

GUIDELINES FOR ACCESS TO PUBLIC RECORDS

This procedure is intended to provide all necessary information, which might be required by a member of the public in order to obtain access to the public records and property of the district. Any questions in regard to this procedure shall be directed to the official legal custodian of records of the district.

A. Definitions

1. "Authority" means any of the following having custody of a record: the Board of Education and its officers, and all Board committees or other authorities created by the Board.
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, computer print outs and optical disks or other electronic storage. "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/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, except as limited by state law.
4. "Person authorized by the individual" means the parent/guardian (as defined in Wis. Stat. § 48.02 (8)) or legal custodian (as defined in Wis. Stat. § 48.02 (11)) of a child (as defined in Wis. Stat. § 48.02 (2)), the guardian of an individual, adjudicated incompetent in this state 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 state law.
5. "Personally identifiable information" means information that can be associated with a particular individual

through one or more identifiers or other information or circumstances.

6. "Records series" means records that are arranged under a manual or automated filing system, or are kept together as a unit, because they relate to a particular subject, result from the same activity or have a particular form.

B. Authority

1. An authority shall do all of the following:
  - a. Develop rules of conduct for its employees who are involved in collecting, maintaining, using, providing access to, sharing or archiving personally identifiable information.
  - b. Ensure that persons identified in Bla above know their duties and responsibilities relating to protecting personal privacy, including applicable state and federal laws.
2. An authority that maintains personally identifiable information that may result in an adverse determination about any individual's rights, benefits or privileges shall, to the greatest extent practicable, do at least one of the following:
  - a. Collect the information directly from the individual.
  - b. Verify the information, if collected from another person.

C. Right of Inspection

1. A person shall have a right to inspect a record and to make or receive a copy of a record as provided in section 19.35(1) of the state statutes.
2. Records shall be available for inspection and copying during all regular business office hours from 8 a.m. to 3 p.m., Monday through Friday, except holidays.
3. A requester shall be permitted to use facilities comparable to those available to district employees to inspect copy or abstract a record. An authority is not required to purchase or lease photocopying, duplicating, photographic or other equipment or to provide a separate room for the inspection, copying or abstracting of records.

4. The legal custodian may require supervision of the requester during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

D. Fees

A requester may be charged a fee for the cost of copying and locating records as follows:

1. The fee for photocopying shall be at the current rate established by the Board.
2. If the form of a record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged, except as otherwise provided by law or as authorized to be prescribed by law.
3. If mailing or shipping is necessary, the actual cost thereof shall be charged.
4. There shall be no charge for locating a record unless the actual, necessary and direct cost for locating a record exceeds \$50. In such case, the actual, necessary and direct cost shall be determined by the legal custodian and billed to the requester.
5. The legal custodian shall estimate the cost of all applicable fees.
6. Elected officials and employees of the district shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
7. The legal custodian may provide copies of a record without charge or at a reduced charge where he/she determines that the waiver or reduction of the fee is in the public interest.
8. An authority may require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds \$5.
9. An authority may not sell or rent a record containing an individual's name or address of residence, unless specifically authorized by state law. The collection of

fees as outlined above is not a sale or rental under these procedures.

E. Access Procedures

1. A request to inspect or copy a record shall be made to the legal custodian or designee. The preferred method is for the request to be made in writing. The request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request.

No request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. However, if the record is kept at a private residence or if security reasons or federal law so dictate, identification may be required.

Except as authorized under this paragraph, no request may be refused because the request is received by mail, unless prepayment of a fee is required.

2. The legal custodian, upon request for a record, shall as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. Oral requests may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for the denial.

Written denials must include a statement informing the requester that the denial may be reviewed by a court of mandamus under state law or upon application to the attorney general or a district attorney.

3. If an authority receives a request from an individual or person authorized by the individual who identifies him/herself and states that the purpose of the request is to inspect or copy a record containing personally identifiable information pertaining to the individual that is maintained by the authority, the authority shall deny or grant the request in accordance with the following procedure:

- a. The authority shall first determine if the requester has a right to inspect or copy the record under the general public right of access.
- b. If the authority determines that the requester has a right to inspect or copy the record under the general public right, the authority shall grant the request.
- c. If the authority determines that the requester does not have a right to inspect or copy the record under the general public right, the authority shall then determine if the requester has a right to inspect or copy the record under other state law provisions.

F. Limitations to Access

1. As provided by state law, certain records are exempt from disclosure, including, but not limited to:
  - a. Records specifically exempted from disclosure by state or federal law. Therefore, all student records shall remain confidential in accordance with state law, federal law, and Board policy.
  - b. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of state aids.
  - c. Computer programs, as defined under Wis. Stat. 16.971(4) (c) although the material used as input for a computer program or the material produced as a product of a computer program is subject to the right of examination and copying except as otherwise provided.
  - d. A record or any portion of a record containing information qualifying as a trade secret as defined under Wis. Stat. 16.971(4) (c).
  - e. Any record related to an applicant's application for a position with an authority provided the applicant has indicated in writing to the authority that he/she does not wish the authority to reveal his/her identity and he/she is not a final candidate as outlined in section 19.36(7) (a) of the state statutes.

2. 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.
3. A legal custodian may deny access to a record, in whole or in part, if he/she determines that the harm to the public through disclosure of the record outweighs the public benefit of access to the record. The legal custodian is authorized and encouraged to consult with the district's legal counsel in making such determinations. The legal custodian shall follow the procedures outlined in state law when the access to a record in whole or in part is denied.

G. Record Destruction

1. All district records shall be kept for a period of time specified in the records retention schedule adopted by the Board and approved by the Public Records Board.
2. Unless otherwise provided by state law, any taped recording of a meeting of a governmental body may be destroyed no sooner than 90 days after the minutes have been approved and published if the purpose of the recording was to make minutes of the meeting.
3. Prior to destruction of any records, the historical society shall be notified at least 60 days in advance to determine if state historical interest justifies preservation of such records. The historical society may, upon application, waive this notice.
4. No authority may destroy any record at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied.  
If an action is commenced under state law, the requested record may not be destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record and the order is not appealed, the requested record may not be destroyed until after the request for inspection or copying is granted.

H. Record Preservation

The legal custodian may, subject to Board resolution, keep and preserve public records in his/her possession by means of microfilm or other photographic reproduction method and document capture. Such records shall meet the standards for photographic reproduction in state law and shall be considered original records for all purposes. Such records shall be preserved along with other files of the district and shall be open to public inspection and copying according to state law provisions and these procedures.

I. Notice Requirements

The superintendent and the Director of Special Education shall inform any identified authority about the notice requirements and shall assist any authority in meeting the authority's obligations under state law.

J. Challenge of Records Containing Personally Identifiable Information

Except as provided below, an individual or person authorized by the individual may challenge the accuracy of a record containing personally identifiable information pertaining to the individual that is maintained by an authority if the individual is authorized to inspect the record under the general or individual rights of access and the individual notifies the authority, in writing, of the challenge. After receiving the notice, the authority shall do one of the following:

1. Concur with the challenge and correct the information; or
2. Deny the challenge, notify the individual or person authorized by the individual of the denial and allow the individual or person authorized by the individual to file a concise statement stating forth the reasons for the individual's disagreement with the disputed portion of the record.

This provision does not apply to any record transferred to an archival depository or any record pertaining to an individual if a specific state statute or federal law governs challenges to the accuracy of the record.

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