



## PUBLIC NOTICE: ACCESS TO PUBLIC RECORDS

Pursuant to *Wis. Stats. §§ 19.31 to 19.39*, the Open Records Law is construed with a presumption of public access, consistent with the conduct of governmental business, subject to the balancing test. *Wis. Stat. § 19.31*.<sup>1</sup> In the event of a conflict between this Privacy Notice and the Wisconsin Public Records Law or other law governing the disclosure of records, the Wisconsin Public Records Law or other applicable law will control. WDVA strives to protect personally identifiable information by collecting only the information necessary to deliver our services. The Open Records Team (ORT) shall deny access to an entire record or a portion of a record only when supported by state enterprise common interest protocols, applicable state and federal statutes, regulations, and administrative code provisions, court decisions, and/or attorney general opinions and correspondence.

## DEPARTMENT DESCRIPTION

The Wisconsin Department of Veterans Affairs (WDVA) was created by Chapter 580, Laws of 1945, to ensure that Wisconsin's veterans receive the state benefits to which they are entitled and to assist them in securing federal benefits. WDVA's programs, benefits, and services are generally designed to provide health, educational assistance, economic assistance, and other services to eligible veterans of the armed forces of the United States and their dependents.

This notice covers the following WDVA divisions: Office of the Secretary, Division of Enterprise Services, Division of Veterans Benefits, Division of Veterans Homes, and the Wisconsin Veterans Museum. The administrators of these divisions, as well as WDVA's Secretary, Deputy Secretary, Assistant Deputy Secretary, Chief Legal Counsel, and Communication Director, are state public officials and are covered by this notice.

## PROCEDURE FOR MAKING REQUESTS

Under the authority of Chapter 19 of the Wisconsin Statutes, the Secretary's authority as WDVA's legal records custodian is delegated to WDVA's Chief Legal Counsel. Requests for public records may be submitted as follows:

- Via WDVA's Online Public Records Request Application at <https://applications.dva.wisconsin.gov/PublicRecordsRequest>
- Via Email: [DVAPublicRecords@dva.wisconsin.gov](mailto:DVAPublicRecords@dva.wisconsin.gov)
- Via Mail:  
Wisconsin Department of Veterans Affairs  
Attn: Records Custodian  
PO Box 7843  
Madison, WI 53707-7843

<sup>1</sup> Additional laws prohibit the release of certain records. Privileged and confidential communications, U.S. Department of Defense and U.S. Department of Veterans Affairs records, drafts, patient health care records are protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) pursuant to [42 U.S.C. § 1320d-2](#), [45 C.F.R. §§ 160 and 164](#), [Wis. Stats. §§ 19.62, 45.04 and 146.82](#), [45 C.F.R. § 164.514 \(a\)](#) (HIPAA Privacy Rule); WI Admin. Code VA 1.10; the National Defense Authorization Act, Sec. 570f; Department of Defense (DoD) Instruction [1336.08](#), Military Human Resource Records Life Cycle Management, November 13, 2009; Air Force Instruction [36-2608](#), Military Personnel Records System, April 16, 2021, Incorporating Change 1, effective September 28, 2022; Army Regulation [600-8-104](#), Army Military Human Resource Records Management, February 12, 2015; Navy BUPERSINST [1070.27D](#), Document Submission Guidelines for the Electronic Military Personnel Records System, April 4, 2023; Air Force [SORN F036 AF PC C](#), Military Personnel Records System, October 13, 2000, [65 Fed. Reg. 60916](#); [Army SORN A0600-8-104b](#), [Official Military Personnel Record](#), AHRC August 18, 2004, [69 Fed. Reg. 51271](#); Marine Corps [SORN M01070-6](#), Marine Corps Official Military Personnel Files, March 17, 2008, [73 Fed. Reg. 14234](#); Navy [SORN N01070-3](#), Navy Military Personnel Records System, April 15, 2010, [75 Fed. Reg. 19627](#); [32 C.F.R. pt. 310, App. C](#), DoD [Blanket Routine Uses, Disclosure of Requested Information](#), July 1, 2000; [DMDC 02 DoD, Defense Enrollment Eligibility Reporting System](#), December 2, 2019, [84 Fed. Reg. 65975](#) & [DoD Instruction 1336.01](#), "Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series), February 22, 2022.



Records Custodians are normally available to accept requests during WDVA's regular office hours of 7:45 a.m. and 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 the right to receive the denial in writing.

### **FEES**

The Wisconsin Public Records Law permits WDVA to charge the actual, necessary, and direct cost of locating the records if it exceeds \$50. Any staff time for locating records will be billed at the hourly rate of salary for the lowest-paid employee capable of performing the task. The hourly rate charged for locating records may also include the cost of benefits, but will not exceed \$30 per hour. WDVA may require pre-payment if total costs exceed \$5, with settlement of payment after the total cost is finalized. WDVA does not assess fees for reviewing records for possible redaction or removal of confidential information. WDVA may charge its standard fee of \$0.15 per printed page, \$.07 per page for converting paper records to electronic format, and the actual costs for the physical media used to provide electronic records. When requested and whenever practicable, WDVA will provide electronic copies of records that already exist in electronic format without charging reproduction fees on a per-page basis. However, if the record requested is not in a readily comprehensible form (e.g., computer file, database entry), WDVA may charge the actual cost of creating a readily comprehensible copy. WDVA may charge the actual, necessary, and direct cost of postage, courier, or delivery services. There may be an additional charge for specialized documents, videos, and photographs, and for retrieving records and files from the State Records Center. The above fees apply except where a different fee is authorized by law.

For more information, visit <https://dva.wi.gov/notice-of-public-records-access/>.