The Wisconsin Municipal Records Schedule: An Overview

Wisconsin Department of Justice

Office of Open Government

State Bar of Wisconsin

Public Records, Open Meetings Update 2019

September 11, 2019

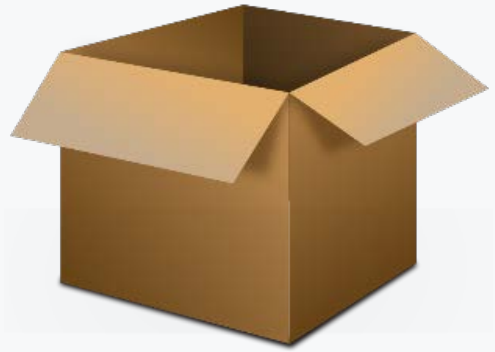
Milwaukee

Record Retention under the Public Records Law

- Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39
  - **Wis. Stat. § 19.35(5)**: Governs retention **following receipt of a request**:
    - No destruction until the request is granted or until at least **60 days** after the authority denies the request
    - **90 days** if requester is committed or incarcerated
    - No destruction during enforcement action

Other Record Retention Statutes

- **Wis. Stat. § 16.61**: State authorities
- **Wis. Stat. § 19.21**: Local authorities
  - Generally, a **seven-year retention period** for most records
  - The Public Records Board (PRB) may set shorter periods
    - PRB has oversight and accountability for the state's records program



Types of Record Retention Schedules

- Agency-specific **Records Retention/Disposition Authorizations** (RDAs)
  - Deviate from the GRSs to meet specific agency needs
- **General Records Schedules** (GRSs)
  - State agencies are bound to follow
    - Unless they opt out and adopt corresponding RDAs within 12 months
    - Local government units may opt in

Local Government Retention Schedules

- **County General Records Schedule**
  - PRB approved in May 2010
- **Wisconsin Municipal Records Schedule** (WMRS)
  - PRB approved on August 27, 2018
  - Wisconsin Historical Society led effort
  - Little Orange Book contained retention schedules but expired in late 1980s
    - Work group updated and reformatted the Little Orange Book
    - Worked with local government groups and PRB's Policy Committee

Wisconsin Municipal Records Schedule

- WMRS includes schedules for approximately **166** record series titles
- Main categories of records:
  - Administrative Records, Common Council/Village Board/Town Board, Cemetery Records, Community Development/Public Services, Election Records, Finance Records, Public Works, Revenue Records
- Does **not** include law enforcement records schedules
  - May be explored in the future
- **Guidance in developing law enforcement records** schedules:
  - Counties General Records Schedule (sheriff's records)
    - Specifically, sheriff's records
  - Agency-specific schedules (RDAs)
    - For example, DOJ (Division of Criminal Investigation), local government units

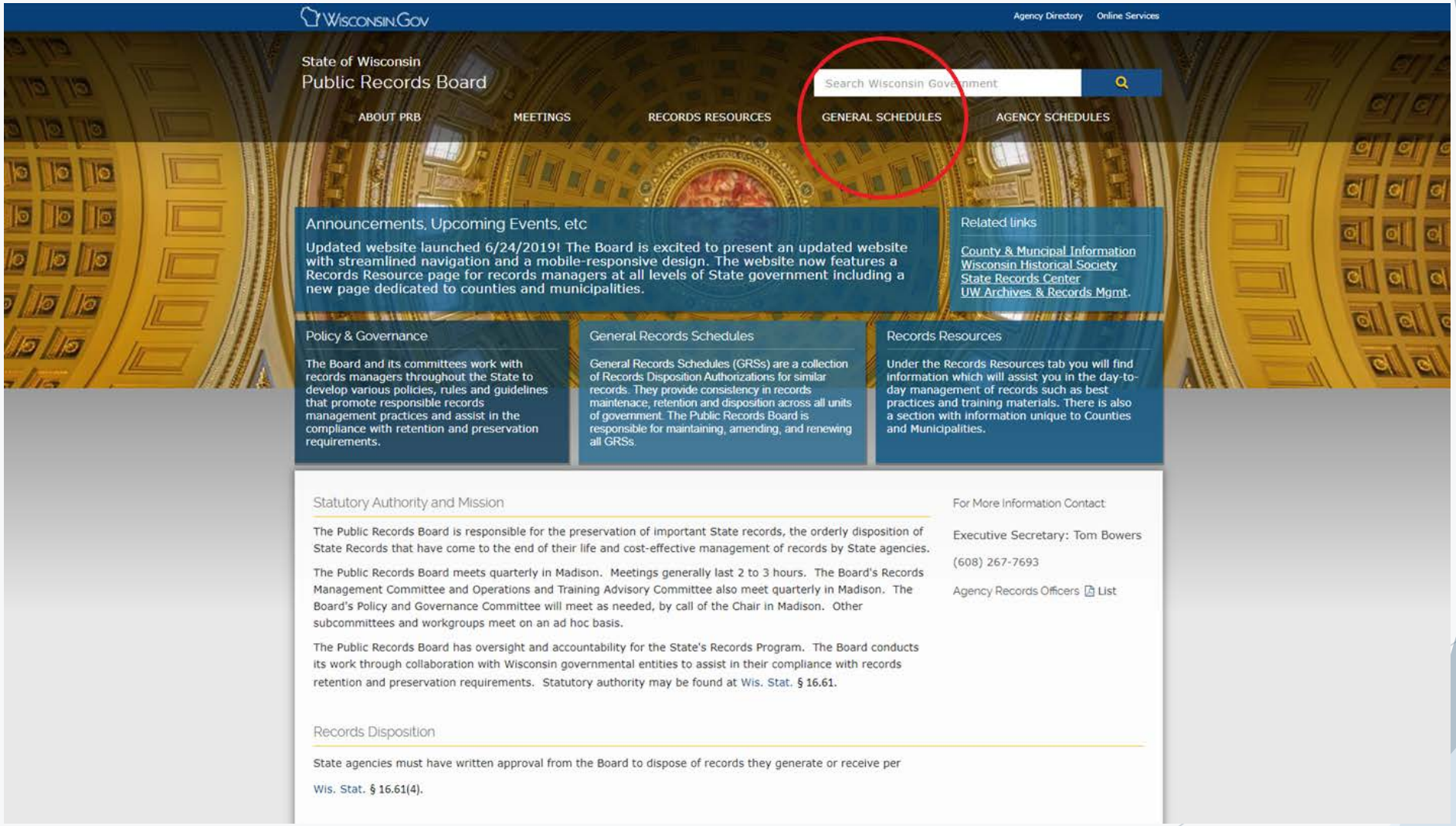
Adoption of WMRS by Municipalities

- Municipalities **may** adopt it, but they are not required to do so
- To adopt WMRS:
  - Submit the **Notification of General Schedules Adoption** form (PRB-002) to WHS
  - PRB will return a signed copy to the municipality
  - Following receipt of PRB approval, the municipality should **enact an ordinance** adopting WMRS as their official records retention schedule
- Municipalities should:
  - Supersede any existing ordinances covering records included in the adopted WMRS
  - Retain any approved schedules in existing ordinances for records that are not covered by WMRS
- Municipalities may also adopt other GRSs provided by the PRB or submit their own RDAs for PRB approval

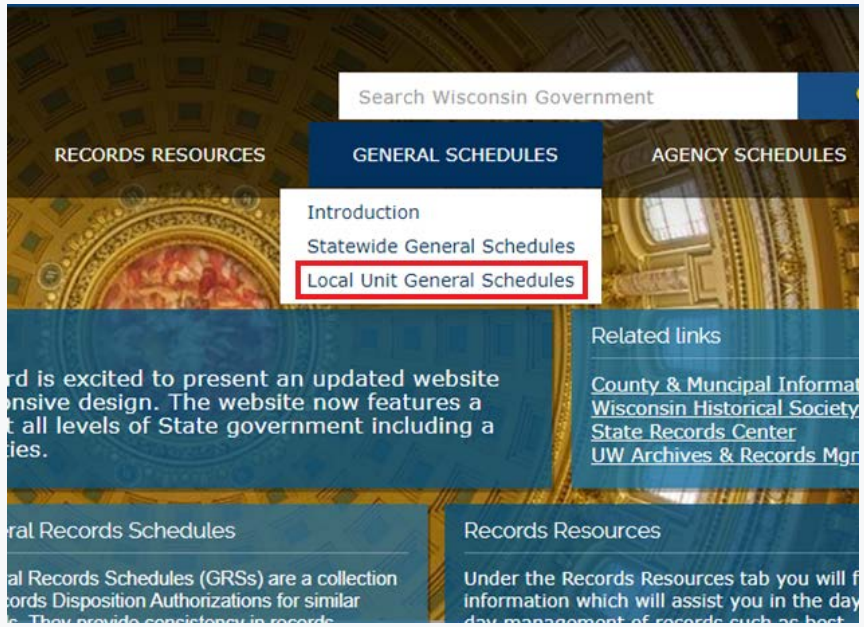
Additional Information

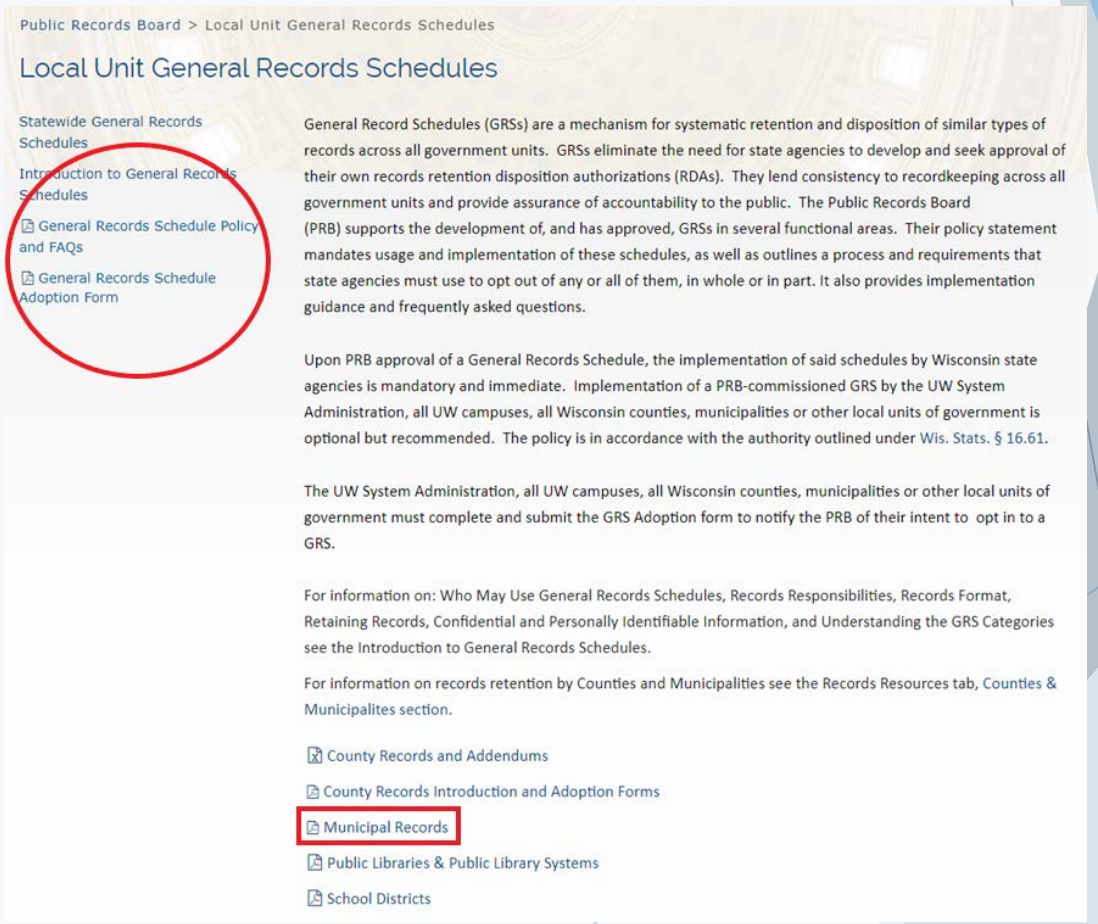
- Contact your legal counsel
- Visit the Public Records Board's website:
  - http://publicrecordsboard.gov
- A copy of the WMRS and the Notification of GRS Adoption Form are included in the presentation materials

Public Records Board Website



Public Records Board Website, continued





Contact the Office of Open Government

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