



October 20, 2008

Stephan Thompson  
590 Foxtail Drive #121  
Pewaukee, WI 53072

Dear Mr. Thompson:

I am writing as legal counsel for and on behalf of the Office of the Associate Vice Chancellor, Facilities Planning & Management, in response to your e-mailed records request dated September 18, 2008. By that e-mail, you made a request under the Wisconsin Public Records law for various e-mails to and from Associate Vice Chancellor Alan Fish.

The requested e-mails all appear to be generally related to Chancellor Wiley's August 2008 Madison Magazine article entitled, "From Crossroads to Crisis." You should be informed that Mr. Fish played no role whatsoever in the production of that article.

I am enclosing copies of the e-mails that we have identified as responsive to your request. I have not included personal e-mails between Mr. Fish and his wife, Susan Goodwin. Such e-mails are not public record because they do not have any relation to Mr. Fish's employment or the official functions of his office or the University.

To the extent that this amounts to a denial of your request, it is subject to review by mandamus under sec. 19.37(1), Wis. Stats., or upon application to the Attorney General or District Attorney.

Sincerely,

John C. Dowling  
Senior University Legal Counsel

JCD/mb  
Enclosures

xc: Alan Fish



October 20, 2008

Stephan Thompson  
590 Foxtail Drive #121  
Pewaukee, WI 53072

Dear Mr. Thompson:

I am writing as legal counsel for and on behalf of the Office of the Chancellor in response to your e-mailed records request dated August 24, 2008. By that e-mail, you made a request under the Wisconsin Public Records law for various e-mails to and from former Chancellor John Wiley. The requested e-mails all appear to be generally related to Chancellor Wiley's August 2008 Madison Magazine article entitled, "From Crossroads to Crisis."

I am enclosing copies of the e-mails that we have identified as responsive to your request. I have redacted four categories of information from the printed e-mails based upon the following reasons:

1. Personal communications that are not related to Chancellor Wiley's official duties. The redacted information in question are communications between Chancellor Wiley and personal friends, business acquaintances and colleagues having no relation to his employment or the official functions of the University. Chancellor Wiley was under no legal obligation to preserve these communications. They do not reflect the official acts or the transaction of the official business of the University of Wisconsin, its Chancellor or his office. The redacted information is, therefore, not public record. See, 72 Op. Atty. Gen. 99, 101 (1983).
2. Communications that could be harmful to the reputations of others. We have redacted specific communications that could be harmful to the reputations of others. For example, we have redacted several communications to Chancellor Wiley from others concerning their efforts to obtain employment elsewhere and their solicitation of his support in that regard.

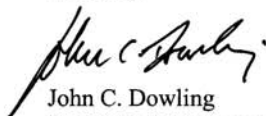
We have also redacted brief statements by the authors of some of the e-mails that could be damaging to the reputations of various individuals. The statements were made in the course of what the authors thought were private e-mail discussions between personal friends, business acquaintances or University colleagues. They

are of little public benefit and could do great harm to reputations. We have, therefore, determined that release of these limited statements would not be in the public's best interest. Pursuant to the common law balancing test that is incorporated in the Wisconsin Public Records law, we have determined that the public's interest in disclosure of this information is outweighed by the public's interest favoring nondisclosure.

3. Communications concerning or to and from University students. The Family Educational Rights and Privacy Act (FERPA), 20 USC 1232g and 34 CFR Part 99, requires that the University not disclose personally identifiable information from education records relating to its students. We have, therefore, redacted any and all messages to and from or identifying UW-Madison students.
4. Cell phone numbers and e-mail addresses of private individuals communicating with Chancellor Wiley. Finally, we have also redacted the cell phone numbers and private e-mail addresses of private individuals communicating with Chancellor Wiley. These individuals have some expectation of privacy under these circumstances and do not deserve to have their cell phone numbers and private e-mail addresses made public. We have determined that the public's interest in disclosure of this information is outweighed by the public's interest favoring nondisclosure.

To the extent that this amounts to a denial of your request, it is subject to review by mandamus under sec. 19.37(1), Wis. Stats., or upon application to the Attorney General or District Attorney.

Sincerely,



John C. Dowling  
Senior University Legal Counsel

JCD/mb  
Enclosures

xc: John Wiley (w/out enclosures)