



STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor  
Joel Brennan, Secretary  
Anne L. Hanson, Chief Legal Counsel

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October 27, 2020

Matt Kittle  
Empower Wisconsin  
[matt.kittle@empowerwisconsin.org](mailto:matt.kittle@empowerwisconsin.org)

Via Email

Dear Mr. Kittle:

This is in response to your September 11, 2020, public records request for the names of all current state employees and more specifically, Capitol custodial employees, who have died of COVID-19 or COVID-19-related causes.

We have been unable to locate any responsive records to your request, because the Department of Administration does not centrally track cause of death for state employees. To the extent that submission of a death certificate may be required to receive death benefits, the death certificate is provided to the benefit plan vendors rather than to the employer.

Further, even if records of an individual employee's illness or cause of death were contained in the employee's personnel files at the Department of Administration, we would be required to redact all information about medical conditions and treatments, pursuant to §146.82, Wis. Stats., and the common law balancing test. The public interest in protecting the privacy and safety of such employees would outweigh the interest in access to the information.

Pursuant to Wis. Stat. § 19.35(4)(b), we must inform you that if this response constitutes a full or partial written denial of a public records request that was made in writing, the determination is subject to review by mandamus under Wis. Stat. § 19.37, or upon application to the Attorney General or a District Attorney.

Sincerely,

Alexandra G. Arkin  
Legal Counsel