



JIM DOYLE
GOVERNOR
STATE OF WISCONSIN

April 21, 2004

TO THE HONORABLE MEMBERS OF THE SENATE:

I am vetoing Senate Bill 8. The bill creates an exemption from the open records requirement for security system plans for utilities. These plans could relate to physical or electronic security of utility facilities, telecommunications or information technology systems. The exemption requires a determination that the facility or system is so vital to the state that the incapacity or destruction of the facility or system would have a debilitating impact on the physical or economic security of the state or on public health, safety or welfare.

I recognize that the state's utility systems are vital to Wisconsin's security and that the intent of this bill is to ensure that security. However, current law already provides for the protection of these records without creating another exemption to the Open Records Law. The Open Records Law anticipates the need for protection of certain records and provides for an exception based on a case-by-case determination of whether a record should be disclosed, a process commonly called the balancing test. Under the balancing test, if the public's interest in not disclosing the information outweighs the public's interest in disclosure, then release of the record is not required.

The public scrutiny of government action provided by the Open Records Law is vital to maintaining the integrity of state government. During a time when national, state and local resources are focused on maintaining public security, it remains equally imperative for a democratic society to safeguard access to public records so that the public's right to know and ability to evaluate the actions of its government is not unduly hindered. I object to setting another exemption of certain records when an alternate means of protection is already in place and functioning well. Access to these records should be subject to the balancing test on a case-by-case basis to ensure that the public interest is upheld.

Respectfully submitted,

A handwritten signature in black ink that reads "Jim Doyle".

JIM DOYLE
Governor