



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. BOX 7863
MADISON, WI 53707

June 22, 2017

Daniel Shafer
Milwaukee Business Journal
dshafer@[REDACTED]

Via Electronic Mail Only

Dear Mr. Shafer,

I am writing in response to your request dated June 21, 2017, asking for the following:

Any documents, emails or text messages related to Foxconn.

We are withholding any records relating to the Wisconsin Economic Development Corporation's (WEDC) pending or potential opportunities pursuant to the public records balancing test.

WEDC does not comment on pending or potential opportunities, nor do they release records related to such opportunities pursuant to Wisconsin Statute § 238.08. Public disclosure of records relating to pending or potential opportunities impedes WEDC's ability to productively negotiate with companies about potential projects that will create jobs, increase investment in the state and generate additional state revenue for state and local governments. Such disclosures could hamper WEDC's efforts to attract new businesses to the state or negotiate with existing companies seeking to expand their operations in Wisconsin, and could impede economic development in the state, to the detriment of Wisconsin and its citizens.

While Wis. Stat. § 238.08 specifically applies to WEDC, 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). In applying the public records balancing test, we determined that the public interest in the effective and efficient administration of WEDC's programs outweighs any public interest in revealing the records of businesses with which WEDC has pending or potential opportunities.

However, once an economic development project has been finalized, records relating to the project are open to the public as provided in Wisconsin Statute § 19.35.

Additionally, your request is not specific enough to comply with the Public Records Law. The law requires that a request must include limitations as to subject matter and length of time. *See* Wis. Stat. § 19.35(1)(h). Your request appears to ask for all documents, emails or text messages related to Foxconn, without any specified time period.

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,

A handwritten signature in black ink that reads "Robert Berry". The signature is written in a cursive style with a long, sweeping underline.

Robert P. Berry
Assistant Legal Counsel