

ORDINANCE GOVERNING
COUNTY PUBLIC RECORDS
REQUESTS

Whereas, the County of Iowa feels it is important to meet its responsibilities with regard to providing public access to County Public Records.

NOW, THEREFORE, the COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

- (1) Purpose. The purpose of this ordinance is to establish a county-wide public records request procedure.
- (2) Definitions.
 - A. "Authority" means authority as defined in Section 19.32(1), Wis. Stats.
 - B. "Legal custodian" means the individual responsible for maintaining records pursuant to Section 19.33, Wis. Stats.
 - C. "Record" means record as defined in Section 19.32(2), Wis. Stats.
 - D. "Requester" means any person who requests inspection or copies of a record.
- (3) Procedural Information. Each authority which maintains regular office hours at a location where records in the custody of the authority are kept shall permit access to the records of the authority at all times during those office hours, unless otherwise specifically authorized by law. Each authority which does not maintain regular office hours shall permit access to its records upon at least forty-eight (48) hours written or oral notice of intent to inspect or copy a record.
- (4) Access to Records.
 - A. Right to inspection. Except as otherwise provided by law, any requester has a right to inspect any record. The exemptions to the requirement of a governmental body to meet in open session under Section 19.85, Wis. Stats., are indicative of public policy, but may be used as grounds for denying public access to a record only if the authority or legal custodian makes a specific demonstration that there is a need to restrict public access at the time that the request to inspect or copy the record is made.

B. Types of Records.

1. Written records. If the requester requests a copy of a written record, the authority having custody may permit the requester to photocopy the record or provide the requester with a copy substantially as readable as the original.
 2. Audio tape. If the record is in the form of a comprehensible audio tape recording, the authority having custody shall provide a comprehensible copy of the tape or a transcript of the recording.
 3. Videotape. If the record is in the form of a videotape recording, the authority having custody shall provide a copy of the tape recording substantially as good as the original.
 4. Record not in comprehensible form. The requester has a right to receive from an authority having custody of a record which is not in a readily comprehensible form a copy of the information contained in the record assembled and reduced to written form on paper.
 5. Exceptions. Paragraphs 1, 2 and 4 do not apply to a record which has been or will be promptly published with copies offered for sale or distribution.
- (5) Request Procedure. A request is deemed sufficient if it reasonably describes the requested record or the information requested. However a request for a record without reasonable limitations as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Section 19.37, Wis. Stats. No request may be refused because the requester is unwilling to be identified or state the purpose of the request. No request may be refused because the request was received by mail unless prepayment of a fee is required under 7E. A legal custodian may impose reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (6) Facilities. The authority shall provide any person who is authorized to inspect or copy a record under (4)(b)(1) with facilities comparable to those used by its employees to inspect, copy and abstract the record during established office hours. An authority is not required under this section to purchase or lease photocopying, duplicating, photographic or other equipment or to provide a separate room for the inspection, copying or abstracting of records.

(7) Fees.

- A. An authority may impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law.
- B. An authority may impose a fee upon a requester for the locating of a record, not exceeding the actual necessary and direct cost of location, if the cost is \$50.00 or more.
- C. An authority may impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping to the requester.
- D. An authority may provide copies of a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest.
- E. An authority may require prepayment by a requester of any fee if the total amount exceeds Five Dollars (\$5.00).

(8) Time for Compliance and Procedures.

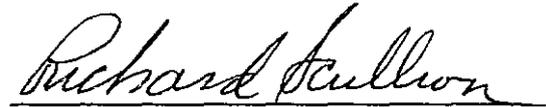
- A. Each authority, upon request of any record, shall as soon as practical either fill the request or notify the requester of the authority's determination to deny the request and the reasons therefor.
- B. If the request is made orally, the authority may deny the request orally unless a demand for a written statement of the reasons denying the request is made by the requester within five (5) business days of the oral denial. If the request is written, the authority must deny the request in a written statement with the reasons for denying the request. Every written denial shall inform the requester that if the request for the record was made in writing, then the determination is subject to review by mandamus under Section 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney. The Court, pursuant to Section 19.37(2), Wis. Stats., shall award reasonable attorneys' fees, damages of not less than One Hundred Dollars (\$100.00), and other actual costs if the requester prevails. The Court may also award punitive damages. Any authority which or legal custodian who arbitrarily and capriciously denies or delays response to a request or charges excessive fees may be required to forfeit not more than One Thousand Dollars (\$1,000.00), pursuant to Section 19.37(4), Wis. Stats.

(9) Effective Date. The herein ordinance shall take effect upon adotion and posting.

Adopted this 19th day of June, 1990.



David D. Meudt
Iowa County Clerk



Richard M. Scullion
Iowa County Board Chairman