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GOVERNOR
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September 23, 2009

Employee Name
Address
City State ZIP

RE: Notice of Intent to Release Public Record

Dear [Employee]:

Pursuant to section 19.356(2)(a)1., Wis. Stats., we are notifying you that we received a public records request from the Milwaukee Journal Sentinel that will require us to release your name. The request is for a list of names deactivated from the list of eligible drivers of state vehicles for the period from January 5, 2005 to May 1, 2005.

This request was originally made in 2005. The Department of Administration withheld your name from the Journal Sentinel in 2005 because of a Wisconsin State Employees Union (WSEU) collective bargaining provision limiting disclosure of union member names. The Journal Sentinel filed a lawsuit challenging the decision to withhold names of WSEU members. The Wisconsin Supreme Court now has ruled that the WSEU contract provisions do not override disclosure requirements of the public records law. Therefore, we must now release your name in response to the 2005 request and intend to do so on October 14, 2009.

Within five business days of receipt of this notice, you may provide written notification to Department of Administration, at the address listed above, that you intend to seek a court order restraining the Department of Administration from releasing the requested record. Wis. Stats. s. 19.356(3). Within ten business days of receipt of this notice, you may commence an action seeking a court order restraining the Department of Administration from releasing the requested record. If you commence such an action, you must name the Department of Administration as a defendant. Wis. Stats. s. 19.356(4).

The judge presiding over the remaining circuit court proceedings in *Milwaukee Journal Sentinel, et al. v. Wisconsin Department of Administration, et al.*, Dane County Case No. 05-CV-3569, is the Honorable C. William Foust, Branch 14, Dane County Courthouse, 215 South Hamilton Street, Room 7107, Madison, WI 53703-3291.

Finally, please be advised that when we release the records, we plan to inform the requester that violations of fleet policy should not be inferred from the inclusion of a name on the list of deactivated drivers. There are numerous other reasons drivers may be deactivated, including retirement, death, leaving state service, name change, or moving out of state.

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Sincerely,

Elisabeth Dieterich
Assistant Legal Counsel