

OPEN RECORDS POLICY AND PROCEDURES FOR ACCESS TO PUBLIC RECORDS

All facts and information kept or prepared for the purposes of reporting the activities of the Evansville Community School District shall be considered as public information and shall be open to inspection by any member of the public at all reasonable times, subject to the rights of confidentiality covered by state law.

The Board recognizes and designates all of its records as defined by state law as public records and documents subject to release, inspection and reproduction as required by state law.

A. Legal Custodian of Records

The District Administrator or designee shall serve as the legal custodians of all public records of the District. It shall be the responsibility of those designated to execute all decisions and responsibilities of the District pursuant to the Wisconsin Public Records and Property Law.

B. Accessibility of Records

1. Public records will be available for inspection and copying at the District Office during regular school district office hours, ordinarily 8:00 a.m.- 4:00 p.m., Monday through Friday. Hours may vary when school is not in session.
2. A requestor shall 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 the designee will supervise each requestor during inspection of any records and may impose other reasonable restrictions to maintain the security of the record.
4. For the purpose of open records requests, the following are considered local and public officials: school board members, district administrator, and business manager.

C. Record Requests

1. All requests to inspect or copy a public record shall be made to the legal custodian of records or the designee. As per state statute, the District need not create a record. Unapproved minutes and other documents in progress that are considered drafts under the Public Records Law are not considered to be records. The request must reasonably describe the requested record or document. Requests may be made orally or in writing.
 - a. No request will be refused because the person making the request is unwilling to be identified or to state the purpose of the request.
 - b. No request will be refused because the request is received by mail, unless prepayment of a fee is required under this policy.
2. Upon receiving the request for any public record, the legal custodian of records or the designee shall, as soon as practicable and without delay, review the request and determine whether to approve or deny the request. The legal custodian of records or the designee shall consider provisions outlined in state and federal laws when making

such determinations. The legal custodian of records or the designee is authorized to consult with the District's legal counsel in making such determinations.

- a. Oral requests may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requestor within five business days of the oral denial.
 - b. If a written request is denied in whole or in part, the requestor shall receive a written statement of the reasons for the denial. Written denials must include a statement informing the requestor that the denial may be reviewed by a court of mandamus, or upon application to the attorney general or district attorney.
3. If a record contains information that may be made public and information that may not be made public, the legal custodian or the designee shall provide the information that may be made public and delete the information that may not be made public from the record before release. Deleting information before releasing the requested record is a partial denial of a request, and is subject to paragraphs C.2.a. and b. above.

D. Fees

A requestor shall be charged a fee for the cost of copying and locating records as follows:

1. The fee for photocopying shall be \$.25 a page. The legal custodian of records or the designee may waive the fee in the interests of the District.
2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
3. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio or videotapes shall be charged.
4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
5. There shall be no charge for locating a record unless the actual cost of locating the record exceeds \$50.00, in which case the entire actual cost, including staff time, shall be imposed upon the requester.
6. The legal custodian of records or the designee shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
7. Elected officials and employees of the District shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
8. The legal custodian of records or the designee may not sell or rent a record containing an individual's name or address of residence, unless specifically authorized by state law. The collection of fees as outlined above is not a sale or rental under these procedures.

Legal Ref.: Sections 103.13, 120.13(28), 146.81-146.83, 252.15 Wisconsin Statutes
Chapter 19, Subchapters II and IV