critical documentation supporting an audit trail cannot be found and key legal facts are deleted from our servers after only one month.

As a growing field of case law shows, destroying e-mail records exposes the city to serious and unnecessary liability if and when those records are sought in the discovery phase of a lawsuit. In recent years, companies have been hit with multimillion dollar jury verdicts and court sanctions in cases where they failed to properly turn over e-mail records during discovery.

The potential legal and financial costs to the city far outweigh the cost of putting in place a workable system that would protect all paper and electronic records for a reasonable amount of time.

More than a year ago, the city auditor and the city attorney started pushing the city administration to convene a special committee on improving the city's shoddy records-management policies. However, when we insisted on changing the city's 30-day e-mail deletion policy and improving paper-records retention, we were excluded from committee meetings by order of the former city administrator.

Under the circumstances, no one should be surprised that the crisis in Oakland's records management continues unabated.

The city has a responsibility as a public corporation to retain electronic and paper records on behalf of its shareholders — the public. In the interest of real accountability and transparency, Oakland should hold itself to a higher standard.
