

TOWN OF GREENVILLE

PUBLIC RECORD REQUEST POLICY

1. PURPOSE

This policy is intended to provide the public with a procedure to access public records of the Town of Greenville in accordance with Chapter 19, Subchapter II, Wisconsin statutes.

2. AFFECTED TOWN PERSONNEL

All Town Board members and staff are subject to this policy. The Town Clerk shall administer this policy unless otherwise directed by the Town Board. The Town Administrator shall also enforce this policy with appropriate contractors and subcontractors of the Town.

3. POLICY STATEMENT

It is the intent of the Town of Greenville to comply with all local ordinances and State laws regarding public records and access to said records.

4. GENERAL INFORMATION ON ACCESS TO RECORDS

Access to the Town's records may be obtained during normal business hours Monday – Friday, 8 a.m. to 4:30 p.m. at the Town Hall, W6860 Parkview Drive, Greenville, Wisconsin 54942-0060. Fire Station and Public Works records may be accessed Monday – Friday 7 a.m. to 3:30 p.m. at W6895 Parkview Drive, Greenville, Wisconsin, 54942.

5. DEFINITIONS

Authority. Any of the following Town entities having custody of a Town record: an office, elected official, agency, board, commission, committee, council department or public body corporate and politic created by constitution, statutes, ordinances, rules or order. Any sub-unit of a governing body.

Custodian. Officer, department head, or any employee of the Town designated or otherwise responsible by law to keep and preserve Town records and files, deposit or keep such records in their office or is lawfully in possession or entitled to possession of such records and who is required by the Town to respond to request for access to such records.

Record. Any material which is 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. The term "record" includes written materials, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks. The term "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 person for whom the originator is working; Materials that are the personal property of the custodian and do not related to the custodian's office; Materials which access is limited by copyright, patent or bequest are not public record; Published materials of an authority available for sale and published materials available for inspection in a public library are not records. However, if a draft or preliminary document is used as if it were a final document, it is not excluded from the definition of record.

Requests for Records. Requests may be made verbally or written. Any person has a right to inspect a record, to make or receive a copy as provided in Statutes 19.35 (1), except as provided in sub (10). A requester shall be permitted to use the facility comparable to those available to Town employees to inspect copy or abstract a record. The authority is not required to provide extra equipment or a separate room for public access.

The custodian may refuse to allow the requester to use his or her own copier to copy the record in order to protect the original. The legal custodian may require supervision during inspection or may impose reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

6. DUTY TO MAINTAIN RECORDS

Except as provided under sub. (11), each officer or employee of the Town shall keep and preserve all records received from their predecessor or other persons as required by law. Upon termination of employment with the Town, each officer or employee shall deliver to their successor all custodial records. No record shall be deleted or destroyed. If a vacancy occurs before a successor is found, all records of that position shall become the responsibility of the immediate supervisor of the Town Clerk.

7. PUBLIC ACCESS TO RECORDS

- a. Except as provided in sub (10), any person has a right to inspect a record and to make or receive a copy of any record as provided in Statute 19.35, Wis. Stats.
- b. Records will be available for inspection and copying during all regular office hours.
- c. A requestor shall be permitted to use facilities comparable to those available to Town employees to inspect copy or abstract a record.
- d. The legal custodian may require supervision 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.
- e. If a record contains information that may be made public and information that may not be made public, the custodian 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. The custodian shall confer with the Town Attorney prior to releasing any such record and shall follow the guidance of the Town Attorney when separating out the exempt material. If, in the judgment of the custodian and the Town Attorney, there is

no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

- f. If a record does not exist in the format of the requester, the custodian of the record is not required to recreate a document.

8. FEES FOR INFORMATION REQUESTS

- a. Photocopies: The Town shall collect from the requester actual costs for copying of **\$.25 cents per page, plus mailing and research costs**, if applicable (if duplexing material, the cost is \$.25 per side.) Visual inspections of public records during normal business hours are at no charge, however, an appointment may be necessary depending on the request.
- b. Computer Runs: The cost of a computer run is the same as the cost for photocopying at **\$.25 cents per page, plus mailing and research costs**, if applicable.
- c. Computer Disk: the cost for downloading information to a computer disk, cassette, or CD is **\$25.00 per disk, plus mailing and research costs**, if applicable.
- d. SVRS Data File or Poll Lists: The cost for downloading files from the Statewide Voter Registration System is set by the State at **\$25.00 per disk, plus an additional \$5.00 per 1000 names on the report.**
- e. Research Costs: Costs associated with locating a record not readily accessible will be passed on to the requester for locating the record. Per Wis. Stats. 19.35(3), if the costs for locating a record exceed \$50.00, the authority may impose this fee on the requester. The cost of separating confidential parts of a record from the parts to be released may not be charged. *72 Op. Att’y Gen. 99 (1983).*
- f. Prepayment of Fees: Prepayment of fees is required if the fee exceeds \$50.00.

9. ACCESS PROCEDURES

- a. A request to inspect or copy a record shall be made to the legal custodian. Each authority, upon request for any 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 thereof. If documents are not easily retrieved, the requester shall at least receive an acknowledgment of request within 7 business days (not including holidays). A request shall be deemed sufficient if it reasonably describes the requested record of the information requested. However, a request for a record without a reasonable limitation as to the subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under State Statute 19.37.

10. LIMITATIONS ON RIGHT TO ACCESS

- a. As provided by 19.36 WI Statutes, the following records are exempt from inspection under this section:
- Records specifically exempted from disclosure by State or Federal law or authorized to be exempted from disclosure by State Law;

- 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 aids by the State;
 - Computer programs, although the material used as input for a computer program or the material produced as a precuts of the computer program is subject to inspection;
 - A record or any portion of a record containing information qualifies as a common law trade secret.
- b. In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Town Attorney, may deny the request in whole or in part, only if determined that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record.
- c. Employee Personnel Records. Unless access is specifically authorized or required by statute.

11. DESTRUCTION OF RECORDS

The destruction of Town records shall be governed by Wis. Stats. 19.21, 16.61, and local ordinances. The Town will retain records for at least the minimum period of time required by Statute or local ordinance.

CUSTODIANS OF TOWN RECORDS

TOWN CLERK: The Town Clerk or his/her designee is the custodian of all records of the Town pertaining to the Town Board of Supervisors matters, legal documents/recordings, elections, liquor licensing, dog licensing, garbage collection, ordinances and resolutions, payroll, budgetary files, accounts receivable and payable, special projects and special assessments, tax bills, and bank statements. The Clerk is also the custodian for all records of the Planning Commission, site plan review, preliminary and final plats, zoning, rezoning, and mapping.

TOWN ADMINISTRATOR: The Town Administrator, or his/her designee, is the custodian of all personnel records.

ASSESSOR: The assessor holds all assessment records and sales.

BUILDING INSPECTOR: Due to the requirements of this department, the custodians of this department may not always be available during regular business hours. An appointment is recommended. The Building Inspector is the custodian of all records associated with a building permit.

GREENVILLE SANITARY DISTRICT: The Sanitary District Business Administrator is the custodian for all Sanitary District records including utility billing.

PUBLIC WORKS SUPERVISOR: The Public Works Supervisor, or his/her designee, is the custodian of all records pertaining to street improvements, engineering reports, department equipment and stormwater projects.

DIRECTOR OF PARKS AND FORESTRY: The Director of Parks and Forestry is the custodian of the Urban Forestry records.

FIRE CHIEF: The Fire Chief, or his designee, is the custodian of all records pertaining to the administration of the Town of Greenville fire activities. Due to the demands of this department, fire personnel may not be available and appointments are strongly encouraged.

TOWN BOARD OF SUPERVISORS: The Board of Supervisors does not keep regular office hours. You may contact them at their homes.

The Town Clerk is the custodian of all records of the Board of Supervisors. However, each supervisor is the custodian of all records generated outside of the Town Hall (such as email sent to their homes) and business conducted personally outside of the Clerk's knowledge.

Any information given orally or in writing by Town officials, may be subject to errors or omissions, and shall not be a binding liability upon the Town of Greenville. In accordance with

Chapter 19, Wisconsin Statutes, each person (requester) is entitled to examine public records of any office of the Town of Greenville.

The Town Board of Supervisors shall authorize the Town Clerk and/or the Town Attorney to maintain this policy and make amendments according to changes required by law.

An open records request form is available (not required to use) at Town Hall and on the Town's website for the requester's convenience.

**TOWN OF GREENVILLE
OPEN RECORDS REQUEST**

Requester's Names*

Address _____

City _____ **State** _____ **Zip** _____

- Voluntary – Requester is not required to give name or reason for request. If above information is not provided, it is the requester's responsibility to check back at a future date with the record's custodian on availability of records.

Specific records requested _____

Following to be filled out by Custodian of Records:

Request Received Date _____ By: Mail _____ In Person _____ Phone _____

Request Approved Yes _____ No _____ Authority _____

Reason if denied: _____

Copies Requested: Yes _____ No _____

Report Copy pages _____ @ \$0.25 per page \$ _____

Mailing cost \$ _____ Search hours cost \$ _____ Photo cost \$ _____

Total Cost \$ _____

Notice: If your request for records has been denied, you have the right to a review by writ of mandamus under Wisconsin Statute 19.37 (1) or upon application to the Attorney General or the District Attorney.