



## Legislative Fiscal Bureau

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May 30, 2007

Joint Committee on Finance

Paper #103

### Records Management Position (DOA -- General Agency Provisions)

#### *Bill Agency*

[LFB 2007-09 Budget Summary: Page 25, #13]

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#### **CURRENT LAW**

The Department of Administration is currently required to meet several privacy standards, including: (a) ensuring that all state data processing facilities develop proper privacy and security procedures and safeguards; (b) facilitating the implementation of statewide initiatives, including development and maintenance of policies and programs to protect the privacy of individuals who are the subjects of information contained in the databases of agencies; (c) providing technical standards and sharing of applications among agencies and any participating local governmental units or entities in the private sector; and (d) ensuring responsiveness to the needs of agencies for delivery of high-quality information technology processing services efficiently and economically without affecting the privacy of individuals.

The Department is also required to establish and maintain a records management service to: (a) advise and assist state agencies and the University of Wisconsin Hospitals and Clinics Authority in the establishment and operation of records management programs through the issuance of standards and procedures and provision of technical and management consulting services; (b) operate a state records center and a central microfilm facility for state agencies and the University of Wisconsin Hospitals and Clinics Authority and promulgate rules necessary for efficient operation of the facilities; (c) operate a storage facility for storage of public records and records of the University of Wisconsin Hospitals and Clinics Authority in optical disk or electronic format; and (d) periodically audit the records management programs of state agencies and the University of Wisconsin Hospitals and Clinics Authority and recommend improvements in records management practices. The Department is able to establish user charges for records

storage and retrieval services, structured in a manner to encourage efficient utilization of the services.

## **GOVERNOR**

Provide \$161,100 PR and 1.0 PR unclassified position annually for general support of records management, privacy protection, and contract management funded from assessments against state agencies. Funding would include \$108,200 PR annually for salary, \$43,300 PR for fringe benefits and \$9,600 PR annually for supplies and services. The position would be funded from general services charges to state agencies.

## **DISCUSSION POINTS**

1. The Executive Budget Book indicates that "the Governor has recommended creating an unclassified position attached to the [DOA] Secretary's office to provide general support on records management, privacy protection and contract management."

2. The Department indicates that this position would serve as the chief records officer of the state and would serve at a division administrator level. The position would coordinate the agency responses to open records requests with state agencies, the state's chief information officer, and personnel responsible for maintaining public records. The position would also establish security procedures relating to the protection of privacy information in responding to open records requests.

3. While the Department indicates that the records management position would not supervise any staff directly, they indicate that the position would work with state agencies to coordinate records management activities.

4. The Department indicates that the position is needed due to the Wisconsin Court of Appeals decision that granted more direct access to databases and the increase of open records request over the last few years. According to DOA, in calendar year 2005, the Department had 299 open records requests, in 2006 there were 312 such requests. The Department indicates that even though the number of open records requests has increased by only 4.3%, the volume of records requested has increased by 100%.

5. If the Committee wishes to approve a records officer position, it could consider the following: (a) whether the position should be funded as an unclassified position; and (b) whether current vacancies in the Department could be used to support this new position.

6. Under the bill, the position would be funded at \$161,100 PR annually from assessments to state agencies. It could be argued that knowledge of the state's open records laws would be the primary responsibility of the records officer. As such, institutional knowledge relating to these laws might make it desirable to provide the position under classified service. Classified positions are filled through the civil service system and not at the discretion of the appointing

authority. Unclassified positions may be filled at the discretion of the appointing authority (in this case, the Secretary of DOA).

7. If the Committee decides to appoint this position under the classified service the position could be created as a records management program supervisor, which has a minimum annual salary and fringe benefit rate of \$61,300 annually. Including supplies and services, the Committee could provide \$70,900 PR annually for this classified position.

8. Alternatively, it could be argued that each Governor, through the Secretary of DOA, should be allowed to determine the methods in which open records are provided by state agencies and that it is, therefore, desirable to provide this position under unclassified service.

9. If the Committee believes the position should be created, but that available resources should be used, it could consider transferring a current long-term vacancy in the Department to support records management. A review of the agency's vacancies shows that DOA has had an administrative manager position vacant within its general fund program operations appropriation since September of 2004. The Committee could transfer this position to the materials and services to state agencies appropriation and provide that the transferred position would have the funding authority as provided above for either an unclassified (\$161,100 PR annually) or classified position (\$70,900 PR annually). The resulting 1.0 GPR position deletion under the program operations appropriation would be -\$90,400 GPR for salaries, fringe benefits, and supplies and services.

10. Alternatively, it could be argued, that most state agencies have staff attorneys that can determine whether information should be released as part of an open records request and that these agencies should not have to seek approval from a records manager in DOA in order to provide records that are requested under open records guidelines. As a result, the provision could be deleted.

## ALTERNATIVES TO BILL

1. Approve the Governor's recommendation to provide \$161,100 PR annually for 1.0 PR unclassified records management position under the materials and services to state agencies appropriation.

ALT 1	Change to Bill		Change to Base	
	Funding	Positions	Funding	Positions
PR	\$0	0.00	\$322,200	1.00

2. Modify the Governor's recommendation by deleting \$161,100 PR annually for 1.0 PR unclassified records management position and provide 1.0 PR classified records management program supervisor, at \$70,900 PR annually.

<b>ALT 2</b>	<b>Change to Bill</b>		<b>Change to Base</b>	
	Funding	Positions	Funding	Positions
PR	-\$180,400	0.00	\$141,800	1.00

3. In addition to Alternatives 1 or 2, delete \$90,400 GPR and 1.0 GPR classified division administrative manager position annually under the Department's general programs operations.

<b>ALT 3</b>	<b>Change to Bill</b>		<b>Change to Base</b>	
	Funding	Positions	Funding	Positions
GPR	-\$180,800	- 1.00	-\$180,800	- 1.00

4. Delete provision.

<b>ALT 4</b>	<b>Change to Bill</b>		<b>Change to Base</b>	
	Funding	Positions	Funding	Positions
PR	-\$322,200	- 1.00	\$0	0.00

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