

Wisconsin Institute for Law & Liberty: Five government transparency groups file amicus brief in electronic records case

Posted on Friday, Jul 13, 2018

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Argue that record custodians must provide electronic copies of electronic records when requested

Milwaukee, WI — On Monday, a coalition of five organizations from across the political spectrum filed an amicus brief in the Wisconsin Court of Appeals arguing that record custodians must provide electronic copies of electronic records when requested. The Wisconsin Institute for Law & Liberty, the Wisconsin Freedom of Information Council, the John K. MacIver Institute for Public Policy, the Badger Institute, and Americans for Prosperity – Wisconsin filed their brief supporting Bill Lueders, Managing Editor of The Progressive, in his lawsuit against State Representative Scott Krug (R-Nekoosa).

The lawsuit began when Mr. Lueders made a record request to Representative Krug asking for particular records in the electronic format they were kept in. Krug refused, instead printing out paper copies at unnecessary expense. In January, a Dane County court ruled that Krug had to provide the electronic records, and Krug appealed.

Krug isn't the only state representative to frustrate government transparency this way. Earlier this year, WILL sued State Representative Jonathan Brostoff (D-

Milwaukee), when he refused to provide electronic copies of emails, instead printing them out and demanding over \$3,000 in payment. Brostoff settled that lawsuit by turning over records electronically and paying WILL's attorney fees.

"I hope the Court of Appeals adopts a plain meaning interpretation of the statute that serves the interest of open government and the efficient use of public resources," said Tom Kamenick, Deputy Counsel and open government expert at WILL. "It defies common sense - and the law - for the legislature to waste taxpayer resources by printing out electronic records that could cheaply and quickly be provided via email, file sharing website, or CD."