

CHAPTER 20

RECORDS RETENTION

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20.01 Purpose. The purpose of this chapter is to establish a county records retention schedule and authorize destruction of county records pursuant to the State of Wisconsin's Model County Records Retention/Disposition Schedule developed in 2010, including addenda thereto. The designated records custodian may destroy a record prior to the time set forth in the schedule only if such a record has been reproduced as an original record pursuant to §16.61(7) or §16.612, Wis. Stats. Any record not covered by this ordinance or any other regulation or law shall be retained for 7 years as required by Wis. Stat. §19.21(5)(c).

20.02 Definitions. In this chapter:

(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; a local exposition district under such. II of Ch. 229; any public purpose corporation, as defined in §181.79(1); 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), and which provides services related to public health or safety to the county or municipality; or a formally constituted subunit of any of the foregoing.

(2) *County-wide Records* means the records that are found throughout various departments in the County and are subject to uniform regulation unless otherwise specified in another section of this ordinance.

(3) *Records Custodian* means:

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.

3. For every authority not specified in (3)1. & 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 chapter. See §19.33, Wis. Stats.

(4) *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), and computer printouts. “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 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. [History: cr. 1996-4A; rev. 2006-1A]

20.03 Fees; Access to Records. (1) 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.

(2) 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.

(3) Each authority shall impose a fee upon the requester of a copy of a record for the actual, necessary and direct costs of photographing and photographic processing if the authority provides a photograph of a record, the form of which does not permit copying.

(4) Except as otherwise provided by law or as authorized 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.

(5) 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.

(6) 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.

(7) 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).

(8) 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.

20.04 Notification Requirements. (1) Under §19.21(5)(d), Wis. Stats., counties must notify the State Historical Society of Wisconsin (SHSW) 60 days prior to destroying records.

(2) The SHSW has waived the required statutory 60 day notice under §19.21(5)(d), Wis. Stats., for any record marked “W” (waived notice). SHSW must be notified prior to destruction of a record marked “N” (not-waived). Notice is also required for any record not listed in this chapter. “N/A” indicates not applicable and applies to any county record designated for permanent retention.

20.05 Procedural Information. Pursuant to §19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copy 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, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the County Board.

20.06 Destruction Pending Litigation or Audit. No record subject to pending litigation or audit shall be destroyed until the litigation or audit has been resolved.

20.07 Destruction after Request for Inspection. No record which has been requested

by the public 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 completed. See §19.35, Wis. Stats.

20.08 Microfilming Department Records. Departments may keep and preserve public records through the use of microfilm, provided that the microfilming meets the applicable standards established in sec. §16.61(7), Wis. Stats. Departments should consider factors such as the retention period and estimated cost of the microfilming in deciding which records to microfilm. After verification, paper records can be destroyed if these records are to be preserved on microfilm. For microfilmed records not identified as permanent, the indicated records retention period applies.

20.09 Optical Disk and Electronic Record Storage. Departments may retain records in electronic format according to the standards established in §16.612, Wis. Stats., with the guidance and pre-approval by the IT Department and Public Property Committee. *[History: Cr. 9/96-4A; repealed and recreated 9/26/06-1A]*

20.10 Legend

The following terms and abbreviations are used in the records retention schedule:

AT: After termination

C: Confidential

CR: Creation or receipt (typically the retention is calculated from the creation or receipt of a record, plus the designated number of years)

EVT: Event (typically the retention is calculated from an event, such as the close of a case or end of the project, plus the designated number of years)

FIS: Fiscal (meaning the current fiscal year and the designated number of years)

N: Notify WHS before destruction

N/A: Not applicable

P: Permanent

PII: Personally Identifiable Information (has the meaning specified in §19.62(5) Wis. Stats.)

S: Until superseded

W: Waived Notification

WHS: Wisconsin Historical Society

WPRB: Wisconsin Public Records Board

20.11 Retention Schedule. Vilas County shall retain and dispose of all records pursuant to the County Records Retention/Disposition Schedule – 2010, including the addenda thereto, a copy of which is on file with the County Clerk. The retention period is listed with each record. The authority is listed below when provided by law, otherwise it is the ordinance itself pursuant to Wis. Stat. sec. 19.21(5)(e).

*The retention time is reduced to two (2) years if another department has been officially designated as the custodian of the same record.