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Marathon County General Government 1.30
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Sec. 1.30. Definitions.

- (1) *Authority.* Any of the following entities having custody of a record: an office, elected or appointed official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted submit of the foregoing.
- (2) *Record.* Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. Record includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. Record does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

Sec. 1.31 Legal custodians.

- (1) Each elected or appointed official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.
- (2) Unless otherwise prohibited by law, the County Clerk or the Clerk's designee shall act as legal custodian for the County Board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the County Board.
- (3) For every authority not specified in subs. (1) or (2), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
- (4) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee.

- (5) The designation of a legal custodian does not affect the powers and duties of an authority under this section.

Sec. 132. Procedural information.

Pursuant to § 19.34, Wis. Stats., and the guidelines listed in that section, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which the legal custodian from whom and the methods whereby the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices for the guidance of the public a copy of §§ 19.31 to 19.39, Wis. Stats. This section does not apply to members of the County Board.

Sec. 1.33. Access to records; fees.

- (1) *Applicable statutes.* The rights of any person who requests inspection of copies of a record are governed by the provisions and guidelines of § 19.35(1), Wis. Stats., subject to limitations contained in § 19.36, Wis. Stats., or other applicable statutes.
- (2) *Access procedure.* Each authority shall provide any person who is authorized to inspect or copy a record which appears in written form under § 19.35(1)(b), Wis. Stats., or any person who is authorized to and requests permission to photograph a record the form of which does not permit copying under § 19.35(1)(f), Wis. Stats., with facilities comparable to those used by its employees to inspect, copy and abstract the record during established office hours. An authority is not required by this subsection to purchase or lease photocopying, duplicating, photographic or other equipment or to provide a separate room for the inspection, copying or abstracting of records.
- (3) *Fees.*
- (a) Each authority shall impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by the law.
 - (b) Each authority shall impose a fee upon the requester of a copy of a record for the actual, necessary and direct cost of photographing and photographic, processing if the authority provides a photograph of a record, the form of which does not permit copying.
 - (c) Except as otherwise provided by law or as authorized to be prescribed by law, an authority shall impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50.00 or more.
 - (d) Each authority shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requester.
 - (e) An authority may provide copies of a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest.

- (f) Each authority shall require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds \$5.00.
- (4) *Response time.* Each authority in acting upon a request for any record shall respond within the times and according to the procedures set out in § 19.35(4), Wis. Stats.

Sec. 1.34. Separation of information.

If a record contains information that may be made public and information that may not be made public, the authority having custody of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. Each authority shall consult with the Corporation Counsel before releasing any information under this section.

Sec. 1.35. Records retention.

- (1) *Purpose.* The purpose of this section is to establish a County records retention schedule and authorize destruction of County records pursuant to the schedule on an annual basis. Records custodians may destroy a record prior to the time set forth in the schedule only if such a record has been reproduced as an original record pursuant to §§ 16.61(7) or 16.612, Wis. Stats. Any record not covered by this chapter or any other regulation or law shall be retained 7 years unless the record is added by amendment to the ordinance and the shorter period is approved by the State Public Records and Forms Board.
- (2) *Historical records.* The State Historical Society of Wisconsin (SHSW) has waived the required statutory 60-day notice under § 19.21(5)(d), Wis. Stats., for any record marked “W” (waived notice). SHSW must be notified prior to destruction of a record marked “N” (non-waived). Notice is also required for any record not listed in this section. “N/A” indicates not applicable and applies to any county record designated for permanent retention.
- (3) *Definitions.*

Legal custodian means the individual responsible for maintaining records pursuant to § 19.33, Wis. Stats.

Record has the meaning defined in § 19.32(2), Wis. Stats.

- (4) *Retention schedule.* Records are maintained by the various departments in the County and are subject to uniform regulation unless otherwise specified. The retention period and authority are listed in the records retention schedule which is available for inspection and on file in the office of the County Clerk.

- (5) *Destruction after request for inspection.* No requested record may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under § 19.37, Wis. Stats., the requested record may not be destroyed until a court order is issued and all appeals have been completed. See § 19.35(5), Wis. Stats.

(6) *Destruction pending litigation.* No record subject to pending litigation shall be destroyed until the litigation has been resolved.

(7) *Microfilming or optical disk storage of department records.* Departments may keep and preserve public records through the use of microfilm or optical disk storage providing that the applicable standards established in Ch. ADM12, Wis. Adm. Code, and §§ 16.61d(7) and 16.612, Wis. Stats., respectively are met

Secs. 1.36—1.39. Reserved.