

Michael J. Waldspurgen
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May 11, 2011

Teresa Nelson
Legal Counsel
ACLU of Minnesota
2300 Myrtle Ave. Suite 180
Saint Paul, MN 55114

RE: ACLU "Don't Filter Me" Initiative
Our File No. 0659-0082

Dear Ms. Nelson:

My law firm represents Independent School District No. 659, Northfield Public Schools ("District"). I am writing in response to your "demand letter" of May 2, 2011, which was addressed to the District's Superintendent, Dr. Chris Richardson. I am also writing in response to your data practices request of May 2, 2011, which was also addressed to Dr. Richardson.

In response to your demand letter, please be advised that the District's filtering software has been configured so that it does not block any of the sites identified in your letter. The District does not support the censorship of websites advocating for the fair treatment of lesbian, gay, bisexual, and transgender ("LGBT") persons. Prior to your letter of May 2, 2011, which the District first received from the media, the District had not received a complaint about its filtering software, and the District was not aware that the previous configuration of its filtering software presented any issue or concern. Thank you for bringing your concern to the District's attention.

By letter dated May 2, 2011, you asked the District to provide certain data pursuant to the Minnesota Government Data Practices Act ("MGDPA"). Your data requests and the District's responses are set forth below.

Request No. 1: [All data relating to:] The district's use of internet filtering software to block websites that fall into the category of "LGBT," "Gay or Lesbian or Bisexual Interest," "Alternative Lifestyles," "Social Issues," or any similar category at high schools in the district.

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Certified by the MN
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Response No. 1: The District does not maintain any government data that fall within the scope of Request No. 1.

Request No. 2: [All data relating to:] The district's use of internet filter software to block the following websites:

- a. Day of Silence: <http://dayofsilence.org>
- b. It Gets Better Project: <http://itgetsbetter.org>
- c. The Trevor Project: <http://thetrevorproject.org>
- d. GSA Network: <http://gsanetwork.org>
- e. Gay, Lesbian, Straight Education Network: <http://glsen.org/>
- f. OutFront Minnesota: <http://outfront.org>

Response No. 2: The District does not maintain any government data that fall within the scope of Request No. 2. At present, none of the websites listed in paragraphs (a) through (f) are blocked for students or staff members in the District. Students and staff members may access all of the websites that are listed.

Request No. 3: Any requests to block or unblock specific websites and the resolution of such requests.

Response No. 3: On July 16, 2010, an employee asked the District to unblock two specific websites. The District granted the employee's request. A copy of the email string is enclosed. Pursuant to Minnesota Statutes section 13.43, the employee's name has been redacted.

Request No. 4: Data that identifies the categories of websites that were selected to be blocked pursuant to the default configuration of the internet filtering software (i.e. the configuration in place at the time the software was initially installed).

Response No. 4: The District does not maintain any government data that fall within the scope of Request No. 4. The District does not use the default configuration of the internet filtering software.

Request No. 5: Data that identifies the names of individuals who made the decision to activate the filter for "LGBT," "Gay or Lesbian or Bisexual Interest," "Alternative Lifestyles," "Social Issues," or any similar filter category, when the decision was made, and any communications concerning that decision.

Response No. 5: The District does not maintain any data indicating that a conscious decision was made to activate the District's filter for any of the categories identified above. The District also does not maintain any data or record of communications concerning any decision to activate the District's filter for any of the categories identified above. To the extent, if any, that an employee made a conscious decision to activate the District's filter for any of the categories identified above,

the District has been unable to locate any data documenting that decision. However, if such data existed, any data identifying the individual employee would be classified as private personnel data under Minnesota Statutes section 13.43.

Request No. 6: [All data relating to:] The internet filtering provider(s)' knowledge that the filter for "LGBT," "Gay or Lesbian or Bisexual Interest," "Alternative Lifestyles," "Social Issues," or any similar filter category had been (or would be) enabled on the district's internet filtering software.

Response No. 6: The District does not maintain any government data that fall within the scope of Request No. 6.

Request No. 7: [All data relating to:] Communications between the internet filtering provider(s) and any representative or agent of the district concerning which categories of websites had been (or would be) blocked.

Response No. 7: The District does not maintain any government data that fall within the scope of Request No. 7.

Request No. 8: [All data relating to:] Contracts and agreements, including service and maintenance agreements, between the internet filtering provider(s) and any representative or agent of the district.

Response No. 8: The District does not have a formal contract or agreement with Lightspeed Systems, the internet filter provider. The District purchased site-licenses for the software via purchase orders dated July 1, 2009, and June 8, 2010. The purchase orders were based on quotes dated June 9, 2009, and May 20, 2010. A copy of the purchase orders and quotes are enclosed.

Please contact me if you have any questions or concerns regarding this matter or the District's actions generally. The District strives to comply with the law in all respects and to provide all students with equal access to educational opportunities.

Very truly yours,



Michael J. Waldspurger

c: Dr. Chris Richardson, Superintendent (w/ encl.)
Matt Hillman, Human Resources Director (w/ encl.)

From: Matt Hillmann
To: [REDACTED]
Date: 7/16/2010 4:15 PM
Subject: Re: PFLAG website blocked

[REDACTED]
Sorry for the delay. These have been opened for staff.

Matt

>>> On 7/5/2010 at 1:53 PM, [REDACTED] wrote:

Hello Matt - I am wondering if we could look into unblocking PFLAG and GLSEN websites to help support LGBT people and to create safe school environments for LGBT youth.

Thanks for your attention to this matter. Please let me know the status when you get a chance -
[REDACTED]

Northfield Public Schools

SD 659
 1400 Division Street South
 Northfield, MN 55057
 Phone: (507) 663-0626 Fax: (507) 663-0611
 Tax exempt number: 8031934
 Federal ID number: 41-6008327

To: SECURE GATEWAY LLC
 3 ROBB FARM RD
 ST. PAUL MN 55127

Purchase Order

Number	Date	Page
73567	07/01/09	1 of 1

Ship To: Northfield Public Schools
 1400 Division Street South
 Northfield MN 55057

Due Date Terms **Ship Via** **Vendor #** **Category** **Confirm Buyer** **Vendor Fax**

RECEIPT 1-9173 N LISA 507-663-0610

Seq# **Item/Description/Comments** **Quantity** **Unit** **Rate** **Discount** **Cost**

1	1 YR SUBSCR - SECURITY MGR, NETWORK TRAFFIC MGR, EMAIL MGR, WEB ACCESS MGR, 24X7 SUPPORT, FREE UPDATES PER QUOTE	10.00	EA	1,700.0000	0.00%	17,000.00
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Period **Account Code**
 201001

ORDER FAXED 6/16/09

Post-it® Fax Note	7671	Date	6-16-09	# of pages	▶
To	Brian Grieshaber	From	Lisa Bethke		
Co./Dept.		Co.			
Phone #		Phone #	507-663-0610		
Fax #	651-294-9232	Fax #			

* Represents a modified line

Authorized Signature: Denise Duffin (i.r.)

Date: 6-16-09

Page Total	\$17,000.00
Grand Total	\$17,000.00

Secure Gateway LLC
3 Robb Farm Rd
St. Paul, MN 55127

St. Paul 7/1/09

Quote

Date 6/9/2009

Name / Address
Northfield Public Schools
1400 Division St S
Northfield, MN 55057

Terms
Net 30



Total Traffic Control
See All Control All Manage One

Item	Description	Workstations	Rate	Total
Total Traffic Control 1 Year	Security Manager, Network Traffic Manager, Email Manager, Web Access Manager, 24x7 Support, Free Updates	1,700	10.00	17,000.00
Total				\$17,000.00

Secure Gateway LLC
b.griesgraber@securegatewayllc.com
www.securegatewayllc.com

651-964-4470
Fax 651-294-9232

Northfield Public Schools
ISD 659

1400 Division Street South
Northfield, MN 55057

Phone: (507) 663-0626 Fax: (507) 663-0611
Tax exempt number: 8031934
Federal ID number: 41-6008327

To: SECURE GATEWAY LLC
3 ROBB FARM RD
ST. PAUL MN 55127

Purchase Order

Number	Date	Page
80818	06/08/10	1 of 1

Ship To: Northfield Public Schools
1400 Division Street South
Northfield MN 55057

Due Date Terms Ship Via Vendor # Category Confirm Buyer Vendor Fax
RECEIPT 1-9173 N LAURIE 507-663-0610

Seq# Item/Description/Comments Quantity Unit Rate Discount Cost
1 TOTAL TRAFFIC CONTROL ONE YEAR 7/1/10 TO 6/30/11 1.00 EA 16,200.0000 0.00% 16,200.00

Period Account Code
201012

* Represents a modified line

Grand Total \$16,200.00

Authorized Signature: _____ Date: _____

Secure Gateway LLC
3 Robb Farm Rd
St. Paul, MN 55127

Quote

Date 5/20/2010

Name / Address
Northfield Public Schools
1400 Division St S
Northfield, MN 55057

Terms Net 30



Item	Description	Workstations	Rate	Total
Total Traffic Control 1 Year	Web Access Manager, Security Manager, Network Traffic Manager, Email Manager, 24x7 Support, Free Updates	1,800	9.00	16,200.00

Subscription Dates 07/01/2010-06/30/2011

Secure Gateway LLC
b.griesgraber@securegatewayllc.com
www.securegatewayllc.com

651-964-4470
651-294-9232

Total \$16,200.00