

Chapter PC 6

PUBLIC EXAMINATION OF COMMISSION RECORDS

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PC 6.01 Purpose. The purpose of this rule is 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 commission that all officials and employees shall render whatever assistance is necessary for the achievement of this policy.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

PC 6.02 Legal custodian. "Legal custodian" of commission records is the commission. A representative of the legal custodian may be appointed to fulfill the duties of the legal custodian.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

PC 6.03 Records clerk. "The records clerk" is the commission employee who is designated by the legal custodian as the person whom a member of the public shall first contact when requesting an agency record.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

PC 6.04 Access to records. (1) **AVAILABILITY.** The records of the commission are available to be inspected or copied by any person during regular business hours. All initial requests for inspection or copying of records shall be directed to the records clerk. A person's unwillingness to be identified or to state a reason for making the request shall not be grounds for refusal. A request can be denied only on the basis of a specific exemption listed in PC 6.04 (5).

(2) **REQUESTS FOR COPIES.** When the request is made in person, the records clerk shall locate the records and provide any requested copies. Mail or telephone requests for copies of records, within the commission's files, shall be answered within 10 working days of receipt. A request is sufficient if it reasonably describes the requested record.

(3) **CERTIFIED COPIES.** The legal custodian of any record which a person has a right to inspect shall give that person, upon request, a certified copy of the record.

(4) **OPEN RECORDS.** The following records are open to the public.

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

(b) Final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases.

(c) Tape recordings and transcripts of quasi-judicial proceedings.

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(d) Statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency.

(e) Planning policies and goals, and interim and final planning decisions.

(f) Staff reports and studies, consultant's reports and studies, scientific reports and studies and other information derived from tests, by public employes or others.

(g) Correspondence and materials referred to therein.

(h) Information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by the agency.

(i) Working papers, research material, and information used to make estimates of the need for, or expenditure of, public funds or taxes by the agency, upon completion of such estimates.

(5) **EXEMPTED MATERIAL.** The following material may be exempt from disclosure under the provisions of this rule if the commission determines that nondisclosure outweighs the benefits of open access:

(a) Matters ordered sealed in the public interest by the commission.

(b) Matters containing the advice of counsel rendered to the commission members that falls within the lawyer-client privilege defined by s. 905.03, Stats.

(c) The identity of complainants under subch. II, ch. 111, Stats.

(d) Matters containing the mental impressions of the commission members with regard to the consideration of cases before the commission, such as draft opinions and memoranda, for a period no longer than five years.

(e) Investigatory files and reports, informants names, and information which would be privileged under ss. 905.09 and 905.10, Stats.

(f) Other material specifically exempt by statute or rule.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

PC 6.05 Denial of access. (1) **APPEALS OF REFUSALS TO GRANT ACCESS.** If the records clerk refuses a request for records, the person whose request has been denied may request in writing that the legal custodian review the records clerk's denial. The written request shall set forth the basis for believing the denial was not consistent with the provisions of this chapter.

(2) **DISPOSITION OF APPEALS.** Within 20 working days of receipt of an appeal, the legal custodian shall give written notice to the person making the appeal of the determination and the reasons therefore.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.

PC 6.06 Fees. (1) **TRANSCRIPTS AND TAPES.** Copies of transcripts and tape recordings will be provided at cost of production to the commission. Cost may be prorated among the parties if more than one party makes the request.

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(2) **OTHER DOCUMENTS.** There is no fee for requests of single copies or for searches requiring less than one-half hour. Otherwise, a charge of \$.10 per page and \$5.00 per hour will be made for documents requested under this chapter.

History: Cr. Register, March, 1980, No. 291, eff. 4-1-80.