



Book	Policy Manual
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Persons shall be allowed access to public records in accordance with the following procedures:

A. DEFINITIONS

1. "Authority" means any of the following having custody of a record: includes the Board of Education, committees, the Board President, Vice-President, Clerk, Treasurer and other officials and sub-units of the Board.
2. "Record Custodian" means any person or position designated to carry out responsibilities under the public records law.
3. "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 or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer print outs 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 property of the custodian and have no relation to the 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.
4. "Personally identifiable information" means information that can be associated with a particular individual through one or more identifiers or other information or circumstances.
5. "Person authorized by the individual" means the parent, guardian, or record custodian of an individual adjudged incompetent, the personal representative or spouse of an individual who is deceased or any person authorized, in writing by an individual to exercise his/her/their rights to inspect, copy or challenge personally

identifiable information.

6. "Record series" means records that are arranged under a manual or automated filing system or kept together as a unit, because they relate to a particular subject, result from the same activity or have a particular form.
7. "Privacy advocate" means the person designated by the State Privacy Council.
8. "Requestor" means any person who requests inspection or copies of a record, except a committed or incarcerated person, unless the person requests inspection or copies of a record that contains specific references to that person or their minor children for whom physical placement has been denied and the record is otherwise accessible to the person by law.

B. CUSTODY AND DELIVERY OF OFFICIAL PROPERTY

1. Except as provided, each officer and employee of the district shall safely keep and preserve all records received from the predecessor or other person and required by law to be filed, deposited or kept in the office or which are in lawful possession or control of which an employee may be lawfully entitled as such officers or employees.
2. Upon the expiration of any officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to the successor all records then in their custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the school district clerk. If a vacancy occurs before a successor is selected or qualified, such records shall be delivered to and receipted for by the clerk, on behalf of the successor, to be delivered to the successor upon the latter's receipt.

C. RECORD CUSTODIAN

1. On behalf of any district authority identified in A(1), the following persons are designated as record custodian of records:
 - a. The Executive Director of Business, Human Resources and Operations shall be designed record custodian of school records kept at the central administrative office. In the absence of the record custodian, the Superintendent shall designate a deputy record custodian.
 - b. The building administrator shall be designated record custodian of building records kept at school building offices.
2. The record custodian shall have full legal power to render decisions and to carry out duties of the authorities identified in A(1). The designation of a record custodian does not affect the powers and duties of an authority under the public records law.
3. The record custodian shall receive training on their duties and responsibilities relating to the collection, maintenance, use, providing access to, sharing or archiving record information including personally identifiable information. They shall also be informed of their duties and responsibilities relating to protecting personal privacy, including applicable state and federal laws.
4. The record custodian, acting on behalf of an authority that maintains personally identifiable information that may result in an adverse determination about any

individual's rights, benefits or privileges, shall do at least one of the following regarding the information:

- a. Collect the information directly from the individual.
- b. Verify the information, if collected from another person.

D. PUBLIC RECORDS NOTICES

1. A notice listing the name of the record custodian and a description of the nature of their duties under the public records law shall be provided to all employees of the district entrusted with records subject to the record custodian's supervision.
2. A notice shall be provided to the public describing the organization (district) and the times and places at which the public may obtain access to records from the record custodian. The notice must also describe the methods for obtaining such information and any costs included in copying such records or information. The notice shall be available for inspection and copying at the central administrative office and each school building office.

E. PUBLIC ACCESS TO RECORDS: FEES

1. Except as provided, any person has the right to inspect a record and to make or receive a copy of any record as provided in section 19.35(1) of the statutes. The record custodian shall have access to and read section 19.35(1) of the statutes.
2. Records will be available for inspection and for copying during all regular working hours at the office of each record custodian.
3. A requestor shall be provided with inspection and copy equipment facilities comparable to those used by School District of Beloit employees.
4. The record custodian may require supervision of the requestor during inspection or may impose other reasonable restriction on the manner of access to an original record if the record is irreplaceable or easily damaged.
5. A requestor shall be charged a fee for the cost of copying and locating records as follows:
 - a. The fee for photocopying shall be at the prevailing federal rate per page.
 - b. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - c. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio or videotapes shall be charged.
 - d. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - e. There shall be no charge for locating a record unless the actual cost exceeds \$50.00 in which case the actual cost shall be determined by the record custodian and be billed to the requestor.
 - f. The record custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.

- g. 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.
- h. The record custodian may provide copies of a record without charge, or at a reduced charge, where he/she/they determine that the waiver or reduction is in the public interest.
- i. The record custodian may not distribute, sell or rent a record containing an individual's name or address of residence, home electronic mail address, home telephone number, or social security number of any employee unless the employee authorizes the record custodian to provide access to such information. The collection of fees as outlined above is not a sale or rental under these procedures.

F. PUBLIC ACCESS TO RECORDS PROCEDURES

- 1. A request to inspect or copy a record shall be made to the record custodian. 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. Mail requests may not be denied unless a fee prepayment is required under E(5)(f).
- 2. Each record custodian, upon request for a record, shall as soon as practicable and without delay either fill the request or notify the requestor of the authority's denial.
- 3. A request may be denied as provided in Section G of these procedures. 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. Written denials must include a statement informing the requestor that the denial may be reviewed by a court of mandamus under section 19.37(1), or upon application to the Attorney General or a district attorney.
- 4. The requester, upon receipt of copies of any requested records, shall sign an acknowledgement or receipt.

G. LIMITATIONS ON RIGHT TO PUBLIC ACCESS

- 1. As provided by section 19.36 of the statutes, the following records are exempt from disclosure under these procedures:
 - a. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law (Student records are exempted as provided by section 118.125 of the statutes);
 - 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 of receiving aids by the state;
 - c. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and

- d. A record or any portion of a record containing information qualifying as a common law trade secret.
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 record custodian may deny access to a record, in whole or part, only if he/she/they determine that the harm to the public through disclosure of the record outweighs the public benefit of access to the record. The record custodian is authorized and encouraged to consult with the district's legal counsel in making such determinations. The record custodian shall follow these procedures and section 19.35(4) of the statutes when the access to a record in whole or part, is denied.
4. Notwithstanding any other law, the privacy advocate appointed by the State Privacy Council may inspect any record in the custody of an authority that is not open to inspection if all of the following apply:
 - a. the disclosure is necessary for the privacy advocate to discharge their duties prescribed by law;
 - b. the record is disclosed only in a meeting closed to the public; and
 - c. the privacy advocate has entered into an agreement with the authority that specifies the content of the disclosure, including any reasonable requirements placed on the privacy advocate to maintain the confidentiality of the disclosed record.

H. INDIVIDUAL ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION

1. Any requestor who is an individual or person authorized by the individual has a right to inspect any personally identifiable information pertaining to the individual in a record containing personally identifiable information that is maintained by an authority except the following:
 - a. any record containing personally identifiable information that is collected or maintained in connection with a complaint, investigation or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding;
 - b. any record that is collected or maintained in connection with such an action or proceeding;
 - c. any record containing personally identifiable information that, if disclosed, would, among other things, endanger an individual's life or safety; or
 - d. any record that is part of an unindexed records series that would have to be retrieved by the use of an individual's name, address or other identifier.
2. Any requestor who is an individual or person authorized by the individual may make or receive a copy of the above information in a form, which is comprehensible to the individual or person authorized by the individual. A fee may be imposed by the authority in accordance with established procedures.
3. When a request to inspect or copy a record containing personally identifiable information is received, the record custodian shall deny or grant the request in

accordance (WI s.s. 19.356) with the following procedure:

- a. the record custodian shall first determine if the requestor has a right to inspect or copy the record under the general public right of access.
- b. If the record custodian determines that the requestor has a right to inspect or copy the record under the general public right, the record custodian shall grant the request.
- c. If the record custodian determines that the requestor does not have a right to inspect or copy the record under the general public right, the record custodian shall then determine if the requestor has a right to inspect or copy the record as outlined in (1) or (2) above and shall grant or deny the request accordingly.
- d. If a record custodian decides under s.s. 19.35 to permit access to:
 - i. a record containing information relating to an employee that is created or kept by the authority and that is the result of an investigation into a disciplinary matter involving the employee or possible employment-related violation by the employee of a statute, ordinance, rule or regulation, or policy of the employee's employer, and/or
 - ii. a record obtained by the record custodian through a subpoena or search warrant, and/or
 - iii. a record that contains information relating to an employee of that employer, unless the employee authorizes the authority to provide access of that information, the record custodian shall, before permitting access and within three (3) days after making the decision to permit access, serve written notice of that decision on any record subject to whom the record pertains, either by certified mail or by personally serving the notice on the record subject. The notice shall briefly describe the requested record and include a description of the rights of the record subject.

Within five(5) days after receipt of notice, a record subject may provide written notification to the authority of his/her/their intent to seek a court order restraining the record custodian from providing access to the requested record.

Within ten(10) days after receipt of a notice, a record subject may commence an action seeking a court order to restrain the record custodian from providing access to the requested record. If a record subject commences such an action, the record subject shall name the record custodian as a defendant. The requestor may intervene in the action as a matter of right. If the requestor does not intervene in the action, the authority shall notify the requestor of the results of the proceedings.

A record custodian shall not provide access to a requested record within 12 days of sending a notice pertaining to that record. In addition, if the record subject commences an action, the record custodian shall not provide access to the requested record during Pendency of the action. If the record subject appeals or petitions for review of a decision of the court or the time for appeal or petition for review of a decision adverse to

the record subject has not expired, the record custodian shall not provide access to the requested record until any appeal is decided, until the period for appealing or petitioning for review expires, until a petition for review is denied, or until the legal record custodian receives written notice from the record subject that an appeal is or petition for review will not be filed, whichever occurs first.

The court, in an action commenced, may restrain the legal record custodian from providing access to the requested record. The court shall apply substantive common law principles construing the right to inspect, copy or receive copies of records in making its decisions.

The court, in an action commenced, shall issue a decision within ten(10) days after the filing of the summons and complaint and proof of service of the summons and complaint upon the defendant unless a party demonstrates cause for extension of this period. In any event, the court shall issue a decision within 30 days after those filings are complete.

If a party appeals a decision of the court, the court of appeals shall grant precedence to the appeal over all other matters not accorded similar precedence by law.

- iv. If the record custodian decides under s.s. 19.35 to permit access to a record containing information relating to a record subject who is an officer or employee of the district holding a local public office, the district shall, before permitting access and within three(3) days after making the decision to permit access, serve written notice of that decision on the record subject, either by certified mail or by personally serving the notice on the record subject.

The notice shall briefly describe the requested record and include a description of the following rights of the record subject: that within five(5) days after receipt of the notice, a record subject may augment the record to be released with written comments and documentation selected by the record subject and, except as otherwise authorized or required by statute, the record custodian shall release the record as augmented by the record subject.

For the purposes of implementing provisions of the Wisconsin Public Records Law, several positions within the district are considered as "local public offices," including the following positions:

- Seats held by individual school board members
- Officers of the school board
- Superintendent
- Assistant Superintendents
- School Principals
- Executive Director of Business Services
- Executive Director of Teaching, Learning, and Equity
- Executive Director of Pupil Services
- Executive Director of Human Resources
- Director of Student Engagement/Virtual School
- Director of Bilingual Education

- Director of School Health Services
 - Director of Facilities
 - All others classified as administrators
4. Any individual or person authorized by the individual may challenge the accuracy of a record containing personally identifiable information pertaining to the individual if the individual is authorized to inspect the record under the general public or individual rights of access AND the individual notifies the record custodian, in writing, of the challenge. After receiving this notification, the record custodian shall do one of the following:
- a. concur with the challenge and correct the information, or
 - b. 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 setting forth the reasons for the individual's disagreement with the disputed portion of the record.

I. DESTRUCTION OF RECORDS

1. Except as otherwise provided, all records of the School District of Beloit shall be kept for a minimum of seven years. Student records are excluded from this provision.
 - a. The Board may submit a request(s) to the Public Records and Forms Board for shorter retention periods on certain district records. Such request(s) shall be made according to established procedures.
2. Prior to destruction of any records, at least 60 days written notice shall be given to the State Historical Society in order that it may preserve those records it deems to be of permanent historical interest.
3. The Superintendent shall develop regulations providing for the timely and orderly disposal of obsolete district records.

J. PRESERVATION OF RECORDS BY MICROFILM

The legal record custodian may, subject to board resolution, keep and preserve public records in their possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in section 16.61(7) of the statutes 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 the provisions of state law and these procedures.