



Schu's Crossing

Sunshine Week

Celebrating government transparency *BY STEVE SCHUSTER*

"Courageous reporting has the power to [change the community](#) and your life for the better," Chicago Tribune's Editor [Gerould Kern says on chicagotribune.com](#).

Every day of the year, journalists around the world pay the ultimate sacrifice whether covering a lengthy meeting [in the halls of local government](#) or literally risking life and limb while covering breaking news in war zones.

No matter the medium for transmitting the news, journalists share the common goal of promoting open government --- transparency.

Many news organizations have "watchdog" teams of journalists dedicated to "guarding your interests as a taxpayer, citizen, and consumer." That just happens to be [Chicago Tribune's watch dog motto](#).

While this "on guard for insert your hometown" message resonates loudly and clearly all year long in newsrooms across the nation, something is particularly special about March 11-17 this year. It's [Sunshine Week](#).

Admittedly, I'm not a literary expert by any means. But, I doubt when Shakespeare wrote Julius Caesar, the prediction to "beware of the ides of March" could ever have foreshadowed Sunshine Week, which coincidentally falls during the week of March 15 (The Ides of March).

What is "Sunshine Week"?

Sunshine Week, created by [The American Society of Newspaper Editors](#), is a national initiative to promote the importance of open government and freedom of information. This year marks the 7th anniversary.

Every year since Sunshine Week's inception, participating news organizations around the country submit various open records requests to local, state, and federal government agencies and report on the respective agency responses.

While open record laws vary from state to state, [Wis. Stat. § 19.31-19.39](#) governs open records laws in Wisconsin and FOIA (Freedom of Information Act- [5 U.S.C. s. 552](#).) applies to requests from federal government agencies.

Under Wisconsin law, reasonable fees for copies may be charged to the requester and open record requests are available to the general public, not just the news media (with a few exceptions). If a Wisconsin government agency takes too long to respond to the request, then the government agency may be subject to punitive damages and even attorney fees.

"Wisconsin has a broad presumption of complete access to public records, which is reflected in both the statutes and the case law," The [Wisconsin Bar Association says on its website](#).

You might be surprised by what is actually considered to be "open record" in Wisconsin.

"It is declared to be the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them," [Wisconsin Statutes stipulate](#).

Wisconsin defines records as any document created or is being kept by a government agency.

Some examples?

-Typically Allowed: Personnel Records of government employees (excluding personal information i.e. home address and social security number)

- Typically Allowed: Disclosure of e-mails from a government employee's government e-mail account (excludes personal e-mails)

- Typically Allowed: Traffic accident reports, most motor vehicle traffic conviction data, and even the status of driver operating privileges.

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- Typically Allowed: Correspondence within a government agency. The [Wis. Department Of Natural Resources](#) lists an example on their website "All correspondence pertaining to ABC Canoe's laminated canoes."

What about Federal government record requests?

Are you curious to know what was in [John Dillinger's FBI file](#)? Some federal government agencies like the FBI even offer a "reading room" on their respective websites so sometimes a FOIA request won't even be necessary.

Don't be surprised if once you obtain the document portions are redacted (omitted /crossed out). And, don't be discouraged if your first request is denied. This happens even to large daily newspapers.

Last Nov. Chicago Mayor Rahm Emanuel denied Tribune's request "to peer into the daily operations of the mayor himself — a man with enormous say over hundreds of millions of dollars in city contracts, hiring and regulations."

In this case, [Tribune asked for copies of e-mails, phone bills, appointment books, visitors logs](#). The mayor's response? "The city did provide some records, including Emanuel's daily calendar and a log of correspondence from citizens. Officials said there is no visitors' log."

North of Russell Road in Wisconsin, of course there are several exclusions of what is not covered under "open record" requests. In Wisconsin, this includes materials from closed session meetings, law enforcement records, draft notes, attorney-client privilege, and trade secrets.

Since Sunshine Week is less than two weeks away, it's time to start thinking about sending in open record requests. The floor is now open to you for your suggestions. What should *Schu's Crossing* request this year? Please comment below or feel free to send suggestions to newstips@schustercommunications.com

Stay tuned for a list of what was requested and what requests were fulfilled for Sunshine Week 2012.

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