

## Chapter Eth 6

## PUBLIC INSPECTION AND COPYING OF RECORDS

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**Eth 6.01 Definition; record.** As used in this chapter, "record" or "records" means all books, maps, photographs, films, recordings, computer tapes, computer programs, computer printouts, or other documentary materials or any copy thereof, regardless of physical form or characteristics which are in the lawful possession or control of the board, or to the possession or control of which the board is lawfully entitled.

**History:** Cr. Register, June, 1976, No. 246, eff. 7-1-76.

**Eth 6.02 Access to records, generally.** (1) All records may be inspected or copied by any person during regular business hours unless:

- (a) The records are made confidential by statute, or
- (b) The public's interest in nondisclosure outweighs the benefits of disclosure and the records:
  1. Contain financial, medical, social or personal histories or disciplinary data that may unduly damage reputations;
  2. Concern employment, dismissal, promotion, demotion, compensation or discipline of any state official or employe or the investigation of charges against a state official or employe;
  3. Report communications between the board and its legal counsel concerning the legal rights and duties of the board if publication would adversely affect the board's position in an adversary or bargaining situation;
  4. Were obtained under a clear pledge of confidentiality, if the pledge was made in order to obtain the information;
  5. Concern the actions, deliberations, or discussion at a lawfully closed session of the board; or
  6. Identify people who have inspected records.

(2) (a) A person desiring to inspect any record must sign a statement setting forth his name and address and identifying the records he wishes to inspect.

(b) No employe of the board shall refuse to honor any request to inspect or copy records because the person making the request is unwilling to state a reason for making the request.

(c) Requests to inspect or copy records may be made to any employe of the board who shall locate the records requested and make copies thereof, if requested, as soon as practicable.

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(3) Any employe of the board who denies any request to inspect or copy records shall, upon request of the party wishing to inspect such records, set forth in writing the reason for such denial and inform the requesting party of the manner in which the determination may be appealed.

(4) A person whose request to inspect or copy records has been denied by an employe of the board may appeal that decision to the board. The appeal shall be in writing and shall be either granted or denied by the board at its first meeting after it is filed.

**History:** Cr. Register, June, 1976, No. 246, eff. 7-1-76.

**Eth 6.03 Access to statements of economic interests.** Request to Copy. The executive director or his designee shall require each person wishing to obtain a copy of a statement of economic interests in the board's possession to identify himself and, if he represents another person or organization, the identity of the person or organization he represents. The board shall record and retain information obtained by it pursuant to this section.

**Note:** This rule is based on the board's determination that permitting people who are unwilling to identify themselves to conduct secret inquiries results in a harm to the public's interests that outweighs any benefit that would result from granting inspection.

**History:** Cr. Register, June, 1976, No. 246, eff. 7-1-76.

**Eth 6.04 Fees for copying records.** The board shall charge no fee for providing 10 or fewer pages. The board may charge a fee of 10¢ per page for each page in excess of 10.

**History:** Cr. Register, June, 1976, No. 246, eff. 7-1-76.