

Dan Ryan

From: Dan Ryan <dar77global@gmail.com>
Sent: Wednesday, January 6, 2016 11:50 PM
To: fergussonpm@doj.state.wi.us; DOA Public Records Board Comments
Subject: Open Records

Dear Board Members, Representatives,

I write to ask that you do no further damage, in practice and in perception, to Wisconsin's proud tradition of open government and open records. The proposed revision allowing an exception to the treatment of email, text and other electronic records, or so called "transitory records" would do both - damage the right of the people of Wisconsin to access records of their elected officials and further damage the reputation of Wisconsin as a state that values, above all else, open government and open records.

I have not heard one policy reason why electronic records requires the change that the board has proposed most recently. Nor have i seen one valid policy reason that justifies previous attempts of our legislative leaders to limit the public's access to open records. Surely there is no burden so great that our elected officials might bear in maintaining a record of their daily conduct of the peoples business that could justify limiting our right to fully know, and access all communications of our elected officials in making the policy and laws that affect our daily lives.

In this day, there is no practical distinction between electronic messages such as text messages or other electronic messages and any other communications. As a lawyer for many years, I have seen the law adapt to technology and the use electronic messages in place of historical forms of written communication. The trend in the law of course has been to ever increasingly allocate equal consideration and weight to electronic forms of communication. The law and general wisdom has not been to marginalize these forms of communication as somehow unimportant or trivial in some regard due solely to their nature as electronic communications. Quite the opposite. However, the proposal of the board to treat these communications as somehow different, and not deserving of equal protection under open records laws cuts squarely against the law and the continuing evolution and prevalence of electronic communications. Unfortunately, attempts to distinguish text and other electronic communication from other forms of communication solely for the purpose of applying a lesser open records standard wreaks of political partisanship and political expediency.

I could not possibly overstate how negatively the optics of the board's and other legislators' attempts to limit open records has impacted the average Wisconsinite's view of politics in this state. You must know that your attempts to cast the changes as minor, or simply as clarification of existing law or as "common sense" changes, fools no one. It only furthers cynicism in our political system.

I implore you to take the long view, to not further erode Wisconsin's political tradition of open government, and to do the right thing - preserve all of our rights to an open and honest government and access to all records of our elected officials, regardless of form. Leave the open records laws alone.

Very truly yours,

Dan Ryan
Milwaukee