



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Bradley M. Pfaff, Secretary

PUBLIC NOTICE: ACCESS TO RECORDS

Provided pursuant to Wis. Stat. § 19.34.

You have a right to inspect and copy certain records under Wisconsin's Public Records Law. Wis. Stat. §§ 19.31-.39.

DEPARTMENT DESCRIPTION

The Department of Agriculture, Trade and Consumer Protection (DATCP) regulates agriculture, trade, and commercial activity in Wisconsin. It enforces the state's primary consumer protection laws, animal health and disease control laws, and provides agricultural development and marketing services, as well as farm assistance.

DATCP policy is established by a 9-member board of private citizens. The DATCP Secretary runs the department, subject to Board direction. The Secretary appoints administrators to run DATCP's six divisions: 1) Food Safety, 2) Trade and Consumer Protection, 3) Animal Health, 4) Agricultural Resource Management, 5) Agricultural Development, and 6) Management Services. The administrators of these divisions are state public officials. DATCP's Secretary, Deputy Secretary, Assistant Deputy Secretary, Chief Legal Counsel, Communications Director, and Legislative Liaison are also state public officials. In addition, there are several boards and councils attached to DATCP: Land and Water Conservation Board, Fertilizer Research Council, Livestock Facility Siting Review Board, Agricultural Producer Security Council, and the Veterinary Examining Board.

PROCEDURE FOR MAKING REQUESTS

Under the authority of Chapter 19 of the Wisconsin Statutes, the DATCP Secretary is the legal custodian of DATCP records, including the records of the DATCP Board and the boards and councils attached to DATCP. To facilitate access to records, the Secretary's authority as records custodian has been delegated to the Assistant Deputy Secretary. Requests for access to public records, and questions concerning application of the public records law, should be directed to:

DATCP Public Records
2811 Agriculture Drive, 4th Floor
P.O. Box 8911
Madison, WI 53708-8911
(608) 224-5023
DATCPPublicRecords@Wisconsin.gov

Staff will be available to accept requests in person or by phone during DATCP's normal office hours, 7:45 a.m. to 4:30 p.m., Monday through Friday. Requests may be made orally or in writing, and must be reasonably specific as to subject matter or time period.

As soon as practicable and without delay, the custodian will either notify you of the availability of the records requested, or deny the request in whole or in part because the records do not exist or are not accessible under the public records law. The time it takes the custodian to respond to the request will depend on factors including the nature and extent of the request and the availability of staff and other resources necessary to process the request. If the custodian denies a written request, the requester has a right to receive the denial in writing.

FEES

DATCP may charge the actual, necessary, and direct cost of reproducing a record. When the request calls for a copy of a record, and the record can be photocopied, a standard fee of \$0.15 per printed page or \$0.07 for each pdf page produced will be assessed. The standard fee for a burned compact disc (CD) is \$0.14 per disc. *See* Wis. Stat. § 19.35(3)(b). If the requested records already exist in an electronic format and electronic copies are provided, costs will not be charged on a per-page basis. But if the record is not in readily comprehensible form, DATCP may charge the actual cost of creating a readily comprehensible copy. *WIREdata, Inc. v. Vill. of Sussex*, 2008 WI 69, 310 Wis. 2d 397, 751 N.W.2d 736. DATCP may charge the actual, necessary, and direct transcription costs. Wis. Stat. § 19.35(3)(a). DATCP will not charge for the cost of reviewing records for possible redaction or removal of confidential information.

DATCP may charge the actual, necessary, and direct cost of locating the records if it exceeds \$50. Wis. Stat. § 19.35(3)(c). There will be an additional charge for retrieving records from the State Records Center. Regardless of who processes the request, fees will be calculated based on the hourly wage of the lowest paid staff member capable of performing the work, not to exceed \$22.54 per hour. If the records are mailed to the requester, DATCP may charge the actual, necessary, and direct shipping cost. Wis. Stat. § 19.35(3)(d).

The above fees apply except where a different fee is authorized by law. DATCP may request pre-payment if the total costs are greater than \$5. Wis. Stat. § 19.35(3)(f). Fees totaling less than \$5 may be waived at the discretion of DATCP. Make checks payable to the Wisconsin Department of Agriculture, Trade and Consumer Protection.