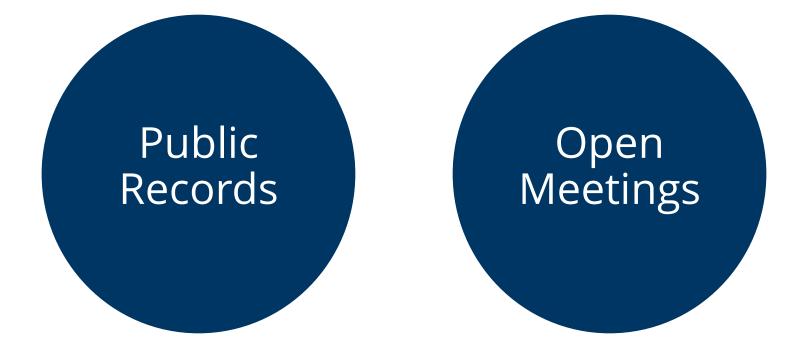


Worker's Compensation Advisory Council

Jennifer Wakerhauser Chief Legal Counsel Department of Workforce Development

Topics





Open Meetings



The Wisconsin Open Meetings Law

- Wis. Department of Justice Office of Open Government, May 2019
- <u>https://www.doj.state.wi.us/sites/default/file</u> <u>s/office-open-government/Resources/OML-</u> <u>GUIDE.pdf</u>



Open Meetings Law Wis. Stat. § 19.81

 "In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business."



Council is a "governmental body"

• All Council meetings

Must be preceded by public notice; and

 Must be held in a public place that is open and reasonably accessible to all members of the public



A "meeting" occurs whenever:

- Members **convene** for the **purpose** of conducting governmental business; and
- The **number** of members present is sufficient to determine the body's course of action

State el rel. Newspapers v. Showers, 135 Wis. 2d 77 (1987)



Meetings Presumed Open

• Meetings begin in open session

Citizens have the right to attend and observe

 Allow recording, filming, or photographing the meeting



Meetings Presumed Open (cont.)

• By motion, may go into closed session

• Votes of each member must be recorded

 Chair must announce the statutory exemption authorizing closed session and the nature of the business to be considered



Public Records



The Wisconsin Public Records Law

- Wis. Department of Justice Office of Open Government, October 2019
- <u>https://www.doj.state.wi.us/sites/default/file</u> <u>s/office-open-government/Resources/PRL-</u> <u>GUIDE.pdf</u>



Public Records Law Wis. Stat. § 19.31

 The public records law "shall be construed in every instance with a presumption of complete public access, consistent with the conduct of government business. The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied."



The Council Must Produce Records Upon Request

 "Record" is "[a]ny 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."

Wis. Stat. § 19.32(2)



Not a "record"

- Drafts, notes, and preliminary documents
- Published material available for sale or at library
- Purely personal property
- Material with limited access rights, such as copyrights or patents



Emails, Text Messages, and Documents on Private Accounts

- May be "records"
- Content determines whether it is a "record," not the medium, format, or location
- Personal materials on the same private accounts are not subject to disclosure



Sufficient Request

- May be in writing or oral
- "Magic words" not required
- Must be reasonably specific as to time and subject matter
- Must reasonably describe the information or records requested





• As soon as practicable, without delay:

Provide records

- Deny or give partial denial
- $_{\odot}$ Respond that there are no records



If Council member receives a request:

- DWD will assist with the response
- Do not delay forward the request to DWD Legal: <u>OpenRecords@dwd.wisconsin.gov</u>
- Council members will likely need to search for responsive records



Questions?

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