

Wisconsin Department of Health & Family Services
Bureau of Quality Assurance

Open Records

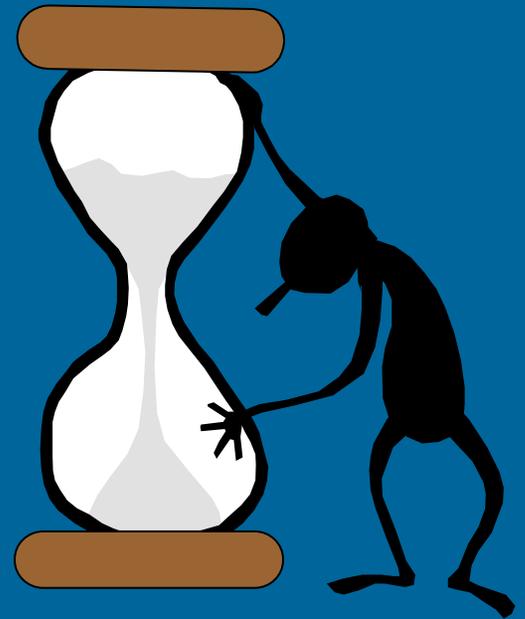


Training by:
Office of Legal Counsel

Background

Law in Wisconsin since 1917:

“Any person has access to public records.”

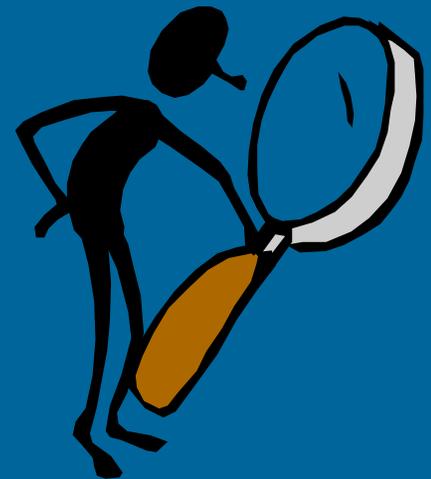


Background

Governmental Records are *presumed* to be public records unless there is an exception to make them confidential.

Wis. Stat. § 19.35 --

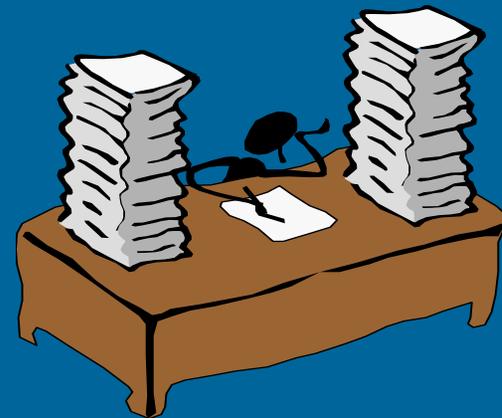
- Public Records Law or
- Open Records Law



Definition

“Record” *is* . . .

- Any material
- Created or
- Being kept by an authority



Definition

“Record” *does not include:*

- Drafts
- Notes
- Preliminary computations
- Personal Property



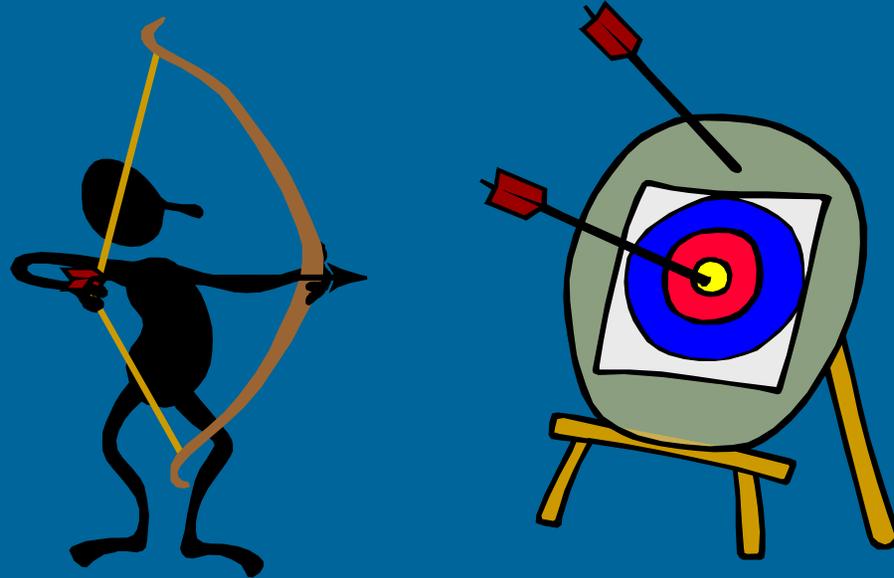
Exemptions

- Records containing personally identifiable information
- Investigative reports*
- Health care records



Keeper/Creator

- Be factual & objective
- Notes may be discoverable
- E-mail



Keeper/Creator

- What's the default?
 - Public Record Presumption



Practice Tips

- E-mail - Keep professional
- Notes - Date
- Drafts - Label correctly



Responding to Requests

- Usually within 10 business days
- If written request, then response needs to be in writing
- May be a fee for copying



Questions?

