



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

P.O. BOX 7863  
MADISON, WI 53707

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July 19, 2017

Scott Bauer  
Associated Press  
sbauer@[REDACTED]

Via Electronic Mail Only

Dear Scott,

I am writing in response to your request dated July 12, 2017, asking for the following:

*The Governor's calendar for July 12, 2017.*

A search of the records of the Office of the Governor has been completed, and 1 page 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).

Also, redacted from the Governor's calendar are the names of businesses which Wisconsin Economic Development Corporation has pending or potential opportunities. 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.

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