

823 PUBLIC ACCESS TO RECORDS

The Williams Bay School Board shall allow persons to have access to School District records in accordance with this policy and implementation procedures, and in accordance with law.

The District Administrator or designee shall serve as the legal custodians of all public records of the School District and shall safely keep and preserve records of the authority and shall have full legal power to render decisions and carry out duties related to those public records maintained by any School District authority. The legal custodian may deny access to records only in accordance with the law. The legal custodian is authorized and encouraged to consult with the School District's legal counsel in determining whether to deny access to a record in whole or in part.

Under the Wisconsin Public Records Law, a "record" is defined as any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by the authority. It includes handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. A "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 that 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 that are available for sale, or that are available for inspection at a public library. The personal use exception applies to notes created by the originator solely for the purpose of refreshing his/her recollection and as a matter of convenience (not part of his/her job duties) but does not apply to notes that are distributed to others for the purpose of communicating information or notes that are created or retained for the purpose of memorializing agency activity.

Public records may be inspected, copied and/or abstracted at any time during established School District office hours. The legal custodian may establish fees in accordance with the law.

Accessibility of Records

Public records will be available for inspection and copying during regular school office hours: 7:00 a.m. to 3:00 p.m. Monday through Friday on all days other than holidays, Saturdays, and Sundays. Hours may vary when school is not in session.

A requestor shall be permitted to use facilities comparable to those available to School District employees to inspect or copy a record.

The legal custodian of records or his/her designee may require supervision of the requestor during inspection or may impose other reasonable restrictions to maintain the security of the record.

Record Requests

All requests to inspect or copy a public record shall be made to the legal custodian of records or his/her designee. As per state statute, the district need not create a record. The request must reasonably describe the requested record, or the information requested. Record requests may be made orally or in writing.

- a. Except as noted in (c) below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request.
- b. Except as noted in (c) below, no request may be refused because the request is received by mail unless prepayment of a fee is required.
- c. A requester may be required to show acceptable identification whenever security reasons or federal law or regulations so require.

Upon receiving the request for any public record, the legal custodian of records or his/her designee shall, as soon as practicable and without delay, review the request and determine whether to approve or deny the request. The legal custodian of records or his/her designee shall consider provisions outlined in state and federal laws when making such determinations. The legal custodian of records or his/her designee is authorized and encouraged to consult with the district's legal counsel in making such determinations.

Oral requests may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requestor within five business days of the oral denial.

If a written request is denied in whole or in part, the requestor shall receive a written statement of the reasons for the denial. Written denials must include a statement informing the requestor that the denial may be reviewed by a court of mandamus, or upon application to the attorney general or district attorney.

If a record contains information that may be made public and information that may not be made public, the legal custodian or his/her designee shall provide the information that may be made public and delete the information that may not be made public from the record before release.

Fees

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

1. The cost of obtaining copies of records shall be determined by the School Board. The legal custodian of records or his/her designee may waive the fee in the interests of the School District.

2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
3. The actual full cost of a copy of other records not in printed form on paper, such as films, computer printouts and audio or videotapes, shall be charged.
4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
5. There shall be no charge for locating a record unless the actual cost exceeds \$50.00 in which case the entire actual cost shall be imposed upon the requester.
6. The legal custodian of records or his/her designee shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment if such estimate exceeds \$5.00.
7. 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.
8. The legal custodian of records or his/her designee 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.

Legal Reference: Wisconsin Statutes, Chapter 19, Subchapter II, (Public Records and Property),
IV (Personal Information Practices), Section 120.13(28) (School Board
Powers)

Approved: June 9, 2003, February 12, 2018, November 14, 2022