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## School district's refusal to grant anonymous requests for records prompts transparency lawsuit



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**By Bruce Walker | The Center Square**

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The Wisconsin Transparency Project (WTP) announced on Friday it is suing the Madison Metropolitan School District (MMSD) in Dane County Circuit Court.

At issue is the district's refusal to honor open record requests by an anonymous Madison resident identified only as John Doe. Doe had sought to acquire several documents without divulging his or her identity through MuckRock, a public records internet database and portal.

According to WTP founder and John Doe attorney Tom Kamenick, the refusal violates the state's open records law. He noted in a phone conversation with The

Center Square that revealing one's identity is not mandatory when seeking state and local government records.

Kamenick also told The Center Square that the documents sought by Doe were "routine and not high-level, including building improvement plans and K-12 curricula." All-told, he said, Doe made 26 requests once a week.

According to the WTP lawsuit, Doe received responses from the MMSD. Each response was identical with the exception of the dates MMSD received the MuckRock requests.

"The Madison Metropolitan School District (MMSD) is in receipt of your open records request...", reads the response. "However, despite your disclaimer that 'this request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests,' your request has not identified the actual requester," according to the responses.

“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 responses said.

In his petition, Kamenick stated: “Doe is entitled to proceed anonymously in this case because their statutory right to anonymity outweighs the public’s interest in knowing their identity,” he said.

“Requiring Doe to identify themselves would eliminate their right to request records anonymously and make it impossible to challenge an unlawful denial of a record request on that basis,” Kamenick wrote.

MMSD spokesperson Liz Merfeld told The Center Square on Friday afternoon that the district hasn’t yet received the court documents filed by WTP, so therefore the district cannot provide a response.

“This isn't just about my client,” Kamenick told The Center Square. “Everybody in Wisconsin has the right to request records anonymously, and we want a court to rule that record keepers can't deny a request because the requester refuses to be identified,” he said.

“Some people are afraid of reprisals if they're perceived as being ‘too nosy’, and whether those fears are well-founded or not, being able to request a record without giving their name encourages them to be good government watchdogs,” Kamenick added.

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