Jane Wester

From: Jane Wester <jane.wester@yahoo.com>
Sent: Wednesday, January 6, 2016 8:07 PM
To: DOA Public Records Board Comments
Subject: State Public Records

Last August, you and other members of the State Public Records Board changed the definition of so-called transitory electronic records that need to be kept and made publicly available under the state open records law. You did this without public notice and without recording a public vote. A complaint<http://media.jrn.com/documents/recordscomplaint12.14.15.pdf> has been filed against you for violating State Open Meetings Law and for exceeding your authority as administrative rule writers, not lawmakers.

Your action was not reported by any state news organization — or even in your own meeting minutes. Yet somehow the administration of Gov. Scott Walker knew about it immediately and used it the very next day to justify denying<http://www.jsonline.com/news/statepolitics/change-in-state-public-records-stance-could-shield-texts-facebook-messages-b99629695z1-360832191.html> an open records request from the Wisconsin State Journal for certain text messages.

The State Journal had learned — through other public records — that top Walker Department of Administration officials had been sending text messages while trying to secure federal taxpayer loans for the failing business of a Walker campaign donor. The officials were trying to funnel more public money<http://www.jsonline.com/news/statepolitics/wedc-backed-firm-after-learning-state-money-was-for-luxury-car-debts-b99525593z1-309866451.html> to the business even though a state loan had gone sour, the donor had given false information to the state and he intended to use the taxpayer money to pay off debt on two luxury sports cars: a Maserati and a Nissan 370Z.

Yet when asked why you decided to redefine electronic records without public notice or discussion, you responded: "I thus do not believe that the minor clarifying language ... was substantive enough to warrant inclusion in the August 24 agenda."

No matter what your intentions may have been, your board's action already has been used by people in power as an excuse to hide and possibly delete text messages regarding public business. It will continue to be used to limit access to text messages, emails, Facebook posts and other electronic communication by public employees. In fact, your action encourages them to use such tools to communicate if they wish to avoid scrutiny and accountability.

Whenever government employees conduct the public's business and spend the taxpayers' dollars, the citizens of Wisconsin have a right to see their communications, no matter what medium they use.

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Public access to these records is essential to maintaining a government run by its citizens rather than the other way around.

Without government records, the Milwaukee Journal Sentinel would never have unearthed an illegally generous pension scheme<http://www.jsonline.com/news/milwaukee/29483804.html> in

Milwaukee County.
Our reporters could never have exposed hundreds of millions of dollars in fraud with subsidized child care<http://www.jsonline.com/news/38617217.html>.
Even with our existing open records law, we had to fight for six months to get records that showed many Wisconsin hospitals were late<http://www.jsonline.com/watchdog/watchdogreports/Deadly-Delays-Wisconsin-hospitals-sent-newborn-blood-samples-late-state-fought-to-keep-their-performance-hidden-228832311.html> getting newborn blood samples to the Wisconsin State Laboratory of Hygiene. When the data was finally received and analyzed, hospitals dramatically improved<http://www.jsonline.com/watchdog/watchdogreports/wisconsin-hospitals-make-major-strides-in-newborn-screening-b99250989z1-256259141.html> their performance, greatly reducing risks to newborn babies.

With your action in August, you allowed the Public Records Board to become the latest lever used to reduce citizen access to information about what their government officials are up to. You must have been aware that just a few weeks before your action, the Walker administration and legislative leaders had failed in a secretive attempt to gut the state's open records law<http://www.jsonline.com/news/statepolitics/state-panel-hopes-to-finish-budget-deliberations-thursday-b99531113z1-311454801.html>.

They tried to rewrite state law so the public could no longer see their communications while writing legislation. They tried to exempt from public view a host of records created by the governor's administration, state agencies and local governments. They tried to grant themselves broad new special legal privileges. They tried to wall off Wisconsin records behind a cloak of legal privilege and operational secrecy beyond what any other state in America allows.

They did this all without warning, after the last workday before a long holiday weekend — a classic ploy for politicians unable to achieve their goals, as our nation's founders intended, through full disclosure and open debate.

But they were stopped by a loud public outcry<http://www.jsonline.com/news/statepolitics/citizens-step-up-to-defend-open-honest-government-in-wisconsin-b99532198z1-311650801.html> from the citizens of Wisconsin — independents, Republicans and Democrats from all parts of the state.

Jane Wester, Greendale Resident and Registered Voter Watching the Corruption in Wisconsin Government

PEACE

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We are all stewards of the land. It is our responsibility to **respect** and **preserve** it for future generations.