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20 March 2015

The Honorable Jeff Brandes, Chair
Senate Committee on Transportation
The Florida Senate
318 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Brandes:

We are writing again to express our concerns regarding SB 7040, creating a public record exemption for email addresses collected and held by the Department of Highway Safety and Motor Vehicles. We don't dispute that email addresses can be used for nefarious and illegal purposes. The same can be said, however, of telephone numbers and home addresses. For example, local law enforcement agencies around the state are warning of a widespread telephone scam – people are told that their utilities will be shut off unless they provide a credit card number over the phone. Even a quick review of the website scam-detector.com is frightening—auto scams (85), face-to-face scams (93), social networking scams (162), travel scams (138). According to the website, the utility scam is one of 101 telephone scams.

Our point is this: Creating a public record exemption for email addresses held by DHSMV will not protect people from those intent on defrauding them. The only way to truly protect taxpayers and consumers from those who would cause them harm is through increased consumer education and we applaud Commissioner Putnam for his efforts in this regard. We believe the focus should be on the crime committed – punish those who commit fraud rather than denying access to public record information.

We have a constitutional right of access to public records and every exemption created by the Legislature is an exception to that right. Email is arguably the most common form of communication in today's technology-centric world, and people routinely provide their email addresses willingly and voluntarily through a wide variety of publicly available sources.

Requiring DHSMV to redact email addresses in response to a public record request will create an unwarranted barrier to the public's ability to obtain public record information in a timely and cost effective manner, and will hamper our ability to oversee government and hold it accountable.

Thank you for your attention to our concerns, Senator Brandes.

Sincerely,



Barbara A. Petersen
President

Cc: The Honorable Andy Gardiner, President, Florida Senate
Jon Kaney, FAF General Counsel, Kaney & Olivari
Sam Morley, General Counsel, Florida Press Association
Gil Thelen, Executive Director, Florida Society of News Editors