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Keegan Kyle
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Dear Mr. Kyle:

This is in response to your email correspondence, received on November 16, 2017, in which you requested "digital copies of all editions of the quarterly newsletter produced by the Wisconsin Crime Laboratory Bureau from January 1, 2014 to the present." The Department of Justice (DOJ) construes your correspondence as a public records request pursuant to the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39.

We reviewed our files and identified records responsive to your request. We are providing them to you with redactions as explained below.

Certain Crime Laboratory information, including information present within the newsletters that discloses what analyses were performed by the Crime Laboratory and the results of those analyses, has been redacted pursuant to Wis. Stat. § 165.79(1).

Hyperlinks to internal DOJ computer network drives have been inactivated pursuant to the Wis. Stat. § 19.35(1)(a) balancing test. The inclusion of activated hyperlinks would allow unfettered public access to internal DOJ computer network drives thereby creating a security risk as well as potentially disclosing information privileged pursuant to Wis. Stat. § 165.79(1), attorney-client privileged communication, or other confidential content. In applying the balancing test, I determined the public interest in ensuring that government can operate safely, securely, and effectively and in preventing confidential information from disclosure outweighs the public interest in disclosure of activated hyperlinks.

Additionally, passwords for protected third-party documents have been redacted pursuant to the Wis. Stat. § 19.35(1)(a) balancing test. These documents were not created by are not maintained by DOJ and are intended only for paying attendees of the International Symposium on Human Identification. Disclosure of the passwords would provide unauthorized access to the third-party documents, which may also be subject to copyright protection or available for sale. *See* Wis. Stat. § 19.32(2). In applying the balance test, I determined the public interest in protecting the third-party documents from unauthorized access and preserving the security of such documents outweighs any public interest in the disclosure of the passwords.

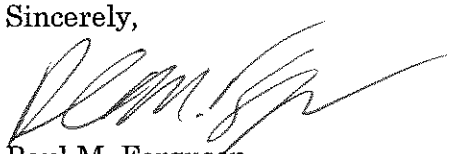
Purely personal information and photographs of employees and their families have been redacted pursuant to the Wis. Stat. § 19.35(1)(a) balancing test. The purpose of the public records law is to shed light on the conduct of public business and the acts of public officers and employees, not to make public the private family matters of public employees. *Cf. Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1988); *Schill v. Wisconsin Rapids Sch. Dist.*, 2010 WI 86, ¶ 9 & n.4, 327 Wis. 2d 572, 786 N.W.2d 177 (Abrahamson, C.J., lead opinion); *Id.*, ¶ 148 & n.2 (Bradley, J., concurring); *Id.*, ¶ 173 & n.4 (Gableman, J., concurring). Therefore, in performing the balancing test, I determined that the public policy interest in avoiding unnecessary intrusion into the personal lives of employees and government officials and their families, as well as the public policies expressed in Wis. Stat. § 19.36(10)(a), outweigh any public interest in purely personal information of employees and their families. Furthermore, I determined that the public interest in protecting the privacy of these individuals and their families outweighs any public interest in disclosure of this information.

DOJ identification badge photos have been redacted to protect against identity theft or other unauthorized use following any subsequent disclosure. The safety and security of DOJ facilities and personnel would be compromised by public disclosure of this information. In performing the public records balancing test pursuant to Wis. Stat. § 19.35(1)(a), I concluded that the public policy in favor of protecting the safety and security of government facilities and personnel outweighs the public interest in disclosure of the photographs.

The law permits DOJ to impose fees for certain "actual, necessary and direct" costs associated with responding to public records requests. Wis. Stat. § 19.35(3). Pursuant to Wis. Stat. § 19.35(3)(f), DOJ may require prepayment for the costs of locating (if applicable), copying, and mailing the requested records if the total amount exceeds $5.00. Pursuant to Wis. Stat. § 19.35(3)(e), in this instance, DOJ is waiving its fees associated with responding to your request. Enclosed, please find records responsive to your request.

Pursuant to Wis. Stat. § 19.35(4)(b), this determination is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to a district attorney or the Attorney General.

Sincerely,



Paul M. Ferguson
Assistant Attorney General
Office of Open Government

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Enclosure