



ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: RECORDS RETENTION / DESTRUCTION

1. PURPOSE:

It is the purpose of Dane County to presume public access to electronic records consistent with conducting the everyday business of local government and applicable exceptions set forth in statute and case law.

2. DEFINITION of DANE COUNTY PUBLIC RECORD

2.1. A *Dane County Public Record* is something created or kept in connection with official Dane County business. (See Wis. Stats. 19.32(2), defining “record” as any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, which has been created or is being kept by an authority.) In Dane County, examples of ***public records*** include:

- Documentation of official County business (calendars, schedules, logs of daily activities, agenda/meeting materials/minutes from advisory boards, councils, and committees, etc.);
- Documents created in the course of County business (memoranda, correspondence, reports, agreements, dockets, studies, etc.)
- Support of financial obligations (requests for proposals, response/bids, grants, contracts, purchase orders, contractors’ records);
- Documentation of mandated activities (policy and procedures, compliance programs, equal rights documentation, employee files and other administrative documentation)
- Documents received for an action (open records requests and responses)

2.2. The following items are ***excluded*** from the definition of ***public record***:

- Duplicate copies
- Drafts (NOTE: The burden is on the custodian to prove that a document is in fact a “draft” and not a ***public record***. While Dane County elected officials and employees may delete or overwrite draft electronic documents, not unlike conventional draft documents printed on paper, may be discarded or destroyed as trash, indefinitely postponing or otherwise preventing final corrections from being made does not make a document a “draft”)
- Published material available for sale or at the library
- Reference material (vendor catalogs, phone books, etc.)
- Material with access limited due to copyright, patent, or bequest
- Purely personal property with no relation to the office (for example, “let’s do lunch” emails, list-serv messages unrelated to employees’ official County work)
- Notes, preliminary documents, and similar materials prepared for the originator’s personal use or by the originator in the name of a person for whom the originator is working
- Computer generated responses or confirmation (automated calendar requests and confirmations, password change notices)
- Unsolicited emails (i.e. spam)
- “Cookies,” temporary internet files, and other files that are not consciously created or kept by the user but are instead generated or stored automatically



ADMINISTRATIVE PRACTICES MANUAL

- Routine emails and other transitory communication that have no business value after the information has been conveyed or the information has been superseded or the event to which the communication is related has occurred; transitory communications do not establish policies, guidelines or procedures, nor do they certify a transaction, nor do they become a receipt, nor do they perpetuate or formalize Dane County business.

2.3. The content, not medium or physical form, determines whether something is a **public record** or not. For example, any of the following may meet the definition of **public record** depending upon the item's content and whether it was created or kept in connection with official Dane County business:

- Handwritten, typed, and printed documents
- Email, text messages and other electronic communications
- Word processing documents
- Database files
- Web-based information
- Power Point presentations
- Maps
- Charts
- Photographs, films, audio recordings

2.4. In addition to content, there may be other factors that need to be considered to determine whether an item created by an elected official or Dane County employee is a **public record**. For example:

- Whether the item was created in the exercise of constitutionally protected First Amendment activities (for example, the item was created by a Dane County elected official or employee in their capacity as a candidate);
- Whether the item was created when the Dane County elected official or employee had a reasonable expectation of privacy (for example, the item was created in relation to a definable, non-public activity or a family member etc.) and a reasonable member of the public would not view the activity as a public function;
- Whether the item was created using public resources;
- Whether the recipients of the item were limited to "personal" contacts; and
- Whether the item was generated at a time, place and in a manner in which public business is normally conducted.

3. RETENTION PERIOD:

Dane County follows the document retention schedule authored by the Wisconsin Counties Association, which is posted on the State's Public Records Board website here: [County GRS.pdf \(wi.gov\)](#)

4. DOCUMENT RETENTION/DESTRUCTION

4.1. Active files should be retained/not destroyed. Records should be presumed to be active until designated as inactive.



ADMINISTRATIVE PRACTICES MANUAL

- 4.2.** Only department heads, elected officials or a designated Records Custodian may designate a document or file as inactive. Grounds for designating a particular record as inactive include, but are not limited to:
- Lack of a business necessity to retain such records;
 - No usage of such records for a lengthy period of time;
 - The fact that other records contain the substance of the records sought to be destroyed;
 - The fact that the records have been scanned or otherwise transferred to an electronic copy; or
 - Where the records are immaterial to the continued function of the office or department where kept.
- 4.3.** Inactive records should be retained in compliance with the Wisconsin Counties Association record retention schedule until transferred to the State Historical Society or destroyed (after proper notice to the State Historical Society, if required).
- If notice to the State Historical Society is required, then such notice shall be in writing
 - If within sixty (60) days, the Society has accepted the records, the officer and the department head or elected official involved shall forthwith make arrangements to transfer such records to the Society. Extraordinary expenses associated with any such transfer shall be borne by the society.
 - If at the end of sixty (60) days the Society fails to act or indicates that it does not wish to accept records contemplated for destruction, Dane County's Record Control Officer, the department head or the elected official involved may destroy the records.
- 4.4.** The Records Custodian for each Department shall document destruction of inactive files.

END OF POLICY