



KENOSHA PUBLIC LIBRARY

PUBLIC RECORDS POLICY

The Board of Trustees of the Kenosha Public Library adopts and makes public the following written policies.

1. WISCONSIN PUBLIC RECORD LAW

Under Wisconsin Statutes § 19.35(1), a copy of which may be obtained from the legal custodian, members of the public have certain rights to access to public records. These rights include the right to inspect any record as defined herein, to photocopy said record or obtain a legible or audible copy of any tape or video recording and the right to photograph a record, the form of which does not permit copying. A member of the public need not identify himself or herself or state the purpose of the request in order to inspect or copy a record. A requester may, however, be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require. Upon access to or use of information, a requester shall comply with any regulations or restrictions which are specifically prescribed by law. In the process of honoring a request for records, the authority will not create a new record by extracting information from existing records and will not compile the information in a new format.

2. EXCEPTIONS

The public's right to access to public records may be limited according to law in certain circumstances where the material is deemed confidential or where the material is not a public record. Records of the Kenosha Public Library which indicate the identity of any individual who borrows or uses the Kenosha Public Library's documents or other materials, resources, or services may not be disclosed, except as provided in Wisconsin Statutes § 43.30. In addition, the public's right to access is limited pursuant to the provision of § 19.36 of the Wisconsin Statutes, a copy of which law may be obtained from the legal custodian, which permits withholding information in certain circumstances relating to the application of other laws, law enforcement records, contractor's records, computer programs and data, and trade secrets.

The provisions of the Wisconsin Public Records Law do not apply to a record which has been or will be promptly published with copies offered for sale or distribution. In addition, the City is not required to create a new record by means of extracting information from existing records and compiling the information in a new format.

3. RULES FOR INSPECTIONS

The undersigned legal custodian is responsible for insurance compliance with Wisconsin Statutes §§ 19.31 through 19.39, and § 43.30, and with Kenosha, Wis., Gen. Ordinances ch. 27 so as to insure that the public may obtain information and access to records in his or her custody for purposes of inspection or copying. The legal custodian may make such reasonable rules not inconsistent with State Statutes as deemed necessary to insure that records are not stolen, misplaced or damaged. The legal custodian for this office has established the following rules for inspections:

- a. No records may be removed from the office.
- b. All record inspections will be supervised.
- c. Record requests must be specific as to subject matter and dates.
- d. Public handling of records may be prohibited.
- e. Prepayment of fees is required.
- f. Inspections are limited to the hours the office is open to the public.
- g. The office staff will conduct all record searches.
- h. Requests for information over the phone may be refused.
- i. The record requesters must identify themselves and proof of identification may be required.
- j. Record requesters may be prohibited from bringing into the office any type of case, outerwear or device which could be used to secretly remove records from the office.
- k. Security precautions may be implemented on a case by case basis.

4. LEGAL CUSTODIAN

The legal custodian for this office is the Library Director; and in the event of the absence of the legal custodian, the deputy legal custodians are the Assistant Director, and the Business Manager.

The Library Director is a local public office pursuant to Wis. Stat. § 19.34(1). In terms of personnel, the Department is organized with the Library Director overseeing the Department. Under the Library Director, there is an Assistant Director, a Business Manager, a Head of Youth & Family Services, a Head of Outreach, Programs, and Education, a Head of Collection Services, a Northside Neighborhood Library Branch Manager, a Southwest Branch Manager, a Simmons & Uptown Neighborhood Libraries Branch Manager, a Maintenance Superintendent, an Administrative Specialist and a Marketing and Communications Manager.

5. RECORDS ADMINISTRATION LOCATION & HOURS

Records for the above listed authority may be obtained in the following location: 7979 38th Ave, Kenosha, Wisconsin, unless otherwise specifically authorized by law.

Records may be obtained during working days, which are normally Monday through Thursday, between the hours of 9:00 A.M. and 8:00 P.M., Friday between the hours of 9:00 A.M. and 5:00 P.M., Saturday between the hours of 10:00 A.M. and 5:00 P.M., and Sunday between the hours of 12:00 P.M. and 4:00 P.M., unless otherwise specifically authorized by law.

6. RECORDS ADMINISTRATION LOCATION & HOURS

Some facilities which are available to the employees of the above listed authority will be made available to the public to obtain information and access and to make requests for records or obtaining copies of records, inspecting such records and abstracting of records. The above listed authority is not required to purchase or lease photocopying, duplicating, photographic, video, sound duplicating or other equipment or to provide a separate room for such inspection or copying of records.

7. FEE SCHEDULE

The actual cost of any data storage hardware (i.e. USB, CD, etc.) used to store or transfer a record to the requester. The actual cost of postage may be collected by the legal custodian to cover the mailing of records to the requester. In the event that the cost of the materials necessary to copy the records, together with the cost of labor necessary to search for and copy the records, equals or exceeds Fifty Dollars (\$50), then the following costs are hereby imposed: The actual cost of the materials necessary to copy a record, plus the hourly wage rate, plus fringe benefits, of the employee performing a record search.

8. DENIALS AND APPEALS

In the event that you are denied access to records, in whole or in part, you are entitled to know the reason for the denial. If a request is made orally, the decision to deny access may be made orally unless a demand for the written statement of the reasons for the denial is made within five (5) business days of the oral denial.

Every written denial of a request by a custodian shall inform the person making the request that if the request for the record was made in writing, then the requester may bring an action for a writ of mandamus under §19.37(1) of the Wisconsin Statutes asking a Court to order the release of the record and/or the requester may request the Kenosha County District Attorney or the Wisconsin Attorney General to bring an action for a writ of mandamus asking a Court to order release of the record to the requester.

You may seek advice from the Wisconsin Attorney General as to the applicability of the Wisconsin Public Records Law under any circumstance. The Attorney General may be contacted at the State Capitol, Madison, Wisconsin 53702.

Costs, fees and damages may be awarded where there is a violation of the Public Records and Property Law in accordance with Wisconsin Statutes, §§19.37(2), (3) and (4).

9. STOLEN, CONCEALED, MISPLACED, DAMAGED OR ALTERED RECORDS

In the event that any record inspected or copied, is taken without permission, intentionally concealed, damaged or improperly altered by a member of the public, he or she may be guilty of a Class D Felony pursuant to Wisconsin Statutes §946.72(1). In the event that a member of the public negligently misplaces or damages such record, he or she may be held liable for all consequent damages including costs of replacement.

10. DIGITAL RECORDS

Pursuant to applicable law, including Sections 1.20 and 2.13 of the Code of General Ordinances for the City of Kenosha, Wisconsin, a digital reproduction of a record authorized to be reproduced under this Section is deemed an original record for all purposes if it meets the applicable standards established in § 16.61(7), Wisconsin Statutes.

11. RECORD RETENTION

The Department adopts the following State record retention schedules: The General Records Schedule – Wisconsin's Public Libraries and Public Library Systems and Related Records, the General Records Schedule – Wisconsin Municipal and Related Records schedule, and the General Records Schedule – Facilities Management and Related Records schedule. For all records not subject to those schedules, the minimum period for retention is as set forth in the Wisconsin Statutes. See e.g. Wis. Stat. § 19.21(4).

