

WISCONSIN



DWD

Task Force on Misclassification and Payroll Fraud

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Public Records



The Wisconsin Public Records Law

- Wis. Department of Justice – Office of Open Government, October 2019
- <https://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/PRL-GUIDE.pdf>



Public Records Law

Wis. Stat. § 19.31

- The public records law “shall be construed in every instance with **a presumption of complete public access, consistent with the conduct of government business** . The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.”



The Task Force must produce records upon request

- “Record” is “[a]ny material on which written, drawn, printed, spoken, visual or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, which **has been created or is being kept by** an authority.”

Wis. Stat. § 19.32(2)



Not a “record”

- Drafts, notes, and preliminary documents
- Published material available for sale or at library
- Purely personal property
- Material with limited access rights, such as copyrights or patents

Emails, Text Messages, and Documents on Private Accounts

- May be “records”
- Content determines whether it is a “record”, not the medium, format, or location
- **Personal materials on the same private accounts are not subject to disclosure**



Sufficient Request

- May be in writing or oral
- “Magic words” not required
- Must be reasonably specific as to time and subject matter
- Must reasonably describe the information or records requested



Response

- As soon as practicable, without delay:
 - Provide records
 - Deny or give partial denial
 - Respond that there are no records



If Task Force member receives a request:

- DWD will assist with the response
- Do not delay – forward the request to DWD
Legal: OpenRecords@dwd.wisconsin.gov
- Task Force members will likely need to search for responsive records



Questions?

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