

Northcentral Technical College

Access to Public Records and Property

622 – Administrative/Operating Guideline - Access to Public Records and Property

The Northcentral Technical College District is subject to the requirements of the Wisconsin Public Records and Property Law (Wis. Stat. §§ 19.21 - 19.39).

The Board of Trustees of the Northcentral Technical College District believes that it is in the best interest of the Northcentral Technical College District, its employees, and the general public to provide the greatest possible access to information regarding the affairs of government and the official records of the Northcentral Technical College District concerning its operation, including the official actions of the Northcentral Technical College District, its officers, and employees.

The Northcentral Technical College District recognizes that it is the representative of the public and that the release of information to the public is an essential function of representative government.

The Northcentral Technical College District further recognizes that an integral part of the routine duties of the officers and employees of the Northcentral Technical College District should be the responsibility to provide access to information concerning the affairs and records of the Northcentral Technical College District.

PROCEDURE FOR THE RELEASE, INSPECTION AND REPRODUCTION OF RECORDS AND PROPERTY.

The College hereby adopts this administrative operating guideline and the Notice included on page 3 – 7 as the official procedure of the College in responding to requests for the release, inspection, or reproduction of the records and property of the College.

This administrative operating guideline and the Notice included on page 3 – 7 are intended to provide all necessary information that might be required by a member of the public in order to obtain access to the records and property of the College. Any questions in regard to this administrative operating guideline and the Notice included on page 3 – 7 shall be directed to the official legal custodian of the records.

This administrative operating guideline and the Notice included on page 3 – 7 may be modified from time to time by official action of the governing body, but absent such modification, the decisions of the official legal custodian of the records of the College shall be in conformity with its provisions.

Copies of this administrative operating guideline hereby adopted shall be available on the college web site. A copy of this administrative operating guideline shall be made available to any member of the public upon a request for inspection or reproduction.

RECORD PRESERVATION.

The records of the College shall be retained and preserved by the official legal custodian as required by all applicable laws and no records shall be destroyed without the prior written approval of the custodian.

No record of the College shall be destroyed after the receipt of a request for such record until after the request is granted, or until any dispute concerning the request has been completely and finally resolved.

INDEMNIFICATION OF THE OFFICIAL LEGAL CUSTODIAN OF THE RECORDS.

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Any costs or fees incurred by the official legal custodian of the records of the College shall be directly reimbursed by the College to the custodian and shall not be treated as the personal liability of the custodian.

Adopted: January 28, 2004.

Revised: March 21, 2013.

Legal References: Sections 19.31-.39, Wisconsin Statutes.

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Notice and Procedure Regarding Access to Public Records and Property of NTC District

OFFICIAL NOTICE

PURSUANT TO WISCONSIN LAW, this Notice has been adopted by the Northcentral Technical College District. The Northcentral Technical College District is a “district” established under Wis. Stat. ch. 38, and its general powers and legal status is set forth under Wis. Stat. ch. 38. The NTC Board of Trustees (Board) is charged with administering the District and is composed of nine members, all of whom are District residents. Members of the Board take office on July 1 and serve staggered three-year terms.

The Board has directed that this Notice be placed on the College website so that the Notice can be viewed and inspected by any member of the public. In addition, individual copies of this Notice will be made available to any person who requests such a copy from the official legal custodian of the records of the College.

THE FOLLOWING INFORMATION IS PROVIDED TO THE PUBLIC TO ASSIST THEM IN OBTAINING ACCESS TO THE RECORDS OF THE COLLEGE.

1. The College has designated the Vice President of Human Resources & College Advancement or his/her designee as the official legal custodian of the records and property of the College. The name of the individual presently holding this position can be obtained by contacting the Human Resources Office of the College which is located at the following address: 1000 W. Campus Drive Wausau, Wisconsin 54401. All requests for the release, inspection, and/or reproduction of the public records of the College shall be directed or referred to the official legal custodian.

The legal custodian is vested by the Northcentral Technical College District with full legal power to render decisions and carry out the duties of the Northcentral Technical College District under the Public Records and Property Law. The legal custodian will determine whether a record must be made available for inspection and/or copying by a requestor, or whether the request may be denied. The legal custodian will also be responsible for the collection of costs as permitted by law.

All employees of the College shall be informed in writing that the Vice President of Human Resources & College Advancement or his/her designee is designated as the official legal custodian of the public records of the College. The employees shall further be informed of the duties of the official legal custodian and shall also be made aware of the other provisions included in the Notice.

2. Except as otherwise limited by state law and this administrative operating guideline, any public record of the College will be made available for inspection at the offices of the official legal custodian during normal, regular business hours upon proper request. The normal, regular business hours of the offices of the Legal Custodian are from 8:00 a.m. to 5:00 p.m., Monday through Friday. No original public records of the College shall be removed from the possession of the official legal custodian.

3. The following are positions that constitute a “state public office” which are subject to special requirements of the Public Records Law:

- Members of the Board of Trustees
- District President

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- Vice President of Human Resources & College Advancement, Vice President for Learning, Vice President of Student Services, Vice President of Finance, Chief Information Officer, Director of Facilities, and Director of Marketing & Public Relations

4. The administrative operating guideline of the College regarding the release, inspection, and/or reproduction of public records is as follows:

- The official legal custodian will grant or deny a request to release, inspect, or copy public record(s) pursuant to Wis. Stat. §§ 19.21 – 19.39.
- After the receipt of any written request for access to the public records of the College, the official legal custodian will attempt to make such records available as soon thereafter as practical.
- If any records of the College are requested which are necessary for the day-to-day operation of the College, the official legal custodian may arrange for the records to be inspected after normal working hours.
- If a written request is denied, it will be denied in writing.
- If the official legal custodian determines that portions of any records requested contain information which should not be released, the custodian will edit such records to remove the material not to be released and thereafter release the balance of the document.
- Any requests for computer records of the College will be referred by the official legal custodian to the individual in charge of the equipment involved to determine the cost of any computer search, printing charges, and possible time available on the machine. Because computer time can be expensive, computer information will not be provided until the person requesting the information is informed of the estimated costs.

5. It is preferable to the College that requests for any records of the College be submitted in writing to the official legal custodian. It is not necessary that any person requesting access to the records of the College identify himself or herself in order to obtain a record, nor need any person requesting access to the records of the College state any reason for his or her request.

6. Any written request for a record must reasonably describe the record or information sought. If the official legal custodian cannot reasonably determine what records or information are being requested, the request shall be denied in writing and the reason for the denial shall be stated in the written denial. The Northcentral Technical College is not obligated to create a new record by extracting information from existing records and compiling the information in a new format as defined by Wis. Stat§ 19.35(1)(L).

7. Any person shall have not only the right to inspect the records of the College, but also, consistent with state law, the right to receive a reproduction of such records. In the event that a person files a written request for reproduction of any of the records of the College, that person shall be informed of the costs of locating and reproducing such records. Fees charged by the College relative to the costs of producing any of the records of the College are set forth in the “Fee Schedule” below.

8. For records listed in paragraph A below, the College is obligated to give notice to the person named in the record and allow time for the person to seek judicial review before allowing access to the record.

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A. The records that are subject to this right of judicial review are:

- A record containing information relating to an employee that is the result of an investigation into a disciplinary matter involving the employee or a possible employment-related violation by the employee of a statute, ordinance, rule, regulation, or policy of the employee's employer;
- A record obtained by the College through a subpoena or a search warrant; and
- A record prepared by an employer other than the College if the record contains information relating to the employee unless the employee authorizes the College to provide access to that information.

B. The College is obligated to give notice to the "record subject" "to whom the record pertains" and not to all persons named in the record. While the record may pertain to more than one individual, the mere fact that the record contains personally identifiable information about the individual such as his or her name does not mean that individual is entitled to be notified that the record is proposed to be released.

- Notice must be issued within three days of the decision to release the record
- Notice must be issued by certified mail or personal service
- Notice must "briefly describe" the record
- Notice must describe challenge process
- Employee may give notice of intent to seek court order within five days of receipt of notice.
- Employee may commence action on court within 10 days of receipt of notice
- If no action is commenced within 12 days of sending the notice, then release is required
- If action is commenced, then release is prohibited until court action is complete
Custodian is responsible to notify requester of results of court action if requester does not intervene

9. If the College decides to permit access to a record relating to a record subject who is an officer or employee of the College holding a state public office, the College shall, consistent with state law, serve written notice of that decision on the record subject.

The College is obligated to give notice to the "record subject" who is an officer or employee of the College holding a state public office and not to all persons named in the record. While the record may pertain to more than one individual, the mere fact that the record contains personally identifiable information about the individual such as his or her name does not mean that individual is entitled to be notified that the record is proposed to be released.

- Notice must be issued within three days of the decision to release the record
- Notice must be issued by certified mail or personal service
- Notice must "briefly describe" the record
- Notice must include a description of the rights of the record subject under Wis. Stat. s. 19.356(9)(b). Specifically, that the record subject may augment the record to be released within five (5) days after receipt of the notice with written comments and documentation selected by the record subject.

Except as otherwise authorized or required by statute, the College shall release the record as augmented by the record subject.

10. The College will review the Family Education Rights and Privacy Act (FERPA) and/or any other College Administrative Operating Guidelines that may pertain to the request being made.

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FEE SCHEDULE

The College hereby adopts the Fee Schedule to cover the actual costs relating to the location (which exceeds \$50.00), reproduction of any of the records of the College, and mailing or shipping of any copy of a record. It is intended that this fee schedule shall cover the payment of the actual, necessary, and direct costs incurred in locating a document, mailing or shipping of a copy of a record, or in providing any person with a reproduction of any of the records of the College. This schedule shall be reviewed annually by the College and adjusted as the need arises.

I. COSTS OF LOCATING DOCUMENTS:

Costs associated with locating records will be charged if they exceed \$50.00. The official legal custodian will seek the prior written approval of the requestor before proceeding. In addition, the custodian will endeavor, but will not be required, to provide an estimate of the total anticipated costs for locating the record.

The College will determine the cost of locating a record by using the current hourly rate for employees involved in attempting to locate the record.

II. REPRODUCTION EXPENSES:

Costs of copying and reproduction of records where equipment is available will be paid at the time the record is provided.

A. Five cents per page.

B. Costs of reproduction of records where equipment is not available within the College.

1. If equipment necessary for any reproduction is not available within the College, the College will rent whatever equipment is necessary to perform the function and will bill the requestor for such rental fee. The cost charged will be the actual costs paid by the College to the third party vendor.

2. Items in such a situation would include but would not be limited to audio or videotape reproduction equipment, microfilm or fiche or ultra fiche reproduction equipment, assorted computer hardware and software.

3. The actual cost to the College of the tape or other medium used for reproduction shall also be paid by the person making the request.

III. MAILING EXPENSE

A fee may also include the actual necessary and direct cost of mailing or shipping documents.

IV. DISPUTES:

The official legal custodian of the records of the College shall report any disputes that arise under this fee schedule to the Northcentral Technical College District and shall recommend such modifications and revisions, as he/she deems necessary.

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V. PAYMENT OF FEES:

1. The official legal custodian of the records of the College will require the payment of actual costs when the record is provided.
2. The official legal custodian of the records of the College may, in his/her sole discretion, elect to waive the imposition of the costs provided for herein.