Your Right to Know / Christa Westerberg

Let public see COVID-19 data

In a scene from the movie “A Few Good Men,” the character played by Tom Cruise spars with Jack Nicholson’s Colonel Jessup over a hazing that killed a soldier. Cruise demands, “I want the truth!,” to which Nicholson famously responds, “You can’t handle the truth!”

Wisconsin citizens are getting the “You can’t handle the truth” treatment from some officials over information related to the COVID-19 pandemic.

Earlier this summer, the Wisconsin Department of Health Services [planned](https://www.jsonline.com/story/news/politics/2020/07/07/wisconsin-shelves-plan-name-businesses-tied-coronavirus-cases-covid-19/5383647002/) to post online the names of businesses and other establishments connected to two or more coronavirus cases.

But business groups and Republican lawmakers pushed back on those plans. In a [letter](https://www.wmc.org/news/wmc-clarity-needed-dhs-sec-andrea-palm/) sent to Gov. Tony Evers, Wisconsin Manufacturers and Commerce CEO Kurt Bauer warned that releasing business names may spread “false information that will damage the consumer brands of Wisconsin employers, causing them to incur a significant amount of financial losses and reputational damage.”

Such arguments disrespect the public’s ability to make informed, reasoned choices. And, in a time of pandemic, there are valid public health reasons to allow members of the public to make these choices.

A customer who learns of potential cases at a business may decide to get more information or take precautions when visiting, rather than avoid the business entirely. A high-risk person may decide to stay home and order from the business online or by phone. Yet citizens can’t make these calls without appropriate information.

The hysterical reactions envisioned by Bauer and others have not happened in La Crosse County, which maintains a [webpage](https://www.lacrossecounty.org/covid19/outbreaks-and-investigations) for local COVID-19 outbreaks and investigations. It [identifies](https://www.lacrossecounty.org/docs/default-source/health/lchd-public-notification-7-8-20.pdf?sfvrsn=26d064c7_0) establishments as low, medium or high risk based on an infected person’s activities and the nature of the business he or she visited.

La Crosse County’s information lets people who may have visited an establishment during a high-risk period know they should get tested or quarantine for 14 days. Or it lets them know their risk for exposure was low, providing peace of mind.

The website takes pains to say that “an establishment appearing on this page does not necessarily mean they did something wrong.” The county notifies businesses before this information is shared and provides guidance on “reducing future risk to staff and customers.”

Public disclosure might also help protect workers and incentivize businesses to do better. Consider the large outbreaks at Wisconsin meat-packing plants this spring, which are [linked](https://www.jsonline.com/story/news/2020/07/31/wisconsin-food-plants-failed-protect-workers-covid-19-smithfield-birds-eye-diversified-meats-calumet/5334812002/) to at least 1,527 coronavirus cases and eight worker deaths in the state.

As the Milwaukee Journal Sentinel recently [reported](https://www.jsonline.com/story/news/2020/07/31/wisconsin-food-plants-failed-protect-workers-covid-19-smithfield-birds-eye-diversified-meats-calumet/5334812002/), some plants were slow to alert workers about outbreaks or adopt protective measures even after employees began getting ill. Public reporting of this information could have helped alert workers that they were at risk, and allowed workers, their families, and the general public to take precautions.

The Department of Health Services [pulled back](https://www.jsonline.com/story/news/politics/2020/07/07/wisconsin-shelves-plan-name-businesses-tied-coronavirus-cases-covid-19/5383647002/) on its plans to post business information and is now facing multiple public records requests for similar information. At least one county is being [sued](https://wcca.wicourts.gov/caseDetail.html?caseNo=2020CV000646&countyNo=5) for withholding the records of businesses associated with coronavirus cases.

This legal wrangling shouldn’t be necessary. The department and more counties should follow La Crosse’s lead and affirmatively post information about potential outbreaks in public places, with appropriate explanations to address concerns like Bauer’s.

Wisconsin citizens can handle the truth.

*Your Right to Know is a monthly column distributed by the* [*Wisconsin Freedom of Information Council*](http://www.wisfoic.org/) *(wisfoic.org), a group dedicated to open government. Christa Westerberg, an attorney at Pines Bach law firm in Madison, is the group’s co-vice president.*

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