

2025 Wisconsin Public Records Law

1. Public Records Training

1.1 Wisconsin Public Records Law



1.2 Public Records (Sunshine) Laws



Public records laws are also called sunshine laws. That's because the laws exist so the people of this state are not "in the dark" about the workings of the government that represents them.

According to settled law: "The clearly stated, general presumption of our law is that all public records shall be open to the public..." This presumption reflects the basic principle that the people must be informed about the workings of their government and that openness in government is essential to maintain the strength of our democratic society."

The public records law requires that every record is presumed to be available to the public. Access can be denied only in exceptional cases.

1.3 Objectives

Objectives

Your Public Records Responsibilities

As a state employee, you have certain responsibilities. Understanding public records is one of those responsibilities.

Select each numbered item if you would like to review the objectives of this course.



All employees shall have the following five public records responsibilities:

1. Recognize when you have a public record.
2. Understand what is not a public record.
3. Understand how to properly retain public records.
4. Recognize a public records request and handle that request appropriately.
5. Know where to go for help.

In the next slides, let's take a closer look at each of the five responsibilities.

Objective 1

Objectives

Select each numbered item if you would like to review the objectives of this course.




Recognize when you have a public record




Objective 2

Objectives

Understand what is NOT a public record



Select each numbered item if you would like to review the objectives of this course.



Objective 3

Objectives

Understand how to properly retain public records



Select each numbered item if you would like to review the objectives of this course.



Objective 4

Objectives

Recognize a public records request and handle the request appropriately




Select each numbered item if you would like to review the objectives of this course.




Objective 5

Objectives

Know where to go for help



Select each numbered item if you would like to review the objectives of this course.



1.4 When You Have a Public Record

01

Recognize When You Have a Public Record



Public Records Responsibility # 1: Recognize when you have a public record

1.5 Recognize When You Have a Public Record



Recognize When You Have a Public Record

01

Why is this important?

Public Records are property of the state



The law requires us to keep public records and make them available to the public





Employees need to know what a public record is because public records are property of the state and the law requires us to keep public records and make them available to the public.

1.6 What Is a Public Record?



What Is a Public Record?



Public Records



Anything paper or electronic with information about government business, with a few exceptions.





What Is a Public Record?



Public Records



Paper Examples
Printed meeting minutes, agendas, reports, spreadsheets, posters, etc.





What Is a Public Record?



Public Records



Electronic Examples
Skype messages, IMs, emails, videos, Excel spreadsheets, etc.



In general, a public record is anything that contains information about government business. It is important to remember public records can be paper or electronic.

Examples of public records include: Physical or electronic documents; Emails; Videos; Audio files; Teams messages; Texts messages

1.7 Record Location

Record Location

The location of the record does not matter! Emails, texts, or files about government business on your personal device are public records. You must keep them and turn them over upon request.

Select each image to learn more.

01

The graphic shows a smartphone with various app icons, a smartphone displaying the Gmail app, a blue speech bubble with a white lightning bolt (iMessage), and the blue Twitter bird logo.

The location of the record does not matter! Emails, text messages, or files about government business on your personal device are public records. You must keep them and turn them over upon request.

1.8 Tips When Using Personal Devices

Tips When Using Personal Devices

Select each device if you would like to review tips for personal devices.

01

The graphic includes a sidebar with icons for HOME (house), WORK (capitol dome), and CLOUD (cloud with document). In the center are icons for a desktop monitor, a smartphone, a tablet, a smartwatch, a USB drive, and an external hard drive. A text box on the right states: "Since the location of a record is irrelevant, it is especially important to keep track of what is and is not a record when using personal devices."

Since the location of a record is irrelevant, it is especially important to keep track of what is and is not a record when using personal devices. Remember, if the e-mail, text, instant message, chat, post, or file is about government business, then it is a record; even if it is created or maintained on a personal device, saved on a home computer, or saved in the cloud.

Keep the following considerations in mind when using a personal device for state business:

- First, a personal device may be a computer, mobile phone, tablet, iPad, smartwatch, or other connected device such as a cloud back-up, flash-drive, or external hard drive.
- Second, any e-mail used to conduct government business is a record, even if it is sent or received by an employee's personal e-mail account.
- Third, use of personal email accounts to conduct government business is strongly discouraged and may be prohibited by your agency.
- Lastly, you must ensure any public records are properly retained if you transition to a new device.

Desktop Layer



Tips When Using Personal Devices

01

Select each device if you would like to review tips for personal devices.

HOME

WORK

CLOUD



Remember, if the e-mail, text, instant message, chat, post, or file is about government business, then it is a record.

Smartphone Layer



Tips When Using Personal Devices

01

Select each device if you would like to review tips for personal devices.

HOME

WORK

CLOUD



Even if it is created or maintained on a personal device, saved on a home computer, or saved in the cloud.

Tablet Layer



Tips When Using Personal Devices

01

Select each device if you would like to review tips for personal devices.

HOME

WORK

CLOUD



A personal device may be a computer, mobile phone, tablet, Kindle, iPad, smartwatch, or other connected device such as cloud back-up, flash-drive, or external hard drive.

Smartwatch Layer



Tips When Using Personal Devices

01

Select each device if you would like to review tips for personal devices.

HOME

WORK

CLOUD



Any email used to conduct government business is a record, even if it is sent or received by an employee's personal email account.

USB Layer



Tips When Using Personal Devices

01

Select each device if you would like to review tips for personal devices.

HOME

WORK

CLOUD



You must ensure any public records are properly retained if you transition to a new device.

Hard Drive Layer



Tips When Using Personal Devices

01

Select each device if you would like to review tips for personal devices.

HOME

WORK

CLOUD



Materials on your personal device that are purely personal property with no relation to state business are not public records.

1.9 Understand What Is Not a Public Record



The law contains several exceptions to the definition of a record. This leads to Public Records Responsibility #2: Understand what is NOT a public record. We will now review some of the more common exceptions.

1.10 What's NOT A Public Record



The first exception is duplicates. If you have a copy of a document that exists somewhere else in your agency, and you use the copy only for convenience or reference, the copy is not a record and you do not need to keep it.

The second exception is purely personal information that has no relation or connection to your job. This includes information and communications concerning your family or personal life that are not related to state business.

A third exception is notices or invitations that you did not solicit. Items such as spam emails, junk mail, and most listserv messages are not items that you need to retain.

A fourth exception is reference materials. This includes items such as dictionaries, and vendor catalogs.

Duplicates



What's NOT A Public Record

There are many documents that you may run across in the workplace that are not public records.

The original must be somewhere in your agency. If not, the duplicate is a record and you must keep it.



Duplicates

Reference

Personal

Unsolicited

02

Personal



What's NOT A Public Record

There are many documents that you may run across in the workplace that are not public records.

Materials that are purely personal property and have no relation to state business



Duplicates

Reference

Personal

Unsolicited

02

Unsolicited



What's NOT A Public Record

There are many documents that you may run across in the workplace that are not public records.

Notices or invitations that were not solicited, such as spam, junk mail, and most listservs



Duplicates

Reference

Personal

Unsolicited

02

Reference



What's NOT A Public Record

There are many documents that you may run across in the workplace that are not public records.

Reference materials such as phone books, dictionaries, and vendor catalogs



Duplicates


Personal

Unsolicited

Reference

02


1.11 What Else Is NOT A Public Record?



What Else Is NOT A Public Record?

Draft documents and notes

01 Notes – Personal notes are not records if you use them only to refresh your memory and do not share with others.



02



What Else Is NOT A Public Record?

Draft documents and notes

02 Drafts or working papers without substantive comments, rough notes, or calculations.



02

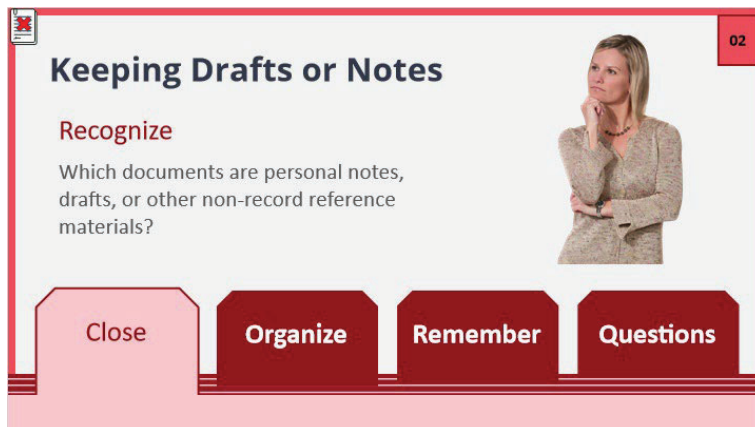


The final exceptions we will discuss are for drafts and notes. The definition of public record does not include personal notes that you use only to refresh your own memory and do not share with others. The definition of public record also does not include drafts or working documents. However, drafts and working documents may become public records when shared with others and when they contain substantive comments, notes, or calculations. Be sure to check with your legal counsel when you're unsure.

1.12 Tips For Keeping Drafts or Notes




Recognize



Think about which documents are personal notes, drafts, and other non-public record materials.


Organize



Keeping Drafts or Notes

Questions

If you have questions about particular situations, ask your records officer or legal counsel for assistance.



02


Recognize

Organize

Remember

Close


It may be helpful to clearly label your personal notes and drafts, or even keep them in separate folders for your own reference. Giving the organization of your records some thought is important if you choose to mingle your personal notes and drafts with documents that are public records.



Keeping Drafts or Notes

Remember

Any notes or drafts that you make available for others to reference or share with others in order to communicate information may become public records.



02

Recognize

Organize

Close

Questions

Remember, any notes or drafts that you make available for others to reference or share with others in order to communicate information may become public records. Even a sticky note may become part of the record that it is attached to, if its purpose is to communicate important information to someone else.



Keeping Drafts or Notes

Organize

It may be helpful to clearly label your drafts and personal notes, or even keep them in separate folders or envelopes solely for your own reference.



02

Recognize

Close

Remember

Questions

Questions

If you have questions about particular situations, ask your records officer or legal counsel for assistance.

1.13 Understand how To Retain Public Records



Public Records Responsibility #3: Understand how to properly retain public records.

1.14 How To Retain A Public Record





How To Retain A Public Record

Check With Your Records Officer

- Determine how long to keep a record
- Learn where to send a record at expiration



How To Retain A Public Record

Before You Destroy A Record

Make sure there are no pending requests, audits, or lawsuits that require you to hold onto it. Destruction can be deleting a digital file, or shredding or disposing of a physical record.

When you have a public record, know how to retain it. If you have a public record, you must keep the record as long as required by your agency's retention schedule. It is important to check with your agency's records officer or records coordinator to find out how long you are required to keep your records and where to send them when that time runs out.

Finally, before you get rid of a record, make sure there are no pending records requests, audits, or lawsuits that require you to hold on to the record.

1.15 Retaining Records Electronically

The screenshot shows a software interface with a title bar 'Retaining Records Electronically' and a page number '03' in the top right. On the left is a dark sidebar with the text 'Additional Rules' and a document icon. The main content area contains the text: 'If you choose to retain some records exclusively in electronic format, be aware that additional rules may apply.' Below this is a large green arrow pointing right, containing the text: 'Click on each tab to learn about what to do when retaining records electronically.' On the right side of the main area are three vertical green tabs labeled 'Format', 'Transitioning', and 'Check First' from top to bottom.

If you choose to retain some records exclusively in electronic format, be aware that additional rules may apply.

Records retained in exclusively electronic format must be accessible, accurate, authentic, reliable, legible, and readable. See Chapter Adm 12 of the Administrative Code for additional requirements. Generally, using major technology systems that are pre-approved by your agency should meet these requirements.

Check with your records official or legal counsel before proceeding with any project to convert records from one format to another-including scanning paper documents into electronic format for retention in that format only.

Tab 2

Retaining Records Electronically

03

Additional Rules

Format

State administrative code requires such records to be kept in formats that are accessible, accurate, authentic, reliable, legible, and readable throughout the record life cycle. See [Chapter Adm 12 of the Administrative Code](#) for additional requirements.

Transitioning

Check First





Tab 3

Retaining Records Electronically

03

Additional Rules

Format

Transitioning

However, if you transition from one system or device to another, it is your responsibility to ensure that your old records are retained properly.

Check First





Tab 4

Retaining Records Electronically

03


Additional Rules

Format


Transitioning




Check First

Check with your records official or legal counsel before proceeding with any project to convert records from one format to another—including scanning paper documents into electronic format for retention in that format only.



1.16 Key Points


**Key Points**03




-  Don't delete emails or other records unless you know you don't need to keep them.
-  Organize hard copy documents so you know where to find them if the public requests them.
-  Know the records retention schedule for the documents you use.

There are several important points for all to remember.

- Emails in your personal email are public records if they pertain to government business.
- Text messages on your personal cell phone are public records if they pertain to government business.
- Organize your physical and electronic files, emails, and other records so you know where to find them if the public requests them.
- Don't delete emails or any other records unless you know that you don't need to keep them. Know how long you are required to keep your records and what to do with them when that time is up.

1.17 Key Points

**Key Points** *(continued)*03

-  Organize your emails so you can find one if someone requests it. If you run out of storage, call the Help Desk for assistance.
-  Texts on your personal phone are public records if they pertain to government business.
-  Emails in your personal email account are public records if they pertain to government business.

- If you run out of storage in your mailbox, ask your agency's help desk for assistance with .pst files or similar solutions.
- Text messages on your personal cell phone are public records if they pertain to government business.
- Emails in your personal email are public records if they pertain to government business.

1.18 Recognize Requests



Public Records Responsibility #4: Recognize a public records request and the importance of handling public records requests appropriately.

1.19 Handling A Public Records Request



Let's begin by explaining what a public records request is. A public records request is any request for government records. It does not require magic words or precise format, and it may be submitted by email, by letter, by phone, in person, or by any other method. The request may be written or verbal. It does not need to identify the requester or the purpose of the request.

1.20 Is it a Public Records Request?



This slide contains a common scenario between two coworkers. Not all requests you receive from the public are public records requests. You must learn the difference between a general request and a public records request and act accordingly.

- Someone just called me and asked for all emails to or from Jane Smith in August 2023 regarding the ABC construction project. Is that a public records request?
 - Yes, that's a specific request for a government record.
- I got a different call later in the day asking why the state initiated the ABC construction project and when it's expected to be complete. Is that a public records request?
 - No, that's not a public records request since they didn't specifically ask for a record.

1.21 Handling Public Records Requests



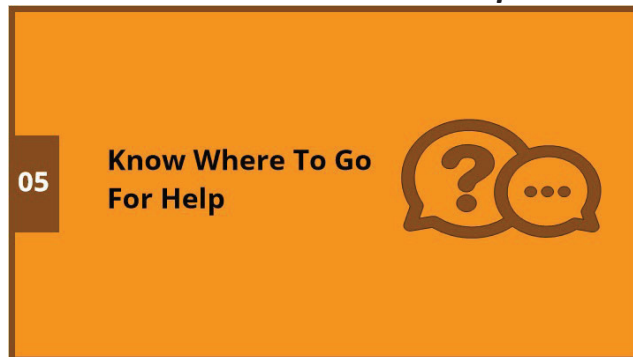
An agency's records custodian or records officer are generally responsible for handling public records requests.

Legal counsel should be consulted on when to withhold or redact confidential information and how to provide an appropriate justification and explanation to the requestor.

Agencies are responsible for responding to requests as soon as practicable and without delay.

Each agency may have its own procedure for responding to public records request. Be sure to check in with your records custodian or legal counsel to make sure you follow the correct process.

1.22 Know Where To Go For Help



Your fifth and final public records responsibility is: Know where to go for help.

1.23 Finding Help



You have a variety of resources available if you have questions or would like to learn more about the public records law. These resources include your agency's records custodian, your agency's records officer and coordinators, your agency's legal counsel, and your agency's public records notices. Many agencies also have policies or manuals available to employees to further explain public records responsibilities. Finally, the Wisconsin Department of Justice regularly publishes a public records compliance guide. You can find this guide by visiting the DOJ website or by selecting the link on this slide.

A



B



C


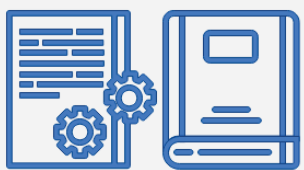


D

 **Finding Help** 05

Agency Policies or Manuals

You're not in this alone!




E

 **Finding Help** 05

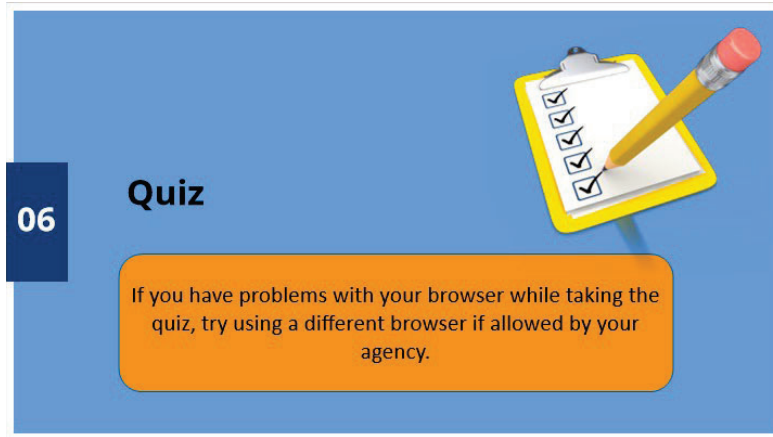
Wisconsin DOJ's Public Records Law Guide

You're not in this alone!



2. Quiz

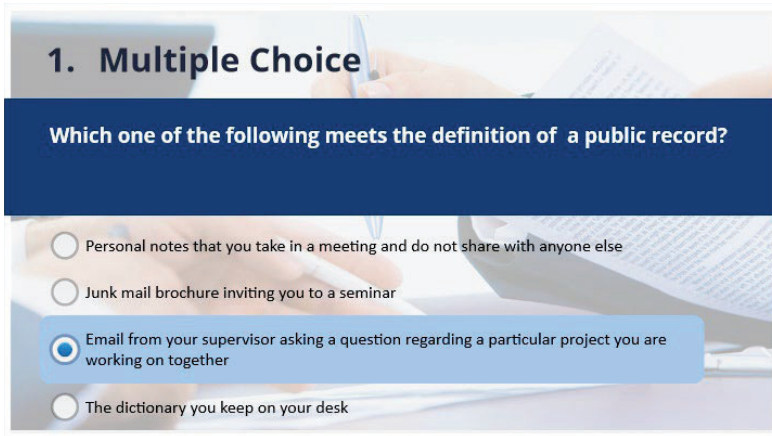
2.1 Quiz



Now it's time for a short quiz. You must answer 3 of 5 questions correctly to pass. There is no audio for these questions. You must pass this quiz to receive credit for taking the course.

2.2 Question 1

(Multiple Choice, 10 points, 1 attempt permitted)



1. Multiple Choice

Which one of the following meets the definition of a public record?

- ☐ Personal notes that you take in a meeting and do not share with anyone else
- ☐ Junk mail brochure inviting you to a seminar
- ☒ Email from your supervisor asking a question regarding a particular project you are working on together
- ☐ The dictionary you keep on your desk

Correct	Choice
	Personal notes that you take in a meeting and do not share with anyone else
	Junk mail brochure inviting you to a seminar
X	Email from your supervisor asking a question regarding a particular project you are working on together
	The dictionary you keep on your desk

Feedback when correct:

That's right! Only the email regarding work is a public record.


Feedback when incorrect:

You did not select the correct response. Personal notes, solicitations, and reference materials are not public records.

2.3 Question 2

(Multiple Choice, 10 points, 1 attempt permitted)

2. Multiple Choice



If you have a public record, how long do you need to keep it?

- ☐ Until you run out of room in your office
- ☒ As long as required by the retention schedule
- ☐ Forever
- ☐ Six years

Correct	Choice
	Until you run out of room in your office
X	As long as required by the General Retention Schedule or Records Disposition Authorizations
	Forever
	Six years

Feedback when correct:

That's right! You selected the correct response.

Feedback when incorrect:

You did not select the correct response. Each public record has a retention schedule and you must follow it.

2.4 Question 3

(Pick One, 10 points, 1 attempt permitted)

3. Multiple Choice

How soon does your agency have to respond to a public records request?

- ☐ Within 5 days
- ☐ Immediately
- ☐ Once a staff member can get to it after completing all of their other responsibilities
- ☒ As soon as practicable and without delay
- ☐ All of the above

Correct	Choice
	Within 5 days
	Immediately
	Once a staff member can get to it after completing all of their other responsibilities
X	As soon as practicable and without delay
	All of the above

Feedback when correct:

That's right! You selected the correct response.


Feedback when incorrect:

You did not select the correct response. You must respond to public records requests as soon as practicable.

2.5 Question 4

(Multiple Choice, 10 points, 1 attempt permitted)

4. Yes or No



Must a person who wishes to submit a public records request put the request in writing?

☐ Yes

☒ No

Must a person who wishes to submit a public records request put the request in writing?

Correct	Choice
	Yes
X	No

Feedback when correct:

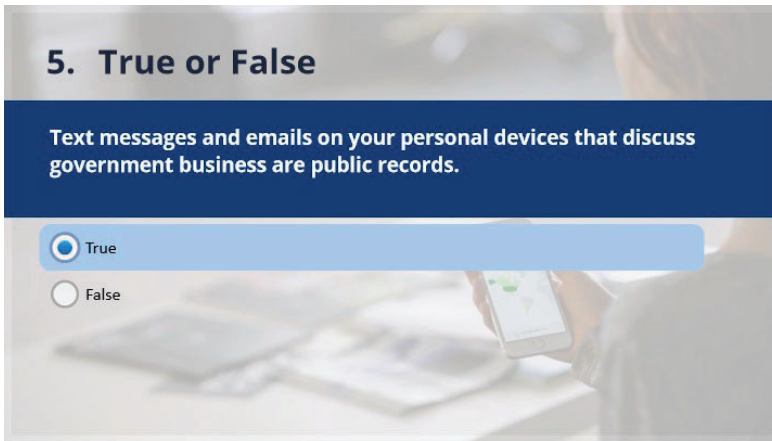
That's right! You selected the correct response.

Feedback when incorrect:

You did not select the correct response. Public records requests can be verbal or in writing.

2.6 Question 5

(Multiple Choice, 10 points, 1 attempt permitted)



5. True or False

Text messages and emails on your personal devices that discuss government business are public records.

☒ True

☐ False

Correct	Choice
X	True
	False

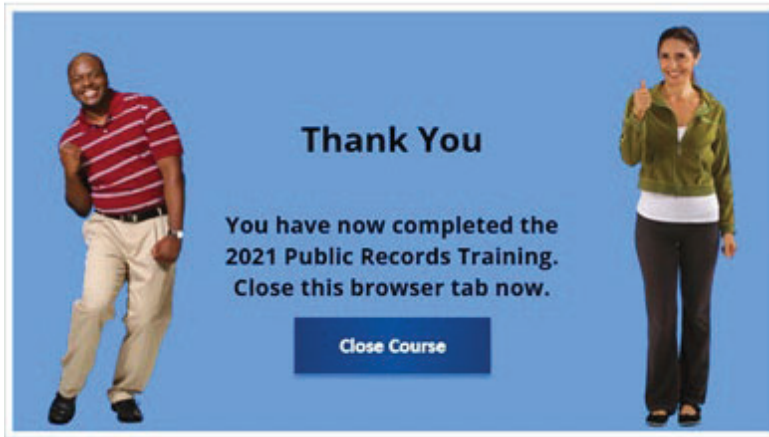
Feedback when correct:

That's right! You selected the correct response.

Feedback when incorrect:

You did not select the correct response. Texts or emails on personal devices regarding government business are public records.

2.8 Thank You



Thanks for completing the Public Records Training. You may close this course.