

School District of Florence County
Policy KBG
Administrative Rule

General Procedures for Handling Public Record Requests

Individuals may have access to records maintained by the School District of Florence County and the various District records authorities in accordance with applicable law, District policy, and the additional procedures outlined below.

A. Accessibility of Records

1. Members of the public may request access to the public records that are under the supervision of the legal custodian by submitting a request to the records custodian during the regular business hours of the District's main Administrative Office, which are normally Monday through Friday from 7:30 AM to 4:00 PM except for holidays and such other exceptions as may be established in connection with the school calendar.
2. A requester will be permitted to use facilities comparable to those available to District employees to inspect or copy a record.
3. The legal custodian of records or his/her designee may require supervision of the requester during inspection or may impose other reasonable restrictions to maintain the security of the record(s).

B. Record Requests under the Wisconsin Public Records Law

1. All requests to inspect or copy a public record shall be made to the legal custodian of records or his/her designee.
2. All requests must be reasonably specific as to the subject matter and time period of the records covered by the request.
3. Record requests may be made orally or in writing. Requesters may, but are not required to, contact the District to ensure receipt of the request.
4. At the discretion of the records custodian, and where there are legitimate reasons for doing so, the records custodian may promptly contact the requester to seek clarification of an ambiguous request prior to seeking responsive records or providing a formal response.
5. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence, whenever security reasons require such measures, or where applicable state or federal law otherwise requires or permits an authority to request identification.

6. Neither any records authority nor any legal custodian of records is required to create new records that do not presently exist in response to any request for information from the authority. Similarly, the legal custodian is generally not required to compile or convert records existing in a particular format into a new format that is preferred by the requestor.
7. The records custodian is authorized by applicable law to reject “standing requests” for access to records that do not exist at the time of the request, but that may be created at a later date.

C. Responses to Records Requests

1. All requests will be processed as soon as practicable and without delay. The time it takes the custodian to respond to the request will depend on factors including the nature and extent of the request and the availability of staff and other resources necessary to process the request. Access to inspect or copy records on the same day that the request is submitted is available only in limited circumstances.
2. Not all records created or maintained by the District are subject to inspection or copying by the public. Examples of records to which access may be prohibited or restricted include, but are not limited to, certain student records and certain records concerning applicants for positions, district employees, or public officers. In some cases, only a portion of record is subject to public inspection, while the remaining portion must remain confidential.
3. If the legal custodian decides to permit access to certain types of records concerning employees or individuals who hold a local public office, the custodian shall first determine whether the law requires the custodian to provide the record subject with advance notice of the decision to release the records. If such notice is required, it shall be provided prior to any release of the records, and the record subject shall be afforded the rights further outlined in state law.
4. In the event a records custodian denies a records request, either in whole or in part, the custodian shall identify the reasons that access to the records is being denied.
5. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for the denial. Verbal requests may be denied verbally unless the requester makes a demand for a written statement of the reasons denying the request within five business days of the oral denial.
6. If the records custodian issues a written denial of a request, the custodian must also expressly notify the requestor within the response that the denial is subject to review in an action for mandamus under section 19.37(1) of the Wisconsin Statutes, or by application to the district attorney or attorney general.

D. Fees

The following provisions supplement the fee provisions established in [*Board Policy KBG*] regarding access to public records. The following fees are authorized to be charged to persons who request to inspect or copy the records of a District authority, to the extent such request is submitted, or responded to, under the Wisconsin Public Records Law:

1. A charge \$0.25 per side of a page for each paper copy that is made of any standard-size paper record. Separate charges, not to exceed the actual, necessary and direct costs, may apply for issuing copies of photographs, electronic records, records which require transcription, or other specialized records.
2. There will be a charge of \$2.50, per transmission, to cover the staff costs of preparing copies of paper records for transmission for any response provided via an electronic/facsimile process, except that when the actual and necessary copying costs for such transmissions are clearly and demonstrably greater than \$10.00, the higher actual costs are authorized to be charged.
3. The actual, necessary and direct cost of photographing and photographic processing for providing a photograph of a record, when the record does not permit standard copying.
4. There shall be no charge for the costs associated with locating a record unless the actual, necessary and direct location costs associated with the request exceed \$50, in which case the entire actual cost shall be imposed upon the requester. Where staff time is charged as an actual and necessary cost of responding to a records request, the charge shall be calculated using the compensation of the lowest-compensated employee having the knowledge and skills needed to competently perform the task(s), regardless of who actually performs the task(s).
5. If records are mailed to the requester, the actual, necessary and direct postage/shipping costs.
6. If a record is produced or collected by a person who is not a records authority pursuant to a contract entered into by that person and the District, the fee charged for copying the record shall be the actual, direct and necessary cost of reproduction incurred by the person making the reproduction or transcription of the record, unless a fee is otherwise authorized or established by law.
7. Prepayment of authorized fees may be required for any request where the total fees exceed \$5. A request for any prepayment of or deposit on fees shall be based upon a good-faith estimate of the likely costs of responding to the request, with any difference to be refunded or collected once the actual amount is known.
8. The legal custodian of records or his/her designee shall not sell or rent a record containing an individual's name or address of residence, unless specifically authorized by state law. The collection of general fees applicable to a records request is not a sale or rental under these procedures.

Adoption Date: December 22, 2014