

# **Public Records Notice**

- Districts must adopt and display a public records policy that includes:
  - 3. The costs for obtaining records.
    - a. Copy fees are limited to the "actual, necessary and direct cost" of reproduction, unless a fee is otherwise specifically established or authorized to be established by law.
    - b. "Reproduction" means the act, condition, or process of producing a counterpart, image, or copy. Reproduction is a rote, ministerial task that does not alter a record or change the content of the record. It involves only copying the record for example, by printing out a record that is stored electronically or making a photocopy of a paper record.



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    - c. The Department of Justice has opined that photocopy fees should be around \$.15 per page and anything more than \$.25 may be suspect.
    - d. Costs of a computer run may be imposed on a requester as a copying fee.
    - e. Transcription fees may be charged, but are limited to the "actual, necessary and direct" cost of transcription, unless a fee is otherwise specifically established or authorized by law.



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    - f. Photography and photographic reproduction fees may be charged if the authority provides a photograph of a record, the form of which does not permit copying, but are limited to the "actual, necessary, and direct" costs.
    - g. Actual, necessary and direct locating costs may be charged only if the cost of locating the records is \$50 or more.
      "Locating" a record means to find it by searching, examining, or experimenting.



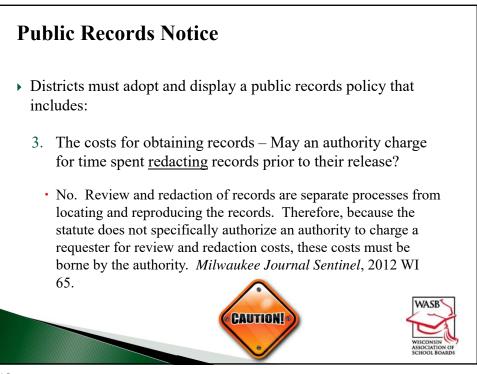
# **Public Records Notice**

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  - 3. The costs for obtaining records.
    - h. Mailing and shipping fees may be charged, but are limited to the "actual, necessary and direct cost" of mailing or shipping.
    - i. A records authority may require prepayment for any fees if the total amount exceeds \$5.00, and the authority may refuse to make copies until payment is received; however, except for prisoners, the statute does not authorize a requirement for prepayment based on the requester's failure to pay fees for a prior request.

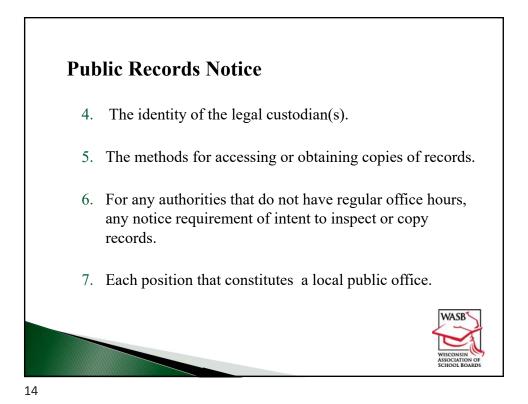


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# <section-header> Public Records Notice Districts must adopt and display a public records policy that includes: The costs for obtaining records. An authority is not required to charge fees and may provide requested records for free or at a reduced rate. An authority may not make a profit on its response to a records request. Generally, the rate for an actual, necessary and direct charge for staff time should be based on the pay rate of the lowest paid employee capable of performing the task.



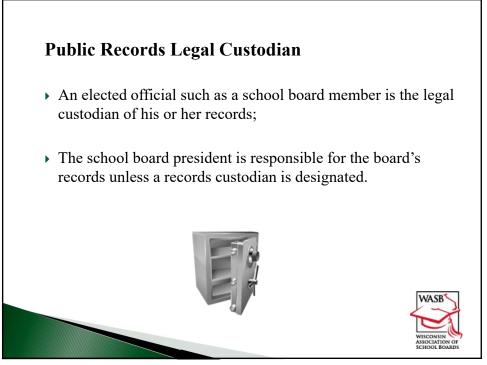


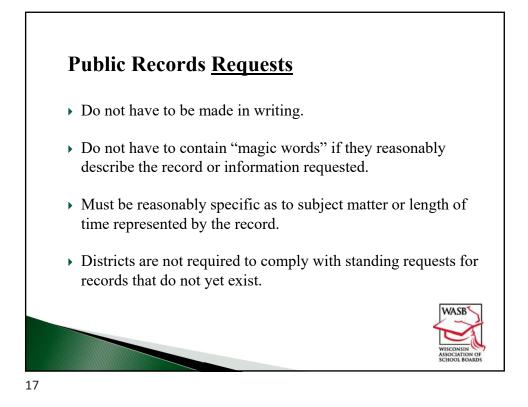


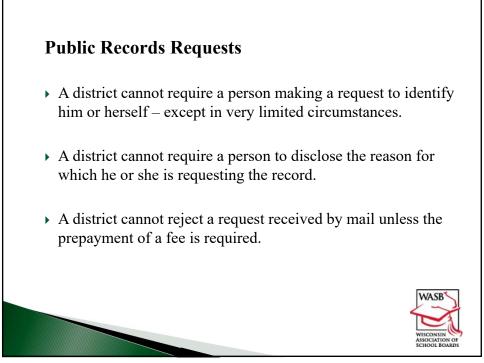


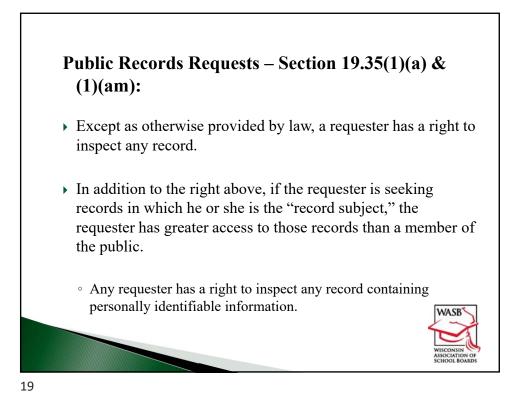
Additionally, districts are required to provide the name of the legal custodian, and a description of the nature of his or her duties as records custodian, to all employees of the district entrusted with records that are subject to the records custodian's supervision. § 19.33(4).

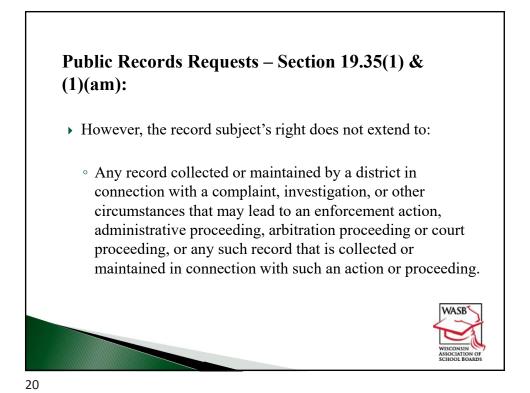


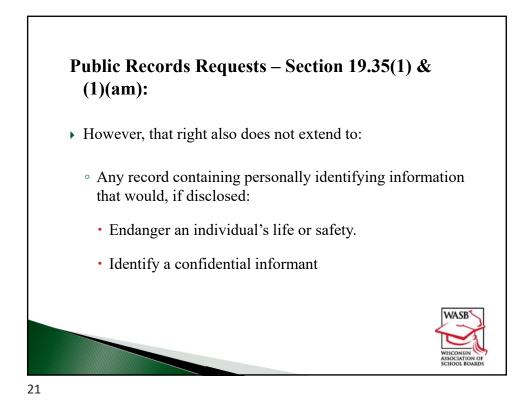


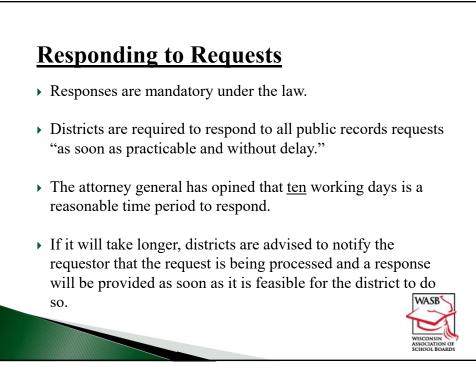


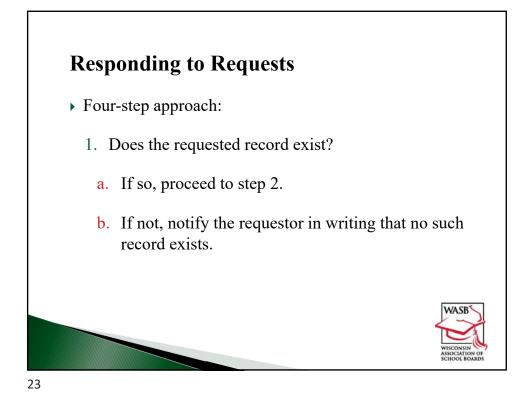


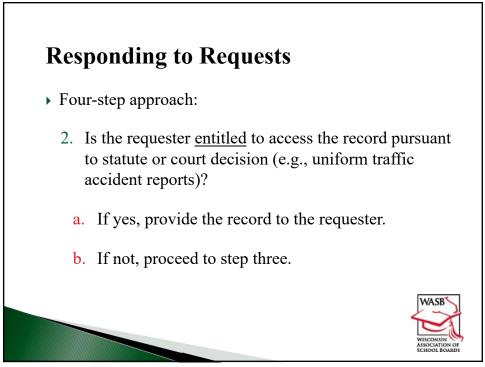


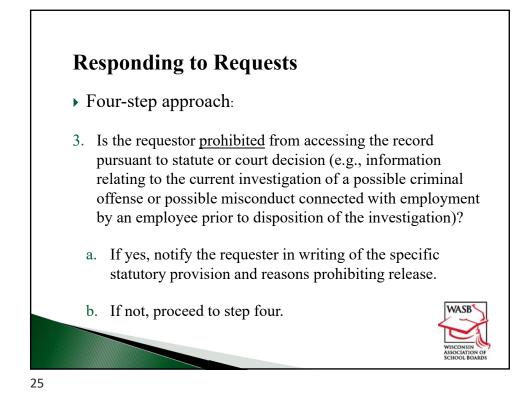


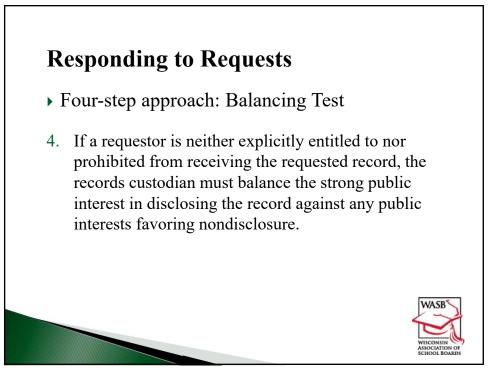






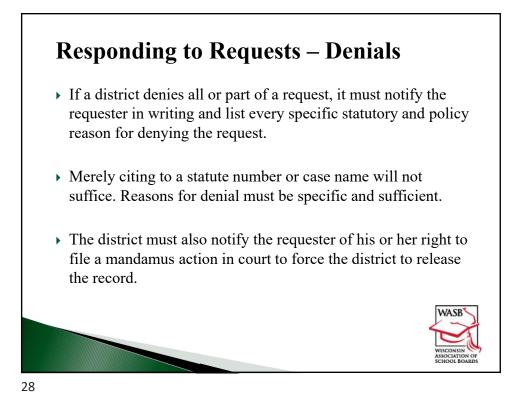


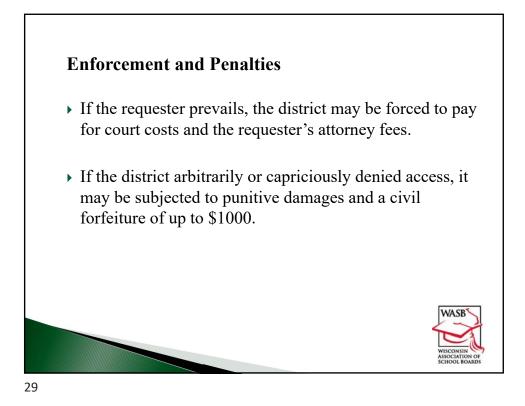


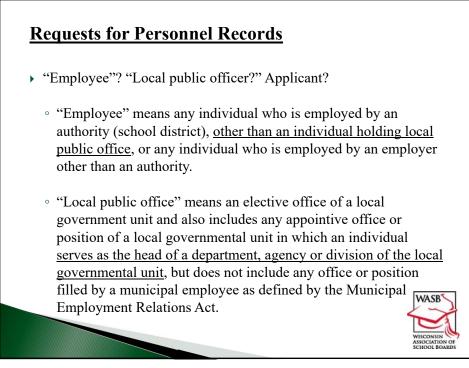


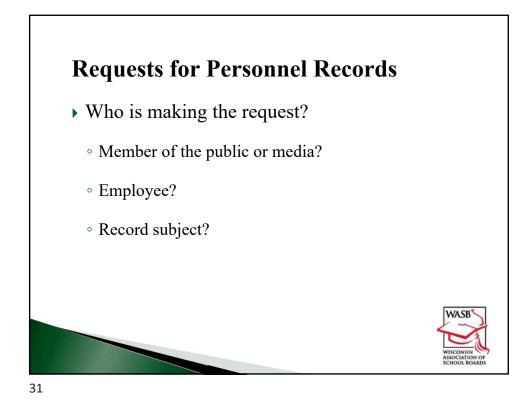


If a record contains some information that can be released and some information that cannot be released, the records custodian must redact those portions of the record that cannot be released and provide the requester with a redacted copy of the record.

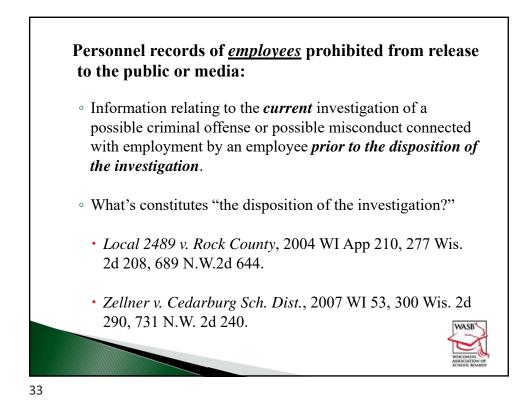


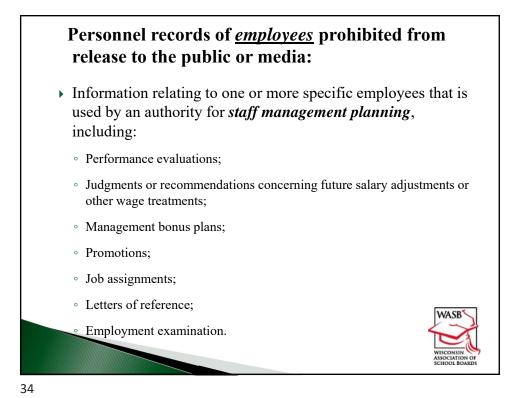


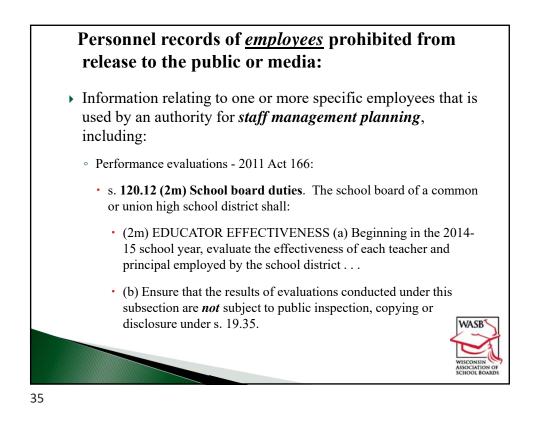


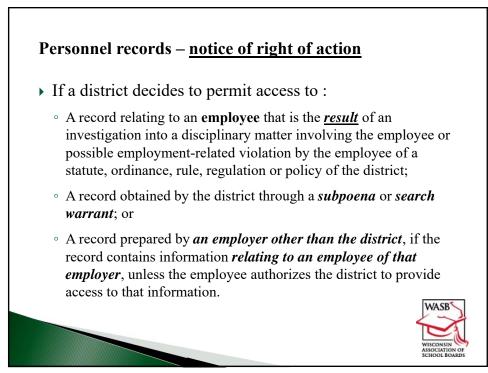


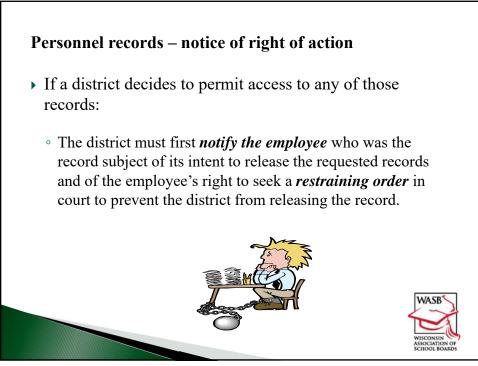


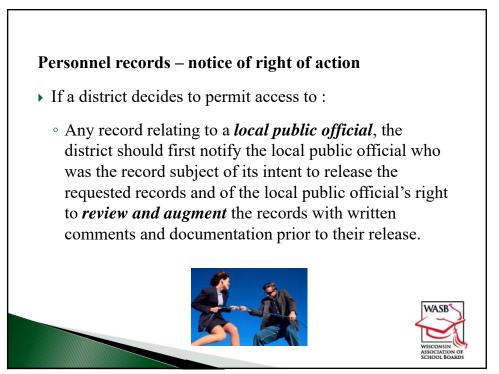


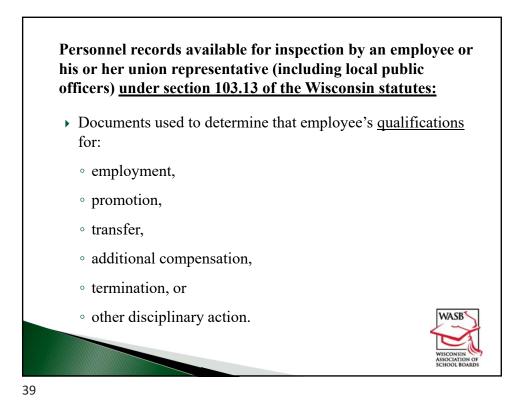


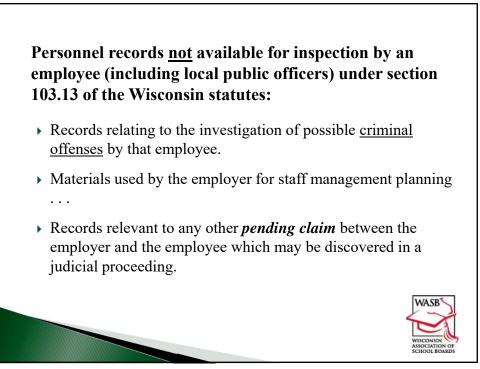


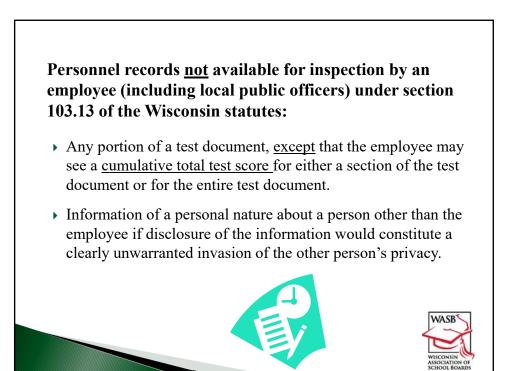


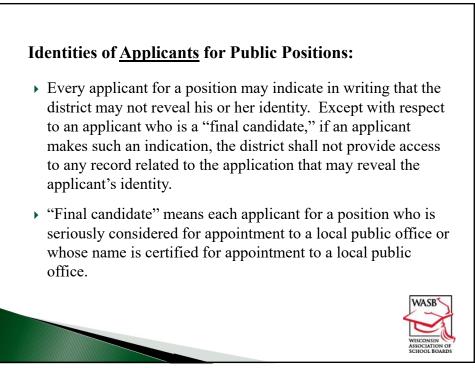




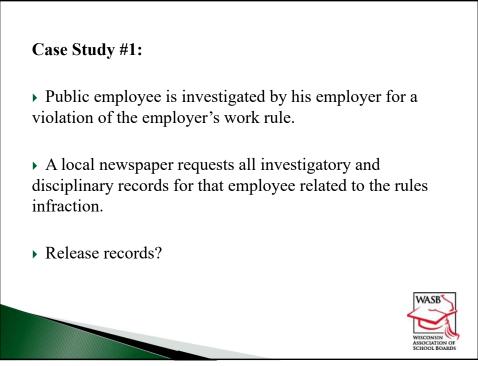


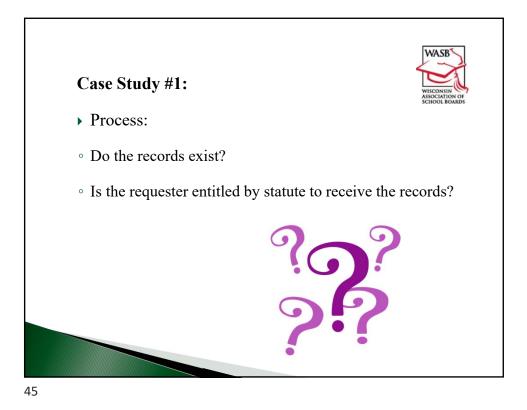


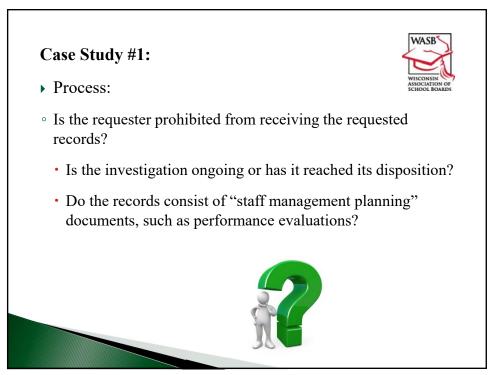


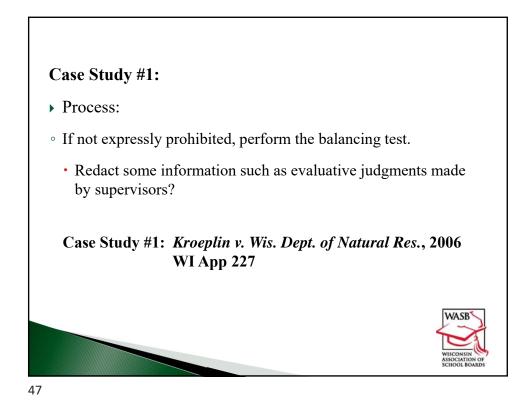


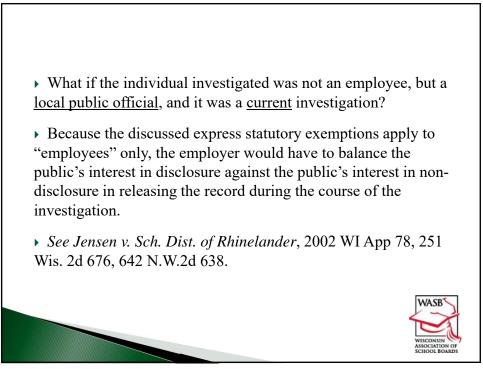


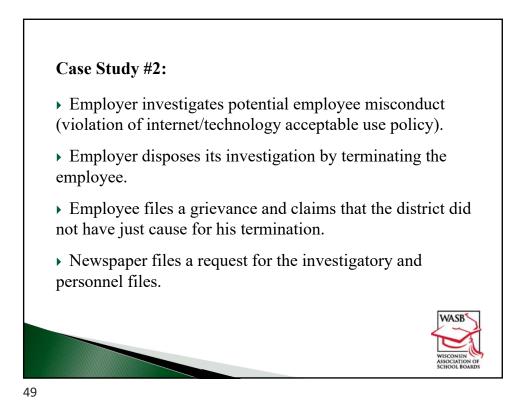


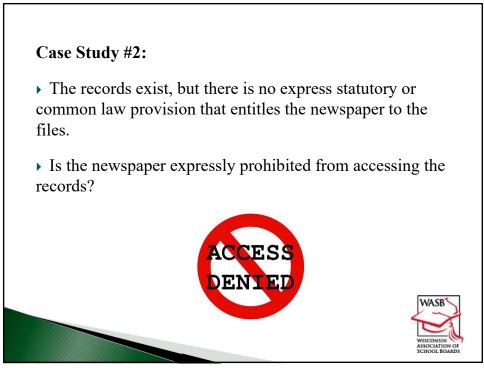


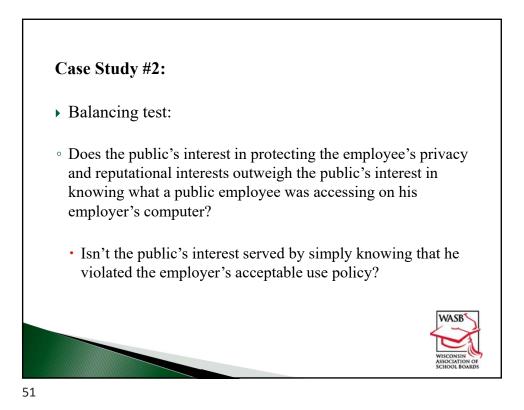


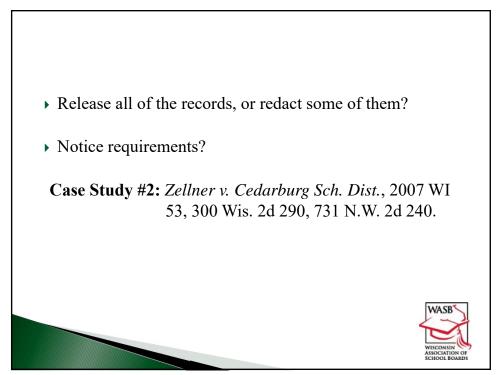










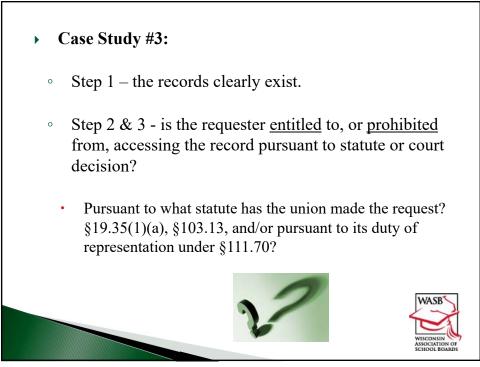




- District and union reach tentative agreement over a collective bargaining agreement covering an increase to total base wages.
- The union subsequently demands that the district provide it with the home addresses of the employees covered by the tentative agreement so that it can communicate with those members about the details of the TA and about the details of the upcoming ratification vote.

WASE





## Case Study #3:

- Step 2 & 3 is the requester <u>entitled</u> to, or <u>prohibited</u> from, accessing the record pursuant to statute or court decision?
  - On the one hand, we know that §19.36(10) prohibits a district from releasing employee home addresses without their consent.
  - On the other hand, we know that, pursuant to the duty to bargain in good faith, we have to provide the union with information that is relevant and reasonably necessary for the union to meet its obligations to bargain and administer a collective bargaining agreement.

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# • Case Study #3:

- If the union were making the request pursuant to the public records law or §103.13, the district would deny the request absent employee authorization, which in this case, it did not have.
- Therefore, the question becomes, are the employee home addresses "relevant and reasonably necessary" for the union to meet its obligations to bargain and administer a collective bargaining agreement?





- School District of La Crosse, Dec. No. 34659 (WERC, 11/19/2013).
  - "When the information being requested is something other than wage and fringe benefit data, the burden is on the [union] to demonstrate the relevance and necessity of said information to its duty to represent unit employees."
  - Although the district denied the union's request for employee home addresses, it offered to provide the union with alternative means of contacting the employees by providing the union with their work addresses, work email addresses, work phone numbers and even offered to send a sealed packet of information to the employees' homes.

WASB



