

State of Wisconsin



2013 Assembly Bill 567

Date of enactment:
Date of publication*:

2013 WISCONSIN ACT

AN ACT to renumber 19.365; to renumber and amend 19.36 (7) (a); to amend 19.32 (intro.), 19.32 (1), 19.32 (1m), 19.32 (2), 19.33 (1) to (3) and (8), 19.34 (title), 19.35 (1) (am) (intro.), 19.35 (1) (b), 19.35 (1) (c), 19.35 (1) (d), 19.35 (6) and 19.36 (13); and to create 19.32 (1bd) and 19.32 (3m) of the statutes; relating to: access to public records (suggested as remedial legislation by the Legislative Reference Bureau).

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 19.32 (intro.) of the statutes is amended to read:

19.32 Definitions. (intro.) As used in ss. ~~19.33~~ 19.32 to 19.39:

SECTION 2. 19.32 (1) of the statutes is amended to read:

19.32 (1) "Authority" means any of the following having custody of a record: a state or local office, ~~elected~~ elective official, agency, board, commission, committee, council, department or public body corporate and politic created by the constitution, ~~or by any~~ law, ordinance, rule or order; a governmental or quasi-governmental corporation except for the Bradley center sports and entertainment corporation; a ~~local exposition district under subch. II of ch. 229; a long-term care district under s. 46.2895~~ special purpose district; any court of law; the assembly or senate; a nonprofit corporation which receives more than 50% of its funds from a county or a municipality, as defined in s. 59.001 (3), and which provides services related to public health or safety to the county or municipality; or a formally constituted subunit of any of the foregoing.

SECTION 3. 19.32 (1bd) of the statutes is created to read:

19.32 (1bd) "Elective official" means an individual who holds an office that is regularly filled by vote of the people.

SECTION 4. 19.32 (1m) of the statutes is amended to read:

19.32 (1m) "Person authorized by the individual" means the parent, guardian, as defined in s. 48.02 (8), or legal custodian, as defined in s. 48.02 (11), of ~~a~~ an individual who is a child, as defined in s. 48.02 (2); ~~the guardian of an individual adjudicated incompetent in this state; the personal representative or spouse of an individual who is deceased; or any person authorized, in writing, by the an individual to exercise the rights granted under this section~~ act on his or her behalf.

SECTION 5. 19.32 (2) of the statutes is amended to read:

19.32 (2) "Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photo-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

graphs, films, recordings, tapes (~~including computer tapes~~), computer printouts and optical disks, and any other medium on which electronically generated or stored data is recorded or preserved. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

SECTION 6. 19.32 (3m) of the statutes is created to read:

19.32 (3m) "Special purpose district" means a district, other than a state governmental unit or a county, city, village, or town, that is created to perform a particular function and whose geographic jurisdiction is limited to some portion of this state.

SECTION 7. 19.33 (1) to (3) and (8) of the statutes are amended to read:

19.33 (1) An ~~elected~~ elective official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.

(2) The chairperson of a committee of ~~elected~~ elective officials, or the designee of the chairperson, is the legal custodian of the records of the committee.

(3) The cochairpersons of a joint committee of ~~elected~~ elective officials, or the designee of the cochairpersons, are the legal custodians of the records of the joint committee.

(8) No ~~elected~~ elective official of a legislative body has a duty to act as or designate a legal custodian under sub. (4) for the records of any committee of the body unless the official is the highest ranking officer or chief administrative officer of the committee or is designated the legal custodian of the committee's records by rule or by law.

SECTION 8. 19.34 (title) of the statutes is amended to read:

19.34 (title) Procedural information; access times and locations.

SECTION 9. 19.35 (1) (am) (intro.) of the statutes is amended to read:

19.35 (1) (am) (intro.) In addition to any right under par. (a), any requester who is an individual or person authorized by the individual, has a right to inspect any personally identifiable information pertaining to the individual in a record containing personally identifiable information ~~pertaining to the individual~~ that is maintained by an authority and to make or receive a copy of any such information. The right to inspect or copy infor-

mation in a record under this paragraph does not apply to any of the following:

SECTION 10. 19.35 (1) (b) of the statutes is amended to read:

19.35 (1) (b) Except as otherwise provided by law, any requester has a right to inspect a record and to make or receive a copy of a record. If a requester appears personally to request a copy of a record that permits ~~photocopying~~ copying, the authority having custody of the record may, at its option, permit the requester to ~~photocopy~~ copy the record or provide the requester with a copy substantially as readable as the original.

SECTION 11. 19.35 (1) (c) of the statutes is amended to read:

19.35 (1) (c) Except as otherwise provided by law, any requester has a right to receive from an authority having custody of a record which is in the form of a comprehensible audio ~~tape~~ recording a copy of the ~~tape~~ recording substantially as audible as the original. The authority may instead provide a transcript of the recording to the requester if he or she requests.

SECTION 12. 19.35 (1) (d) of the statutes is amended to read:

19.35 (1) (d) Except as otherwise provided by law, any requester has a right to receive from an authority having custody of a record which is in the form of a video ~~tape~~ recording a copy of the ~~tape~~ recording substantially as good as the original.

SECTION 13. 19.35 (6) of the statutes is amended to read:

19.35 (6) ~~ELECTED~~ ELECTIVE OFFICIAL RESPONSIBILITIES. No ~~elected~~ elective official is responsible for the record of any other ~~elected~~ elective official unless he or she has possession of the record of that other official.

SECTION 14. 19.36 (7) (a) of the statutes is renumbered 19.36 (7) (a) 1. (intro.) and amended to read:

19.36 (7) (a) 1. (intro.) In this ~~section~~ subsection, "final candidate" means each applicant ~~for a position~~ who is seriously considered for appointment or whose name is certified for appointment, and whose name is submitted for final consideration to an authority for appointment, to any of the following:

a. A state position, except a position in the classified service, ~~or to any~~.

b. A local public office.

2. "Final candidate" includes, ~~whenever~~ all of the following:

a. Whenever there are at least 5 ~~candidates~~ applicants for an office or position, each of the 5 ~~candidates~~ applicants who are considered the most qualified for the office or position by an authority, ~~and whenever~~.

b. Whenever there are less ~~fewer~~ than 5 ~~candidates~~ applicants for an office or position, each ~~such candidate~~ applicant.

c. Whenever an appointment is to be made from a group of more than 5 candidates, ~~“final candidate”~~ also includes applicants considered the most qualified for an office or position by an authority, each candidate applicant in the that group.

SECTION 15. 19.36 (13) of the statutes is amended to read:

19.36 (13) FINANCIAL IDENTIFYING INFORMATION. An authority shall not provide access to personally identifi-

able ~~data~~ information that contains an individual's account or customer number with a financial institution, as defined in s. 134.97 (1) (b), including credit card numbers, debit card numbers, checking account numbers, or draft account numbers, unless specifically required by law.

SECTION 16. 19.365 of the statutes is renumbered 19.70.
