

October: Are officials giving out too much information?

Written by By Bill Lueders

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The nonprofit group I belong to is called the Wisconsin Freedom of Information Council. Our [mission](#) is to protect and expand access to public records.

Usually this entails pushing state and local government officials to be as open as possible. But lately, a number of developments raise a peculiar concern: Are officials being too open?

In June, the Wisconsin Supreme Court ruled in [Teague v. Schimel](#) that the state Department of Justice [defamed](#) a Milwaukee man by releasing information on offenses committed by a relative who used his name as an alias, without making this clear. The majority felt the agency needed to provide more complete information, in the interest of accuracy. No problem. More information is good.

But litigation has also been brought against public officials for releasing information that is indisputably correct. A woman who accused former UW basketball coach Bo Ryan of misconduct (an internal probe [found](#) no wrongdoing) has [sued](#) university officials for allegedly revealing her identity, calling this “unreasonable, intentional, reckless, malicious, willful, arbitrary, capricious and/or highly offensive to a reasonable person.” The case is pending in federal court.

And a former Green Bay police officer is [suing](#) the city of Green Bay for fulfilling a records request from a newspaper regarding the circumstances of his departure. He says the release violated a confidentiality agreement and caused him embarrassment, monetary losses and

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emotional harm.

Courts have recognized a strong public interest in knowing more about the individuals who patrol our streets, manage our tax dollars, teach our children, and represent us in government. This interest has been deemed more important than the privacy rights of individual public employees.

Then there are those who want to restrict access to data on the state's online court records system. They say no one should be able to see that they were charged with a crime if they weren't convicted; some folks don't even want people to know if they were. A state committee has [recommended](#) reducing the display times for dismissed cases, which would remove thousands of files from the site. That's a troublesome precedent—responding to a perceived problem by taking information away.

Information compiled by government at taxpayer expense belongs to everyone—even if that is at times unwelcome.

Recently, the state Justice Department began compiling a "[snapshot](#)" of pending records requests on its website, updated weekly. It's even begun [posting](#) records released in response to requests of particular public interest.

Such disclosure is painful for reporters who want to protect their ability to break stories. Now their competitors can track what matters they are looking into and potentially obtain key documents the same time as they do. A similar proposal in Scotland was [decried](#) as an attack on the press.

The Wisconsin Freedom of Information Council discussed the Justice Department's new moves toward transparency at its last meeting and agreed to support the changes, even though it may mean an occasional blown scoop. We stood with our values if not necessarily our interests.

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That's the thing about information: sometimes it hurts. A free society has to accept that.

Your Right to Know is a monthly column distributed by the [Wisconsin Freedom of Information Council](http://www.wisfoic.org) (www.wisfoic.org), a group dedicated to open government. Bill Lueders, managing editor of The Progressive magazine, is the council's president.