

City of Delafield Police Department NOTICE OF PUBLIC RECORDS POLICY

The City of Delafield Police Department ("the Department") is comprised of numerous units each with specific responsibilities essential to the management and administration of the Department. The mission of the Department is to provide a safe and secure community through proactive policing practices; maintaining high ethical standards in relationships within our community and among surrounding organizations.

To further the Department's effort to comply with the Wisconsin Public Records law, and realizing the importance of public access to governmental records, this Notice of Public Records Policy is hereby adopted and prominently displayed in accordance with Wis. Stat. § 19.34.

1. Department records are maintained by the Chief of Police. The Chief of Police is the legal guardian of the Department's records. The Chief of Police is the only position within the department that constitutes a local public office.
2. Time and place for requests for access to records. Requests for access to Department records may be made orally or in writing, and directed to: City of Delafield Chief of Police, 115 Main Street, Delafield, WI 53108, Phone No. 262-646-6240; Fax: 262-646-6242; E-mail: police@ci.delafield.wi.us.

Requests for access to and/or inspection of records of department records must be made during the Department's regular business hours at the City of Delafield Police Department located at 115 Main Street, Delafield, WI, Monday through Friday, 8:30 a.m. to 5:00 p.m.

3. Methods for Accessing or Obtaining Copies of Records. The Department will ask the requestor to complete a "Public Records Request" form and the "Record Information Request" form in order to assist both the Department and the requestor with clarifying the specific records being requested and any fees that may apply, although a requester is not required to complete the forms to have the request reviewed. However, pursuant to State and Federal law, the release of certain records may be restricted to certain individuals and the identity of the requestor and other additional information may be required in order to properly evaluate whether the record can be disclosed.

A requestor generally may choose to inspect a record and/or to obtain a copy of the record; however reasonable restrictions may be imposed on the manner of access to an original record if the record is irreplaceable or easily damaged.

A request for access to public records of this Department must reasonably describe the records sought and be reasonably limited as to the subject matter and/or length of time represented by the record. A request may be denied if the particular document requested is not on file with the Department or is exempted from disclosure by state or federal law.

The request will be responded to as soon as practicable and without delay. Generally you should expect a response within 10 working days; however, depending on the nature of the request, additional time may be required.

4. What will be released. As a result of a 7th Federal Circuit Court of Appeals decision, *Senne v. Village of Palatine, Il.*, 695 F.3d 597, (2012) and a Supreme Court decision, *Maracich v. Spears*, 675 F.3d 281 (2012), many law enforcement agencies, including this Department have had to significantly alter their procedures for complying with the Wisconsin Public Records Law. Both of these cases interpreted the Federal Driver Privacy Protection Act, ("DPPA"), Article VI, Section 2 of the U.S. Constitution, Wis. Stats. 19.36 (1) and (1)(a) recognize that the DPPA supersedes State law in determining what records or parts of records can be released to the public.

In order to comply with these decisions interpreting DPPA, we must remove from our records "personal information that identifies an individual" obtained from the Department of Transportation records including the following data elements before copies of such records may be provided to the public without the written consent of the persons named therein:

1. Names
2. Dates of Birth
3. Addresses (except 5-digit zip codes)
4. Phone numbers (cell and land line)
5. Photographs
6. Social Security Numbers
7. Medical or disability information
8. Driver's license and DOT ID card numbers and physical descriptors
9. Vehicle registration plate numbers and related information
10. Vehicle Identification Numbers (VIN)

We wish you to be aware that your copy of a requested police record may contain significant deletions (blacked out) in order to comply with the Federal law and avoid both civil and criminal penalties. Such penalties also apply to any person who disseminates legally protected personal data items without a permissible use as stated in the DPPA, (A list of such permissible uses is included with the "Record Information Request" form). If you qualify for one of these Federal uses, you may complete the "Record Information Request" form certifying that fact in order to receive the entire, unredacted (not blacked out) copy of the requested document. Falsifying this form may result in Federal and/or State civil and/or criminal penalties.

If you are requesting a record that pertains to you personally, you will receive a copy of the record with all your "personal information" contained thereon but all other personal information pertaining to other individuals/drivers will be redacted (blacked out). This means that you must properly identify yourself when requesting a police record so that we can locate the record pertaining solely to you. You can only receive an entire, unredacted copy if you properly execute the DPPA form attesting to your eligibility for one or more of the permissible uses listed thereon, or you provide a written and notarized release signed by each person mentioned in the police records request.

This notice is for information purposes only and should not be construed as a denial of any particular record request or as providing legal advice. Further, any request which later is actually denied is subject to review by mandamus under Wis. Stat. 19.37 (1) or upon application to the attorney general or a district attorney.

5. Fees and Costs. For copies of records, requestors will be charged \$.25 per page for standard size photocopies and will be charged the actual, necessary and direct costs of non-standard size photocopies, photographic or other reproduction. Requestors also will be charged the actual costs of mailing or shipping any requested copies or reproductions. If the actual, necessary and direct costs of locating records responsive to a request exceed \$50.00, the requestor will be charged that location cost.

Prepayment may be required if the total costs of responding to a request exceed \$5.00.

August 14, 2013



City of Delafield Police Department
115 Main Street
Delafield, WI 53018
Non Emerg.: 262-446-5070
Administrative: 262-646-6240
Fax: 262-646-6242
police@ci.delafield.wi.us

PUBLIC RECORDS REQUEST FORM

Except as authorized under Wis. Stat. § 19.35(1)(i) and except as required by the Federal Driver's Privacy Protection Act ("DPPA"), no request under Wis. Stat. § 19.35(1)(a) and (b) to (f) may be refused because the person making the request is unwilling to be identified* or to state the purpose of the request. However, the City of Delafield Police Department provides this form in order to assist both the Department and the requestor with clarification of the specific records being requested and any fees that may apply.

Date Request Received: _____ Request Made: In Writing: Orally:

Record Information Request Form (per DPPA) completed? Yes: No:
If "yes", attach completed form

Requester's Name: _____ Telephone No.: _____

Address: _____

Information or Records Requested (please be specific): _____

Method for Delivery of Response to Requester: Pickup: Mail Delivery Other _____

Fees: Photocopies (standard size) - \$.25 per copy \$ _____

Actual, necessary and direct costs non-standard size photocopies, of photographic or other reproduction (e.g., photo, CD disk, DVD disk, audio or video cassette recording) \$ _____

Explain: _____

Actual, necessary and direct costs of location of a record if the cost of such location is \$50.00 or more \$ _____

Actual, necessary and direct costs of mailing or shipping \$ _____

TOTAL: \$ _____

Note: Prepayment may be required if the total amount exceeds \$5.00

Signature of Department Personnel Receiving Request: _____

* Pursuant to State and Federal law, the release of certain records may be restricted to certain individuals and the identity of the requestor and other additional information may be required in order to properly evaluate whether the record can be disclosed.

**CITY OF DELAFIELD POLICE DEPARTMENT
RECORD INFORMATION REQUEST**

Title 18 USC Section 2721-2725 and Wis. Stat. § 19.36(1)

Pursuant to the Federal Driver's Privacy Protection Act, before certain records and/or personal information can be disclosed, the identity of the requester and a statement that the requester is authorized to obtain the requested records is required. If requester elects not to complete this form, personal information contained within any requested record may be redacted.

Section A – Requester Information

| | | | |
|---|------|-------------------------|----------|
| Name – Firm or Corporation | | Area Code – Telephone # | |
| Name – Person Completing This Form | | Area Code – Telephone # | |
| Street Address | City | State | ZIP Code |
| Mailing Address (if Different from Above) | City | State | ZIP Code |

Section B – Requester Information Request

I (we) request the following record information:

Section C- Authorization – Please check the statement below that allows you to obtain personal information. Sign certification. I (we) are authorized under the Federal Driver's Privacy Protection Act to obtain the identified records and personal information based on the following:

- 1. Authorized for use, if the requester demonstrates that they have obtained the written consent from the person about whom the information pertains.
 - (a) I am requesting a copy of my own record.
 - (b) I am a parent or legal guardian of a minor child and am requesting a copy of his/her record.
 - please I am requesting the record of another person and have attached their written consent.
- 2. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Automobile Information Disclosure Act, the Anti-Car Theft Act of 1992, and the Clean Air Act.
- 3. A government agency (federal, state, local or tribal) or employed by such, for the purpose of the government agency to carry out its functions.
- 4. A federal, state, circuit, local, or tribal court, or employed by such, for the purpose of the court to carry out its functions.

Please sign on Page 2.

- 5. A Wisconsin or out-of-state law enforcement agency, or employed by such, for the purpose of the law enforcement agency to carry out its functions.
- 6. Authorized representative, agent, contractor, or employed by such, of a legitimate business and the vehicle/driving record being requested will be used for normal course of business, but only to:
 - a. Verify accuracy of the personal information;
 - b. Obtain correct information, but only for the purposes of preventing fraud, pursuing legal remedies, or collecting a debt.
- 7. Authorized for use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, circuit, local or tribal court or agency, or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, circuit, local, or tribal court.
- 8. Authorized for use in research activities and producing statistical reports, as long as the personal information is not published, redisclosed, or used to contact individuals.
- 9. Authorized representative, agent, contractor, or employed by such, of an insurer, insurance support organization or self-insured entity and the vehicle/driving records(s) being requested will be used only in connection with the following:
 - a. Claims investigation;
 - b. Anti-fraud activities;
 - c. Rating or underwriting.
- 10. Authorized for use in providing notice to the owners of towed or impounded vehicles.
- 11. Authorized representative or owner of a licensed private investigative agency or licensed security service and the vehicle/driving record is being requested for the use of purposes permitted under the Federal Driver's Privacy Protection Act.
- 12. Authorized as an employer, or its agent or insurer for use in obtaining or verifying information relating to a holder of a commercial driver license (CDL).
- 13. Authorized representative or owner of a private toll transportation facility for use in the operation of the facility.

The Driver Privacy Protection Act (DPPA) is enforced by the U.S. Department of Justice, which may seek civil and criminal penalties for improperly obtaining, disclosing, or using personal information from a motor vehicle record for a purpose not permitted by the DPPA. In addition, private citizens may also seek civil damages in Federal Court.

Certification

I (we) certify that the information and statements on this request are true and correct, comply with the provisions of the Federal Driver's Privacy Protection Act and understand that the willful, unauthorized disclosure of information obtained from these records for a purpose other than stated on this request, or the sale of other distribution of the information to a person or organization not disclosed in this request may result in penalties imposed under Title 18 U.S.C. Section 2724.

(Requester Signature)

(Date Signed)