

1999 ASSEMBLY BILL 32

January 14, 1999 – Introduced by Representatives SCHNEIDER, MILLER, BOYLE and RYBA, cosponsored by Senator SCHULTZ. Referred to Committee on Judiciary and Personal Privacy.

1 **AN ACT to repeal** 102.33 (2) (a); **to renumber** 102.33 (2) (b) 1., 102.33 (2) (b) 2.,
2 102.33 (2) (b) 3., 102.33 (2) (b) 4., 102.33 (2) (b) 5. and 102.33 (2) (b) 6.; and **to**
3 **renumber and amend** 102.33 (2) (b) (intro.) of the statutes; **relating to:**
4 public access to worker’s compensation records.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, the records of the department of workforce development (DWD) relating to the administration of the worker’s compensation law are subject to inspection and copying under the open records law. Current law provides, however, that a record maintained by DWD that reveals the identity of an employe who claims worker’s compensation benefits; the nature of the employe’s claimed injury; the employe’s medical condition; the extent of the employe’s disability; the amount, type or duration of the employe’s worker’s compensation benefits; or any financial information provided to DWD by a self-insured employer or an applicant for self-insurer status, is confidential and not open to inspection or copying under the open records law, unless one of the following applies:

1. The requester is the employe who is the subject of the record.
2. The record requested contains confidential information concerning a worker’s compensation claim and the requester is an insurance carrier or employer that is a party to any worker’s compensation claim involving the employe who is the subject of the record.

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3. The record requested contains financial information provided by a self-insured employer or applicant for self-insurer status and the requester is the self-insured employer or applicant for self-insurer status whose financial information is contained in the record.

4. A court of competent jurisdiction in this state orders DWD to release the record.

5. The requester is the subunit of DWD that administers child and spousal support or a county child support agency and the request is limited to the name and address of the employe who is the subject of the record, the name and address of the employe's employer and any financial information about the employe contained in the record.

6. The department of revenue requests the record for purposes related to the collection of delinquent taxes.

This bill provides that the records of DWD relating to the administration of the worker's compensation law are *not* subject to inspection or copying under the open records law, unless one of the six situations described above applies.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 102.33 (2) (a) of the statutes is repealed.

2 **SECTION 2.** 102.33 (2) (b) (intro.) of the statutes is renumbered 102.33 (2)
3 (intro.) and amended to read:

4 102.33 **(2)** (intro.) ~~Notwithstanding par. (a),~~ Except as provided in pars. (a) to
5 (f), the records of the department relating to the administration of this chapter,
6 including a record maintained by the department that reveals the identity of an
7 employe who claims worker's compensation benefits, the nature of the employe's
8 claimed injury, the employe's past or present medical condition, the extent of the
9 employe's disability, the amount, type or duration of benefits paid to the employe or
10 any financial information provided to the department by a self-insured employer or
11 by an applicant for exemption under s. 102.28 (2) (b) ~~is,~~ are confidential and not open
12 to public inspection or copying under s. 19.35 (1). The department may deny a

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1 request made under s. 19.35 (1) or, subject to s. 102.17 (2m) and (2s), refuse to honor
2 a subpoena issued by an attorney of record in a civil or criminal action or special
3 proceeding to inspect and copy a record that is confidential under this ~~paragraph~~
4 subsection, unless one of the following applies:

5 **SECTION 3.** 102.33 (2) (b) 1. of the statutes is renumbered 102.33 (2) (a).

6 **SECTION 4.** 102.33 (2) (b) 2. of the statutes is renumbered 102.33 (2) (b).

7 **SECTION 5.** 102.33 (2) (b) 3. of the statutes is renumbered 102.33 (2) (c).

8 **SECTION 6.** 102.33 (2) (b) 4. of the statutes is renumbered 102.33 (2) (d).

9 **SECTION 7.** 102.33 (2) (b) 5. of the statutes is renumbered 102.33 (2) (e).

10 **SECTION 8.** 102.33 (2) (b) 6. of the statutes is renumbered 102.33 (2) (f).

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(END)