

Village of Grafton Open Records Request Policy

(adopted _____)

Policy Statement:

It is the intent of the Village of Grafton to provide the public with access to public records of the Village in accordance with Wisconsin Statutes. This policy is intended to encompass all Village departments with the exception of the Grafton Police Department and Grafton Fire Department. Because of the nature of the records kept by the Police Department and Fire Department, each of those Departments will continue to handle records requests pursuant to each such Department's policies.

Receiving Requests:

- **Delivery of requests.** Requestors may deliver their requests either directly to the appropriate custodian or to the Village Clerk. Any requests received by the Village Clerk will then be forwarded to the appropriate custodian, and the Village Clerk will correspond with the requestor to advise the requestor of which custodian the request has been forwarded to. If the Village Clerk cannot determine the proper custodian, the Village Clerk will correspond with the requestor to clarify the request.

Upon request, the Clerk's Office will provide a requestor an Open Records Request form. (See attached form.) The form will also be available online for public access. Use of the Open Records Request form is not required but encouraged.

Production of Records:

- **Custodian responsible for compiling response.** The custodian who receives a records request is responsible for compiling any responsive records, making redactions from any responsive records if required, and preparing cover correspondence to the Requestor concerning the request, including reference to records which are being released and any records which are not being released in whole or in part. Once the custodian has compiled the response, the custodian will provide the response to the Clerk's Office for final processing and delivery. The custodian will also notify the Clerk's Office of any costs the custodian incurred in processing the response. If the initial request was in writing, the custodian should include two copies of the initial request. One copy will be returned to the requestor, and the other copy will be maintained by the Clerk's Office.
- **Clerk's Office to process and deliver response.** The Clerk's office will receive the materials from the custodian, copy the responsive records for the requestor and the Village's files, and calculate the cost. Once complete, the Clerk will prepare any necessary invoices, notify the Requestor, and/or deliver the response to the Requestor, as appropriate.

- **Open Records Response Log.** When the Clerk's Office processes a response, the Clerk's office will log each response on a spreadsheet and include the date of request, requestor's name, a description of the request, the custodian responsible for responding to the request, date of response, and cost charged to the requestor (if any.)

Response Time:

Wisconsin law requires that a custodian respond to a records request "as soon as practicable and without delay". The Wisconsin Department of Justice has set forth an opinion that a reasonable amount of time for response to most records requests is ten working days. In most cases, this is an attainable goal, and, unless there are extenuating circumstances, such as the need for legal consultation or compilation of an extensive amount of records, the Village of Grafton will strive to meet this timeline.

Cost:

Costs will be assessed in accordance with State law and this policy.

- The Village of Grafton will charge \$.05/page for paper copies.
- The Village of Grafton will utilize current payroll records to calculate the appropriate hourly benefit rate to be applied if the cost of the location of the records exceeds \$50.00 per Wis. Stat. § 19.35(3)(c).
 - Custodians shall record their time spent compiling responsive records and note the date, amount of time spent, and description of activity (i.e. research, review, etc.)
 - In the event that a Custodian anticipates a request will cost \$5.00 or more to fulfill, said Custodian shall notify the Clerk's Office to trigger contact with the applicant for notification of the estimated cost and opportunity to withdraw the request.
 - Prepayment may be requested if a project takes several hours to research, the applicant may not want to pay the hourly staff fee for the material. This gives the applicant the option to withdraw their request if the cost is prohibitive.
 - Staff time for redaction is not billable to the Requestor.
 - Legal consultation is not billable to the Requestor.
- Requests for records in electronic form will be provided on appropriate storage media provided by the Village, such as a USB drive. The Village will not accept storage media from requestors. The actual cost of the media will be billed to the requestor.

Responses to record requests will be sent by U.S. Mail or will be made available for pickup at Village Hall. To ensure that responses are received, email will not be used to furnish responsive records.

Information released:

The Custodian must respond in some form to a request for records. The Custodian does not have the responsibility to create new records in response to a request. It will be the responsibility of the Custodian to redact any information in accordance with state law, or consult the Village Attorney if need be.

The Clerk’s Office will not review the records supplied by the Custodian. The role of the Clerk’s Office is limited to copying or other duplication, invoicing, logging the response, and mailing or delivery to the requestor.

If responsive records are to be released to a verified specific person, for example in the case of employment files and the like, it will be the responsibility of the Custodian to alert the Clerk’s Office to the fact that an ID must be presented prior to releasing the information.

Because of the nature of the records kept by each department, the Police Department and Fire Department will continue to independently handle records requests for their department.

Affected Personnel:

All Village Board members and Village Staff are subject to this policy, except for the Police Department and Fire Department. The Village Clerk shall maintain and administer this policy unless otherwise directed by the Village Board. The Village Administrator, or their designee, shall also enforce this policy with appropriate contractors and subcontractors of the Village.

Custodians and Local Public Offices:

The following individuals are designated as the records custodian for their respective departments:

Department/Office

Administrator’s Office
Clerk’s Office
Fire Department
Inspection and Assessing Department
Library
Parks and Recreation
Planning and Development
Police Department
Public Works
Water and Waste Water

Custodian

Village Administrator
Village Clerk
Fire Chief
Building Inspector
Library Director
Parks and Recreation Director
Community Development Director
Chief of Police
Director of Public Works
Water Operations Foreman

Committee/Board/Body

Architectural Review Board
Board of Public Works
Board of Review
Board of Zoning Appeals
Community Development Authority
Joint Library Board
Parks and Recreation Board
Plan Commission
Police & Fire Commission
Village Board

Custodian

Community Development Director
Director of Public Works
Village Clerk
Comm. Dev. Dep't. Administrative Secretary
Community Development Director
Library Director
Parks and Recreation Director
Comm. Dev. Dep't. Administrative Secretary
Village Clerk
Village Clerk

*Elective officials (Village President and Village Trustees) are the custodian for each official's own records. Wis. Stat. s. 19.33(1). The Village Clerk is the custodian for the records of the Village Board's official proceedings.

DRAFT