

## **CHAPTER 2**

### **RECORDS RETENTION AND DISPOSITION**

**2.01 PURPOSE.** The purpose of this chapter is to establish a county-wide records retention schedule and authorize destruction of county records pursuant to schedules on an annual basis. Legal custodians of public records do not have the authority to destroy records prior to the established retention period unless such records have been photographically reproduced as original, pursuant to Wis. Stat. § 16.61(7), and any applicable section of this Chapter.

**2.02 AUTHORITY.** Pursuant to Wis. Stat. § 19.21(5)(e), the county board may provide by ordinance a program for the keeping, preservation, retention, and disposition of public records.

**2.03 DEFINITIONS.**

(A) Authority. “Authority” as defined in § 19.32(1) means “any of the following having custody of a record: a state or local office, elective official, agency, board, commission, committee, council, department or public body corporate and politic created by the constitution or by any law, ordinance, rule or order; a governmental or quasi-governmental corporation except for the Bradley center sports and entertainment corporation; a special purpose district; any court of law; the assembly or senate; a nonprofit corporation which receives more than 50 percent of its funds from a county or a municipality, as defined in s. 59.001 (3), and which provides services related to public health or safety to the county or municipality; a university police department under s. 175.42; or a formally constituted subunit of any of the foregoing.”

(B) Legal custodian. “Legal custodian” means the individual responsible for maintaining records, pursuant to Wis. Stat. § 19.33.

(C) Record. “Record” as defined in Wis. Stat. § 19.32(2) means “any 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, that has been created or is being kept by an authority. “Record” includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. “Record” does not include 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; materials that are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of an authority other than a public library that are available for sale, or that are available for inspection at a public library.”

**2.04 RECORDS RETENTION/DISPOSITION SCHEDULE.** St. Croix County shall retain and dispose of all records pursuant to the *County Records Retention/Disposition Schedule – 2024*, including all schedules (copies of which are on file with the County Clerk). If the schedule does not identify a particular record, the minimum retention and time limits set forth in any applicable state or federal statutes shall apply. If the schedule does not identify a particular record and no other state or federal statute is applicable, then such record shall be kept a minimum of seven (7) years as required by Wis. Stat. § 19.21(5)(c).

**2.05 NOTICE TO WISCONSIN HISTORICAL SOCIETY.** Pursuant to Wis. Stat. § 19.21(5)(d), prior to the destruction of any public record described in this Chapter, at least sixty (60) days' notice in writing shall be provided to the Wisconsin Historical Society (WHS) unless notice is waived pursuant to the schedules contained within the *County Records Retention/Disposition Schedule – 2024*.

**2.06 DESTRUCTION AFTER REQUEST FOR INSPECTION.** No authority may destroy any record at any time after the receipt of a request for inspection or copying of the record under Wis. Stat. § 19.35(1) until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied. If an authority receives written notice that an action relating to a record has been commenced pursuant to Wis. Stat. § 19.37, the record may not be destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted.

**2.07 DESTRUCTION PENDING LITIGATION OR AUDIT.** No record subject to pending litigation or audit shall be destroyed until the litigation or audit has been resolved.

**2.08 ELECTRONIC STORAGE OF DEPARTMENT RECORDS.** Pursuant to Wis. Stat. § 19.21(4)(c), an authority may keep and preserve public records through electronic format provided that the applicable standards established in Wis. Stat. §§ 16.61(7) and 16.612 are met. An authority should consider factors such as retention periods and estimated costs and benefits of converting records to an electronic format. After verification, paper records converted to electronic format should be destroyed.

**2.09 REVIEW AND APPROVAL BY WISCONSIN PUBLIC RECORDS BOARD.** The *County Records Retention/Disposition Schedule – 2024* has been reviewed and approved by the Wisconsin Public Records Board (WPRB).

**2.10 AMENDMENTS TO CHAPTER.** Any future amendments, revisions, or modifications of Wisconsin Statute Chapters 16 and 19 are incorporated herein and are intended to be made part of this Chapter as such amendments, revisions, or modifications are made to said Statutes.

**2.11 EFFECTIVE DATE.** This Chapter shall take effect and be in force from and after its proper passage and publication pursuant to Wisconsin Law.

Approved by State Public Records & Forms Board February 17, 1993

Adopted by St. Croix County Board of Supervisors March 16, 1993 – Ordinance No. 316(93)

Amended and Approved by State Public Records & Forms Board June 1, 2004 (Notification received from SPRFB on January 13, 2005)

Adopted by St. Croix County Board of Supervisors March 15, 2005 – Ordinance No. 684(2005)

Adopted by St. Croix County Board of Supervisors March 4, 2014 – Ordinance No. 829(2014)

Approved by Wisconsin Public Records Board March 26, 2014

Approved by Wisconsin Public Records Board December 12, 2023

Adopted by St. Croix County Board of Supervisors February 6, 2024 – Ordinance No. 925(2024)