



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

February 24, 2017

Curtis Waltman  
Muckrock  
30582-68877691@requests.muckrock.com

Via Electronic Mail Only

Dear Mr. Waltman,

I am writing in response to your request dated December 6, 2016, asking for the following:

*-Memos or requests received from the North Dakota Governor's Office, Morton County Sheriff's Department, North Dakota Emergency Management Agency, or North Dakota Highway Patrol for help under the Emergency Management Assistance Compact.*

*-Emails with the aforementioned North Dakota agencies regarding the Standing Rock protests and/or personnel sent there to help with emergency management.*

*-Memos, emails, and requests sent internally with regards to the decision to deploy officers to North Dakota to help with controlling the protest.*

*-Requests from the aforementioned North Dakota agencies for specific equipment to be brought to the Standing Rock protest area for their use in controlling the protest. This equipment may include but is not limited to surveillance devices including cell site simulators or social media surveillance software, or crowd control methods such as long range acoustic devices, water cannons, rubber bullets, tear gas, pepper spray or tasers.*

*-Any bills, contracts, agreements, invoices, or other financial documentation for services rendered in helping to control the Standing Rock NoDAPL protests. These documents would likely be sent to the 4 aforementioned North Dakota agencies.*

A search of the records of the Office of the Governor has been completed, and 62 pages of responsive records have been found and prepared for release. Copies of these records are included with this letter in PDF format.

When reviewing the records, you will notice that some items are redacted. The Wisconsin Public Records Law requires certain redactions pursuant to particular statutory provisions. Additionally, Wis. Stat. § 19.35(1)(a) incorporates the common-law balancing test, which requires us to weigh the public interest in disclosure against any harm that could result from disclosure. *See, e.g.,*

*Wisconsin Newspress, Inc. v. Sch. Dist. of Sheboygan Falls*, 199 Wis. 2d 768, 777-78 (1996). Applying these standards, we redacted the following material:

The non-public direct conference-call telephone numbers used by the Governor's Office are redacted pursuant to the public records balancing test. Many other publicly available methods exist to contact employees of the Governor's Office. In addition, these conference-call telephone numbers allow the Governor and his staff to communicate from their respective locations. Thus, we determined that the public interest in avoiding potential disruption to the staff's ability to carry out their important official responsibilities without unnecessary interruption if these direct conference-call telephone numbers became common knowledge outweighs any public interest in disclosure of these numbers. Wis. Stat. § 19.35(1)(a).

Further, we have redacted non-public direct telephone numbers for state public officials on the basis of the public records balancing test. All positions to which individuals are regularly appointed by the governor are considered state public offices, see Wis. Stat. §§ 19.32(4), 19.42(13)(a), and these are important positions in state government with numerous official responsibilities. Each department and agency publishes central telephone numbers through which staff members can be contacted as their availability permits, as well as a central directory which lists official contact numbers for most state employees (<http://wi.gov/state/core/sowdir/>). Therefore, disclosure of unlisted or otherwise non-public direct numbers for state public officials would serve no significant public interest. Any public interest in disclosure is therefore outweighed by the public interest in efficient government. These interests would be undermined if the dissemination of direct telephone numbers caused unnecessary disruptions to state public officials' ability to carry out their responsibilities. Following this same reasoning, we have also redacted the non-public direct telephone number of one state public official working in the Office of the Governor in North Dakota.

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

This letter completes our response to your request. Thank you for contacting the office of Governor Scott Walker.

Sincerely,



Robert P. Berry  
Assistant Legal Counsel