

ISTHMUS

Madison's Weekly Newspaper

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Phone (608) 251-5627 | Fax (608) 251-2165
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Joseph Kemnitz
National Primate Research Center
1220 Capitol Court
Madison, WI 53715

May 15, 2006

Dear Dr. Kemnitz,

This is to request, under the state's Open Records Law (19.31-39, Wisconsin Statutes), copies of all photographic records (photos, video or film) produced by UW-Madison researchers while researching a particular experiment, the results of which were published in 2000 by the publication Brain Research. The published report was entitled "Effects of amygdale lesions on sleep in rhesus monkeys." If you'd like, I could provide this published report.

Wisconsin's Open Records Law states, in relevant part: "In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of the government and the official acts of those officers and employees who represent them. Further, providing persons with such information is declared to be an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility and duty is to provide such information."

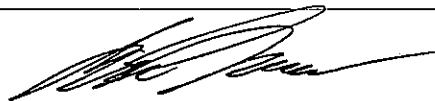
The law continues, "To that end [the Open Records Law] shall be construed in every instance with the presumption of complete public access consistent with the conduct of governmental business. The denial of access generally is contrary to the public interest and only in exceptional cases can access be denied."

Further, the law expressly includes photographic records in its definition of records: "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks."

If my request is denied, please state what part of the law you believe entities you to do so, and advise me of the process through which I may appeal.

As you know, the law requires you to respond to this request "as soon as practicable and without delay." Thank you for your time and consideration.

Best,



Bill Lueders
News Editor



July 6, 2006

Bill Lueders
Isthmus
101 King Street
Madison, Wisconsin 53703

Dear Mr. Lueders:

I have received definitive information to the effect that the records covered by your request of May 15, 2006 ("copies of all photographic records (photos, video or film) produced by UW-Madison researchers while researching a particular experiment, the results of which were published in 2000 by the publication Brain Research") are no longer in existence. The videotapes and photographs in question were damaged, along with other data, when a steam valve broke on 1/18/05 releasing water and steam into the storage area. After the required time to keep these data had elapsed, they were destroyed.

Sincerely,

A handwritten signature in black ink, which appears to read 'John C. Dowling'. The signature is written in a cursive style and is positioned to the left of the printed name.

John C. Dowling
Senior University Legal Counsel

JCD/kkn