

**BOARD of SUPERVISORS**



**City Hall**  
**1 Dr. Carlton B. Goodlett Place, Room 244**  
**San Francisco, CA 94102-4689**  
**Tel. No. (415) 554-5184**  
**Fax No. (415) 554-5163**  
**TDD/TTY No. (415) 554-5227**

August 23, 2021

The Honorable Gavin Newsom  
Governor of the State of California  
1303-10th Street, Suite 1173  
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 369-21

Dear Governor Newsom:

On July 20, 2021, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 369-21 (Urging Privacy and Preventing Unnecessary Harm for Trans and Non-Binary Residents Seeking Court Ordered Name and Gender Changes in Superior Courts), which was enacted on July 30, 2021.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 369-21 (File No. 210821)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: [board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org).

Sincerely,

  
† Angela Galvillo  
Clerk of the Board

ll:jw:ams

- c. Members of the Board of Supervisors, Supervisors Hillary Ronen, Shamann Walton, Dean Preston, Matt Haney, Aaron Peskin, Connie Chan, Myrna Melgar  
Sophia Kittler, Mayor's Liaison to the Board of Supervisors  
Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs  
Andres Power, Mayor's Policy Director  
Rebecca Peacock, Mayor's Office  
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

1 [Urging Privacy and Preventing Unnecessary Harm for Trans and Non-Binary Residents  
2 Seeking Court Ordered Name and Gender Changes in Superior Courts]

3 **Resolution urging Governor Gavin Newsom and the California Legislature to extend**  
4 **privacy and safety measures to guarantee that all residents petitioning the California**  
5 **Superior Court for an order changing their name or gender marker for the purpose of**  
6 **reflecting their authentic gender identity, can proceed under seal, and that both the**  
7 **petition and the final court order would be sealed from public viewing, with an option**  
8 **for the petitioner to elect to opt-out of these protections and proceed publicly.**

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10 WHEREAS, The California Legislature has taken important but incomplete steps to  
11 guarantee the privacy and safety of transgender and non-binary residents seeking name and  
12 gender change orders, underscoring the need for such measures to be expanded, as it is  
13 recognized that the dangers and risks associated with such private medical information  
14 becoming publicly known or available is imminent; and

15 WHEREAS, The California Legislature passed SB 179, the California Gender  
16 Recognition Act, that was signed into law October 15, 2017, and eliminated the requirement  
17 that transgender or non-binary residents disclose confidential and personal medical  
18 information within their written petition to the Superior Court for an order to change their name  
19 and gender marker; and

20 WHEREAS, The California Gender Recognition Act amended the state Code of Civil  
21 Procedure to eliminate the requirement that a public hearing be conducted in the Superior  
22 Court for name change petitions tied to gender identity; and

23 WHEREAS, The California Gender Recognition Act also eliminated the requirement  
24 that the 'order to show cause' within the petition be published for four successive weeks in a  
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1 newspaper of general circulation, eliminating the need to disclose the private medical and  
2 identity information contained in the petition; and

3 WHEREAS, Despite these actions, which effectively further and advance the privacy  
4 and safety of California residents, the remedy is incomplete, and the danger still exists, as  
5 both the petition, which includes the petitioner’s declaration as to their gender identity, their  
6 home address, their date and place of birth, and the resulting court order, all remain public  
7 documents that can be easily located through online searches of court dockets; and

8 WHEREAS, California Rules of Court provide that a Court may order that a record be  
9 filed under seal or sealed only on a finding of facts that establish: 1) there exists an overriding  
10 interest that overcomes the right of public access to the record; 2) the overriding interest  
11 supports sealing the record; 3) a substantial probability exists that the overriding interest will  
12 be prejudiced if the record is not sealed; 4) the proposed sealing is narrowly tailored; and 5)  
13 no less restrictive means exist to achieve the overriding interest; and

14 WHEREAS, The overriding interest here well exceeds the public’s limited right to  
15 access this private medical information, insofar as this is an issue of the safety and privacy of  
16 trans individuals, where the evidence is clear that “discovery” of people’s status as trans can  
17 have deadly consequences, and that violence against trans people is an epidemic; and

18 WHEREAS, The Human Rights Campaign (“HRC”) documents fatal violence against  
19 transgender individuals in the United States, and tracked 27 murders of transgender  
20 individuals in 2019; and

21 WHEREAS, In 2019, the American Medical Association called the violence against  
22 transgender people an "epidemic; and

23 WHEREAS, As of June 2020, HRC had already tracked 26 violent murders of  
24 transgender people, cautioning that while these numbers are shockingly high, they are likely  
25 much lower than the true numbers, due to these stories going unreported or undetected, in

1 part due to stigma, and in part due to police and medical examiner reports misidentifying the  
2 true gender of the victims; and

3 WHEREAS, According to a report from the National Center for Transgender Equality  
4 entitled the “2015 U.S. Transgender Survey”: 46% of the 28,000 respondents were harassed  
5 in the past year because of being transgender; one in ten was physically attacked in the past  
6 year because of being transgender; 47% of respondents were sexually assaulted during their  
7 lifetime; and one in ten were sexually assaulted in the past year; and

8 WHEREAS, Transgender people are at a higher risk of self-harm and suicide, which  
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10 that the discovery of this information will undermine their entire life, and everything they have  
11 worked to create can be taken away in that one discovery; and

12 WHEREAS, There is no articulable public interest in publicizing private medical and  
13 gender preference information to the public through the court docketing system, as there is no  
14 adversarial party, and law enforcement would continue to have unfettered access to sealed  
15 records for their purposes; and

16 WHEREAS, There is no less restrictive means of achieving the overriding interest here,  
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18 government issued identification(s), so people must utilize the Superior Court to change their  
19 name and gender change, which is in turn a critical aspect of becoming and living their  
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21 WHEREAS, To not act with greater urgency to remove this unnecessary risk of harm,  
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5           WHEREAS, Where petitioners may need to share the sealed court order with various  
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7 be a violation of the sealing order; now, therefore, be it

8           RESOLVED, That the San Francisco Board of Supervisors urges Governor Newsom,  
9 the California Legislature and all other state officials to enact legislation which will seal all  
10 petitions and related documents filed in any California Superior Court for either 1) a change of  
11 name to match the petitioner’s authentic gender, or 2) a change of name and gender; making  
12 clear that providing a copy of such sealed name and/or gender change order to a government  
13 entity for the purpose of changing a gender marker and/or name will not be a violation of the  
14 sealing order; and, be it

15           FURTHER RESOLVED, That the San Francisco Board of Supervisors urges Governor  
16 Newsom, the California Legislature and all other state officials to enact legislation that would  
17 retroactively seal all such petitions while allowing any such petitioner the right to opt out of  
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19           FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs  
20 the Clerk of the Board to transmit copies of this resolution to the Honorable Governor Gavin  
21 Newsom and to San Francisco’s delegation to the California Legislature with a request to take  
22 all actions necessary to achieve the objectives of this Resolution.

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# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Resolution

**File Number:** 210821

**Date Passed:** July 20, 2021

Resolution urging Governor Gavin Newsom and the California Legislature to extend privacy and safety measures to guarantee that all residents petitioning the California Superior Court for an order changing their name or gender marker for the purpose of reflecting their authentic gender identity, can proceed under seal, and that both the petition and the final court order would be sealed from public viewing, with an option for the petitioner to elect to opt-out of these protections and proceed publicly.

July 20, 2021 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210821

I hereby certify that the foregoing Resolution was ADOPTED on 7/20/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

\_\_\_\_\_  
Unsigned

London N. Breed  
Mayor

\_\_\_\_\_  
7/30/2021

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo  
Clerk of the Board

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Date

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August 23, 2021

The Honorable Scott Wiener  
California State Senator  
California State Capitol, Room 5100  
Sacramento, CA 95814-4900

Re: Board of Supervisors Resolution No. 369-21

Dear Senator Wiener:


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# City and County of San Francisco

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## Tails Resolution

**File Number:** 210821

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August 23, 2021

The Honorable David Chiu  
California State Assembly Member  
California State Capitol, Room 4112  
P.O. Box 942849  
Sacramento, CA 94249-0017

Re: Board of Supervisors Resolution No. 369-21

Dear Assembly Member Chiu:

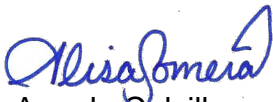
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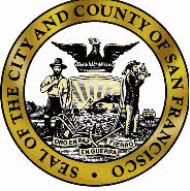
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**Date Passed:** July 20, 2021

Resolution urging Governor Gavin Newsom and the California Legislature to extend privacy and safety measures to guarantee that all residents petitioning the California Superior Court for an order changing their name or gender marker for the purpose of reflecting their authentic gender identity, can proceed under seal, and that both the petition and the final court order would be sealed from public viewing, with an option for the petitioner to elect to opt-out of these protections and proceed publicly.

July 20, 2021 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210821

I hereby certify that the foregoing Resolution was ADOPTED on 7/20/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

\_\_\_\_\_  
Unsigned

London N. Breed  
Mayor

\_\_\_\_\_  
7/30/2021

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo  
Clerk of the Board

\_\_\_\_\_  
7/30/2021

Date

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

August 23, 2021

The Honorable Phil Ting  
California State Assembly Member  
California State Capitol, Room 6026  
P.O. Box 942849  
Sacramento, CA 94249-0019

Re: Board of Supervisors Resolution No. 369-21

Dear Assembly Member Ting:


On July 20, 2021, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 369-21 (Urging Privacy and Preventing Unnecessary Harm for Trans and Non-Binary Residents Seeking Court Ordered Name and Gender Changes in Superior Courts), which was enacted on July 30, 2021.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 369-21 (File No. 210821)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: [board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org).

Sincerely,

  
Angela Calvillo  
Clerk of the Board

ll:jw:ams

- c. Members of the Board of Supervisors, Supervisors Hillary Ronen, Shamann Walton, Dean Preston, Matt Haney, Aaron Peskin, Connie Chan, Myrna Melgar  
Jessica Duong, Assembly Member Ting Chief of Staff  
Sophia Kittler, Mayor's Liaison to the Board of Supervisors  
Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs  
Andres Power, Mayor's Policy Director  
Rebecca Peacock, Mayor's Office  
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

1 [Urging Privacy and Preventing Unnecessary Harm for Trans and Non-Binary Residents  
2 Seeking Court Ordered Name and Gender Changes in Superior Courts]

3 **Resolution urging Governor Gavin Newsom and the California Legislature to extend**  
4 **privacy and safety measures to guarantee that all residents petitioning the California**  
5 **Superior Court for an order changing their name or gender marker for the purpose of**  
6 **reflecting their authentic gender identity, can proceed under seal, and that both the**  
7 **petition and the final court order would be sealed from public viewing, with an option**  
8 **for the petitioner to elect to opt-out of these protections and proceed publicly.**

9  
10 WHEREAS, The California Legislature has taken important but incomplete steps to  
11 guarantee the privacy and safety of transgender and non-binary residents seeking name and  
12 gender change orders, underscoring the need for such measures to be expanded, as it is  
13 recognized that the dangers and risks associated with such private medical information  
14 becoming publicly known or available is imminent; and

15 WHEREAS, The California Legislature passed SB 179, the California Gender  
16 Recognition Act, that was signed into law October 15, 2017, and eliminated the requirement  
17 that transgender or non-binary residents disclose confidential and personal medical  
18 information within their written petition to the Superior Court for an order to change their name  
19 and gender marker; and

20 WHEREAS, The California Gender Recognition Act amended the state Code of Civil  
21 Procedure to eliminate the requirement that a public hearing be conducted in the Superior  
22 Court for name change petitions tied to gender identity; and

23 WHEREAS, The California Gender Recognition Act also eliminated the requirement  
24 that the 'order to show cause' within the petition be published for four successive weeks in a  
25

1 newspaper of general circulation, eliminating the need to disclose the private medical and  
2 identity information contained in the petition; and

3 WHEREAS, Despite these actions, which effectively further and advance the privacy  
4 and safety of California residents, the remedy is incomplete, and the danger still exists, as  
5 both the petition, which includes the petitioner’s declaration as to their gender identity, their  
6 home address, their date and place of birth, and the resulting court order, all remain public  
7 documents that can be easily located through online searches of court dockets; and

8 WHEREAS, California Rules of Court provide that a Court may order that a record be  
9 filed under seal or sealed only on a finding of facts that establish: 1) there exists an overriding  
10 interest that overcomes the right of public access to the record; 2) the overriding interest  
11 supports sealing the record; 3) a substantial probability exists that the overriding interest will  
12 be prejudiced if the record is not sealed; 4) the proposed sealing is narrowly tailored; and 5)  
13 no less restrictive means exist to achieve the overriding interest; and

14 WHEREAS, The overriding interest here well exceeds the public’s limited right to  
15 access this private medical information, insofar as this is an issue of the safety and privacy of  
16 trans individuals, where the evidence is clear that “discovery” of people’s status as trans can  
17 have deadly consequences, and that violence against trans people is an epidemic; and

18 WHEREAS, The Human Rights Campaign (“HRC”) documents fatal violence against  
19 transgender individuals in the United States, and tracked 27 murders of transgender  
20 individuals in 2019; and

21 WHEREAS, In 2019, the American Medical Association called the violence against  
22 transgender people an "epidemic; and

23 WHEREAS, As of June 2020, HRC had already tracked 26 violent murders of  
24 transgender people, cautioning that while these numbers are shockingly high, they are likely  
25 much lower than the true numbers, due to these stories going unreported or undetected, in

1 part due to stigma, and in part due to police and medical examiner reports misidentifying the  
2 true gender of the victims; and

3 WHEREAS, According to a report from the National Center for Transgender Equality  
4 entitled the “2015 U.S. Transgender Survey”: 46% of the 28,000 respondents were harassed  
5 in the past year because of being transgender; one in ten was physically attacked in the past  
6 year because of being transgender; 47% of respondents were sexually assaulted during their  
7 lifetime; and one in ten were sexually assaulted in the past year; and

8 WHEREAS, Transgender people are at a higher risk of self-harm and suicide, which  
9 increases when the prospect of being “outed” is raised, because they know and are aware  
10 that the discovery of this information will undermine their entire life, and everything they have  
11 worked to create can be taken away in that one discovery; and

12 WHEREAS, There is no articulable public interest in publicizing private medical and  
13 gender preference information to the public through the court docketing system, as there is no  
14 adversarial party, and law enforcement would continue to have unfettered access to sealed  
15 records for their purposes; and

16 WHEREAS, There is no less restrictive means of achieving the overriding interest here,  
17 as court orders are required to change a person’s name and gender in order to update  
18 government issued identification(s), so people must utilize the Superior Court to change their  
19 name and gender change, which is in turn a critical aspect of becoming and living their  
20 authentic selves; and

21 WHEREAS, To not act with greater urgency to remove this unnecessary risk of harm,  
22 which serves no valid purpose, could and likely will have deadly consequences on our trans  
23 and non-binary residents, who are already at higher risk of harm and have restricted access to  
24 services; and

25

1           WHEREAS, In order to ensure that petitioners seeking name and gender change have  
2 the ability to keep this information public, for any reason that they choose to, there should  
3 remain an option for the petitioner themselves to elect to forego this privacy protection, but  
4 this election should be a proactive one, with the default being to seal the record; and

5           WHEREAS, Where petitioners may need to share the sealed court order with various  
6 government agencies in order to update their identity documents, such a disclosure would not  
7 be a violation of the sealing order; now, therefore, be it

8           RESOLVED, That the San Francisco Board of Supervisors urges Governor Newsom,  
9 the California Legislature and all other state officials to enact legislation which will seal all  
10 petitions and related documents filed in any California Superior Court for either 1) a change of  
11 name to match the petitioner’s authentic gender, or 2) a change of name and gender; making  
12 clear that providing a copy of such sealed name and/or gender change order to a government  
13 entity for the purpose of changing a gender marker and/or name will not be a violation of the  
14 sealing order; and, be it

15           FURTHER RESOLVED, That the San Francisco Board of Supervisors urges Governor  
16 Newsom, the California Legislature and all other state officials to enact legislation that would  
17 retroactively seal all such petitions while allowing any such petitioner the right to opt out of  
18 these protections at any time; and, be it

19           FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs  
20 the Clerk of the Board to transmit copies of this resolution to the Honorable Governor Gavin  
21 Newsom and to San Francisco’s delegation to the California Legislature with a request to take  
22 all actions necessary to achieve the objectives of this Resolution.

23  
24  
25



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Resolution

**File Number:** 210821

**Date Passed:** July 20, 2021

Resolution urging Governor Gavin Newsom and the California Legislature to extend privacy and safety measures to guarantee that all residents petitioning the California Superior Court for an order changing their name or gender marker for the purpose of reflecting their authentic gender identity, can proceed under seal, and that both the petition and the final court order would be sealed from public viewing, with an option for the petitioner to elect to opt-out of these protections and proceed publicly.

July 20, 2021 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210821

I hereby certify that the foregoing Resolution was ADOPTED on 7/20/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

\_\_\_\_\_  
Unsigned

London N. Breed  
Mayor

\_\_\_\_\_  
7/30/2021

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo  
Clerk of the Board

\_\_\_\_\_  
7/30/2021

Date