

POLITICS

Madison school district sued for not releasing records to person who made anonymous requests



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MADISON - A person anonymously sued the Madison school district Thursday under the state's open records law because the district would not release documents unless the person revealed his or her identity.

State law generally allows people to obtain government records anonymously.

The person made 26 records requests to the Madison Metropolitan School District between July and October. The district ignored five of the requests and in the other cases said the district needed to know the person's identity to ensure he or she did not pose a threat.

The requests were for weekly updates to the school board, a school improvement plan, a curriculum plan, a report on secluding or restraining students, open records training materials and other routine documents.

The lawsuit was filed under the name John Doe, though the filing did not say whether Doe was a man or woman and used the pronoun "they." Doe lives in Madison, according to the lawsuit.

"Doe seeks this information to become a better informed and engaged community member concerning the decisions made and activities undertaken by MMSD in serving its students," Doe's attorney, Tom Kamenick, wrote in the lawsuit.

School district spokeswoman Liz Merfeld said the district had not received a copy of the lawsuit and did not answer questions about whether the district would fight the lawsuit or release the records.

Doe made the requests through *MuckRock.com*, a website that allows people to anonymously file and track records requests to government agencies.

To most requests, the district responded by stating, "While the Wisconsin open records law does not require disclosure of the requester's identity, the MMSD contends that the requester's identity is relevant in its determination of whether there is a safety concern that would prohibit disclosure of the requested documents."

The open records law says "no request ... may be refused because the person making the request is unwilling to be identified or to state the purpose of the request."

The law includes exceptions to that rule if the records are kept at a private residence or if security reasons or federal laws or rules require people to identify themselves. Those exceptions don't apply in this case, Kamenick contended in the lawsuit.

"The requested records are routine government documents, not focused on any individual, and they contain no information that would put any person's safety in danger if revealed," he wrote in the lawsuit.

Kamenick noted an appeals court in 2014 ruled the Milwaukee school district was allowed to take into account who made a request in deciding whether to release records. In that case, a man who had been convicted of domestic abuse was seeking employment records of his victim.

But Kamenick noted that in that case the man had not filed his request anonymously and Wisconsin courts "have never held that a requester can be forced to identify themselves."

Doe is asking the court to order the Madison school district to release the records immediately and cover his or her legal bills. Doe also wants the district to pay damages of at least \$100 for each set of withheld records.

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