Chapter VE 5

ACCESS TO PUBLIC RECORDS

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VE 5.01 Authority and purpose. The rules of this chapter are adopted to implement the policy of the state of Wisconsin established by legislation and court decisions that public records are presumed open to public inspection and copying. It is the declared purpose of the veterinary examining board that its officials and employess shall render whatever assistance is necessary to implement this policy.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

VE 5.02 Definition. (1) "Board" means the veterinary examining board.

(2) "Record" or "records" means "public records" as defined in section 16.80 (2) (a), Wis. Stats., and includes "property and other things" referred to in section 19.21 (1), Wis. Stats.

(3) "Legal custodian" is the board's chairperson or alternate, which shall be the vice chairperson or any other board member. The alternate custodian shall perform the duties of the legal custodian when the legal custodian cannot be contacted and shall inform the board of actions taken. Such alternate custodian shall act as agent of the board in fulfilling these responsibilities.

(4) "Office" means the public facility in which the department of regulation and licensing and any boards attached to the department are housed.

(5) "Formal hearing" means any hearings resulting after the serving of a complaint and notice of hearing upon a licensee.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

VE 5.03 Access to board records. (1) All records shall be kept in the office.

(2) The legal custodian shall inform the administrative secretary assigned to the board in which cases approval is needed to release specific records segregated in accordance with section VE 5.05 (3). If at any time such instructions are unclear, the administrative secretary assigned to the veterinary examining board shall request approval for release from the legal custodian.

(3) Any person may ask the administrative secretary assigned to the veterinary examining board to inspect or copy the records of the board during regular business hours. A request shall be deemed sufficient if it reasonably describes the requested record. If the administrative secretary assigned to the veterinary examining board denies the request, a written appeal may be made to the legal custodian. The appeal shall briefly describe the records requested.

(4) Within 10 working days of receipt of the appeal, the legal custodian shall give the requestor written notice of the determination and reasons therefore.

(5) When a record is requested in person, inspection and copying shall normally be permitted the same day. Copies of records requested by phone or mail shall normally be provided within 5 working days of receipt. If an unusual request, whether received in person, by phone or mail, would result in an unreasonable interference with the orderly operation of the office, such request shall be answered as soon as possible.

(6) Records and hearing transcripts shall be duplicated at the rate of $.10 per page unless the applicant for the record is impecunious or shows financial need as a basis in which case the legal custodian, in his or her discretion, may provide a free copy.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

VE 5.04 Available records. (1) Unless the legal custodian makes an exception in accordance with section VE 5.05, records available to any person include, but are not limited to, the following:

(a) Administrative staff manuals and instructions to staff that affect a member of the public.

(b) Statements of policy and interpretations of policy, rules, statutes, and the Constitution which have been adopted by the board.

(c) Goals, interim and final planning documents and decisions.

(d) Staff reports and studies, consultant's reports and studies, technical reports and studies, and any other information derived from tests, studies, reports, or survey summaries conducted by public employees or others.

(e) Correspondence and materials referred to therein, by and with the public body relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines or is asked to determine the rights of the state, the public, a subdivision of state government or of any private party.

(f) Information regarding any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by the board.

(g) Any information used by the board to estimate the need to collect or expend funds upon completion of such estimates.

(h) Minutes of board meetings.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

VE 5.05 Exemptions. (1) Records may be exempt from disclosure if the legal custodian determines that the public interest in non-disclosure outweighs the benefits of disclosure.

(2) If any record contains exempt and non-exempt materials, the board shall, upon request, delete the exempt material and provide copies of the non-exempt material.

(3) Records that may be exempt include:

(a) Trade secrets, which are unpatented, secret, commercially valuable plans, appliances, formulas, or processes used for making, preparing, compounding, treating or processing articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential.

(b) Communications between the board and its legal counsel concerning the legal rights and duties of the agency if publication would adversely affect the board's position in an adversary or bargaining situation.

(c) Records obtained under a clear pledge of confidentiality, if the pledge was made to obtain the information in the records and was necessary to obtain the information contained in them.

(d) Records of the board's deliberations after a quasijudicial hearing.

(e) Material specifically exempted from disclosure by statute, judicial decision or attorney general's opinion.

(f) The contents of licensing examinations.

(4) The board shall determine which records are open to the public and which records may be exempt from disclosure in accordance with section VE 5.05 (1). The board shall segregate records which may be exempt. When such a record is segregated, it shall be replaced in the open record with a notice giving a general description of the segregated record.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

VE 5.06 Transcripts. The record of formal hearings will be transcribed and copies of the written transcript will be provided free to those parties who require a transcript for appeal or other reasonable purposes and who are, in the discretion of the legal custodian, determined to be impecunious or without the financial means to purchase such a copy. For those determined not to be entitled to a free copy, the board will furnish a copy of the transcript at the rate of $.10 per page.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.