

PUBLIC RECORDS LAW OVERVIEW

**By Keith R. Zehms
Eau Claire County Corporation Counsel**

PUBLIC RECORDS LAW - WIS. STAT. § 19.31 - § 19.39

- Record includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes, computer printouts, optical disks, and e-mails.
- Record does not include some copies, preliminary drafts and notes and published materials.
- Legal custodians in every department are required to display a public records notice.
- In order to bring an action to enforce a public records request, the request must be in writing.
- A records request should be acknowledged within 10 days and complied with depending on the nature and scope of the request and the staff and other resources available.
- There are exceptions listed in Wis. Stat. § 19.36 plus numerous statutes and Wisconsin Supreme Court Rules that create exceptions, as well as common law exceptions.
- Balancing Test -- If there is no exception to disclosure, requests may be denied only when the public's right to inspect the information is outweighed by a countervailing public interest in not disclosing information.
- Specific rules apply to requests for personnel or employee records and law enforcement records.
- Independent contractor records fall within the scope of the Public Records Law
- A denial of a records request must list all reasons for denial.
- Remedies available are mandamus, damages and fees, punitive damages, and forfeitures.
- Fees may be charged for the location, reproduction and shipping of records.
- Enforcement may be by a requester, the district attorney or the attorney general.

For further information, see the "[Wisconsin County Supervisor's Handbook](#)"