



Administrative Manual of Operating Procedures

Procedure #: 12.04	Procedure Title: Records Management	Revision #: 1.0
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Responsible Department: Department of Administrative Services		
Statutory References: Wis. Stat. §§ 19.31-19.39 Table of Record Statutes		Ordinance References: MCO 38, 56
Appendices: Appendix B – Records Management Training PowerPoint Appendix C – 1. Lifecycle of a Record Flowchart, 2. Disposition Process Flowchart Appendix D - DOJ Wisconsin Public Records Law Compliance Guide Appendix E - Records Management Requirements & Responsibilities FAQs Appendix F - General Records Retention/Disposition Schedule (GRS)		Forms: Form 12.04(a) - Milwaukee County Historical Society Notification Template Form 12.04(b) – Email Template: 2022 Disposition of Off-Site Records

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1. OBJECTIVE:

The purpose of this procedure is to provide a framework to ensure that Milwaukee County’s records are effectively and efficiently managed throughout their lifecycle, including creation, access, retention, storage, and disposition.

2. DEFINITIONS:

- A. Confidential. This term can have two different definitions: 1) content within a record has personally identifiable information and therefore must be safeguarded while in use and destroyed in a confidential manner and 2) a record is designated with a restriction that limits the public’s access and disclosure rights.
- B. County Record. Any record prepared or received by any unit of the county government.
- C. Disposition. The treatment of records that have met their retention obligation as defined in a Records Retention Disposition Authorization (RDA). Records in Wisconsin may be designated for transfer to the Milwaukee County Historical Society or the State Archives at the Wisconsin Historical Society (WHS). More often, records are destroyed.
- D. Electronic Records. A record that is created, generated, sent, communicated, received, or stored by electronic means. Ch. Adm. 12 Wis. Adm. Code establishes defined requirements, standards and guidelines for electronic records management.

- E. Inactive Records. Records no longer used in the day-to-day course of business, but which must be retained for their remaining lifecycle to meet fiscal, legal or historical obligations of the County.
- F. Inventory. Official records maintained in their inactive state to complete the lifecycle prescribed in the associated RDA. Records inventory may exist electronically, physically on-site, or off-site at an outside records management facility.
- G. Milwaukee County Historical Society (MCHS). The MCHS is a cultural organization that provides third party records retention services for Milwaukee County. To contact the historical society with questions pertaining to historical records, destruction authorization, record transfer, etc., email Ben Barbera, Director of Collections and Exhibitions at BBarbera@milwaukeehistory.net.
- H. Off-Site Records Storage Vendor. The current vendor for off-site record storage is Vital Records Control (VRC). The customer service email is service-mke@vrcofwis.com. This should be used for all service requests and general questions.
- I. Personally Identifiable Information. Wis. Stat. § 19.62(5) defines personally identifiable information (PII) as “information that can be associated with a particular individual through one or more identifiers or other information or circumstances”. Although there are multiple references to PII in Wisconsin statutes, the definition in Wis. Stat. § 19.62(5) is applicable for records management purposes.
- J. Record Custodian. Person empowered by statute (§19.33 Wis. Stats.) with the care and custody of public records and tasked with the responsibility of compliance with Wisconsin’s Public Records Law (§§19.31 – 19.39 Wis. Stats.). Unless otherwise designated in the schedule, the custodian is, as a rule, the: 1) department head or their permitted designee; 2) an elected official or their permitted designee; and 3) for the county board and for any committees, commissions, boards or authorities created by ordinance or resolution of the county board, the county clerk.
- K. Record Retention Disposition Authorization (RDA). Provides information as to the record content, format, length of the retention period, official record location and disposition at the end of the record’s lifecycle. The terms RDA and retention schedule are often used interchangeably. All RDAs must be approved by the WPRB.
- L. Record. 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, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. "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/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.
- M. Records Series. A group of records arranged together as a unit and pertaining to a particular subject.
- N. VitalWeb. VRC’s [web-based records management software](#). It provides online access to the County’s records inventory as well as an alternative way to initiate the record disposition process.
- O. Wisconsin Public Records Board (WPRB). The WPRB works with records managers throughout the State to develop various policies, rules and guidelines that promote responsible records

management practices and assist in the compliance with retention and preservation requirements. Statutory authority may be found at Wis. Stat. § 16.61.

3. OVERVIEW:

A. Record Retention Schedule

- i. Milwaukee County's records are subject to the General Records Retention/Disposition Schedule (GRS) provided for under Milwaukee County Ordinance § 56.14(4).
- ii. The primary aims of the Records Retention/Disposition Schedule are:
 - a. To provide clear guidance regarding how long to keep records and what to do with those records once that time has passed.
 - b. Eliminate the need for individual counties to develop, and obtain WPRB approval of, their own records retention/disposition schedule.
 - c. Facilitate uniformity, as to records retention and disposition, across Wisconsin's seventy-two counties, and
 - d. Promote the effective and resource-efficient retention and disposition of records.
- iii. 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)*
 - *MCHS: Milwaukee County Historical Society*
 - *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*

4. PROCEDURE:

A. Record Creation

- i. Records are created through employee activities and from external transactions and correspondence.
- ii. A record, as defined in MCGO § 56.14(2)(a), includes 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, which has been created or is being kept by Milwaukee County.
 - a. Must be created or kept in connection with official purpose or function of the County. Content determines whether a document is a "record," not medium, format, or location. Not everything a public official or employee creates is a public record.
- iii. "Record" examples include:

- a. Handwritten, typed, or printed documents.
 - b. Maps and charts.
 - c. Photographs, films, and tape recordings.
 - d. Tapes, optical disks, and any other medium on which electronically generated or stored data is recorded or preserved.
 - e. Electronic records and communications. This includes:
 - i. Information regarding government business kept or received by an elected official.
 - ii. Email sent or received on the County's computer system. This includes personal email sent by employees.
 - iii. Email conducting government business sent or received on the personal email account of a County officer or employee.
 - iv. "Record" does not include:
 - a. Drafts, notes, preliminary documents, and similar materials prepared for the originator's personal use or by the originator in the name of a person for whom the originator is working.
 - b. This exception is generally limited to documents that are circulated to those persons over whom the person for whom the draft is prepared has authority.
 - c. This exclusion will be narrowly construed; the burden of proof is on the records custodian.
 - v. For further information, refer to [the Wisconsin Department of Justice Public Records Law Guide](#).
- B. Active Records (Distribute/Use/File)**
- i. Active records are shared, used for decisions, evidence, and other public business purposes.
 - ii. These records should be retained on-site. Department heads are responsible for ensuring a process is in place for on-site storage and review of active records.
 - iii. If a record is considered inactive (see below) but potentially would need to be accessed for reference, it is recommended to retain that record on-site in order to avoid incurring additional fees from the off-site vendor.
- C. Inactive Records (Storage)**
- i. Records that have lived past their immediate use but must be retained long term should be stored off-site.
 - a. Department head or designee should contact the off-site vendor via email at service-mke@vrcofwis.com to initiate the transfer of the records into storage.
 - b. Alternatively, VRC has a web-based records management software ([VitalWeb](#)) in which requests can be made for any service (e.g. delivery, pick up, destruction) or to view reports and inventory.



ii. VitalWeb Set Up:

- a. To be set up as a user in the [VitalWeb](#) system, email VRC’s service request email address at service-mke@vrcofwis.com, request access to VitalWeb and provide the following information:
 - i. Full name
 - ii. Contact phone number
 - iii. Work address
 - iv. Email address
 - v. Department Low Org number

D. **Retention and Disposition**

- i. Dispose of (destroy or transfer) records when the minimum retention period expires as outlined in Milwaukee General Records Retention/Disposition Schedule provided under Milwaukee County Ordinance § 56.14(4). Records retained beyond the minimum retention period are susceptible to disclosure and discovery in the context of audits, litigation, and/or public records request, and incur unnecessary storage costs.
- ii. To help ensure timely and proper records disposition, an annual disposition review process has been established. Department heads may designate an employee to act as the departmental records custodian for the disposition process. During the first quarter of each year, department heads are expected to complete a thorough review of their active and inactive records. To initiate this process, refer to [step iv.](#) below.
- iii. For the 2022 disposition process only, a separate fund for record destruction has been authorized and an accounting code has been created for destruction charges as part of a county-wide project. Any record eligible for destruction that is older than 7 years and destroyed in 2022 will automatically be charged to the project accounting code, instead of crosscharged to departments, as per normal procedure.
- iv. Alternatively, departments can initiate the disposition process at any time. To obtain a report of records stored off-site that are past their destroy date and eligible for disposition, email VRC at service-mke@vrcofwis.com requesting for a “Past Destroy Date Report” and provide your department’s low org number or go to [VitalWeb](#) to view the reports at any time.

- v. After you receive the report, review the spreadsheet and the accuracy of each disposition date. If any records need to be physically reviewed, contact VRC via service-mke@vrcofwis.com or use [VitalWeb](#) to arrange for the delivery of the boxes for onsite review. Note: Additional charges apply for this service.
- vi. Determine if litigation/audit/public records request is pending. If so, place “hold” on records (i.e., cease all disposition activity) until after the public record request is granted or 60 days after request is denied (§19.35(5) Wis. Stats.) or until any litigation or audit is fully and finally resolved. Contact the Office of Corporation Counsel for assistance.
- vii. Sixty (60) days prior written notice of destruction must be given to the Milwaukee County Historical Society and the Wisconsin Historical Society (WHS) pursuant to §19.21(5)(d) Wis. Stats. This does not apply to any record listed in the schedule and designated “waived”.
- viii. Records determined to have long term value will be permanently preserved by the Milwaukee County Historical Society or Wisconsin Historical Society. Work with the necessary historical society to notify and transfer the applicable records. The following determines primacy between MCHS and WHS when it comes to Milwaukee County records.
 - a. In 1963, the Milwaukee County Board of Supervisors adopted Resolution File No. 63-734, which states that “prior to the offer of county records to the State Historical Society under the provisions of Section 59.716, all county officers and departments heads are directed to inform the Director of the Milwaukee County Historical Society of the records to be offered and permit an examination of such records by the Director. All records which in the opinion of the Director are of local historical interest shall not be offered to the State Historical Society but shall be retained and preserved as the property of Milwaukee county for the benefit of its citizens.”
 - b. If the Milwaukee County Historical Society rejects the records offered, the series should be offered to the State Historical Society, which is notified in the same manner as the Milwaukee County Historical Society. The State Historical Society is also afforded 60 days for their review per Wisconsin State Statutes 19.21 (5)(d). If the State Society accepts the records series, ownership passes to the State Society.
- ix. Use Form 12.04(a) to notify the Milwaukee County Historical Society or email BBarbera@milwaukeehistory.net to collaborate on the transfer of records.
- x. For the [State Historical Society](#), contact govarc@wisconsinhistory.org with questions or to collaborate on record transfer. The notification process is summarized below:
 - a. Include the following information in all notification letters:
 - Titles of each record series to be destroyed
 - Years covered by the records
 - Volume (size or quantity) of records
 - Name and phone number of a knowledgeable person who could answer questions about the use and content of the records
 - b. Direct notification letter to:
Angela Fritz, State Archivist
Wisconsin Historical Society
816 State Street
Madison, WI 53706-1482
- xi. Records that are eligible for disposition and are determined to have no long-term value may move forward on the destruction process. After hearing back from the Historical Societies or the 60 day prior written notice period has passed, edit the Past Destroy Date Report spreadsheet to indicate what records can be destroyed and send to the off-site contact at service-mke@vrcofwis.com, or use [VitalWeb](#) to authorize destruction.

- xii. The off-site vendor will create a destruction authorization report and each page requires a wet signature by the department head prior to the destruction of any records.
- xiii. After the signature authorization is received, the off-site vendor will destroy the records based on their internal processes and, if requested, provide a certificate of destruction when complete.

5. REVISION HISTORY:

Rev. #	Summary of Changes	Date of Change	Author
1.0	New procedure	1/13/2022	Una Stojsavljevic