

Information and Access to Records Within the Custody
of the Municipal Government of the City of West Allis

City Attorney

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1.0 PURPOSE:

To set forth the policy of the Common Council of the City of West Allis on information and access to records within the custody of the municipal government of the City of West Allis.

2.0 ORGANIZATIONS AFFECTED:

This policy applies to the Common Council, all municipal officers, departments, boards and commissions, as appropriate, which comprise the structure of the municipal government of the City of West Allis.

3.0 POLICY:

The policy of the Common Council on information and access to records within the custody of the municipal government of the City of West Allis is set forth herein.

4.0 REFERENCES:

Section 62.09(12) and Chapter 19, Subchapter II, Wisconsin Statutes.
Sections 2.15 and 2.105, City of West Allis Revised Municipal Code.

5.0 PROCEDURES:

5.1 RESPONSIBILITY:

Subject to the provisions of law, the Common Council shall determine the policy of the City of West Allis on information and access to records within the custody of the municipal government of the City of West Allis and which are subject to the jurisdiction and authority of the Common Council. The Common Council shall recommend its policy to those boards, commissions and committees exercising independent authority over records.

5.2 GENERAL POLICIES:

5.2.1 Right to Inspection; City Attorney.

- 1.) The Office of the City Attorney shall provide advice and counsel to municipal authorities and legal custodians regarding the right to inspect, copy or receive copies of records. The advice of the City Attorney shall be obtained in all circumstances wherein authorities or legal custodians determine that the opportunity to inspect, copy or receive copies of records should be denied in whole or in part.

- 2.) Where the legal custodian has no concerns as to whether the record should be produced, the custodian shall as soon as practicable and without delay, provide a facility meeting the requirements of Section 19.35(2), Wis. Stat., to the requestor for viewing the records, provide copies of the records, or notify the requestor of the fee which must be prepaid prior to obtaining the records.

5.2.2 Notice outlining practices of City on obtaining information and access to records within the custody of the municipal government of the City of West Allis.

The attached document delineates the following information: legal custodian of records, access to records, inspection of and copying records, fees, charge for locating records, and data compilation/extraction.

5.2.3 Miscellaneous Provisions.

1.) Prepayment.

It is the policy of the City that where any request for records which exceeds \$5.00, the records custodian shall first pay the costs of reproduction prior to releasing the records.

2.) Location Costs.

Whenever the direct, actual, and necessary costs of locating a record or records exceeds \$50.00, the record custodian shall impose a fee for said record location and shall require pre-payment where it is possible to estimate the location costs.

3.) New Record.

A record custodian shall not create a new record in order to fulfill a records request.

4.) Notification.

Whenever a written request involves a large number of records, will require a search, or there exists some other factor that will cause delay, the record custodian shall notify the requestor, in writing, that the records are available and explain the reason(s) for delay together with an estimate as to when the request will be completed. Where the record custodian thinks there are or may be reasons to deny the request, the custodian shall notify the requestor, in writing, that the advice of the City Attorney is being sought, together with an estimated time of response.