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NEWS RELEASE August 27, 2015

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Olympia, WA---The Washington State Supreme Court has ruled unanimously that text messages of government employees that relate to official business, even on their private phone, are public records. Washington Coalition for Open Government President, Toby Nixon, lauded the court decision.

"I'm happy that, in the Nissen v. Pierce County decision announced today, the Washington State Supreme Court has UNANIMOUSLY affirmed that when public employees use their private cellphones for public business, the records created are indeed public records that must be disclosed under the Public Records Act."

WCOG filed an amicus brief in the Nissen case which involved Glenda Nissen, a Pierce County Sheriff's Detective who had sought and was denied access to information contained on Pierce County Prosecutor Mark Lindquist's private cell phone. Dissatisfied with the County's disclosures, Nissen sued the County in Thurston County Superior Court. She sought an in camera review of Lindquist's text messages and the call and text message logs to determine if all of the information is a public record. Lindquist intervened and moved for a temporary restraining order and preliminary injunction to enjoin further disclosure of records related to his cell phone. He argued that compelling him to disclose his text messages would violate the state and federal constitutions and was prohibited by state and federal statutes.

Today's ruling makes it clear that public business conducted on private cell phones is covered under the state's Public Records Act.