

PUBLIC RECORDS

The public policy of the State of Wisconsin is that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers who represent them, and that providing persons with such information is an essential function of a representative government. To that end, State statutes shall be construed in every instance with a presumption of complete public access. The denial of public access generally is contrary to public interest and only in an exceptional case may be denied.¹

A public record is anything created by an elected Town official, the Town Board, or a Town Committee. It may be a written document, map, chart, photograph, audio or video tape, or information stored on a computer.² Public records do not include drafts of memos, reports or other drafts for personal use, personal notes, or personal property.

The legal custodian of records for the Town of St. Germain shall be the Town Clerk.³ The Town Clerk is to maintain the public records and has the duty to make decisions regarding access to the records. Committee Chairpersons shall be responsible for setting up and maintaining files of committee documents in the Town Office. These records shall include (but not be limited to): agendas, minutes, resolutions, public notices, newspaper ads/notices, exploratory bids, contracts, and grant applications. Town records shall be secured and maintained at the Town Office. The Town Clerk shall maintain and distribute Town Ordinances to anyone requesting a copy.

Any person may request a record. The requester need not identify themselves nor the purpose for their request. The request must reasonably describe the record or information requested, and must be reasonably limited in scope of subject and length of time represented.⁴ Except as provided by law, any requester has a right to inspect a record and to make or receive a copy of a record.⁵ The Town Clerk must provide access to requested records within 48 hours of a verbal or written request, or provide a written reason for delay, or a written denial of the request, stating the reason(s) for the denial. Such denial shall include the requester's right to file an action for mandamus asking a court to order release of the record.⁶

Although the legal presumption is that records are open, there are cases where the right of individuals to privacy outweigh the public's need to be informed.

¹ S. 19.31

² S. 19.32(2)

³ S. 60.33(7)(a)

⁴ S. 19.35(1)(h)

⁵ S. 19.35(1)(b)

⁶ S. 19.37

Approved date: 08/09/04

Revised date:

State Statute chapter 19.85(1) lists the exemptions that allow closed sessions under the Open Meetings Law, and if a record falls clearly under one of those categories, the Clerk may refuse the request, but must tailor the reasons to fit the particular situation. The Clerk may also refuse requests as listed in State Statute chapter 19.36 (1-12) referring to limitations upon access and withholding.

The Town shall impose a fee on the requester of \$0.25 per page to cover the cost of photocopying, plus the actual costs of mailing or shipping, unless it is determined that a waiver or reduction of the fee is in the public interest.⁷

⁷ S. 19.35(3)

Approved date: 08/09/04

Revised date: