



October 18, 2013

Matt Kranich
30936 Royal Hill Road
Burlington, WI 53105

Re: Public Records Request Dated 10/14/13

Dear Mr. Kranich:

The purpose of this letter is to respond to your email dated October 14, 2013, in which you asked me to provide the following information under the public records law: "all evaluations for the acting WGSD Superintendent position for the last 10 years."

Please note that Wisconsin's public records law generally permits a requester to inspect or obtain copies of "records" maintained by a government authority. Wis. Stat. § 19.35(1)(a). A "record" is defined under the public records law as "any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority" (emphasis added). Wis. Stat. § 19.32(2). The public records law generally does not require a record custodian to provide requested information if no responsive record exists. Department of Justice, *Wisconsin Public Records Law: Compliance Outline*, p. 1 (September 2012).

In the present case, I have reviewed the records of the Waterford Graded School District Joint No. 1 and have determined that the District has not created or kept records containing the information that you requested, to wit, "evaluations for the acting WGSD Superintendent position for the last 10 years."

Please contact me directly if you think there has been a misunderstanding regarding your request or the District's compliance with your request, or if you have any concerns or questions regarding this correspondence. In the event you believe that this correspondence constitutes a denial of your request, please note that Wis. Stat. § 19.37(1) provides a right to challenge the decision to deny a public records request, by either filing a *mandamus* action in Circuit Court or contacting the District Attorney of Racine County or the Wisconsin Attorney General.

Truly yours,

Chris Joch
Superintendent of Schools
Records Custodian