

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

BETTY J. OSTERGREN,)
)
Plaintiff,)
)
v.)
)
ROBERT F. McDONNELL, in his official)
capacity as Attorney General of Virginia,)
)
Defendant.)
)
_____)

Civil No. 3:08cv362

STIPULATION

The parties stipulate to the following facts:

1. Plaintiff Betty J. Ostergren (“Ms. Ostergren”) is a resident of Hanover County, Virginia.
2. Defendant Robert F. McDonnell is the Attorney General of Virginia. As such, he is charged with the enforcement of the state laws of Virginia, and, specifically, with enforcement of the Virginia Consumer Protection Act, Va. Code Ann. § 59.1-196, *et seq.* At all times relevant, the defendant has acted and continues to act under color of state law.
3. Ms. Ostergren advocates for privacy rights in Virginia and nationwide. In particular, she has opposed the online availability through government websites of public records containing sensitive personal information such as Social Security Numbers (SSNs), birth dates, mother’s maiden names, financial account numbers and signatures.
4. In furtherance of her advocacy work, Ms. Ostergren lobbies legislators, writes letters and makes telephone calls to public officials, and has made numerous media appearances.

She has also contacted thousands of individuals across the country whose personal identifying information is available online through government websites.

5. Ms. Ostergren established the website www.TheVirginiaWatchdog.com in 2003. On this website, she has posted examples of online public records containing SSNs to alert members of the public that their own personal information may be online somewhere. Ms. Ostergren does not sell any products or advertisements or otherwise generate any revenue from or for the website.

6. Under Virginia's "secure remote access" system, any person may, for a nominal fee, obtain online access to all of the land records for a given locality.

7. Ms. Ostergren has obtained the land records of various public officials through Virginia's secure remote access systems and posted them on her website. Her website also includes public records obtained from government websites in other states.

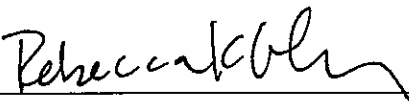
Respectfully submitted,

BETTY J. OSTERGREN

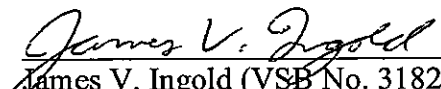
ROBERT F. McDONNELL

By counsel:

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