



March 11, 2013

**AMERICAN CIVIL  
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The Honorable Bob Lynn, Chair  
The Honorable Wes Keller, Vice-Chair  
House State Affairs Committee  
Alaska State House of Representatives  
State Capitol  
Juneau, AK 99801  
*via email:* [Rep.Bob.Lynn@akleg.gov](mailto:Rep.Bob.Lynn@akleg.gov)  
[Rep.Wes.Keller@akleg.gov](mailto:Rep.Wes.Keller@akleg.gov)

**Re: House Bill 127 – ACLU Review  
Availability of Public Records**

Chair Lynn, Vice-Chair Keller:

Thank you for the opportunity to submit written testimony regarding House Bill 127, a bill relating to the State Ombudsman.

The American Civil Liberties Union of Alaska represents thousands of members and activists throughout the State of Alaska who seek to preserve and expand individual freedoms and civil liberties guaranteed under the United States and Alaska Constitutions. In that regard, we appreciate the opportunity to provide the Committee with our opinions and concerns regarding the proposed legislation, in particular ensuring that our government is representative of the people and that public records are appropriately available for review.

We would be happy to work with you or the Committee to answer any questions you might have.

**State Reports and Communications Should be Available as Public Records When Possible**

The government of the state of Alaska belongs to its citizens, not to its bureaucrats, executives, or legislators. Having the ability to monitor the conduct of individual state agencies or officials – such as the Ombudsman – and to ensure that state agencies and officials are providing appropriate services to the citizens is vitally important.

The ACLU of Alaska's initial concern with HB 127 lies in Sections 4 and 6 which, respectively, completely exempt investigatory communications and preliminary opinions from public disclosure. While there may be specific reasons for managing records, for example while an investigation is pending, or where privacy or attorney professional requirements so mandate, a blanket prohibition on disclosure is too broad.

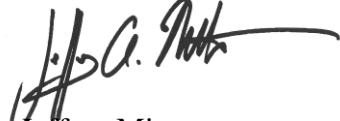
**Conclusion**

We hope that the State Affairs Committee will consider our comments on HB 127.

Please feel free to contact the undersigned should you require any additional information. And, we are happy to answer informally any questions that Members of the Committee may have.

Thank you again for the opportunity to share our concerns.

Sincerely,



Jeffrey Mittman  
*Executive Director*  
ACLU of Alaska

cc: Representative Lynn Gattis, [Rep.Lynn.Gattis@akleg.gov](mailto:Rep.Lynn.Gattis@akleg.gov)  
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