Audit of Public Records Requests and Controls

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April 2018

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Office of the Comptroller

April 16, 2018

Honorable Tom Barrett, Mayor
The Members of the Common Council
City of Milwaukee
Milwaukee, WI 53202

Dear Mayor and Council Members:

The attached report summarizes the results of the citywide audit of Public Record Requests and Controls. The scope of the audit included the processes and controls utilized by City departments for receiving, tracking, and fulfilling public records requests for the fiscal years 2015 and 2016. The objectives of the audit were to:

1. Assess compliance with Wisconsin's public records law and applicable guidance.
2. Assess management controls over public records request responses.
3. Evaluate the adequacy of public records training programs and guidance received by City departments (from both the City Attorney's Office and internal department training).

The audit concluded that the internal controls in place over City departments' public records requests processes are adequately designed and operating effectively. Although decentralized, the public records processes implemented by each department or division are appropriately overseen and functioning in a compliant manner.

However, for certain controls identified within this report, enhancements should be made to the control design to ensure operational effectiveness. The audit report includes three recommendations to address these issues. Audit findings are discussed in the Audit Conclusions and Recommendations section of this report, which is followed by management's response. It should be noted that departmental management proactively initiated mitigating actions, deemed necessary to address some of the issues encountered, during the performance of the audit.

Appreciation is expressed for the cooperation extended to the auditors by staff from the City Attorney's Office, Milwaukee Fire Department, Office of the City Treasurer, Milwaukee Health Department, Employes' Retirement System, Department of Neighborhood Services, Department of Administration – Budget Management Division, and the City Records Center.

Sincerely,

Adam Figon

Adam Figon, MBA, CRMA
Audit Manager

AF: kap

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I. Background

The public policy in Wisconsin is to give the public the greatest amount of access to public records as possible. Under the Public Records Law, a "record" is defined as any material (written, drawn, printed, digital, etc.) on which information or data created by an authority is kept in connection with an official purpose or function. The general presumption in Wisconsin is that public records are open to the public unless there is a clear statutory or common law exception.[1]

The purpose of the Wisconsin Public Records Law is to shed light on the workings of government and the official acts of public officers and employees. Under Wisconsin's Public Records Law, each City of Milwaukee department head or elected official is the official custodian of the records of his or her department or office. Thus, the City's public records process is decentralized with requests to examine or obtain copies of specific records addressed to a specific custodian.

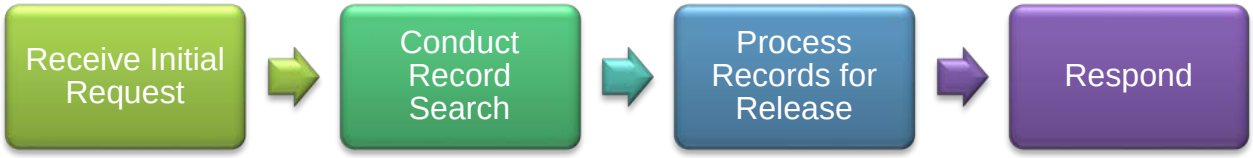
Many original City records or data obtained from City records are available through the City's website. Records not available online can be requested orally or in writing. The form of the record request dictates the form of the response – an oral response can be made to an oral record request, while a written record request requires a written response.

Requested records fall into one of three categories: (1) absolute right of access; (2) absolute denial of access; and (3) right of access determined by a balancing test performed by the custodian of the records. If there is no clear statutory or common law exception to releasing a record, the custodian must conduct the balancing test and weigh the competing interests of the public in access to each record requested against the possible harmful effect on the public interest in disclosing the record.[2]

Figure 1 below illustrates the basic steps through which records requests should be manually moved by each City department and division.

[1] Wisconsin Public Records Law Compliance Guide, Brad D. Schimel, Attorney General (November 2015), pp. 1-2.
[2] *Ibid., p. 19.*

Figure 1. Basic Public Records Request Process



Requirements of the Public Records Law apply to records that exist at the time a public records request is made. The Public Records Law does not require authorities to provide requested information if no responsive record exists, and generally does not require authorities to create new records in order to fulfill public records requests. Thus, responsive records are all those existing records that fall within the scope of the requester's request. See Appendix A for the volume and nature of records requests received by each City department in 2015 and 2016.

II. Audit Scope and Objectives

The scope of the audit included the processes and controls utilized by the City of Milwaukee (the "City") departments and divisions for receiving, tracking, and fulfilling public records requests. The audit focused on whether the City processes comply with the Wisconsin Public Records Law, as well as best-practice standards. The audit scope included public records requests for the calendar years 2015 and 2016. The audit did not directly include the United States Freedom of Information Act (FOIA), 5 U.S.C. § 552, which does not apply to states.

The objectives of the audit were to:

1. Assess compliance with Wisconsin's Public Records Law and applicable guidance.
2. Assess management controls over public records request responses.
3. Evaluate the adequacy of public records training programs and guidance received by City departments (from both the City Attorney's Office and internal department training).

This audit was conducted in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient,

appropriate evidence that provides a reasonable basis for the findings and conclusions based on the audit objectives. Internal Audit believes that the evidence obtained provides a reasonable basis for the audit's findings and conclusions based on the audit objectives.

Methodology

The audit's methodology included developing an understanding of processes and controls for receiving, tracking, and responding to public records requests. The audit procedures, which were developed to evaluate the processes and controls necessary to meet the audit's objectives, included process walk-throughs, inspection of relevant support documentation, and detailed tests of controls. Procedures and tests were conducted that:

- Assessed whether the City complied with the Wisconsin Public Records Law policy and notice requirements;
- Reviewed internal policies, procedures, and guidelines; and
- Tested a sample of public records requests for compliance with statutory requirements.

Specifically, testing of internal controls was performed as follows:

- Determined whether each department has adopted a Public Records Policy, which is displayed in its office, and contains all items required by Wis. Stat. §19.34(1), as applicable.
- Determined whether formal documented procedures for the public records process exist, are complete, and are up-to-date.
- Inspected sampled record requests and confirmed that a response was provided in the form required under the law.
- Inspected sampled record requests and confirmed that the response was provided "as soon as possible and without delay" (within 10 business days for simple requests).
- Inspected sampled record requests and confirmed that responsive records were located or if none existed, this was communicated to requester.

- Inspected sampled record requests and confirmed that if a denial or partial denial occurred, it was communicated in writing with specific policy reasons provided; and that any information exempted from disclosure was redacted.
- Inspected sampled record request responses and confirmed that fees were only assessed for permissible purposes, were not excessive, and were consistent citywide.

III. Organization and Fiscal Impact

The nature of the records maintained by each City department or division is shaped by the unique functions each serves. Accordingly, the type and volume of record requests received by each department or division varies greatly. To capture a representative image of the City's public records processes, the following seven City departments and divisions were selected for review, based on various risk factors – for example, volume of record requests and record type (i.e. those containing financial, personal information, structural information, etc.), among other considerations.

Milwaukee Fire Department

The mission of the Milwaukee Fire Department (MFD) is to prevent loss of life, limit fire related property damage, and improve the chances of survival from life threatening medical circumstances.[3] The MFD works to provide safe and healthy neighborhoods through the provision of effective fire prevention and education, fire suppression, emergency medical services, and specialized rescue programs. The department has three organizational divisions:

- Administration
- Emergency Medical Services (EMS) and Training Division
- Operations Division (Fire Suppression)

In 2015 and 2016, the MFD received, on average, approximately 825 record requests per year. The most commonly requested records were fire and medical run incident reports.

[3] City of Milwaukee – 2017 Adopted Plan and Budget Summary, pp. 88-92
http://city.milwaukee.gov/ImageLibrary/User/crystali/PublicSite/website2017adopted.pdf

Employes' Retirement System

The mission of the Employes' Retirement System (ERS) is to administer the plan as provided under the City charter, maintain member records, pay benefits to which members and beneficiaries are entitled, and invest and manage the funds of the trust in a prudent and vigilant manner.[4] ERS contributes to the City's fiscal stability and capacity by effectively managing the pension funds under its control.

In 2015 and 2016, ERS received, on average, approximately 22 record requests per year. The most commonly requested records were investment holding and performance data, medical records, and employee-disability hearing materials.

Milwaukee Health Department

The mission of the Milwaukee Health Department (MHD) is to ensure that services are available to enhance the health of individuals and families, promote healthy neighborhoods, and safeguard the health of the Milwaukee community.[5] The MHD improves public health by implementing educational programs, developing policies, administering services, and conducting research. The department has four multidisciplinary divisions:

- Family and Community Health
- Disease Control and Environmental Health
- Health Laboratory Services
- Consumer Environmental Health

In 2015 and 2016, the MHD received, on average, approximately 157 record requests per year. The most commonly requested records were inspection reports and follow-up; MHD responses to current public health matters; data related to current illness; and confirmed cases of any reportable illness.

[4] *Ibid.*, p. 188-191.
[5] *Ibid.*, p. 93-103.

Office of the City Treasurer

The mission of the Office of the City Treasurer is to fulfill the duties and responsibilities of the City Treasurer, who serves as the chief investment and revenue collection officer of the City.[6] The City Treasurer receives and accounts for all monies paid to the City, makes disbursements vouchered for payment by the Comptroller, invests City funds that are not needed to meet current expenditures, collects current property taxes and delinquencies, settles property tax collections, and remits monies to each taxing jurisdiction.

In 2015 and 2016, the Office of the City Treasurer received, on average, approximately 272 record requests per year. The most commonly requested records were copies of checks; requests for proposals; payment receipts; tax bills; data files; and lists of outstanding checks.

Department of Administration – Budget & Management Division

Budget and Management is a division of the Department of Administration; and serves as the City's executive budget office. The Budget and Management Division is responsible for development of the annual Executive Budget, implementation of the adopted budget, management analysis of City operations, and development and analysis of fiscal policy and legislative proposals.[7]

In 2015 and 2016, the Budget and Management Division received, on average, approximately one record request per year. The most commonly requested records were budget expenditure related documents.

Department of Neighborhood Services

The mission of the Department of Neighborhood Services (DNS) is to protect the value of investments in property throughout the City and to strengthen the redevelopment capacity of city neighborhoods. DNS supports neighborhood improvements by enforcing standards for buildings, property, and land use. The department uses its enforcement, financial, and educational resources to encourage investment in housing and other buildings in neighborhoods. Various inspection and

[6] *Ibid.*, p. 51-53.
[7] Department of Administration, Management & Services – Budget Office, http://city.milwaukee.gov/Budget.

enforcement activities ensure compliance with building and property codes, which helps maintain an attractive investment environment and fosters reinvestment into City neighborhoods.[8]

In 2015 and 2016, DNS received, on average, 138 record requests per year. The most commonly requested records were building code violations documentation.

City Records Center

The City Records Center is a division of the Office of the City Clerk. The mission of the Records Center is to provide departments with records services, information management, and mail services in a timely manner while assisting them with achieving business goals and ensuring legal compliance with local, state, and federal record laws, as well as United States Postal System mail standards and regulations.[9]

In 2015 and 2016, the Records Center received, on average, 1,432 record requests. The most commonly requested records were building plans and property information.

IV. Audit Conclusions and Recommendations

The audit evaluated City of Milwaukee internal controls over the processes used to receive, track, and fulfill public records requests. These internal controls, developed and implemented by City departments and divisions, provide management with assurance that processes are performed consistently and comply with statute, policies and procedures, and best practices.

The audit concluded that the internal controls in place over City departments' public records requests processes are adequately designed and operating effectively. Although decentralized, the public records processes implemented by each department or division are appropriately overseen and functioning in a compliant manner. However, for certain controls identified within this report, enhancements should be made to the control design to ensure operational effectiveness.

[8] 2017 Adopted Plan and Budget Summary, pp. 124-130.
[9] City Clerk's Office, Public Records – Physical Records & Retrieval, http://city.milwaukee.gov/cityclerk/records.

Opportunities to improve the control environment are presented with respect to seven departments. This report identifies the following three recommendations to address these issues:

1. Develop, maintain, and display a notice regarding the department's Public Records Policy.
2. Develop and implement formal, documented procedures for public records requests processes.
3. Enhance retention controls over public records requests documentation.

Additional details regarding the recommendations for improvement are provided in the remaining sections of this report.

A. Public Records Policy Notice

The Wisconsin Public Records Law (Wis. Stat. §§ 19.31 – 19.39) grants the public a statutory right to access and/or copy public records, unless disclosure would be against the public interest. Under the Public Records Law, City of Milwaukee department heads or elected officials are the custodians of the individual records of their respective department or office. Therefore, in accordance with § 19.31, each City department and division must adopt, display, and make available for inspection and copying at its office(s) a notice about its public records policies. The notice must include:

- A description of the organization;
- The established times and places at which the public may obtain information and access to records in the organization's custody, make requests for records, or obtain copies of records;
- The costs for obtaining records;
- The identity of the legal custodian(s);
- The methods for accessing or obtaining copies of records;
- For authorities that do not have regular office hours, any advance notice of intent requirement to inspect or copy records; and
- Identification of each position that constitutes a local public office or state public office.

Additionally, § 19.53 (3) identifies specific, permissible categories for which an authority may charge a requester a fee for requested records. Under Ch. 81-38.5 (2) of the City Code of Ordinances, this fee shall be 25 cents per page for black and white photocopies of paper records that do not exceed 8.5 inches by 14 inches in size, or 50 cents per double-sided photocopy.

Audit testing indicated that an up-to-date public records policy notice, which accurately provided all required information, was not displayed at the following City department or division office(s):

- Milwaukee Fire Department
- Milwaukee Health Department
- Department of Administration – Budget and Management Division

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Recommendation 1: Develop, maintain, and display a notice regarding the department's Public Records Policy.

To ensure compliance with the requirements set forth by the Wisconsin Public Records Law, Management should develop, maintain, display, and make available for review a notice regarding its public records policy at its office(s); and update the policy as needed.

B. Policies and Procedures

According to best practice requirements, including the *2013 COSO Framework–Principle 12*: Management should implement control activities through policies that establish what is expected and through procedures that put policies into action.

Policies and procedures promote consistency, define expectations, serve as a training tool, and provide continuity to operations. Written policies and procedures should be developed and

enforced for all department operations; made accessible and communicated to all personnel; and reviewed and updated, as needed.

Audit procedures were designed to confirm City departments' documentation of comprehensive procedures for records request processing and controls. Audit testing identified that formal, documented procedures have not been developed and implemented for the following departments and divisions:

- Milwaukee Fire Department
- Employes' Retirement System
- City Records Center
- Department of Administration – Budget & Management Division

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Recommendation 2: Develop and implement formal, documented procedures for public records requests processes.

Management should develop and implement formal, comprehensive procedures for public records requests processes. The procedures should be based on best practice and include a process to:

- Log and retain written records requests;
- Monitor open records requests to ensure a timely response;
- Identify and collect responsive records;
- Perform a balancing-test to determine right of access;
- Formally respond to written record requests;
- Determine the required format and content of a denial or partial denial of a records request;
- Provide notice to a record subject (as applicable, prior to release of requested record); and
- Perform redaction, as necessary.

The procedures should be readily accessible and updated as necessary.

C. Retention of Public Records Requests and Responses

The Public Records Law defines a "record" as any material (written, drawn, printed, digital, etc.) on which information or data created by an authority is kept in connection with an official purpose or function.[10] Examples of records include:

- Handwritten, typed, or printed documents
- Photographs, film, DVDs, and tape recordings
- Charts and graphs
- Maps
- Public records requests and written responses
- Emails or electronic documents

Record retention schedules specify the length of time that each public record must be kept in order to satisfy operational, legal, fiscal, and historical requirements for that record. Adherence to retention schedules helps ensure that public records are maintained in a manner that allows timely, efficient, and accurate retrieval of requested information.

By statute, the default record retention schedule for all government records (including electronic records) is seven years, unless otherwise prescribed by ordinance.[11] The City's global retention schedule requires that formal, written records requests, copies of written responses, as well as copies of the records supplied are to be retained for at least two years, regardless of the storage media used.

Furthermore, under section 19.35 (5) of the Public Records Law, a record may not be destroyed at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied.

[10] Wis. Stat. § 19.32 (2).
[11] Wis. Stat. § 19.21 (4) (b).

Audit procedures were designed to test a sample of 2015 through 2016 records requests received by City departments and divisions for compliance with statutory provisions. Audit testing identified that supporting documentation evidencing receipt of records requests and formal, written responses was not consistently retained by the:

- Milwaukee Fire Department
- Department of Neighborhood Services
- Milwaukee Health Department

Recommendation 3: Enhance retention controls over public records request documentation.

Management should ensure that all relevant staff are familiar with both departmental and citywide retention schedules for public records requests and responses by:

- Posting copies of the departmental retention schedules to the department shared drive;
- Providing periodic records retention training; and
- Designating a departmental records retention coordinator to ensure that the department has the most up-to-date citywide records retention schedule.

Within each department, copies of retention schedules should be stored in a location which is easily accessible, and in a manner consistent with the citywide retention requirements.

Appendix A
Selected Survey Data

A Departmental Public Record Request Survey was distributed by Internal Audit on November 17, 2016 to obtain baseline information about the volume and nature of requests processed by each City department and division. The survey was sent to a total of 48 departments and divisions.

The following table provides a summary of the number of requests received in 2015 and 2016 by each City department, as well as the most commonly produced type of records during this period. Survey response data is current as of April 4, 2017.

Department/ Division	Number of Record Requests 2015	Number of Record Requests 2016	Total Requests	Most Commonly Produced Type of Record
Assessor's Office (Admin Only)	7	7	14*	Property Information
City Attorney	10	10	20*	Paper documents, emails, maps, and photos
City Clerk – License Division	61.5	61.5	123*	Emails and License applications
City Clerk - Records Center	1,389	1,475	2,864	Property Information
City Treasurer	290	254	544	Copies of checks, RFPs, and payment receipts; surveillance video; tax bills; data files; lists of outstanding checks; tax searches; and payment history
Common Council (all members) & City Clerk[1]	13	13	26*	Emails, letters, correspondence
Comptroller	24	18	42	Salary information and expenditure information
DCD	30	30	60*	Emails, letters, correspondence, and copies of documents
Deferred Compensation	20	20	40*	Financials, Performance Reports, RFP responses and evaluations

Department/ Division	Number of Record Requests 2015	Number of Record Requests 2016	Total Requests	Most Commonly Produced Type of Record
DER	34	20	54	Employee employment file records
DNS	122	153	275	Building code violations documents
DOA	4	2	6	Charter School Review Committee documents
DOA – BMD	2	0	2	Budget expenditure related documents
DOA – CDGA	3	4	7	Emails, letters, correspondence
DOA – ITMD	2.5	2.5	5*	Emails, Excel documents, data extracted from applications or databases
DOA – OSBD	3	3	6	Certification records, quarterly TIF-fund project reports, development project agreements, human resource agreements
DOA – Purchasing	25	34	59	Bid tabulations, copies of contracts, and copies of RFP submissions
DOA – Sustainability	1	1	2*	Policy documents
DPW – Water Works	Survey response not received			
DPW (Admin Services only)	83	70	153	Copies of contract bids and contracts, financial reports, videos, and photographs
Election Commission	Survey response not received			
ERS	22	22	44*	Investment holding and performance data, medical records, and disability hearing materials

Department/ Division	Number of Record Requests 2015	Number of Record Requests 2016	Total Requests	Most Commonly Produced Type of Record
FPC	62	68	130	Complaints, disciplinary appeal files, meeting records, and copies of documents reviewed by Commissioners
Health Department	157	157	314*	Inspection reports and follow-up, MHD responses to current public health matters, data related to current illness, and confirmed cases of any reportable illness
Homeland Security	Survey response not received			
LRB	Survey response not received			
Mayor	30	31	61	Emails, letters, correspondence
MFD	885	765	1,650	Incident reports
MPD	21,506	22,797	44,303	Incident reports; photographs, dash camera videos, body camera videos, surveillance videos, policies, arrest documents, emails
MPL	12.5	12.5	25*	Emails and video
Municipal Court	58	84	142	Copies of court case documents, copies of case management system reports, and data from case management system
Port	1	1	2*	Tenant leases

[1] A single survey response was received for the Office of the City Clerk and the Common Council

* A single two-year total was provided, which was averaged to obtain the number of requests for each year.

City of Milwaukee

Department of Administration
Budget and Management Division

Tom Barrett
Mayor

Sharon Robinson
Administration Director

Dennis Yaccarino
Budget and Management Director

March 23, 2018

Adam Figon
Audit Manager
Comptroller's Office
City Hall, Room 401

RE: Response to the Audit of Public Records Requests and Controls

Dear Mr. Figon:

We are in receipt of your Audit of Public Records Requests and Controls and we are offering the following response to the report recommendations:

Recommendation 1: Develop, maintain, and display a notice regarding the department's Public Records Policy.

We have updated our Public Records Notice to comply with State of Wisconsin Public Records Law. A copy of our Public Records Notice is attached.

Recommendation 2: Develop and implement formal, documented procedures for public records requests processes.

We have developed an Open Records Request Procedure as recommended in the audit. We will maintain and update it as necessary. A copy of the procedure is attached.

I hope this satisfies your requirements. Please do not hesitate to contact me if you have any questions.

Sincerely

Dennis Yaccarino

Dennis Yaccarino
Budget & Management Director

Attachments

cc: Kimberly Prescott

cei

i:/Open Records Requests/Open Records Audit letter.doc

City Hall • Room 603 • 200 East Wells Street • Milwaukee, Wisconsin 53202
Phone (414) 286-3741 • Fax (414) 286-5475 • www.city.milwaukee.gov/budget

City of Milwaukee

Department of Neighborhood Services

Preston D. Cole
Commissioner

Thomas Mishefske
Operations Director

Michael Mazmanian
Operations Director

March 13, 2018

Adam Figon
Audit Manager
Comptroller's Office
200 East Wells Street, Room 404
Milwaukee, WI 53202

RE: Departmental Response to the Audit of Public Records Requests and Controls

Dear Mr. Figon,

I am writing to acknowledge that the Department of Neighborhood Services (DNS) has received and reviewed the findings of the recent audit of public records requests and controls. We offer the following response to the findings of the report:

Recommendation 3: Enhance retention controls over public records request documentation

DNS supports the public policy position of the State of Wisconsin that the public should receive the greatest amount of access to public records as possible. As a result, we work to ensure the public has timely and accurate responses to public records requests.

DNS has improved the tracking of our records requests and responses to ensure all documents are kept in accordance with the requisite retention schedule. An electronic Excel document is used to track all incoming and outgoing communication. A date field tracks the length of time since the request is received to ensure a timely response.

All employees that engage in the public records request process are encouraged to attending training. All employees currently responsible for drafting responses have attended public records training by the City Attorney's Office. Following a period of turnover in the office, we were able to redistribute job duties so the responsibility for records request responses is held by just a few key individuals. These individuals are familiar with the retention schedules.

841 N. Broadway, Room 104 • Milwaukee, WI 53202 • (414) 286-2268 • www.milwaukee.gov/dns

Completion Date: Already in effect

DNS appreciates the opportunity to work with the Comptroller's Office to ensure we follow all proper procedures and controls.

Sincerely,

Preston D. Cole
Commissioner

MILWAUKEE ERS Employes' Retirement System

City of Milwaukee
Employes' Retirement System

Bernard J. Allen
Executive Director

David M. Silber, CFA, CAIA
Chief Investment Officer

Melody Johnson
Deputy Director

March 12, 2018

Adam Figon
Audit Manager
Comptroller's Office
200 East Wells Street, Room 404
Milwaukee, WI 53202

RE: Response to Audit of Public Records Requests and Controls Report

Dear Mr. Figon:

The Employes' Retirement System appreciates the opportunity to work with the Comptroller's Office on the audit of public records requests. We offer the following response to the report's recommendations:

Recommendation 2: Develop and implement formal, documented procedures for public records requests processes.

ERS has developed an SPI (Standard Process Instruction) for Public Records Requests. This document is stored with all other departmental SPIs in the common drive of our computer system where all employees have access. I have attached a copy of this document.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Bernard J. Allen
Executive Director

BJA:met

789 N. Water Street, Suite 300, Milwaukee, WI 53202 • Phone 414-286-3557 or 1-800-815-8418 • Fax 414-286-8428

City of Milwaukee
Health Department

Tom Barrett
Mayor

Patricia McManus, RN, PhD, GCNPM
Commissioner of Health

www.milwaukee.gov/health

Frank P. Zeidler Municipal Building, 841 North Broadway, 3rd Floor, Milwaukee, WI 53202-3653 phone (414) 286-3521 fax (414) 286-5990

April 16, 2018

Adam Figon
Audit Manager
Comptroller's Office
City Hall, Room 404
200 East Wells Street
Milwaukee, WI 53202

RE: Response to the Audit of Public Records Requests and Controls

Dear Mr. Figon:

The City of Milwaukee Health Department (MHD) appreciates the opportunity to work with the Comptroller's office regarding the audit of public records requests and controls and offers the following response to the report recommendations and observations:

Recommendation 1: Develop, maintain, and display a notice regarding the departments Public Records Policy.
The MHD shares the audits concern about compliance with requirements set forth by the Wisconsin Public Records Law that the department must adopt, display, and make available for inspection and copying at its office a notice about its public records policies. While the MHD has a detailed policy about Public Records, no notices were posted at the various points of entry, complying with the required information. MHD has drafted a Public Records Policy Notice that is being printed in our graphics department. The Notice we will post is compliant with all the required information. When the document is ready, it will be posted at the Municipal Building, the School of Public Health and the three health centers.

Completion Date: April 2018

Recommendation 3: Enhance retention controls over public records request documentation.
The MHD shares the audit's concern that all relevant staff are familiar with both departmental and city-wide retention schedules for public records requests and responses. While the department will continue to have a designated records retention coordinator and training, the MHD will assure that other key staff are trained in this area as well. The MHD did not have a paper trail for the documentation evidencing receipt of records requests and formal written responses, these were kept electronically in an email system that was not created to contain files. This made it difficult to locate records when needed.

Completion Date: Fall 2018

The MHD has implemented a new system of documentation for records requests, including paper and electronic files for each request received by the department. These will be retained with the Records Custodian in a centralized location for the required amount of time. The department plans on scheduling a records retention training for all staff in the fall of 2018.

The MHD will continue to work to complete the initiatives outlined above to ensure that public records requests and controls exist and are adhered to by department staff.

Sincerely,

Patricia McManus

Patricia McManus, RN, PhD, GCNPM
Commissioner of Health

MILWAUKEE

City of Milwaukee

Fire Department

Mark Rohlfing
Chief

Gerard Washington
Assistant Chief
Brian Smith
Assistant Chief
John Schwengel
Assistant Chief

March 22, 2018

Mr. Adam Figon
Audit Manager
Comptroller's Office, Room 404
200 E. Wells St.
Milwaukee, WI 53202

RE: Response to Audit of Public Records Requests and Controls

Dear Mr. Figon:

The Milwaukee Fire Department (MFD) appreciates the opportunity to work with the Comptroller's office regarding the Audit of Dependent Insurance Coverage Eligibility and offers the following response to the report recommendations and observations:

Recommendation 1:
Develop, maintain, and display a notice regarding the department's Public Records Policy.

The MFD will create said notice and display it in Administration where public records are requested, as well as on the MFD website.

Completion Date: Spring 2018

Recommendation 2:
Develop and implement formal, documented procedures for public records requests processes.

The MFD already performs the below bulleted list of procedures, and will update its public records request procedural document to include same.

- Log and retain written records requests;
- Monitor open records requests to ensure a timely response;
- Identify and collect responsive records;
- Perform a balancing-test to determine right of access;
- Formally respond to written record requests;
- Determine the required format and content of a denial or partial denial of a records request;
- Provide notice to a record subject (as applicable, prior to release of requested record); and
- Perform redaction, as necessary.

Completion Date: Spring 2018

711 West Wells Street, Milwaukee, Wisconsin 53233 Phone (414) 286-8948 Fax (414) 286-8996

Recommendation 3:
Enhance retention controls over public records request documentation.

I am the departmental records retention coordinator, and as such will oversee processes of ensuring that all formal, written responses are consistently retained and records of same kept as required. Records retention schedules will be discussed with employees who work with said records and posted on a network computer drive. In addition, employees responsible for retaining MFD records will have a documented process in place and make it available to me and back-up staff on a shared network computer drive.

Completion Date: Summer 2018

The MFD is committed to complete the initiatives outlined above within the identified deadlines.

Sincerely,

Gerard Washington

GERARD WASHINGTON
Assistant Chief

GW/cf

City of Milwaukee

Office of the Common Council - City Clerk
City Records Center

Jim Owczarski
City Clerk
jowcza@milwaukee.gov

Bradley Houston
City Records Officer
Bradley.Houston@milwaukee.gov

Adam Figon
Audit Manager
Comptroller's Office
200 East Wells Street, Room 404
Milwaukee, WI 53202
Re: Response to Audit of Public Records Requests and Controls

The City Records Center (CRC) is pleased to receive this report regarding departmental management of Public Records Requests and to contribute to improvement of the City's records practices. We offer the following response to the relevant recommendation:

Recommendation 2: Develop and implement formal, documented procedures for public records requests processes.

The vast majority of requests received by the CRC pertain to release of plans of buildings erected within the City of Milwaukee and submitted to the Development Center for inspection and approval. Release or withholding of these records is dictated by MCO Ch. 311 (Secure Structure Plans), which provides criteria for identifying secure structures and puts Milwaukee in compliance with Wisconsin law. To a certain extent, the procedures for filling these requests are analogous to procedures for public records requests in general.

There are, however, opportunities to clarify certain ambiguous portions of the procedure, including specific procedures for denying requests, and the actual work of filling the requests is spread across several documents. Moreover, the need for creating and formalizing procedures for responding to non-building record requests is recognized by members of the CRC managerial and supervisory staff. CRC staff will document and formalize existing procedures for responding to public records requests, expanding the procedures where necessary to comply with the list of processes specified in the audit report.

Estimated Completion: Spring 2018

Our unit has an self-evident interest in seeing City departments and employees follow appropriate records management, retention, and access policies, and CRC staff are happy to assist where needed to help departments implement these and other recommendations.

Sincerely,

Brad Houston
Document Services Manager and City Records Officer

841 North Broadway • Room B-1 & B-2 • Milwaukee, WI 53202
City Records Phone (414) 286-5478 • Fax (414) 286-8147

Martin Matson
Comptroller

Aycha Sirvanci, CPA, CIA
Deputy Comptroller

Office of the Comptroller

Toni Biscobing
Special Deputy Comptroller

Rocklan Wruck, CPA
Special Deputy Comptroller

April 16, 2018

Honorable Tom Barrett, Mayor
The Members of the Common Council
City of Milwaukee
Milwaukee, WI 53202

Dear Mayor and Council Members:

With this letter, the Office of the City Comptroller acknowledges receipt of the preceding report, which communicates the results of the Audit of Public Records Requests and Controls. I have read the report and support its conclusions. Implementation of the stated recommendations will help improve City processes.

As the City Comptroller, I was not involved in any portion of the work conducted in connection with the audit. At all times, the Internal Audit Division worked autonomously in order to maintain the integrity, objectivity, and independence of the audit, both in fact and in appearance.

Sincerely,

Martin Matson

Martin Matson,

Comptroller

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www.milwaukee.gov/comptroller

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