

MEMORANDUM

TO: District Superintendents

FROM: Jillian Balow



RE: Public Records Request

DATE: December 2, 2019

Dear Superintendents,

I am writing to inform you that on December 23, or at the latest December 27, 2019, the WDE will be responding to a public records request made by State Senator Tom James (SD 13, Sweetwater County). After discussions with the Senator, the attorney general's office, and the Legislative Service Office (LSO), the Wyoming Department of Education (WDE) will be producing the names and salaries of all employees in all school districts in the state to him.

We provide position and salary information of districts without hesitation to those who request it. However, the insistence on production of individual names raises serious concerns for us under W.S. 16-4-203(b)(vi). Section (b)(vi) states that the custodian of records may deny access if the "inspection would jeopardize the security of... or endanger the life or physical safety of an individual..." The WDE is beholden to produce the information requested by Senator James and we have no way of knowing, for example, if an employee who is seeking anonymity and refuge as a result of domestic violence, will be in danger because his/her name was released. Simply, we do not know if we have cause to deny access because the employees are school district, not WDE, employees.

I am also concerned that the judicial assistance process in W.S. 16-4-203(f)(i) would be effectively taken away from you, the school districts and local boards, with the state-level release of your information. Section (f)(i) allows the custodian of records and the person making the records request a confidential venue at the district court to show cause why the record should or should not be released. Currently, we both hold this information but since the request was made of WDE, we are obligated to release it as a result of this request.

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As a prudent steward of information about Wyoming education, as well as an elected official, I believe that informed citizens are vital to the functioning of a democratic society. Thus, I support Senator James's request for information related to salaries and positions, but I do not endorse releasing *district* employee names at the *state* level. Someone seeking names of district employees should pursue that request with the local districts due to the aforementioned reasons. Nevertheless, I have been informed that these concerns over sections (b)(vi) and (f)(i) do not preclude the WDE from producing this information.

Should you have further concerns, please contact your school district attorney to determine next steps. Note the December 23 and 27, 2019 release of information dates.