



Tony Evers

Office of the Governor | State of Wisconsin

October 24, 2019

Via Electronic Mail Only

Hello Ms. St. Hilaire:

I am writing in response to your October 4, 2019 follow-up request for the following:

“The Governor's emails (sent and received) on June 14, 2019”

I appreciate your patience. As stated in the October 14, 2019 update, I was working on an extensive public records request from another requester.

For the same reasons articulated in my September 27, 2019 denial, and reiterated in my October 3, 2019 denial, this request is denied because it lacks a subject matter. *See* Wis. Stat. § 19.35(1)(h).

Per Wisconsin Department of Justice guidance, “[a] request must be reasonably specific as to the subject matter and length of time involved.”¹ While you have provided a time frame, you have not provided a subject matter, only a medium/format.

Further, you already offered to make individual, multiple single-day requests that would culminate to cover the same larger period referenced in your September 18, 2019 request. This does not make your request sufficiently specific under Wis. Stat. § 19.35(1)(h). The law requires a requester to provide a subject matter.

I wish to clarify a final point. Your prior requests were not denied simply because they had the potential to produce many documents. A request, if properly made with the requisite specificity, may very well generate a large number of records. The prior request referenced above required review of over *3,000 pages* of responsive records prior to release.

But with the volume of requests our office receives and the amount of records we maintain – we have received another 49 requests for records since you made your initial request approximately a month ago – it is imperative that we apply the law as written, and apply it uniformly to media and citizen requesters alike. Wisconsin taxpayers should not be asked to pay the salary of a state employee to work exclusively on an insufficiently specific request for weeks, to the detriment of all other requests, requesters, and job responsibilities, when that requester need only provide a subject matter, as the law requires.

¹ *See* Public Records Law Compliance Guide (2019), <https://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/PRL-GUIDE.pdf> at pg. 13.

Pursuant to Wis. Stat. § 19.35(4)(b), this denial, along with the prior two denials, are subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to a district attorney or the Attorney General.

If you wish to provide a subject matter, I will happily complete your request. My direct phone number is 608-266-2979.

Sincerely,
Erin Deeley
Assistant Legal Counsel