

State of Wisconsin
Department of Natural Resources

Open Records Coordinator
Guide

I. Types of Open Records Coordinators:

A. Department Open Records Coordinator

The employee that oversees all matters related to open records requests, including policies, procedures, training, and agency compliance with Executive Order 189. This position oversees the completion of all complex open records requests, and is the main point of contact for all internal and external open records related questions and issues. This position also coordinates as necessary with other state agencies when fulfilling records requests that relate to multiple agencies.

B. Division Open Records Coordinator

Employees who coordinate or oversee the completion of complex requests for a specific division. These positions also complete the division review of records for complex requests, and consult with legal as necessary.

C. Program or Regional Records Coordinators

Employees who are trained to assist with fulfilling complex open records requests.

II. Types of Open Records Requests

A. Complex Requests:

- Requests for records that are held by multiple divisions, programs, and/or regions
 - Requests related to personnel records or issues
 - Requests regarding issues on which a lawsuit has been or is likely to be filed
 - Requests related to tribal matters
 - Requests where records may require legal review (i.e. records may be withheld or redacted)
 - Requests requiring billing (Cost for locating records will be \$50 or more or costs for record reproduction will be \$10 or more. See [“Public Notice – Access To DNR Records and Fees”](#) for list of fees).
- Designation as “complex” is not intended to delay response, but is instead a recognition of need for additional coordination and potential legal review. Responses must be made as soon as practicable and without delay.
- Staff should make best effort to fulfill complex requests within 30 business days.

B. Simple Requests:

- A request that is not complex.
- Staff should fulfill any small and straightforward requests within 10 business days of receipt whenever it is practicable to do so.

III. Intake

A. Requests Received Directly From Customers or Staff Seeking Assistance

1. General Staff Person

Determine type of request

1. If request is complex forward to the Department Open Records Coordinator.
 2. If request is simple, proceed with fulfilling request. Log request after completion ([Open Records Request – Simple](#)).
- If request will require a bill, seek assistance from your Division Open Records Coordinator.

2. Regional Coordinator

Determine type of request

1. If request is complex, enter into SharePoint and forward to the Department Open Records Coordinator for assignment. Advise the Department Open Records Coordinator if this request can be handled in the region.
 2. If request is simple, proceed with fulfilling request. Log request after completion ([Open Records Request – Simple](#)).
- If request will require a bill, seek assistance from the Division Open Records Coordinator if needed.

3. Program/Bureau Coordinator

Determine type of request

1. If request is complex, enter into SharePoint and forward to the Department Open Records Coordinator for assignment.
 2. If request is simple, proceed with fulfilling request. Log request after completion ([Open Records Request – Simple](#)).
- If request will require a bill, seek assistance from the Division Open Records Coordinator if needed.

4. Division Coordinator

Determine type of request

1. If request is complex across divisions, enter into SharePoint and forward to the Department Open Records Coordinator for assignment
2. If request is complex only within your division, enter into SharePoint and proceed with assigning and processing request.
3. If request is simple, proceed with fulfilling request. Log request after completion ([Open Records Request – Simple](#)).

IV. Complex Request Process

At this point in the process the request has already been entered into SharePoint, assigned an ORR # and you have been assigned to coordinate the request.

A. Initial Contact with the Requester

After being assigned the coordinator, email the requester promptly acknowledging receipt of the request, and to let them know that we have begun working on it. If the Department Open Records Coordinator makes initial contact with the requester, they will forward that communication on to you (Note: Pursuant to Executive Order 189, requests made to dnrrecordsresponse@wisconsin.gov will receive acknowledgement within the next business day). The initial contact is also a good opportunity to clarify/narrow the request if necessary (see below).

B. Is the request too broad?

If aspects of the request are too broad, or you do not understand what they are asking for, contact the requester to clarify/narrow the request. Requesters do not realize that we do not have one centralized database for everything in the DNR. We have to know what type of records they are interested in to search the right Division/Bureau's records. Requesters also don't realize that overly broad requests can end up being very expensive. Narrowing requests on the front end can save a lot of time overall, and money for the requester. Some suggestions on narrowing a request include: including/shortening a date range, requesting communication of specific DNR staff, more specific subjects.

C. Determining Record Holders and Compiling Records

Send an assignment email to record holders that include their responsibilities. If you do not know who the record holders are, send to Program/Bureau Coordinators or Regional Coordinators to assign to record holders.

- **If it is obvious that a request is going to require billing for location time, have staff estimate location time before collecting records. Notify requester of pre-bill amount and ask if they would like to proceed with the request. If so, send a pre-bill invoice. After payment is received begin collecting records. We can send a refund or an additional invoice if our estimate is incorrect.**

Record Holders Responsibilities:

- Locate and compile only records that are responsive to the request (correct timeframe, responsive subject matter).
- Keep track of the time it takes to locate records.
- Separate documents that may not be records (i.e. drafts, personal notes), or records that may be confidential (i.e. attorney/client communications, attorney work product, records related to ongoing enforcement) into separate folders for division review, and legal review if necessary.
- **If these responsibilities are not met, send records back to appropriate staff for completion.**

D. Billing Location Time

After records are compiled, add up location times of all record holders. If cost for location time is \$50 or more (2 or more hours), create an invoice for associated cost. Email invoice to requester with payment options. Invoice must be paid before continuing with request (i.e. before Division or Legal review).

E. Maintain Communication with Requester

- Keep in touch with the requester if any delays or other issues arise that will affect when the records will be available. When a requester asks for an update on the status of his or her request, respond to the requester within 5 business days.

F. Is the Requester Not Responding?

- If you have an unresponsive requester (no response for 5 business days), send a reminder email. If requester again fails to respond, send another reminder with a response deadline (5 business days) indicating that the request will be closed if they fail to respond. If the requester fails to respond by the deadline, send an email closing the request. Records can be requested again in the future, but requests cannot be allowed to stay open indefinitely.
- If a requester asks for a request to be put on hold, notify them that they may have up to 10 business days to make a decision. Toward the end of the allotted time, send an email with a reminder of the response deadline. After that deadline, requests should be re-started, or closed.

G. Division/Legal Review

After payment for location time is received (if applicable) continue with Division and Legal review.

1. Division Review

- After records are collected Division Coordinators must complete a Division Review to make sure that non-records (e.g. drafts, personal notes), and records that may be confidential (e.g. attorney/client communications, attorney work product, records related to ongoing enforcement) have been separated.

***If record holders have not met their responsibilities listed above, send the records back until they have been completed.**

2. Legal Review

- After Division Review is complete check in with Legal before releasing the records. You can go over any records you are unsure of at that time. If you have no questions, give the appropriate attorney a heads up so they are aware of the request and can review if they would like.
- If you are withholding any records or redacting any information, please consult with Legal Services before completing the request. Make sure that the requester receives written explanation of the specific reasons for doing so, including specific citations

to the legal authority relied upon for each kind of record withheld or information redacted.

- If any records are withheld or information is redacted include language in the response that notifies the requester that the agency's determinations to do so are subject to review in as action for mandamus under Wis. Stat. § 19.37(1) or application to the local district attorney or Attorney General.

Example Language: If you believe that you have a right to challenge this decision, please note that the Wisconsin statutes establish time periods within which requests to review Department decisions must be filed. The timelines and process for filing a request to review by mandamus or upon application to the Attorney General or district attorney is described at Wis. Stat. § 19.37.

H. Requester Review

- If the requester wants to review records in person, follow these steps:
 - a. Arrange a time and location for review during normal business hours.
 - b. Ensure that a program or other appropriate staff person is available while the records are being reviewed.
 - c. Ask the requester to flag any files to be copied. Sticky notes or similar items which will not damage the records to be copied are commonly used.

I. Providing Copies

1. Paper Records

- Copying and scanning can be done in-house if equipment is available and the number of copies is small.
- Generally if the copying is going to take more than a half hour, send records to a copying service if one is available in your area. The copying service should bill the requester directly for the copying cost. See our [List of Approved Photocopy Firms](#).

2. Electronic Records

- When requested and whenever practicable, provide electronic copies of records that already exist in an electronic format.
- There is no requirement to convert paper records into electronic format. You may provide records electronically if there are a small number of pages that would be easy to scan. Options for providing electronic records include:
 - Send via email
 - Copy to a disk or thumb drive (Can be added to cost of request)
 - Records can be posted to a password protected external SharePoint site (contact Department Open Records Coordinator for assistance).

J. Open Records Fees

- The Department may charge fees for location time if the cost associated with locating records is \$50 or more (Payment should be received before requester reviews records, or copies are provided).

- The Department may charge for fees associated with reproduction of records if the total cost is \$10 or more. This includes:
 - a. Per page copying or printing cost
 - b. Per page scanning cost
 - c. Cost for media (i.e. CDs, DVDs, Flash drives)
 - d. Postage cost for mailing records
- Reproduction fees may not be charged for providing electronic copies of records that already exist in an electronic format.
- Fees may not be charged for reviewing and redacting records.
- Please see “[Public Notice – Access To DNR Records and Fees](#)” for list of fees for open records requests.

K. Closing the Request

- When closing a request, identify in your response that “**this request will now be considered closed.**” This can help avoid confusion on expectations for further follow up.
- The request is considered complete when:
 - a. Mail: the records have been put in the mail or UPS.
 - b. Electronic Mail: The records have been emailed to requester
 - c. Electronic: the DVD/CD, flash drive has been sent or picked up by the requestor.
 - d. External share site has been set up for the customer to access the records.
 - e. Customer has come in to review the records.

After request is complete make a status update to SharePoint with the date responded to and outcome (i.e. no records found, paper copies sent, electronic records provided, etc.). Enter the Date Completed to close the request.

V. Simple Request Process

If a coordinator receives a simple request, they can forward it to the appropriate staff member to complete. If a staff member receives a request, and determines it to be simple, they can complete the request without consulting a coordinator. The “[Is This a Simple Open Records Request?](#)” guide can help staff determine if a request is simple. Staff should log the request after it is completed ([Open Records Request – Simple](#)).

- **NOTE:** Customer Service Call Center staff have a separate log ([CS-ORR Request – Form](#)) to complete and will be provided instruction from their supervisor(s).

VI. General

A. ORR Numbering –

17 = year **ORR** = Open Records Request **####** = Number from spreadsheet

There should be no spaces in ORR# (Ex: 17ORR1571)

B. Email/Subject Line Template

1. The subject line should start with 17ORR#### - company and/or address, including city of interest. Example: 17ORR1580: Plastics Corp or 16ORR1513: Fox River Superfund Site.
2. Make sure the ORR# is included **in all** internal and external emails.
3. **Keep dnrrecordsresponse@wisconsin.gov cc'd on all email correspondence (internal and external) for complex requests.**

VII. SharePoint

A. Who Should Enter a Complex Request into SharePoint?

The first coordinator to receive the request, either from an external or an internal staff member should enter the request into SharePoint. If the request needs to be assigned by the Department Open Records Coordinator or Division Coordinator, make a note of that in the status update and send an email to the coordinator with the request and fill them in on anything important.

B. Status updates

1. Format

Status updates begin with the date and end with your initials. (Ex: 5/20/15: Closed Request. KP). This way people will know who made the status update if they have a question about it later.

2. When should I make a Status Update?



*** It is expected that updates will be made by 11 AM on Friday so that the weekly update can be compiled.**

Keeping SharePoint up to date is extremely important. Updates keep everyone on the same page as to where a request is at. Status updates should be made with any development in the request, however at least one update per request per week should be made to SharePoint even if there is no significant change (i.e. still collecting records, still in review, etc.)

Examples of When Updates Should Be Made:

- a. Any communication with requester (Ex: narrowing request, answering question, sending requester updates, etc.). Include type of communication made.
- b. Assignment email sent to record holders
- c. Invoice sent
- d. Awaiting payment
- e. Awaiting response from requester
- f. Records out for copying
- g. Records sent to requester
- h. Outcome of request (i.e. no records found, paper copies sent, electronic records provided, etc.)

C. Last Communication

Update this field any time you communicate with requester. You should also include a status update with the type of communication it was (phone call, email) and any pertinent information about the communication (narrowing request, answering question, sending update, etc.).

D. Other Notes

The other notes column is for additional information that the requester includes such as: additional contact info, locations, BRRTS#, FID#, etc.