



## 1995 ASSEMBLY BILL 512

August 14, 1995 - Introduced by Representatives GREEN, FREESE, JENSEN, ALBERS, SCHNEIDERS, HAHN, GROTHMAN, KLUSMAN and KREIBICH, cosponsored by Senators HUELSMAN, PETAK, ROSENZWEIG and SCHULTZ. Referred to Committee on Judiciary.

1 **AN ACT to create** 905.055 of the statutes; **relating to:** creating a privilege for a  
2 self-critical analysis.

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### *Analysis by the Legislative Reference Bureau*

Current law gives certain persons the privilege to refuse to disclose and to prevent others from disclosing confidential communications made with the person, including certain information between a physician and his or her patient, between spouses and between attorneys and their clients. This bill gives management of an organization the privilege to refuse to disclose and to prevent any person from disclosing the content of a self-critical analysis. A self-critical analysis is an audit or review of an organization's policy, practice or procedure conducted at the direction of the management of the organization for internal use of the organization and containing an evaluation of that policy, practice or procedure.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 **SECTION 1.** 905.055 of the statutes is created to read:  
4 **905.055 Self-critical analysis privilege. (1) DEFINITIONS.** In this section:  
5 (a) "Organization" means any association, corporation, enterprise, firm,  
6 franchise, individual, partnership, proprietorship, trust or other legal entity, other  
7 than a governmental body.  
8 (b) "Self-critical analysis" means a voluntary audit or critical review of an  
9 organization's policy, practice or procedure conducted at the direction of the

1 management of the organization for internal use of the organization and containing  
2 an evaluation of that policy, practice or procedure.

3 (2) The management of an organization has the privilege to refuse to disclose  
4 and to prevent any person from disclosing the content of a self-critical analysis. This  
5 privilege applies to any charts, computer-generated information, conclusions,  
6 drafts, drawings, electronically recorded information, findings, graphs, opinions,  
7 photographs, summaries of interviews, surveys, witness statements, work notes and  
8 other material collected or developed for the primary purpose of the self-critical  
9 analysis. This privilege applies to a self-critical analysis done by or at the request  
10 of the organization.

11 **SECTION 2. Initial applicability.**

12 (1) This act first applies to a self-critical analysis commenced on the effective  
13 date of this subsection.

14 (END)