

Introduction

Wisconsin Municipal Records Schedule

Records are a basic tool of transacting business on behalf of all local government units. They are the foundation for government accountability. Records management is regulated by Wisconsin state law, and accordingly, the Wisconsin Municipal Records Schedule (WMRS), upon adoption, provides legal authorization to dispose of records on a regularly scheduled basis. The schedule serves as a mechanism for consistent retention and disposition of similar types of records across all municipal governments and provides assurance of accountability to the public.

The schedule was developed following guidelines for complying with legal, fiscal, and archival requirements for records retention and facilitates cost-effective management of records commonly found in municipal governments.

Wisconsin Statute § 19.21(1) defines public records as “all property and things received from the officer’s predecessor or other persons and required by law to be filed, deposited, or kept in the officer’s office, or which are in the lawful possession or control of the officer or the officer’s deputies.” Records are defined by Wisconsin Statute § 19.32(2) as “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.” Public records are also defined as being “all books, papers, maps, photographs, films, recordings, optical discs, electronically formatted documents, or other documentary materials, regardless of physical form or characteristics, made or received by any state agency or its officers or employees in connection with the transaction of public business” (Wis. Stat. § 16.61(2)(b)).

I. **Applicability:**

This record schedule is available for adoption by all Wisconsin municipal governments. Most municipalities do not create or receive all of the records listed within the WMRS. The inclusion of a schedule in the WMRS does not mean that a local government is responsible for creating those records. Rather, it provides guidance for records that are actually created or received by your particular unit.

Records retention guidelines apply regardless of record format. Records covered by the WMRS may be retained in electronic, paper, or other formats. The schedule applies to all records: born digital (including those created or transmitted via e-mail), data contained in database systems, tapes/cartridges and other types of electronic records and information systems maintained by agencies. Municipalities must also meet the standards and requirements for the management of electronic records outlined in [Chapter Adm. 12](#).

II. Purpose:

Record schedules are intended to be used by records creators as a tool to SIMPLIFY their records management responsibilities, not to make them more complex. It is the intention of the WMRS to streamline municipal records management by:

- Providing clear and uniform guidance for the retention and disposition of records common to most municipal governments;
- Eliminating the need for individual municipalities to develop and obtain Wisconsin Public Records Board approval of records retention/disposition schedules;
- Facilitating uniformity in the retention and disposition of records across all municipalities; and
- Promoting the cost-effective management of municipal records.

III. Implementation:

The WMRS is a schedule that municipalities MAY adopt to manage their records. Municipalities ARE NOT required to adopt the schedule for use. The WMRS does not replace the ability of municipalities to create and adopt records schedules through the creation of ordinances. See Additional Options below for more information.

To adopt the Schedule:

- Submit the [Notification of General Schedules Adoption](#) (PRB-002) form to:
State Archivist
Wisconsin Historical Society
816 State St.
Madison, WI 53706
- The Wisconsin Public Records Board (PRB) will acknowledge your Notification of Adoption by returning a signed copy of the adoption to the municipality.
- After confirmation of PRB approval, municipalities should enact an ordinance adopting the WMRS as their official schedule.

Municipalities are expected to supersede any previously approved, unique, ordinances which cover records included in the adopted Municipal Schedule. Retain any approved schedules in existing ordinances for records that ARE NOT covered by the Municipal Schedule.

Additional Options:

Wis. Stat. § 19.21(4) provides municipalities with the authority to schedule the retention of public records by creating ordinances. Municipalities that choose not to adopt the WMRS are encouraged to use the retention periods provided in the WMRS when creating their own schedules. Any municipality that decides to draft their own schedule must submit that schedule for approval to

the PRB before adopting it as an ordinance. Upon PRB approval, the schedule can be adopted for use by enacting an ordinance. Municipalities may also adopt other [General Records Schedules](#) provided by the PRB.

Municipalities also have the option of adopting separate Records Disposition Authorizations (RDAs) for records that are created specifically by that unit of government. Consult the PRB for more information about the RDA creation process.

IV. Using the Schedule:

The WMRS is arranged in five different sections covering the record series created by municipal governments. Some sections are broken down into subsections to provide easier reference. The following is an example of the format used in each section and an explanation of the information found in each column.

Record Series Title	Series Description	Retention	Confidential	WHS Notification
Subsection				

- Record Series Title – Descriptive title of the record series. This is a basic title, not necessarily universally used by all municipalities.
- Series Description – Brief overview of the records that are included in the record series.
 - If a specific statute or legal source defines a retention period for the records it is identified in this field.
- Retention – Indicates the minimum time period a record series must be maintained and a description of what initiates the start of the retention clock.
 - **Creation:** Is used when the creation of the record initiates the retention time period. (*Example:* If a RDA existed for ABC Annual Reports, the event might be written as *Creation+ 3 years* meaning an ABC Annual Report must be retained for three years after it is created.)
 - **Fiscal:** Is used if the retention time period is initiated by the end of a fiscal year. (*Example:* RDAs that exist for annual budgets might be written as *Fiscal+ 6 years* meaning a budget would have to be retained for six years after the end of that fiscal year.)
 - **Event:** Is used if a specific event other than Creation or Fiscal initiates the retention time period. (*Example:* A RDA that exists for a housing relocation program has the event written as *Event+ 5 years; Event=Approval Letter for Relocation Plan*". In this scenario, it means all records associated with this RDA have to be retained for five years after the official letter was sent by the state to approve the relocation plan.)

- **Permanent:** Is used if the records need to be maintained permanently by the creating municipality. See the [Guidelines for the Permanent Retention of Records](#).
- General references on retention periods for municipal records are found in Wis. Stat. § 19.21(4)(b), Wis. Stat. § 19.21(6), or Wis. Stat. § 19.21(8).
- **Confidential** – Indicates whether or not records contain information that is required by statute to be kept confidential. See Section V of this guide for more information on confidential records.
- **WHS Notification** – Wis. Stat. § 19.21(4)(a) requires that all municipal public records must be offered for transfer to the Wisconsin Historical Society 60 days prior to their destruction. This field indicates if notification to the Wisconsin Historical Society is required before records can be destroyed. Column will either state NOTIFY or WAIVED.
 - **Waived:** The Wisconsin Historical Society has determined the record series has low historical value and waived the notification period as indicated Wis. Stat. § 19.21(4)(a). Municipalities are free to destroy any waived records without notification once they reach their required retention period.
 - **Notify:** You are required to send written notification to the Wisconsin Historical Society before destruction. Please contact the Wisconsin Historical Society with questions on how to properly notify on the destruction of public records.
 - **N/A:** indicates that the retention is permanent.

Final Disposition:

Municipal records, which have met the retention time outlined in the WMRS, have only two dispositions: Destroy or transfer to the Wisconsin Historical Society. Records that are held beyond their retention period but are not destroyed are still subject to all public records laws.

- **Destruction:** Records identified as “waived” in this schedule may be destroyed without notifying the Wisconsin Historical Society. Local units should dispose of all public records in a manner that ensures they are completely destroyed.
 - If records contain confidential information, or “information that can be associated with a particular individual through one or more identifiers or other information or circumstances” (Wis. Stat. § 19.62(5) including, but not limited to names, addresses, social security numbers, and banking information it must be destroyed confidentially. This means that these records must be disposed of in a way that renders them unreadable and unable to be reconstructed. Typically, this can be achieved by cross cut shredding or pulping. Many organizations disposing of confidential information choose to hire a vendor to handle the process.
 - **Note on records older than 75 years:** the waived designation does not apply. Notification should be given on any records 75 years or older regardless if they have been indicated in the schedule as having been waived.
- **Transfer:** Records identified as “notify” must be offered, in writing, to the Wisconsin Historical Society. Per Wis. Stat. § 19.23(2), the Wisconsin Historical Society assumes title control and public records responsibility of all transferred records. Obsolete municipal records may not be transferred to local historical societies or other repositories because the statutes do not specify other institutions can hold title to public records. Only the records creators and the Wisconsin Historical Society are identified in statutes as being official holders of title.

- Permanent: Records identified as “permanent” have been identified as containing significant historical information and long term business value. Therefore municipalities are responsible for ensuring the long-term preservation of these records. The Wisconsin Historical Society will, in certain circumstances, accept “permanent” records for transfer if the municipality is unable to maintain these records.

Records that have passed their retention period should not be destroyed if any of the following conditions apply:

- Records are required for financial or performance audits either currently underway or known to be planned.
- Records are subject to a “legal hold” because they may be relevant to an existing, pending, or anticipated legal proceeding.
- A related open records request has been received and not completed, or statutorily required time periods have expired.

V. Confidential Records and Personally Identifiable Information (PII)

Confidential Records:

Some records series may contain confidential or restricted access records. The WMRS identifies any record series containing information required by Wisconsin Statute, administrative rule, or other legal authority to be kept confidential or protected from public access. The confidential column is marked “yes” if ANY records in the series may contain confidential information.

Even when specific confidentiality statutes do not apply, application of substantive common law principles through the balancing test considerations under Wis. Stat. § 19.35(1)(a), may affect disclosure of the record under the public records law.

When an individual or an individual’s representative makes an open records request for records containing personally identifiable information about that individual, there is no balancing test, but the disclosure exceptions under Wis. Stat. §19.35(1)(am), must be considered. Wis. Stat. §19.35(1)(am) exceptions include:

- endangering an individual’s life or safety;
- endangering the security of a prison, including the security of the population or staff;
- identifying a confidential informant; and
- records collected or maintained in connection with complaints, investigations, or other circumstances that may lead to various administrative or court proceedings.

It is strongly recommended that local governments consult with legal counsel when responding to an open records request. Additional resources on open records requests can be found by visiting the Wisconsin Department of Justice, [Office of Open Government’s website](#).

Personally Identifiable Information (PII):

Wisconsin law defines Personally Identifiable Information (PII) as “information that can be associated with a particular individual through one or more identifiers or other information or circumstances” (Wis. Stat. § 19.62(5)). The municipal unit is responsible for evaluating their record series to determine if PII is included. The inclusion of PII does not automatically restrict records, nor does it make them confidential. The confidential column is only marked “yes” in cases where specific statutes restrict access.

VI. Additional Schedules:

Municipal governments should be aware that there are additional schedules that apply to public records. All Wisconsin municipalities have the option of adopting any of the General Records Schedules that have been approved by the PRB. These schedules may cover additional record series not found in the WMRS. In some cases, the WMRS points to the General Schedules for covering some specific records series (such as personnel records). The complete list of approved general records schedules can be found on the [Public Records Board website](#).

Municipalities should also be aware that there are two separate General Records Schedules for the following:

- [Wisconsin School Districts](#)
- [Wisconsin Public Libraries and Library Systems](#)

In addition, municipalities should check the schedule set by the Public Service Commission of Wisconsin (PSC) for Municipal Utilities. A complete list of records and schedules is located in “[Investigation to Consider Proposed Changes to Records Retention Requirements for Electric, Gas and Water Utilities.](#)”

Municipal Court Records are scheduled by [Supreme Court Rule 72](#), which specifies the retention periods for court records and requires municipal courts to give 60 day notice to the Wisconsin Historical Society prior to destroying obsolete records. Furthermore, SCR 72 states that notice is not required for records in which “the historical society has indicated, by blanket waiver, that it has no interest for historical purposes.” The Wisconsin Historical Society has waived the sixty-day notification period for all municipal court records dated 1941 or later. This waiver applies to all municipal courts throughout the state and allows for the disposal of municipal court records without further notification. Municipal Courts are still obligated to maintain the records for the minimum time specified in SCR 72. Please contact the Wisconsin Historical Society if you have any questions regarding Municipal Court Records.