

GENERAL PROCEDURES FOR HANDLING PUBLIC RECORD REQUESTS

823-Rule

Waunakee Community School District

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~~{This sample rule provides general guidance and procedures for both requesters and the legal custodian of records, including fee-related information.}~~

Individuals may obtain access to records maintained by the _____, Waunakee Community School District and the various District records authorities in accordance with applicable law, District policy, and the additional procedures outlined below.

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A. Accessibility of Records

1. Members of the public may request access to the public records that are under the supervision of the legal custodian by submitting a request to the records custodian during the regular business hours of the District's main Administrative Office, which are Monday through Friday, during regular business hours from ~~identify the appropriate office hours – e.g., 7:30 a.m. to 4:30 p.m.~~, except for holidays and such other exceptions as may be established in connection with the school calendar.
2. A requester will be permitted to use facilities comparable to those available to District employees to inspect or copy a record.
3. The legal custodian of records or his/her designee may require supervision of the requester during inspection or may impose other reasonable restrictions to maintain the security of the record(s).

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B. Record Requests under the Wisconsin Public Records Law

1. All requests to inspect or copy a public record shall be made to the legal custodian of records or his/her designee.
2. All requests must be reasonably specific as to the subject matter and time period of the records covered by the request.
3. Record requests may be made orally or in writing. Requesters may, but are not required to, contact the District to ensure receipt of the request.
4. At the discretion of the records custodian, and where there are legitimate reasons for doing so, the records custodian may promptly contact the requester to seek clarification of an ambiguous request prior to seeking responsive records or providing a formal response.
5. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence, whenever security reasons require such measures, or where applicable state or federal law otherwise requires or permits an authority to request identification.¹

¹ This paragraph is new.

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6. Neither any records authority nor any legal custodian of records is required to create new records that do not presently exist in response to any request for information from the authority.
7. The records custodian is authorized by applicable law to reject "standing requests" for access to records that do not exist at the time of the request, but that may be created at a later date.
8. The legal custodian of records or his/her designee shall not sell or rent a record containing an individual's name or address of residence, unless specifically authorized by state law. The collection of general fees applicable to a records request is not a sale or rental under these procedures.²

C. Responses to Records Requests

1. All requests will be processed as soon as practicable and without delay. The time it takes the custodian to respond to the request will depend on factors including the nature and extent of the request and the availability of staff and other resources necessary to process the request. Access to inspect or copy records on the same day that the request is submitted is available only in limited circumstances.
2. Not all records created or maintained by the District are subject to inspection or copying by the public. Examples of records to which access may be prohibited or restricted include, but are not limited to, certain student records and certain records concerning applicants for positions, district employees, or public officers. In some cases, only a portion of record is subject to public inspection, while the remaining portion must remain confidential.
3. If the legal custodian decides to permit access to certain types of records concerning employees or individuals who hold a local public office, the custodian shall first determine whether the law requires the custodian to provide the record subject with advance notice of the decision to release the records. If such notice is required, it shall be provided prior to any release of the records, and the record subject shall be afforded the rights further outlined in state law.
4. In the event a records custodian denies a records request, either in whole or in part, the custodian shall identify the reasons that access to the records is being denied.
5. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for the denial. Verbal requests may be denied verbally unless the requester makes a demand for a written statement of the reasons denying the request within five business days of the oral denial.
6. If the records custodian issues a written denial of a request, the custodian must also expressly notify the requestor within the response that the denial is subject to review in an

² This paragraph is new.

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action for mandamus under section 19.37(1) of the Wisconsin Statutes, or by application to the district attorney or attorney general.

D. Authorized Fees

~~{Choose one of these options:~~

~~OPTION 1:~~

~~State the following:~~

~~"The fees that the District may charge in connection with a public records request are determined under Board policy and the fee schedule that appears in the District's posted public records notice. Information about such fees can also be obtained from the office of the District's legal custodian of records."~~

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~~OPTION 2:~~

~~Repeat the fee provisions that are included in the district's formal public records notice in their entirety.~~

~~{Editor's Note: IMPORTANT: The fee provisions appearing in any policy or rule must be consistent with the fee information that is ultimately included in the district's formal public records notice, which the district must post as provided in state law.~~

~~See PRG-823 Sample Exhibit 1 for an example of a formal public records notice that includes one possible approach to fee provisions.~~

~~The following provisions give a second (and different) example of a possible fee schedule that would be an alternative to the sample fee provisions found in PRG-823 Sample Exhibit 1. The example below does not attempt to separate the per-page costs of making copies from the staff time it takes to make the copies:~~

~~"The following fees are authorized to be charged to persons who request to inspect or copy the records of a District authority, to the extent such request is submitted, or responded to, under the Wisconsin Public Records Law:~~

~~1. Hard Copies of Records:~~

- ~~• Black and White – [insert a per-page amount that reflects actual, necessary, and direct copying costs—e.g., "\$0.05"] per side of a page for each paper copy that is made of any standard-size paper record or for any standard-sized printed copy of an electronic record that can be readily printed without substantial modification. There is no separate charge for any staff time that is required to make such standard-sized copies.~~
- ~~• Color – [insert a per-page amount that reflects actual, necessary, and direct copying costs—e.g., "\$0.10"] per side of a page for each paper copy that is made of any standard-size paper record or printed copy or for any standard-sized printed copy of~~

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~~an electronic record that can be readily printed without substantial modification. There is no separate charge for any staff time that is required to make such standard-sized copies.~~

2. ~~Electronic Copies of Records~~ ~~(includes any electronic records provided by email, PDF, DVD, flash drive, or other electronic format):~~

- ~~• The unit cost of any physical medium supplied by the District when providing electronic copies of records via such medium, such as a DVD [\$50, or other actual amount] or an 8GB flash drive [\$3.00, or other actual amount].~~

~~PLUS~~

- ~~• The lesser of the following:
 - ~~— The actual, necessary, and direct costs of applicable staff time to prepare the electronic copies for the format in which they will be transferred to the requester; or~~
 - ~~— To the extent the request involves creating standard, scanned electronic copies of standard-sized paper records, the per-page costs that would have applied to providing black and white physical copies of an equal number of record pages (as determined above).~~~~

~~The references, above, to the fees that are authorized to be charged for modifying the format of records in order to provide copies is not a commitment to modifying the format of any record when the District is not legally required to do so.~~

3. ~~Photographs:~~ ~~The actual, necessary and direct cost of photographing and photographic processing (which may include any costs of processing or reproducing an electronic photograph), including applicable costs of staff time, will be charged for providing a photograph of a record when the record does not permit standard copying.~~

4. ~~Non-Standard Reproductions:~~ ~~For any transcription or other specialized copying or reproduction of a record not otherwise covered in this fee schedule, a fee equal to the actual, necessary, and direct costs of such reproduction and transcription, including applicable costs of staff time.~~

5. ~~Location Costs:~~ ~~There shall be no charge for the costs associated with locating a record unless the actual, necessary and direct location costs associated with the request exceed \$50, in which case the entire actual cost shall be imposed upon the requester. "Locating" a record means to find it by searching, examining, or experimenting. The cost of staff time required for the location of records will be charged at the hourly rate of total compensation of the lowest-paid employee who is reasonably capable of performing the task.~~

6. ~~Shipping/Postage:~~ ~~If records are mailed or shipped to the requester, the actual, necessary, and direct postage/shipping costs will be charged.~~

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~~7.— **Special Circumstances:** Notwithstanding the provisions above regarding copying or reproduction fees for records produced and maintained by the District or a District records authority:~~

~~a.— If a record is produced or collected by a person who is not a records authority pursuant to a contract entered into by that person and the District, the fee charged for copying the record shall be the actual, direct, and necessary cost of reproduction incurred by the person making the reproduction or transcription of the record, unless a fee is otherwise authorized or established by law.~~

~~b.— In a situation where any fees differing from the fees identified in these fee provisions are established by law or are authorized to be established by law for producing a particular record or type of record, those other fees may be charged.~~

~~Insert as a clarification, if desired: "Copying charges, as otherwise provided above, do not apply if the District, at its discretion, permits a requester to make his/her own copies."~~

~~If applicable, staff time that is charged in connection with any copying or reproduction costs will be calculated and charged at the hourly rate of total compensation of the lowest-paid employee capable of performing the applicable copying/reproduction.~~

~~Prepayment of authorized fees may be required for any request where the total fees exceed \$5. A request for any prepayment of or deposit on fees shall be based upon a good-faith estimate of the likely costs of responding to the request, with any difference to be refunded or collected once the actual amount is known.~~

~~Requesters shall make checks for fees payable to [identify proper payee].~~

~~Insert if desired and if consistent with the board's policy position on fees: "[As further addressed in Board policy,] the District reserves discretion to provide copies of records without a charge or at a reduced charge based on a determination that a waiver or reduction in fees is in the public interest."~~ **{Editor's Note: PRG 133 Sample Policy 1 includes an optional paragraph that authorizes such fee waivers. Most school boards elect to include authorization for potential fee waivers.}}**

Cross References:

WASB PRG 823 Sample Rule 1

Adoption Date: 02/14/2022

Revised Date:

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