



September 25, 2014

Wayne Stenehjem
Office of the Attorney General
North Dakota State Capitol
600 E. Boulevard Ave., Dept. 125
Bismarck, ND 58505

Attorney General Stenehjem:

The North Dakota Democratic-NPL Party is requesting the issuance of a “cease and desist” order by your office to the Odney Advertising Agency, Bismarck, North Dakota prohibiting Odney Advertising from access to 48,000 college students’ official government issued email addresses, multiple email addresses if on file, and all phone numbers including landline and cell phone numbers in accordance with section 54-12-02 of the North Dakota Century Code.

It is in the best interest of the State of North Dakota and the 48,000 North Dakota college students to assure that such private information be secured as private and not released for either marketing or political purposes.

According to the attached email addressed to the North Dakota University System, Odney Advertising under the direction of its president Patrick Finken, on or about September 6, 2014, sent a directive requesting the private information of all 48,000 students attending colleges and universities in North Dakota.

The request is inappropriate and violates the implicit understanding each student has regarding the privacy of their personal information relating to email addresses, mailing addresses, and phone numbers. This is information required by the colleges and universities to communicate with their students on sensitive, financial, and private matters regarding their education requirements. This data has no business in the public domain. It should not be made public.

Further, Odney Advertising acts as political consultant for the North Dakota Republican Party, Republican state and legislative candidates, and interest groups interested in electing candidates and securing passage and/or defeat of political measures on the November 4th general election ballot. Exposing 48,000 students to political persuasion through the access of their private government issued email addresses and private phone numbers should not be allowed under any circumstance.

We also request that your office determine whether Odney Advertising's request violates Federal Law.

In addition, Odney Advertising's request places additional man-hour burden and financial costs to officials at all eleven institutions of higher learning by demanding that the information be provided in a specific format dictated by Odney Advertising.

The request would allow Odney Advertising to not only use the student data for political persuasion purposes, but it would also allow Odney Advertising to market, for a profit, the data to other vendors and interest groups exposing students to widespread spam and marketing solicitation without their knowledge. This should not be condoned under any circumstance.

Again, we call on you to take the appropriate action by issuing a "cease and desist" order immediately prohibiting Odney Advertising, and their client, the North Dakota Republican Party from accessing the privately issued state email addresses and other personal data of all 48,000 North Dakota college and university students.

We await your response.

Sincerely,

A handwritten signature in black ink that reads "Bob Valeu". The signature is written in a cursive, slightly slanted style.

Bob Valeu
Chairman, North Dakota Democratic-NPL Party

1902 East Divide Avenue
Bismarck, ND 58501

SEE ATTACHMENT:
Email from Odney Advertising President Pat Finken to the North Dakota University System