

**TOWN OF OAKLAND
JEFFERSON COUNTY, WISCONSIN**

ORDINANCE NO. 57

**AN ORDINANCE REGULATING THE RETENTION AND DESTRUCTION OF
TOWN OF OAKLAND PUBLIC RECORDS**

Section 1 - Purpose

The purpose of this ordinance is to establish a town records retention schedule and authorize destruction of town records pursuant to the schedule on an annual basis. Records custodians may destroy a record prior to the time set forth in the schedule only if such a record has been photographically reproduced as an original record or converted to optical disk format pursuant to s. 16.61 (7), Wis. Stats.

Any record not covered by this ordinance or any regulation or law shall be retained seven (7) years in accordance with s. 19.21(4)(b), Wis. Stats., unless the record is added by amendment into this ordinance and the shorter time period approved by the State Public Records and Forms Board.

This section and the retention periods established in the Official Town Records Retention Schedule were reviewed and approved by the Public Records and Forms Board on December 21, 2007. Any amendments to this Ordinance or the Schedule shall be subject to review and approval by the Public Records and Forms Board to the extent required by state law.

Section 2 - Definitions

Disposition/Destruction. Physical destruction of obsolete records by shredding or burning or, in the case of electronic records, by deleting from a computer hard drive and reformatting or destroying the tape(s)/disk(s).

Legal Custodian. In addition to the definition provided by s. 19.33, Wis. Stats., "Legal Custodian" shall include the individual responsible for maintaining public records pursuant to the Town of Oakland Public Records Policy, or as otherwise responsible by law to keep and preserve Town records or file, deposit or keep such records in his/her office, or is lawfully in possession or entitled to possession of such public records and who is required to respond to requests for access to such records.

Record. Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by authority. Record includes, but is not limited to, handwritten, typed or printed pages, books, papers, maps, charts, photographs, films, recordings, tapes (including computer tapes), optical disks, electronically formatted documents, computer printouts, or other documentary materials.

Record does not include duplicate copies of materials the original copies of which are in the custody of the Town's legal custodian and which are maintained only for convenience or reference; 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 which are purely the personal property of the custodian and have no relation to his/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 which are available for sale, or which are available for inspection at a public library.

Retention and Disposition Schedule. A list of Town records, attached to and made a part of the Ordinance, which specifies the period of time the records must be kept until destruction and method of disposition.

Section 3 - General Provisions

- A. Historical Records – Notification to State Historical Society of Wisconsin. As required by s. 19.21(4)(a), Wis. Stats., the State Historical Society of Wisconsin (SHSW) shall be notified prior to destroying records, with the exception of any record designated "Waived" in the retention schedule unless (1) the SHSW has waived the required statutory notice; or (2) the record is designated for permanent retention with the original custodian.
- B. Microfilming or Optical Imaging of Records. Public records may be kept and preserved through the use of microfilm or optical imaging, providing the microfilm or optical imaging meets applicable standards for microfilm specified by s. 16.61(7), Wis. Stats., and for optical imaging specified by s. 16.612, Wis. Stats.
- C. Destruction After Request For Inspection. No requested record shall be destroyed until after the request is granted or sixty (60) days after the request is denied. If an action is commenced under s. 19.37, Wis. Stats., the requested record may not be destroyed until after a court order is issued and all appeals have been completed as required by s. 19.35(5), Wis. Stats.

- D. Destruction Pending Litigation. No record subject to pending litigation shall be destroyed until the litigation is resolved.

- E. Tape Recording. Any tape recording of a governmental meeting of the Town may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and published if the purpose of the recording was to take minutes at the meeting.

Section 4 - Effective Date

This Ordinance shall be in force and effect from and after its passage and publication as by law.

INTRODUCED AND ADOPTED by the Town Board of the Town of Oakland at a regular meeting held on the _____ day of _____, 2008.

Chairperson

Supervisor

Supervisor

Attest:

Clerk