

**LAFAYETTE COUNTY WISCONSIN ORDINANCE**

**Public Records**

**Chapter 2-2**

**2-2-2: PURPOSE**

The purpose of this Chapter is to establish a County Public Records Ordinance in conformity with the requirements of Wisconsin Statutes. Lafayette County specifically recognizes and adopts the Declaration of Policy as set forth in Wisconsin Statutes Section 19.31.

**2-2-3 DEFINITIONS**

- A. Every legal custodian of records in Lafayette County shall establish a fee schedule for copying, photographing, reproducing, transcribing, mailing or shipping of any copy of any record which is mailed or shipped. This fee schedule shall be approved by a committee of the Lafayette County Board appropriate to the legal custodian of the records and shall be reviewed and re-approved annually.
  
- B. **ACCESS TO RECORDS; FEES:** The rights of any person who requests inspections or copies of a record are governed by the provisions and guidelines of §19.35, Wis. Stats.
  - 1. 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 law.
  - 2. 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.
  - 3. Except as otherwise provided by law or as authority 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 fifty dollars (\$50.00) or more.
  - 4. 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.
  - 5. 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.

6. Each authority shall require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds five dollars (\$5.00).
7. 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.

**B. AUTHORITY:** Means authority as defined in 19.32, Wis. Stats.:

- (1) "Authority" means any of the following having custody of a record: a state or local office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; a governmental or quasi-governmental corporation except for the Bradley Center Sports and Entertainment Corporation; a local exposition district under Subch. II of Ch. 229; any public purpose corporation, as defined in 181.79(1), Wis. Stats.; any court of law, the Assembly or Senate; a nonprofit corporation which receives more than 50% of its funds from a County or a municipality, as defined in 59.001(3), Wis. Stats., and which provides services related to public health or safety to the County or municipality; a nonprofit corporation operating the Olympic Ice Training Center under 42.11(3), Wis. Stats.; or a formally constituted subunit of any of the foregoing.
- (1m) "Person authorized by the individual" means the parent, guardian, as defined in 48.02(8), Wis. Stats., or legal custodian, as defined in 48.02(11), Wis. Stats., of a child, as defined in 48.02(2), Wis. Stats., the guardian, as defined in 880.01(3), Wis. Stats., of an individual adjudged incompetent, as defined in 880.01(4), Wis. Stats., the personal representative or spouse of an individual who is deceased or any person authorized, in writing, by the individual to exercise the rights granted under this Section.
- (1r) "Personally identifiable information: has the meaning specified in 19.62(5), Wis. Stats.
- (2) "Record" means 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), computer printouts and optical disks. "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 not 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.

- (3) "Requester" means any person who requests inspection or copies of a record.

**C. LEGAL CUSTODIANS:** Means legal custodians as defined in 19.33, Wis. Stats.:

- (1) An elected 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 authorities created by ordinance or resolution of the County Board. The County Clerk shall make any designations under this subsection in writing and display a list of designees together with the information required to be displayed by subsection 2-2-4 of this Chapter.
- (3) For every authority not specified in Subsections (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. This subsection does not apply to members of the County Board.
- (5) The designation of a legal custodian does not affect the powers and duties of an authority under this subchapter.

**D. RDA:** Retention/Disposition Authorization.

**E. SEPARATION OF INFORMATION:** If a record contains information that may be made public and information that may not be made public pursuant to 19.36, Wis. Stats., the authority having custody of the records shall provide 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 County Corporation Counsel before releasing any information under this subsection.

#### **2-2-4 PROCEDURES**

Each Lafayette County legal records custodian shall adopt, 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, from whom, and the methods whereby the public may obtain information and access to records in its custody. Each Lafayette County legal records custodian shall also include in this notice the procedure for making requests for records and for obtaining copies of records as well as the costs thereof. This subsection does not apply to individual members of the Lafayette County Board of Supervisor. [§19.34(1)]

#### **2-2-5 RIGHT TO INSPECTION**

Except as otherwise provide for by law, any requester has a right to inspect any record. The provisions of Wisconsin Statutes shall govern a release or denial of access to all records.

#### **2-2-6 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 exhausted. [§19.35(5)]

Adopted: January 19, 2004