



Administrative Manual of Operating Procedures

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| Procedure #: 12.05 | Procedure Title: Processing Public Record Requests | | Revision #: 1.0 |
| Original Issue Date: 7/14/2022 | Revised Issue Date: N/A | Next Review Date: 7/14/2024 | 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 – Training Plan for Public Record Requests Appendix C – Public Records Request Flowchart Appendix D - DOJ Wisconsin Public Records Law Compliance Guide | | Forms: N/A | |

1. OBJECTIVE:

This procedure provides an overview of the unique public record request process utilizing the [myCounty Milwaukee County Customer Portal](#).

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; or
 - 2. a record is designated with a restriction that limits the public’s access and disclosure rights.
- B. [MyCounty Milwaukee County Customer Portal](#). An online system where constituents can create an account to virtually access certain County services.
- C. 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.
- D. Public Record. A record in custody of Milwaukee County at the time a public records request is made, subject to applicable exemptions from disclosure under state or federal law.
- E. Record Custodian. In accordance with Wis. Stat. § 19.33, a person with the care and custody of public records and tasked with the responsibility of compliance with Wisconsin’s Public Records Law (Wis. Stats. §§19.31 – 19.39) Unless otherwise designated in the [General Record Retention 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.
- F. 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 Milwaukee County. See MCGO § 56.14(2)(a) for a full definition.

3. OVERVIEW:

A. Wisconsin Public Records Law

The Wisconsin public records law authorizes requesters to inspect or obtain copies of records maintained by government authorities. The identity of the requester or the reason why the requester wants particular records generally do not matter for purposes of the public records law. Records are presumed to be open to inspection and copying, but there are some exceptions. Requirements of the public records law apply to records that exist at the time a public records

request is made. The public records law does not require authorities to provide requested information if no responsive record exists, and generally does not require authorities to create new records in order to fulfill public records requests.

B. Public Record Requests

i. Handling Requests:

- a. No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records. The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record(s).
- b. In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features.

ii. Response Timeframe:

- a. Public records are to be available for inspection during regular business hours. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time.
- b. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

iii. Denial and Redaction of Records:

- a. If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office.
- b. 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. Record Custodians shall consult with Corporation Counsel before releasing any information under this subsection.
- c. If the office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If portions of a record are public and portions are exempt, the exempt portions may be redacted, and the rest must be released.

iv. Fees:

- a. Departments and offices have discretion if they will charge payment for fulfilling public record requests.
- b. Except as otherwise provided by law or as authorized to be prescribed by law, a record custodian may 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.

receipt of the notice to augment the records to be released with written comments and documentation.

4. PROCEDURE:

A. MyCounty Customer Portal Request Process:

- i. Public Record Requests can be submitted digitally through the [MyCounty Customer Portal](#). This system provides the public with the ability to submit requests, receive automated notifications, have tracking abilities, and download the requested public records. It also streamlines the fulfillment of public record requests for County staff by using the back office of the system, called [CaseViewer](#).
- ii. Further instructions on how the public can register, login, find services, submit a public record request, track requests, and access the records, can be found on the [MyCounty Customer Portal](#) FAQ page.



- iii. Work Instructions for staff on [CaseViewer](#) can be found on the [Record Management CountyConnect](#) page.
 1. For further instructions on using the Back Office of the portal, including CaseViewer access and basics, refer to the [Using the Back Office of govService](#) Work Instructions.
 - a. [3-A Caseviewer Access PowerPoint Training Module](#)
 - b. [3-B Caseviewer Basics PowerPoint Training Module](#)
 2. For further instruction on case actions, subject notification, payment options, and completing the request, refer to the [Administering Public Records Requests](#) Work Instructions.
 - a. [4-A Case Actions](#)
 - b. [4-B Woznicki Rule](#)
 - c. [4-C Payment](#)
 - d. [4-D Fulfill and Complete a Request](#)
 - e. [4-E Using MS Teams to Share Documents](#)
 3. For further instructions on the shared inbox and Teams channel for Public Record Requests, refer to the [Miscellaneous Administrative Information](#) Work Instruction.
 - a. [5-A PRR Departmental Email Inbox](#)

b. [5-B PRR Departmental MS Teams Channel](#)

B. Alternative Public Record Request Process:

- i. In the case that a department does not have their public records request process on the myCounty Customer Portal or a requestor prefers to not use the portal, the requestor may submit a public records request to the applicable department via email, letter, online form, phone, or in person.
- ii. The requestor shall refer to the [Public Records webpage](#) of the county website to find contact information for the applicable department.
- iii. The Record Custodian shall provide an acknowledgement of request received to the requestor after receiving the request.
- iv. Record Custodian will compile the requested records, redact as necessary, send any applicable notices regarding the request, and send to the requestor according to the requestor's preferred method of delivery.

5. REVISION HISTORY:

| Rev. # | Summary of Changes | Date of Change | Author |
|--------|--------------------|----------------|-------------------|
| 1.0 | New procedure | 6/23/2022 | Una Stojsavljevic |
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