

# 2021 Wisconsin Public Records Law

## 1. 2021 Public Records Training

### 1.1 Wisconsin Public Records Law 2021 Basics for State Employees



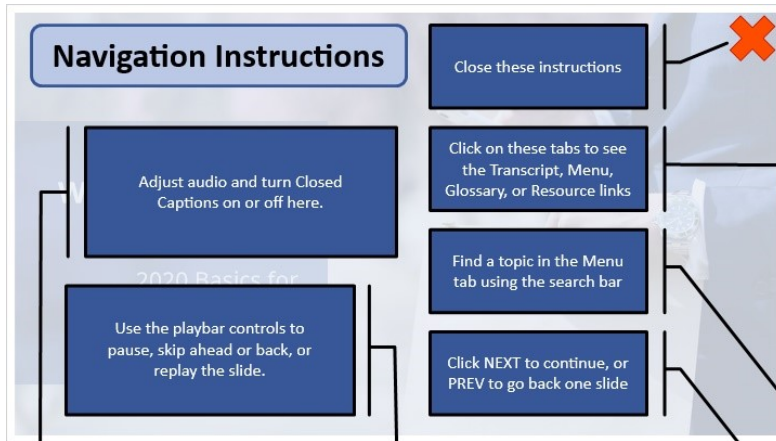
#### Notes:

For instructions on how to navigate through this course, click on the button at the top.

In this course, you will learn how to comply with Wisconsin's Public Records Law and your public records responsibilities.

Click the Next button to go to the next slide.

## Instructions (Slide Layer)



## 1.2 Public Records (Sunshine) Laws



### Notes:

Public records laws are also called sunshine laws. That's because the laws exist so the people of this state are not "in the dark" about the workings of the government that represents them.

According to settled law: "The clearly stated, general presumption of our law is that all public records shall be open to the public. . . ." This presumption reflects the basic principle that the people must be informed about the workings of their government and that openness in government is essential to maintain the strength of our democratic society."

The public records law requires that every record is presumed to be available to the public. Access can be denied only in exceptional cases.

## 1.3 Objectives

### Objectives

Select each numbered item if you would like to review the objectives of this course.

#### Your Public Records Responsibilities

As a state employee, you have certain responsibilities. Understanding public records is one of those responsibilities.



### Notes:

All employees shall have the following five public records responsibilities:


1. Recognize when you have a public record.
2. Understand what is not a public record.
3. Understand how to properly retain public records.
4. Recognize a public records request and handle that request appropriately.
5. Know where to go for help.

In the next slides, let's take a closer look at each of the five responsibilities.

### Objective 1 (Slide Layer)

**Objectives**

Recognize when you have a public record




Select each numbered item if you would like to review the objectives of this course.




### Objective 2 (Slide Layer)

**Objectives**

Understand what is NOT a public record



Select each numbered item if you would like to review the objectives of this course.



### Objective 3 (Slide Layer)

**Objectives**

Understand how to properly retain public records



Select each numbered item if you would like to review the objectives of this course.



## Objective 4 (Slide Layer)

**Objectives**

Recognize a public records request and handle the request appropriately




Select each numbered item if you would like to review the objectives of this course.




## Objective 5 (Slide Layer)

**Objectives**

Know where to go for help



Select each numbered item if you would like to review the objectives of this course.



## ***1.4 When You Have a Public Record***



### **Notes:**

Public Records Responsibility # 1: Recognize when you have a public record

## 1.5 Recognize When You Have a Public Record

**Recognize When You Have a Public Record** 01

**Why is this important?**  
Public Records are property of the state

The law requires us to keep public records and make them available to the public

### Notes:

Employees need to know what a public record is because public records are property of the state and the law requires us to keep public records and make them available to the public.



## 1.6 What Is a Public Record?

01

### What Is a Public Record?



Public Records



Anything paper or electronic with information about government business, with a few exceptions.



01

### What Is a Public Record?



Public Records

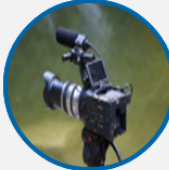


**Paper Examples**  
Printed meeting minutes, agendas, reports, spreadsheets, posters, etc.




01




### What Is a Public Record?



Public Records



**Electronic Examples**  
Skype messages, IMs, emails, videos, Excel spreadsheets, etc.



### Notes:

In general, a public record is anything, paper or electronic, that contains information about


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government business, with only a few exceptions. It is important to remember public records can be paper or electronic.

Examples of electronic public records include the following:



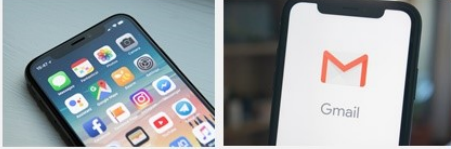
emails, videos, audio files, database content, Instant Messages and texts.

## 1.7 Record Location

 **Record Location**

The location of the record does not matter! Emails, texts, or files about government business on your personal device are public records. You must keep them and turn them over upon request.

Select each image to learn more. 01



### Notes:

The location of the record does not matter! Emails, text messages, or files about government business on your personal device are public records. You must keep them and turn them over upon request.

## 1.8 Tips When Using Personal Devices

**Tips When Using Personal Devices** 01

Select each device if you would like to review tips for personal devices.

Since the location of a record is irrelevant, it is especially important to keep track of what is and is not a record when using personal devices.

### Notes:

Since the location of a record is irrelevant, it is especially important to keep track of what is and is not a record when using personal devices. Remember, if the e-mail, text, instant message, chat, post, or file is about government business, then it is a record; even if it is created or maintained on a personal device, saved on a home computer, or saved in the cloud.

Keep the following considerations in mind when using a personal device for state business:

- First, a personal device may be a computer, mobile phone, tablet, Kindle, iPad, smartwatch, or other connected device such as a cloud back-up, flash-drive, or external hard drive.
- Second, any e-mail used to conduct government business is a record, even if it is sent or received by an employee's personal e-mail account.
- Third, you must ensure any public records are properly retained if you transition to a new device.
- And lastly, materials on your personal device that are purely personal property with no relation to state business are **not** public records.

## Desktop Layer (Slide Layer)

**Tips When Using Personal Devices** 01

Select each device if you would like to review tips for personal devices.

Remember, if the e-mail, text, instant message, chat, post, or file is about government business, then it is a record.

## Smartphone Layer (Slide Layer)

**Tips When Using Personal Devices** 01

Select each device if you would like to review tips for personal devices.

Even if it is created or maintained on a personal device, saved on a home computer, or saved in the cloud.

## Tablet Layer (Slide Layer)

**Tips When Using Personal Devices** 01

Select each device if you would like to review tips for personal devices.

A personal device may be a computer, mobile phone, tablet, Kindle, iPad, smartwatch, or other connected device such as cloud back-up, flash-drive, or external hard drive.

## Smartwatch Layer (Slide Layer)

**Tips When Using Personal Devices** 01

Select each device if you would like to review tips for personal devices.



Any email used to conduct government business is a record, even if it is sent or received by an employee's personal email account.

## USB Layer (Slide Layer)

**Tips When Using Personal Devices** 01

Select each device if you would like to review tips for personal devices.



You must ensure any public records are properly retained if you transition to a new device.

## Hard Drive Layer (Slide Layer)

**Tips When Using Personal Devices** 01

Select each device if you would like to review tips for personal devices.



Materials on your personal device that are purely personal property with no relation to state business are not public records.

## 1.9 Understand What Is Not a Public Record

**02** Understand What Is NOT a Public Record

A red rectangular box containing the text '02 Understand What Is NOT a Public Record' and an icon of a document with a red X over it. The document icon is white with a black outline, a paperclip at the top, and a red X in the center. There are horizontal lines representing text on the document and a signature at the bottom.

### Notes:

The law contains several exceptions to the definition of a record. This leads to Public Records Responsibility #2: Understand what is NOT a public record.

We will now review some of the more common exceptions.

## 1.10 What's NOT A Public Record



**What's NOT A Public Record**

There are many documents that you may run across in the workplace that are not public records.

Select each arc of this circle to learn about these exceptions.

### Notes:

The first exception is duplicates. If you have a copy of a document that exists somewhere else in your agency, and you use the copy only for convenience or reference, the copy is not a record and you do not need to keep it.

The second exception is purely personal property that has no relation or connection to your job. This includes things such as family photos or framed diplomas that are not related to state business.

A third exception is notices or invitations that you did not solicit. Items such as spam emails, junk mail, and most listserv messages are not items that you need to retain.

A fourth exception is reference materials. This includes items such as phone books, dictionaries, and vendor catalogs.

Select each arc of this circle to learn more.



## Duplicates (Slide Layer)

**What's NOT A Public Record** 02

There are many documents that you may run across in the workplace that are not public records.

**Duplicates**

Reference Personal Unsolicited

The original must be somewhere in your agency. If not, the duplicate is a record and you must keep it.

## Personal (Slide Layer)

**What's NOT A Public Record** 02

There are many documents that you may run across in the workplace that are not public records.

**Duplicates**

Reference Personal Unsolicited

Materials that are purely personal property and have no relation to state business

## Unsolicited (Slide Layer)

**What's NOT A Public Record** 02

There are many documents that you may run across in the workplace that are not public records.

**Duplicates**

Reference Personal Unsolicited

Notices or invitations that were not solicited, such as spam, junk mail, and most listservs

## Reference (Slide Layer)

 **What's NOT A Public Record** 02


There are many documents that you may run across in the workplace that are not public records.

**Reference** **Duplicates** **Personal** **Unsolicited**



**Reference materials such as phone books, dictionaries, and vendor catalogs**


## 1.11 What Else Is NOT A Public Record?



### What Else Is NOT A Public Record?

Draft documents and notes

**01** Notes – Personal notes are not records if you use them only to refresh your memory and do not share with others.





### What Else Is NOT A Public Record?

Draft documents and notes

**02** Drafts or working papers without substantive comments, rough notes, or calculations.





### What Else Is NOT A Public Record?

Draft documents and notes

**03** Check with your legal counsel if you are unsure.



**Notes: 2.28/4.06**

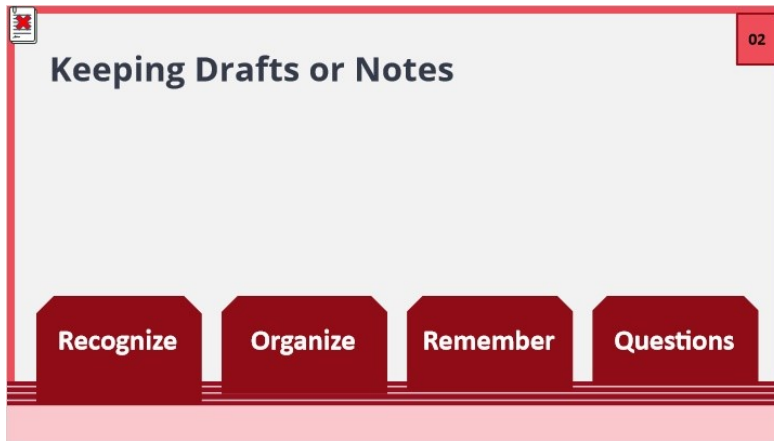
The final exception we will discuss is for drafts and notes. The definition of public record

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does not include personal notes that you use only to refresh your own memory and do not share with others.

The definition of public record also does not include drafts or working papers without substantive comments, rough notes, or calculations. However, you must retain some drafts. Check with your legal counsel if you are unsure.

## 1.12 Tips For Keeping Drafts or Notes



### Notes:

Select each of the tabs below to learn some tips for keeping drafts or notes.

### Recognize

Think about which documents are personal notes, drafts, and other non-record reference materials.

### Organize

It may be helpful to clearly label these, or even keep them in separate folders or envelopes solely for your own reference. Giving this some thought is important if you choose to mingle your personal notes and drafts with documents that are public records.

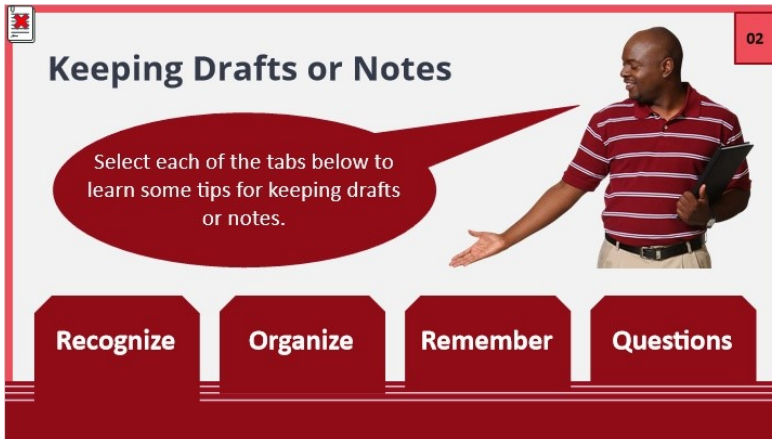
### Remember

Remember, any notes or drafts that you make available for others to reference or share with others in order to communicate information may become public records. Even a sticky note may become part of the record that it is attached to, if its purpose is to communicate important information to someone else.

### Questions

If you have questions about particular situations, ask your records officer or legal counsel for assistance.

## Intro (Slide Layer)



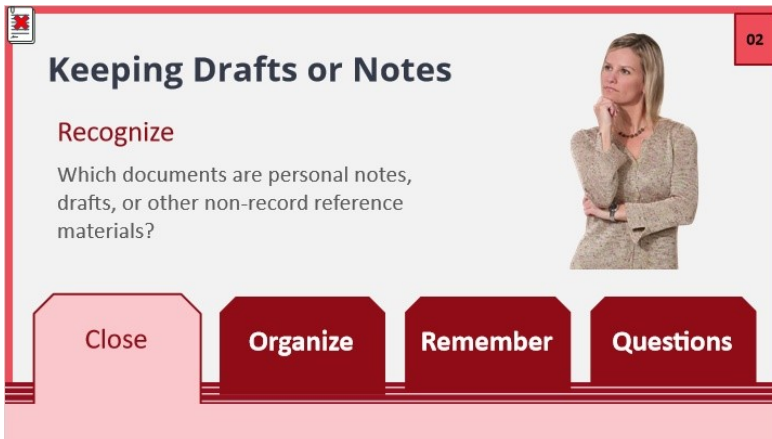
02

### Keeping Drafts or Notes

Select each of the tabs below to learn some tips for keeping drafts or notes.

Recognize Organize Remember Questions

## Layer 1 (Slide Layer)



02

### Keeping Drafts or Notes

**Recognize**

Which documents are personal notes, drafts, or other non-record reference materials?

Close Organize Remember Questions

## Layer 2 (Slide Layer)



02

### Keeping Drafts or Notes

**Organize**

It may be helpful to clearly label your drafts and personal notes, or even keep them in separate folders or envelopes solely for your own reference.

Recognize Close Remember Questions

### Layer 3 (Slide Layer)



## Keeping Drafts or Notes

**Remember**

Any notes or drafts that you make available for others to reference or share with others in order to communicate information may become public records.



02

**Recognize** **Organize** **Close** **Questions**

### Layer 4 (Slide Layer)



## Keeping Drafts or Notes

**Questions**

If you have questions about particular situations, ask your records officer or legal counsel for assistance.



02

**Recognize** **Organize** **Remember** **Close**

### ***1.13 Understand how To Retain Public Records***



**Notes:**

Public Records Responsibility #3: Understand how to properly retain public records.



## 1.14 How To Retain A Public Record



**How To Retain A Public Record**

**Record Retention Schedule**

Follow your agency's Record Retention Schedule before destroying a record.

03



**How To Retain A Public Record**

**Check With Your Records Officer**

- Determine how long to keep a record
- Learn where to send a record at expiration

03



**How To Retain A Public Record**

**Before You Destroy A Record**

Make sure there are no pending requests, audits, or lawsuits that require you to hold onto it. Destruction can be deleting a digital file, or shredding or disposing of a physical record.

03

### Notes:

When you have a public record, know how to retain it. If you have a public record, you must keep the record as long as required by your agency's retention schedule.

It is important to check with your agency's records officer or records coordinator to find out how long you are required to keep your records and where to send them when that time runs out.

Finally, before you get rid of a record, make sure there are no pending records requests, audits, or lawsuits that require you to hold on to the record.

## 1.15 Retaining Records Electronically



### Notes:

If you choose to retain some records exclusively in electronic format, be aware that additional rules may apply.

State administrative code requires such records to be kept in formats that are:

- accessible,
- accurate,
- authentic,
- reliable,
- legible, and
- readable throughout the record life cycle.

See Chapter Adm 12 of the Administrative Code for additional requirements. Generally, using major technology systems that are pre-approved by your agency should meet these requirements.

However, if you transition from one system or device to another, it is your responsibility to ensure that your old records are retained properly.

Check with your records official or legal counsel before proceeding with any project to convert records from one format to another-including scanning paper documents into electronic format for retention in that format only.

Tab 1 (Slide Layer)

**Retaining Records Electronically** 03

**Additional Rules**

If you choose to retain some records exclusively in electronic format, be aware that additional rules may apply.

Click on each tab to learn about what to do when retaining records electronically.

Format  
Transitioning  
Check First

Tab 2 (Slide Layer)

**Retaining Records Electronically** 03

**Additional Rules**  
**Format**

State administrative code requires such records to be kept in formats that are accessible, accurate, authentic, reliable, legible, and readable throughout the record life cycle. See [Chapter Adm 12 of the Administrative Code](#) for additional requirements.

Transitioning  
Check First

Tab 3 (Slide Layer)


**Retaining Records Electronically** 03

**Additional Rules**  
**Format**  
**Transitioning**

However, if you transition from one system or device to another, it is your responsibility to ensure that your old records are retained properly.


Check First

Tab 4 (Slide Layer)


 **Retaining Records Electronically** 03

**Additional Rules**  
**Format**  
**Transitioning**  
**Check First**




Check with your records official or legal counsel before proceeding with any project to convert records from one format to another—including scanning paper documents into electronic format for retention in that format only.



## 1.16 Key Points

 **Key Points** 03

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-  Don't delete emails or other records unless you know you don't need to keep them.
-  Organize hard copy documents so you know where to find them if the public requests them.
-  Know the records retention schedule for the documents you use.


### Notes:




There are several important points for all employees to remember.

Don't delete emails or any other records unless you know that you don't need to keep them. Organize hard copy documents that you know where to find them if a member of the public requests them.

Know how long you are required to keep your records and what to do with them when that time is up.

## 1.17 Key Points (continued)

 **Key Points** *(continued)* 03

-  Organize your emails so you can find one if someone requests it. If you run out of storage, call the Help Desk for assistance.
-  Texts on your personal phone are public records if they pertain to government business.
-  Emails in your personal email account are public records if they pertain to government business.

### Notes:

If you run out of storage in your mailbox, ask your agency's help desk for assistance with .pst files or similar solutions.

Text messages on your personal cell phone are public records if they pertain to government business.

Emails in your personal email are public records if they pertain to government business.

## 1.18 Recognize Requests



A purple slide thumbnail with a dark purple border. In the top-left corner is a small icon of a computer monitor with an envelope. In the top-right corner is a small black box with the number '04'. On the left side, a black vertical bar contains the number '04' in white. The main text is centered and reads: 'Recognize A Public Records Request And Handle The Request Appropriately'. To the right of the text is a white line-art icon of a computer monitor with an envelope floating above it.

### Notes:

Public Records Responsibility #4: Recognize a public records request and the importance of handling public records requests appropriately.



## 1.19 Handling A Public Records Request




### Notes:

Let's begin by explaining what a public records request is. A public records request is any request for government records. It does not require magic words or precise format, and it may be submitted by email, by letter, by phone, in person, or by any other method. The request may be written or verbal. It does not need to identify the requester or the purpose of the request.

## 1.20 Is it a Public Records Request?

 **Is it a Public Record Request?** 04



Someone just called me and asked for all emails to or from Jane Smith in August 2016 regarding the ABC construction project.

 **Is it a Public Record Request?** 04



Is that a public records request?

 **Is it a Public Record Request?** 04



Yes, that's a specific request for a government record.

**Is it a Public Record Request?** 04



I got a different call later in the day asking why the state initiated the ABC construction project and when it's expected to be complete.

**Is it a Public Record Request?** 04



Is that a public records request?

**Is it a Public Record Request?** 04



No, that's not a public records request since they didn't specifically ask for a record.

**Notes:**

This slide contains a common scenario between two coworkers. Not all requests you receive from the public are public records requests.

You must learn the difference between a general request and a public records request and act accordingly.

## 1.21 Records Custodian Responsibilities

A graphic titled "Records Custodian Responsibilities" with a page number "04" in the top right corner. It includes an introductory sentence, a list of three steps, and three corresponding action boxes: "Locate and review the records", "Provide the requestor with updates", and "Respond timely". An illustration of a computer monitor and an envelope is on the right.

**Records Custodian Responsibilities** 04

If you are a records custodian, follow these steps when you receive a records request. If you have questions, see your supervisor or your records officer.

**Locate and review the records**

1. Find all of the records
2. Remove any information that is confidential under law
3. Tell what is being withheld

**Provide the requestor with updates**  
Keep the requester updated of your progress if you can't find the records right away.

**Respond timely**  
Respond as soon as practicable and without delay!



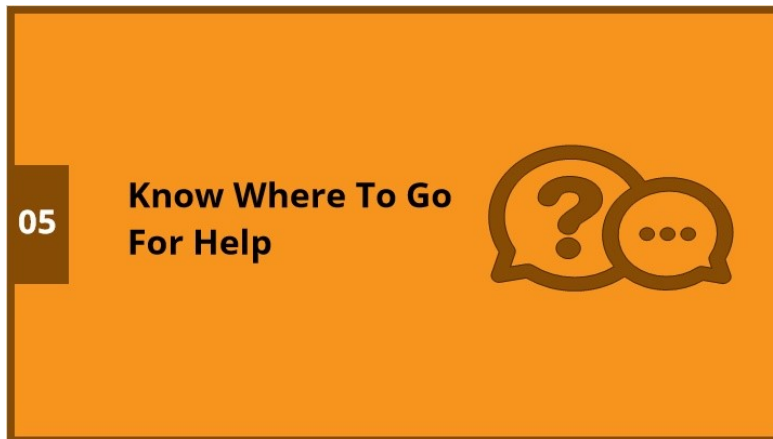
### Notes:

It is the responsibility of the records custodians to:

1. Locate all records in the agency that are responsive to the request
2. Review and remove information that is confidential under the law, and
3. Tell the requester what you are withholding.
4. Provide the requester with regular updates on the status of the request.

Respond as soon as practicable and without delay!

## 1.22 Know Where To Go For Help



### Notes:

Your fifth and final public records responsibility is: Know where to go for help.

## 1.23 Finding Help



### Notes:

You have a variety of resources available if you have questions or would like to learn more about the public records law. These resources include your agency's records custodian, your agency's records officer and coordinators, your agency's legal counsel, and your agency's public records notices. Many agencies also have policies or manuals available to employees to further explain public records responsibilities.

Finally, the Wisconsin Department of Justice regularly publishes a public records compliance guide. You can find this guide by visiting the DOJ website or by selecting the link on this slide.

### A (Slide Layer)

**Finding Help** 05

Records Custodian, Officer, or Coordinator

You're not in this alone!



### B (Slide Layer)

**Finding Help** 05

Agency Legal Counsel

You're not in this

Select each question mark if you would like to review where to go for help.



### C (Slide Layer)

**Finding Help** 05


Agency Public Records Notice

You're not in this alone!






## D (Slide Layer)

 **Finding Help** 05

Agency Policies or Manuals

You're not in this alone!



## E (Slide Layer)

 **Finding Help** 05


Wisconsin DOJ's Public Records Law Guide

You're not in this alone!



## 2. Quiz

## 2.1 Quiz



**06** **Quiz**

If you have problems with your browser while taking the quiz, try using a different browser if allowed by your agency.

### Notes:

Now it's time for a short quiz. You must answer 3 of 5 questions correctly to pass. There is no audio for the quiz questions. You must pass the quiz to receive credit for taking the course.

If you have problems with your browser while taking the quiz, try using a different browser if allowed by your agency.

## 2.2 Question 1

(Multiple Choice, 10 points, 1 attempt permitted)

**1. Multiple Choice**

**Which one of the following meets the definition of a public record?**

- Personal notes that you take in a meeting and do not share with anyone else
- Junk mail brochure inviting you to a seminar
- Email from your supervisor asking a question regarding a particular project you are working on together
- The dictionary you keep on your desk

Correct	Choice
	Personal notes that you take in a meeting and do not share with anyone else
	Junk mail brochure inviting you to a seminar
X	Email from your supervisor asking a question regarding a particular project you are working on together
	The dictionary you keep on your desk

### Feedback when correct:

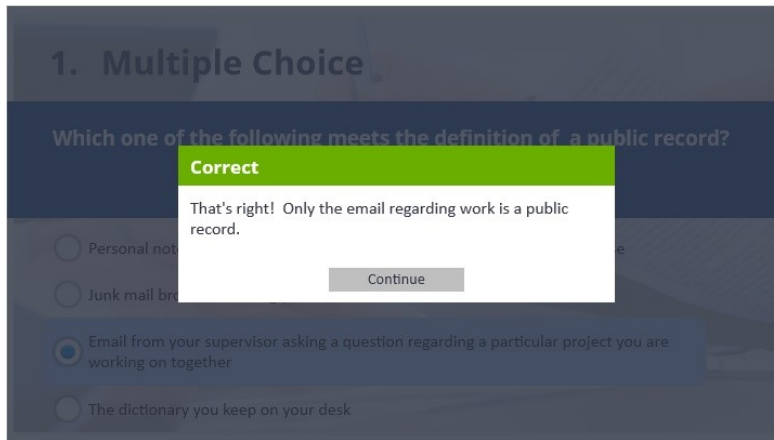
That's right! Only the email regarding work is a public record.

### Feedback when incorrect:

You did not select the correct response. Personal notes, solicitations, and reference materials are not public records.

### Notes:

## Correct (Slide Layer)



1. Multiple Choice

Which one of the following meets the definition of a public record?

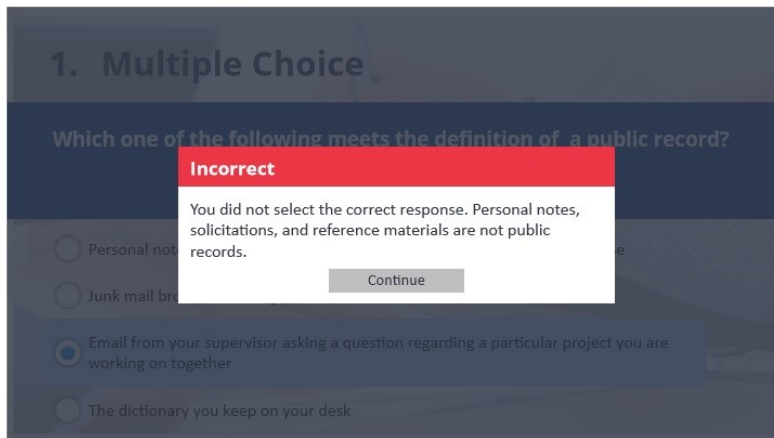
**Correct**

That's right! Only the email regarding work is a public record.

Continue

- Personal notes
- Junk mail browser
- Email from your supervisor asking a question regarding a particular project you are working on together
- The dictionary you keep on your desk

## Incorrect (Slide Layer)



1. Multiple Choice

Which one of the following meets the definition of a public record?

**Incorrect**

You did not select the correct response. Personal notes, solicitations, and reference materials are not public records.


Continue

- Personal notes
- Junk mail browser
- Email from your supervisor asking a question regarding a particular project you are working on together
- The dictionary you keep on your desk

## 2.3 Question 2

(Multiple Choice, 10 points, 1 attempt permitted)

### 2. Multiple Choice



If you have a public record, how long do you need to keep it?

- Until you run out of room in your office
- As long as required by the retention schedule
- Forever
- Six years

Correct	Choice
	Until you run out of room in your office
X	As long as required by the retention schedule
	Forever
	Six years

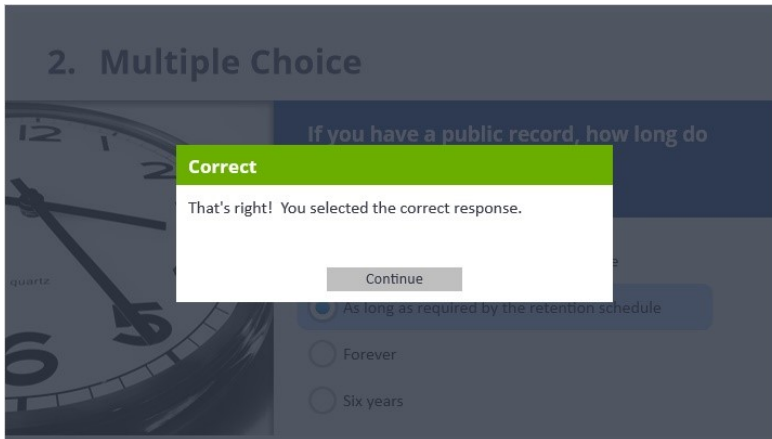
### Feedback when correct:

That's right! You selected the correct response.

### Feedback when incorrect:

You did not select the correct response. Each public record has a retention schedule and you must follow it.

## Correct (Slide Layer)



2. Multiple Choice

If you have a public record, how long do

**Correct**

That's right! You selected the correct response.

Continue

As long as required by the retention schedule

Forever

Six years

The image shows a quiz slide with a clock background. A green feedback box is overlaid on the question, indicating a correct answer. The question asks about the retention period for public records. The correct answer is 'As long as required by the retention schedule'.

## Incorrect (Slide Layer)



2. Multiple Choice

If you have a public record, how long do

**Incorrect**

You did not select the correct response. Each public record has a retention schedule and you must follow it.

Continue

As long as required by the retention schedule

Forever

Six years

The image shows the same quiz slide as above, but with a red feedback box overlaid, indicating an incorrect answer. The feedback message states that every public record has a retention schedule that must be followed.

## 2.4 Question 3

(Pick One, 10 points, 1 attempt permitted)

### 3. Multiple Choice

How soon does your agency have to respond to a public records request?

- A Within five days
- B Immediately
- C Once a staff member can get to it after completing all of her or his other responsibilities
- D As soon as practicable and without delay
- E All of the above

Correct	Choice
	Choice A
	Choice B
	Choice C
X	Choice D
	Choice E

#### Feedback when correct:

That's right! You selected the correct response.

#### Feedback when incorrect:

You did not select the correct response. You must respond to public records requests as soon as practicable.

### Correct (Slide Layer)

3. Multiple Choice

How soon does your agency have to respond to a public records request?

**Correct**

That's right! You selected the correct response.

Continue

A Within 24 hours

B Immediately

C Once a staff member can get to it after completing all of her or his other responsibilities

D As soon as practicable and without delay

E All of the above

### Incorrect (Slide Layer)

3. Multiple Choice

How soon does your agency have to respond to a public records request?

**Incorrect**

You did not select the correct response. You must respond to public records requests as soon as practicable.

Continue

A Within 24 hours

B Immediately

C Once a staff member can get to it after completing all of her or his other responsibilities

D As soon as practicable and without delay

E All of the above



## 2.5 Question 4

(Multiple Choice, 10 points, 1 attempt permitted)

**4. Yes or No**



Must a person who wishes to submit a public records request put the request in writing?

Yes

No

Correct	Choice
	Yes
X	No

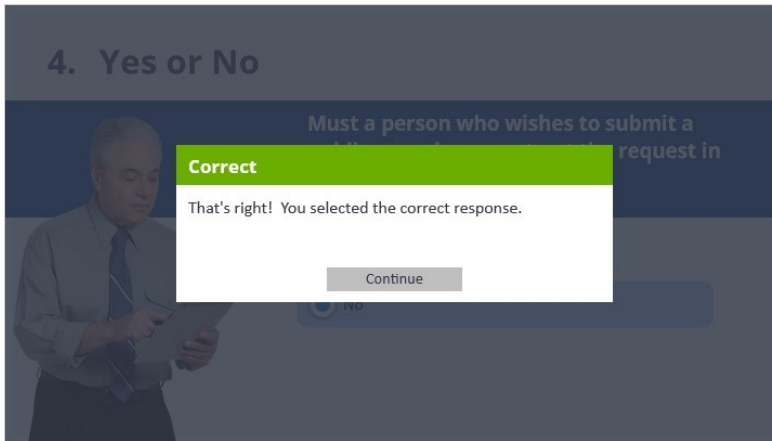
### Feedback when correct:

That's right! You selected the correct response.

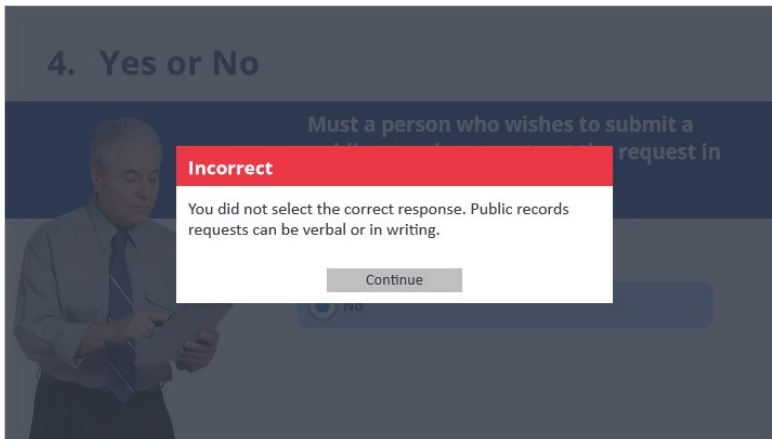
### Feedback when incorrect:

You did not select the correct response. Public records requests can be verbal or in writing.

## Correct (Slide Layer)



## Incorrect (Slide Layer)



## 2.6 Question 5

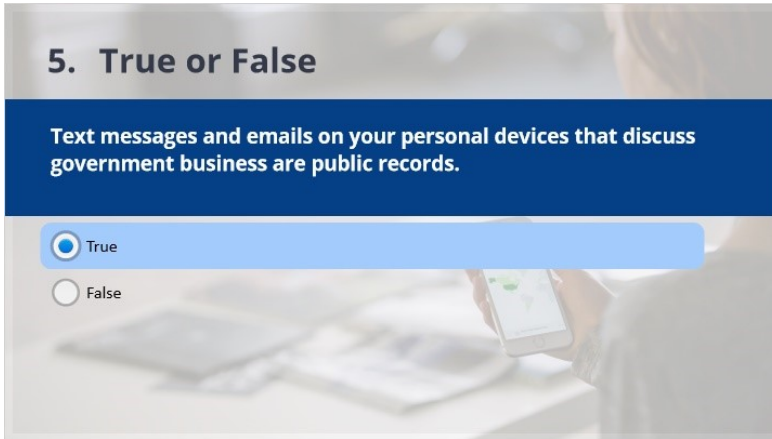
(Multiple Choice, 10 points, 1 attempt permitted)

**5. True or False**

Text messages and emails on your personal devices that discuss government business are public records.

True

False



Correct	Choice
X	True
	False

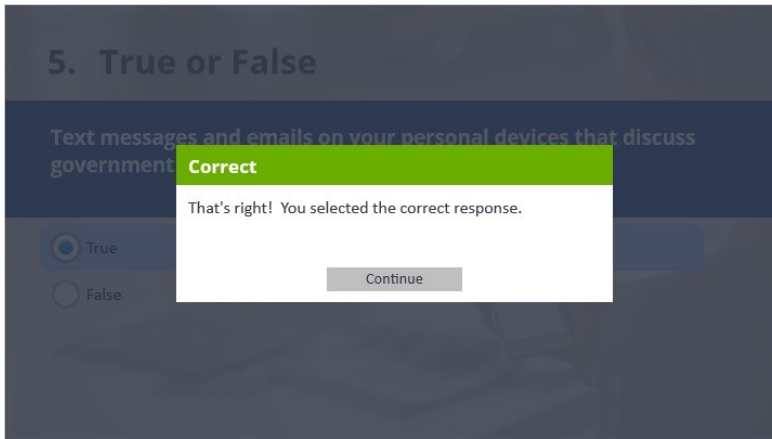
**Feedback when correct:**

That's right! You selected the correct response.

**Feedback when incorrect:**

You did not select the correct response. Texts or emails on personal devices regarding government business are public records.

## Correct (Slide Layer)



5. True or False

Text messages and emails on your personal devices that discuss government

**Correct**

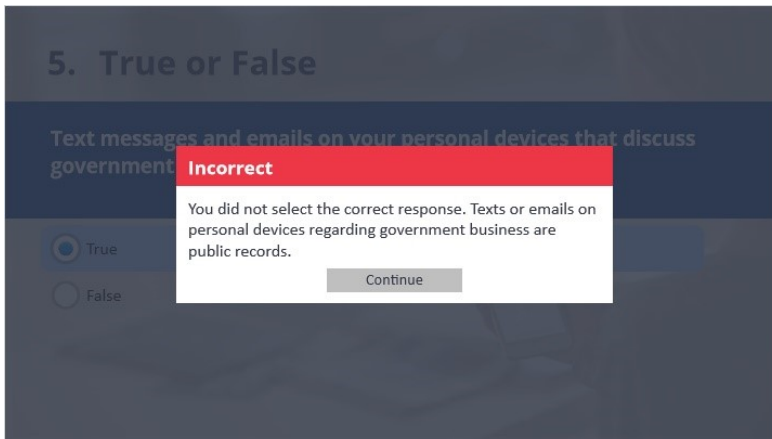
That's right! You selected the correct response.

True

False

Continue

## Incorrect (Slide Layer)



5. True or False

Text messages and emails on your personal devices that discuss government

**Incorrect**

You did not select the correct response. Texts or emails on personal devices regarding government business are public records.

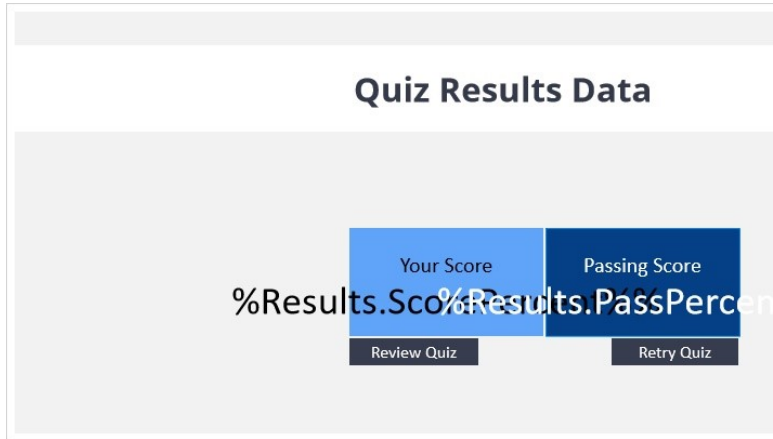
True

False

Continue

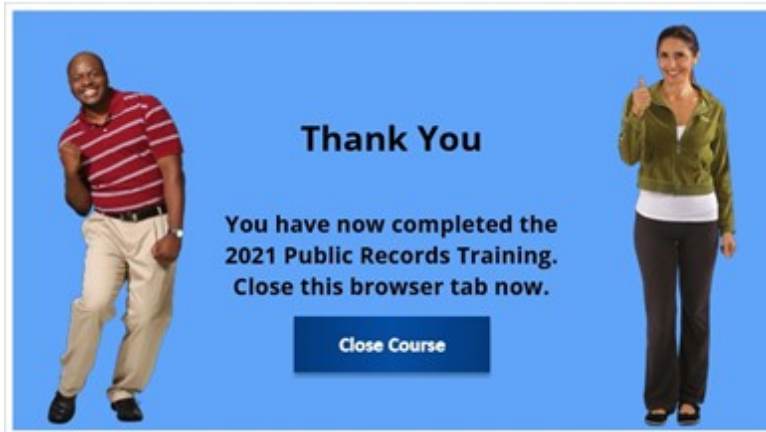
## 2.7 Quiz Results Data

*(Results Slide, 0 points, 1 attempt permitted)*



**Notes:**

## 2.8 Thank You



### Notes:

Thanks for completing the Public Records Training. You may close this browser tab now.