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From: Greg Peck <gpeck@gazettextra.com>
Sent: Wednesday, January 6, 2016 11:35 AM
To: DOA Public Records Board Comments
Subject: Comment from The Gazette, Janesville
Attachments: COPY1219EDIT_OPENNESS.doc

Dear Public Records Board members:

We wish to submit our attached editorial as an official comment.

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Board must rescind limits on retaining 'transitory' records

Will these people in Madison ever learn?

Obviously not.

Months after Republicans tried to gut the state's open records law—on Independence Day weekend, no less—an obscure state board tried to slip through limits on “transitory” records.

The media and other open-government advocates again pounced like Clay Matthews going after a quarterback.

In July, Republicans on the Joint Finance Committee, including Clinton Rep. Amy Loudenbeck, approved a plan to exempt “deliberative materials” from the records law. That would have kept secret how state, local and school officials make decisions. It would have kept hidden many records in lawmakers' offices. It also would have blocked access to some online court records.

The backlash was swift and furious. Gov. Scott Walker and GOP leaders announced that same weekend that they would pull it. By the next Tuesday, the Senate voted 32-0 to purge it.

Yet on Aug. 24, the Public Records Board quietly cut back requirements on retaining text messages and other electronic records. The changes cover a broad scope of transitory records, including emails to schedule or confirm meetings or events, committee agendas, minutes received by members on a distribution list and interim files.

The moves had an immediate effect. A day later, Walker's administration denied a newspaper request for text messages related to a loan to Building Committee Inc. because, Walker said, officials need not retain “transitory messages.” The Milwaukee business got \$500,000 from the Wisconsin Economic Development Corp. and hasn't repaid it. The company's owner, who donated to Walker's campaign, reportedly provided false information in the loan application.

Worse, the Public Records Board may have violated the state's open meetings and open records laws in making the changes. It provided no reasonable notice apprising the public and media of its plans. It recorded no motions or roll call votes. Its minutes didn't even note the changes.

On Monday, the Wisconsin Freedom of Information Council and Milwaukee Journal Sentinel filed a formal complaint with the Dane County district attorney.

On Thursday, board Chairman Matthew Blessing announced plans to revisit the vote to save taxpayers from an expensive court battle. He promised the board would provide a “detailed” meeting agenda. He said he thought the board was addressing “relatively routine and uncontroversial” items and “minor clarifying language” that didn't warrant advance notice. But it has become clear that there is “considerable interest.”

Gee, ya think?

Bill Lueders, freedom of information council president, applauded the announcement and urged the board to go further and rescind the changes.

A government record is just that. Whether an official types it into a computer or taps it out on a smartphone, the public has a right to know the contents. A board whose mission is to oversee state public records should know better.

Court cases around the country have repeatedly ruled that electronic exchanges are public records. In an era when government does more and more public business on hand-held devices, the state, school districts and municipalities should take steps to ensure such records are retained and stored.

If officials in Madison didn't have the media and other watchdogs scrutinizing their every move before, they have all of them on high alert now.

The message should be clear: Don't even try to chip away at transparency laws that have served Wisconsinites well for decades. Don't even think about it.

We don't trust you. We're watching for further shenanigans, and we'll fight you all the way.