



**EXECUTIVE ORDER #189**

**Relating to Promoting Open and Transparent Government Through  
Implementation of Best Practices and Performance Dashboards**

**WHEREAS**, our American republic was founded as a government of the people, by the people, and for the people, based on the idea that the people, not the government, are the primary source of sovereignty to whom all government officials are accountable; and

**WHEREAS**, the first line of the preamble to the Wisconsin Constitution emphasizes this truth, that our Constitution was established not by the government, but by “We, the People of Wisconsin,” in order to form a government that serves the people and protects their freedom; and

**WHEREAS**, the current version of Wisconsin’s Public Records Law was adopted in 1981, as a tool for the people to access information about the affairs of government and about the official acts of those who exercise delegated sovereignty as the people’s representatives; and

**WHEREAS**, the State of Wisconsin has enjoyed a long history of open and transparent government; and

**WHEREAS**, more can always be done to improve public access and effective processing of public records requests, particularly in the areas of customer service, tracking of requests, clarity as to costs, and regular training for all state employees; and

**WHEREAS**, this Executive Order seeks to advance best practices across state agencies to go above and beyond the requirements of the Public Records Law and promote easier, fairer, and broader access to public records; and

**WHEREAS**, the use of Performance Dashboards by state agencies will further promote transparency on each agency’s goals and performance; and

**WHEREAS**, I have proclaimed March 13<sup>th</sup> – 19<sup>th</sup>, 2016, as Sunshine Week in the State of Wisconsin, and I encourage all state agencies to continue to improve their performance beyond the measures directed in this Executive Order;

**NOW THEREFORE, I, SCOTT WALKER**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this State, do hereby:

1. Direct that each state agency, including each department, board, council, and commission, shall:
  - a. Increase the quality of its customer service in fulfilling public records requests, by responding to requests promptly, updating requesters on the status of their requests, tracking all requests, and facilitating access to electronic records whenever practicable. Specifically, each agency shall:

- i. Fulfill any small and straightforward request within 10 business days of receipt whenever it is practicable to do so.
  - ii. Publicize a primary email address to which public records requests may be emailed to the agency, and send an acknowledgment within the next business day following receipt of any request sent to the agency at that email address.
  - iii. When a requester asks for an update on the status of his or her request, respond to the requester within 5 business days.
  - iv. Allocate sufficient staff resources to create a tracking system to track the agency's public records requests, to ensure that each request is given regular attention and fulfilled as soon as it is practicable to do so, regardless of the order in which each request is received.
  - v. When requested and whenever practicable, provide electronic copies of records that already exist in an electronic format, without charging reproduction fees on a per-page basis for providing such copies.
  - vi. When clarification of a request is needed, make every effort to communicate with the requester to understand what the requester is asking for, to avoid the delays that requesters may experience due to inefficiencies created by miscommunication.
  - vii. When withholding records or redacting information from records in the response to a request, give the requester a 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.
- b. Provide public records resources and regular training for all employees and members of all boards, councils, and commissions attached to the agency. Specifically, each agency shall:
- i. Ensure that there are designated staff resources within each agency that are available to employees of the agency and to members of attached boards, councils, and commissions who may have questions about their public records responsibilities.
  - ii. Provide public records training to all employees of the agency and all members of attached boards, councils and commissions, both as part of the orientation provided to new members and employees and as part of regularly scheduled refresher trainings on an ongoing basis.
  - iii. Provide regular training for all supervisors on the requirements for retaining the records of former employees who have left state service or have transferred to new positions.
- c. Update the agency's public records notice posted under section 19.34(2) of the Wisconsin Statutes, and any notices of attached boards, councils, and commissions, to adequately clarify that:
- i. The agency will not charge for the cost of reviewing records for possible redaction or removal of confidential information, in compliance with the Wisconsin Supreme Court's ruling in *Milwaukee Journal Sentinel v. City of Milwaukee*, 2012 WI 65, 341 Wis. 2d 607.
  - ii. Any hourly charge imposed for staff time necessary to locate records will be billed at the hourly rate of salary and benefits for the lowest-paid employee capable of performing the task and will not be billed unless the total cost of locating records is \$50 or more.

iii. Reproduction costs will not be charged on a per-page basis if the agency provides electronic copies of records that already existed in electronic format.

d. Provide to the Department of Administration a report listing:

- i. The public records custodian(s) designated under section 19.33 of the Wisconsin Statutes as having responsibility for fulfilling the agency's duties under the Public Records Law; and
- ii. The records and forms officer(s) designated under sections 15.04(1)(j) and 16.61(2)(bm) of the Wisconsin Statutes as having responsibility for ensuring compliance with all records and forms management laws.

Each agency shall submit a revised report to the Department of Administration within 30 days of any changes in the above positions.

2. Direct the Department of Administration to work with all cabinet agencies to assess their performance under this Executive Order.
3. Direct the Department of Administration to include a notice on its website affirming contractors' public records responsibilities under section 19.36(3) of the Wisconsin Statutes. The Department of Administration is further directed to ensure that these responsibilities are addressed in the State's standard contract terms and conditions.
4. Direct each cabinet agency to develop dashboards that report on each agency's performance on core agency functions for the citizens of Wisconsin to review. Agencies are encouraged to actively engage stakeholders in discussions about the agency's performance. Agencies are further directed to update those dashboards on a quarterly basis in an effort to attain continuous performance improvement and to actively share the outcomes with agency staff. Each agency's dashboard will be made viewable to the general public online.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this eleventh day of March in the year two thousand sixteen.

  
SCOTT WALKER  
Governor

By the Governor:

  
DOUGLAS LA FOLLETTE  
Secretary of State