

**State of Wisconsin
Department of Military Affairs
Records Management**

Subject:	Public Records
Policy Number:	1000
Effective Date:	June 1, 2023
Approved By:	Major General Paul E. Knapp, The Adjutant General

1. SCOPE

This policy applies to all employees, both state and federal, who create, keep, or receive state Public Records, even those that reside on a federal server.

2. PURPOSE

The purpose of this document is to provide guidance and direction on the creation, retention, and disposition of Public Records in accordance with applicable laws, regulations, ordinances, fiscal and legal requirements, General Records Schedules, Records Disposition Authorizations, historical value, and the Department of Military Affairs' (DMA) operational and business needs. This policy also identifies staff responsibilities regarding public records management within the DMA.

**All abbreviations and capitalized words are defined in Section 5 "Definitions" at the end of this document.*

3. POLICY

1. All Public Records created, kept, or received, regardless of media type and location, whether in paper or electronic form, are the property of the State of Wisconsin and shall be managed effectively as business resources throughout their Life Cycle.
 - a. A record is a Public Record regardless of where it is located, **even if it is located on personal devices or in personal email boxes**; even if it is on a federal server or in possession of a federal employee if it relates to the transaction of state business.
2. DMA employees shall maintain, preserve, and dispose of Public Records in accordance with all laws, GRSs and RDAs.
3. If there is no GRS or RDA authorizing disposition, the record must be kept until an authorization for disposition is granted by a GRS or RDA.
4. Employees are expected to be familiar with the GRSs and RDAs that govern their records.

5. **Important note:** Even if an RDA or GRS would permit disposition of a record, employees **must keep litigation, Public Records requests and audit-related documents as follows:**
 - a. Litigation Public Records must be kept during the pendency of the litigation and for two years after the litigation has concluded;
 - b. Public Records that are responsive to a records request must be kept for three years after the response to a request is issued or the request is abandoned or withdrawn;
 - c. Documents relevant to audits may not be disposed of during the pendency of the audit. After the audit is completed, contact the records officer for guidance regarding when audit documents may be disposed of.
6. If a Public Record has Personally Identifiable Information (PII), it must be maintained and destroyed in a confidential manner.
7. This policy does not include information on responsibilities under the laws that govern responsibilities when an individual or entity requests records made or kept by DMA.

4. ROLES AND RESPONSIBILITIES

Records Officer – Pursuant to Wis. Stat. § 15.04(1), the records officer is the primary individual responsible for the development and/or maintenance of agency records management practices in compliance with Public Records laws, policies, and procedures. The records officer must be knowledgeable of and conversant in all state Public Records management laws and requirements. The records officer’s duties include the following:

1. Management of RDAs –
 - a. Keeping the DMA’s RDAs current.
 - b. Developing new RDAs to meet program needs.
 - c. Ensuring new RDAs are developed within one year of the creation of a new program or record series within the DMA.
 - d. Reviewing RDAs when the DMA-requested period is over 50 years for sufficient statutory, administrative code, rule, or other justification.
 - e. Whenever possible, consolidating and/or combining existing DMA RDAs and superseding RDAs with GRSs when the records covered by the RDA also are covered by a GRS.
 - f. Extending RDAs if the DMA cannot renew them prior to their sunset.
 - g. Amending RDAs when necessary.
 - h. Closing RDAs when applicable.
 - i. Submitting RDAs to the PRB for renewal or extension before their ten-year sunset date to ensure that the DMA can continue to destroy or transfer Public Records when their Life Cycle has been completed.

2. Management of the DMA's Public Records inventory –
 - a. Ensuring the DMA's inactive Public Records are stored and managed in a DMA approved, secure environment until their Life Cycle has been met.
 - b. Ensuring the DMA responds as completely as possible to the SRC's semi-annual Public Records disposition cycle with authorization to destroy or transfer Public Records stored at the SRC that have met their Life Cycle.
 - c. Following the instructions on the semi-annual Public Records disposition cycle packet and working within the DMA to limit the number of Public Records withheld from destruction and transfer.
 - d. Regularly selecting random entries in Versatile to verify the accuracy of data entered by the DMA records coordinators, the records officer or the SRC to maintain accurate dispositions for the DMA.
 - e. Establishing and maintaining at least annual communications outlining procedures to evaluate the disposition of Public Records stored on-site within the DMA.
 - f. Determining whether inactive Public Records should be sent to the SRC for Life Cycle management, expired Public Records should be transferred to the Archives at the Wisconsin Historical Society (WHS) or University of Wisconsin (UW), or the Public Records are eligible for destruction.

3. Education and training of DMA employees –
 - a. Training new employees at all levels within the DMA on Public Records management obligations under the law and the DMA's procedures.
 - b. Ensuring new employees are aware of Public Records management training.
 - c. Communicating and implementing Public Records management policies, procedures, and materials.
 - d. Regularly providing Public Records management refresher training to existing employees.
 - e. Working with records coordinators to ensure they are aware of their role in Public Records management, including training on how to keep the costs of storage of Public Records off premises to a minimum.
 - f. Meeting with records coordinators periodically to provide refresher training and updates on changes to Public Records management policies, procedures, materials, and resources.
 - g. Ensuring Versatile authorized users are fully knowledgeable on its use.

4. Creating, maintaining, and administering Public Records management policies and procedures –
 - a. Creating and maintaining Public Records management policies and procedures.

- b. Providing oversight to comply with all Public Records management laws and requirements and the DMA Public Records management policies and procedures.
- c. Providing oversight to safeguard and protect confidential, personally identifiable, and sensitive information in the DMA's custody.
- d. Distributing new Public Records management materials within the DMA when created or revised by the PRB, Department of Administration (DOA) or the DMA with clear instructions for implementation.
- e. As needed, creating and maintaining a records coordinator or similar infrastructure within the DMA to effectively manage Public Records at the division, bureau, section and/or work unit level.
- f. As needed, developing duties for records coordinators to help with Public Records management practices.
- g. As needed, maintaining and making available a current roster of records coordinators or similar contact information for employee use.
- h. Working with supervisors, records coordinators, information technology, or similar to ensure that the Public Records of departing employees are secured and available within that program for the future.
- i. Asking for help as needed from DOA's staff at the SRC, other DMA record officers, DMA management or legal counsel.

Records Coordinators – Records coordinators assist the records officer in managing the day-to-day Public Records activities at the work unit level. These individuals may not officially report to the records officer but are an important part of the DMA's Public Records management processes. Responsibilities may include the following:

1. Being knowledgeable of all RDAs for their assigned business unit, answering questions from staff as necessary, and consulting with the records officer if necessary.
2. Ensuring employees are aware of the appropriate RDAs to use for their program area.
3. Ensuring designated staff know how to package and ship Public Records to the SRC following the instructions on SRC forms found on its website.
4. Ensuring employees know how to safeguard sensitive Public Records in their work area.
5. Ensuring the Public Records of departing staff are secured and maintained by the departing staff member's supervisor.
6. Helping program staff with all aspects of RDA-related work.
7. Maintain hands-on working knowledge of Versatile.

8. Utilizing Versatile on a regular basis to input, retrieve, and otherwise manage inventory stored at the SRC as authorized by the records officer.
9. Asking for help from the records officer or their supervisor as needed.

Employees – Employees have the front-line, firsthand responsibility to determine what is and is not a Public Record and then take the appropriate action. Within their area of work, employees are responsible for:

1. Knowing the difference between a Public Record and non-Public Record.
2. Knowing that Public Records consist of all forms of media.
3. Knowing that Public Records belong to the state and the DMA.
4. Saving and scheduling the retention of Public Records according to the appropriate GRS or RDA.
5. Safeguarding confidential, sensitive, and Personally Identifiable Information (PII) data appropriately.
6. Informing the records coordinator or records officer when Public Records have reached the end of the retention period.
7. Erring on the side of caution in terms of retaining Public Records.
8. Asking for help from supervisors, the records coordinator, or the records officer.

5. DEFINITIONS

General Records Schedule or GRS: GRSs are developed by the Public Records Board and set forth the minimum retention periods and disposition instructions for types of Public Records common to all governmental units.

GRSs can be viewed here: <https://publicrecordsboard.wi.gov/Pages/GRS/Statewide.aspx>

Life Cycle: The retention period of a Public Record as established by a GRS or an RDA.

Personally Identifiable Information or PII: Information that can be associated with a particular individual through one or more identifiers or other information or circumstances. Wis. Stat. § 19.62(5)

Public Record: As the phrase is used regarding record maintenance and disposition within DMA, a Public Record includes all books, papers, maps, photographs, films, recordings, optical disks, electronically formatted documents or other documentary materials, regardless of physical form or characteristics, made, or received by any employee or officer, whether state or federal, in connection with the transaction of public business. Wis Stat. § 16.61(2)(b).

Public Records include but are not limited to the following kinds of records if they relate or are connected to the transaction of public business:

- a. Emails, even those created or stored in personal email boxes.
- b. Voicemails, even if they are on personal devices.
- c. Texts and instant messages, even if they are on personal devices.
- d. Social media
- e. Websites
- f. Audio and video recordings, even if they are on personal devices.
- g. Calendars, regardless of where stored
- h. Documents, even if they are on personal devices.
- i. Spreadsheets and databases, even if they are on personal devices.
- j. Maps and blueprints, even if they are on personal devices.

Public Records do not include records and correspondence of any member of the legislature; any state document received by a state document depository library; duplicate copies of materials the original copies of which are in the custody of the same state agency and which are maintained only for convenience or reference and for no other substantive purpose; materials in the possession of a library or museum made or acquired solely for reference or exhibition purposes; notices or invitations received by a state agency that were not solicited by the agency and that are not related to any official action taken, proposed or considered by the agency; 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; or routing slips and envelopes. Wis. Stat. § 16.61(2)(b).

Public Records Board or PRB: The PRB is responsible for the preservation of important state records, the orderly disposition of state records that have become obsolete and cost-effective management of records by state agencies. State agencies must have written approval from the PRB to dispose of records the agency generates or receives.

Records Disposition Authorization or RDA: RDAs are a mechanism for scheduling of consistent retention and disposition of similar types of records unique to a specific government unit that are not covered by a GRS. The terms RDA and retention schedule are often used interchangeably.

Agency-specific RDAs can be viewed here:

<https://publicrecordsboard.wi.gov/Pages/Agency/RDAList.aspx>

State Records Center or SRC: The SRC is a secure, low-cost facility that offers off-site records management services to Madison-based state agencies. The SRC's primary function is to serve agency needs for records security, maintenance, and disposition of state agency inactive records.