

# Grafton eyeing change to open records requests policy

## Proposal comes as number of inquiries rises

By Melanie Boyung  
mboyung@conleynet.com  
262-224-4166

GRAFTON — The village of Grafton is considering a measure to charge those who file open records requests for the staff time involved in fulfilling the request. That would be in addition to copying costs that already apply to some requests.

The move comes as the number of open records inquiries has increased in recent months.

According to Village Administrator Jesse Thyges, the increase has been notable in his department and the Grafton Fire Department. Exact numbers were not available for how many requests have occurred or what has been typical in the past, because the village has thus far sorted records requests by department without having a villagewide compilation of the inquiries.

The new policy, if approved, would centralize all requests to the Clerk's Office, as is the case in Cedarburg and Mequon.

"Staff's goal is to simply create a document that outlines how a request will be handled and what a requestor can expect with regards to the fulfillment process," Thyges said in an email to the News Graphic.

According to Thyges, the village currently charges 25 cents per page for copying documents, but not for any other part of record request fulfillment. Under the proposed policy, staff fulfilling open records requests would track their time spent, and if a request is expected to cost more than \$50 in staff time, the requestor would be notified of the cost.

Thyges said the village would only charge for those requests costing more than \$50 in staff time to locate the records; notifying the requestor when it is predicted that will happen allows that person to withdraw the request, if they do not wish to pay.

---

"The village wants to be fully transparent and upfront with its handling of open records requests. Moreover, the document will help keep records requests organized to help ensure fulfillment as soon as practical."

---

—Jesse Thyges  
Grafton Village Administrator

---

It is similar to Mequon's policy. City Clerk Caroline Fochs said that they charge for staff time to locate and compile records, but not in all cases.

"It's not very often that we do charge, but if it's a complicated issue and uses a lot of manpower, we do," Fochs said.

The proposed policy for Grafton is based on the salary of the lowest-paid staffer qualified to fulfill the request in the Clerk's Office, even if someone else in a higher pay grade fulfills the request. If necessary, and depending on the specific request, fulfillment would cost more if, for example, a department head is the only person with access to the information or qualified to complete it. The wording of the proposed policy explains how this would work.

In Cedarburg, people submitting an open records request are charged only for the copying.

The policy under consideration in Grafton was part of the Finance Committee packet earlier this month. The draft was not discussed; the committee tabled it because Village Attorney Michael Herbrand had a few pieces he wanted to go through with staff before it was reviewed.

State law requires open records access of municipalities except in certain circumstances, such as private employee information and information from ongoing investigations.

Outside of specific exceptions, the law requires access to records, and

that records requests be fulfilled in a timely fashion, though what is timely is not specifically defined as requests can be extensive and require significant time.

"The village wants to be fully transparent and upfront with its handling of open records requests. Moreover, the document will help keep records requests organized to help ensure fulfillment as soon as practical," Thyges said.

The draft policy would have to be reviewed at committee and approved by the Village Board before it could go into effect, but as it stands, it would add a possibility of charging for requests that demand significant resources. State law allows for charging fees, as long as they are based on actual costs involved in the request.

Thyges said last week that the guidelines used in the draft policy are based on Department of Justice guidelines that have been previously published on how municipalities can handle open records costs.

"We simply are looking to recoup costs in accord with what is allowable under state law," Thyges wrote in the email.

Beyond fees, the draft policy lays out how requests in general will be handled, including a standard form to be filled out by people making requests, a process for how the requests should be submitted and guidelines for village staff detailing how to fill and log the requests, including a record of all requests, their nature and any applicable costs. While requests still will be filled by the different departments, the requests, under the new policy, would all be submitted and recorded in the Clerk's Office.

"One point entering, and one point exiting, the system. The balance we're trying to strike here is making one, consistent point of contact (for all requests), without making the clerk the custodian of all records," Thyges said.