

I. Open Meetings Law

A. General Requirements Under the Open Meetings Law

1. The open meetings law applies to every “meeting” of a “governmental body.” Wis. Stat. § 19.83.
2. A “meeting” is the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. Wis. Stat. § 19.82(2).
 - a. If one-half or more of the members of a body are present, the meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. Wis. Stat. § 19.82(2).
 - b. The term meeting does not include any social or chance gathering or conference which is not intended to avoid the Open Meetings Law. Wis. Stat. § 19.82(2).
 - c. The open meetings law is applicable when the following test is satisfied:
 - i. “[T]here must be a purpose to engage in governmental business, be it discussion, decision or information gathering;” and
 - ii. “[T]he number of members present must be sufficient to determine the parent body’s course of action regarding the proposal discussed.” *State ex. rel. Newspaper, Inc. v. Showers*, 135 Wis. 2d 77, 398 N.W.2d 154 (1987)

B. E-mail and the Open Meetings Law

1. The Attorney General has opined that because the exchange of e-mail can result in a “near simultaneous exchange of information between members of a governmental body on a subject matter within the body’s realm of authority,” such exchanges may be subject to the open meetings law. *See* Tom Krischan, Attorney General Correspondence (October 3, 2000).
2. The determination of whether e-mail communications implicate the open meetings law “depends heavily on the specific facts of each situation.” The answer most likely depends on whether the exchange more closely resembles “correspondence” or “conversation.” *Id.*
3. The factors the court might consider in determining whether e-mail communications give rise to a violation of the open meetings law include: “(1) the number of participants involved in the communication; (2) the number of communications regarding the subject; (3) the time frame

within which the electronic communications occurred; and (4) the extent if the conversation-like interactions reflected in the communications.” *Id.*

4. Two members of a governmental body larger than four members may discuss a body’s business without violating the Open Meetings Law by e-mail, telephone or in person. However, the Open Meetings Law could be violated if a single official were to contact other officials by e-mail, telephone or in person, in succession to ask for their support of a particular matter or position, depending upon the content of the contact or the use of features like “forward” or “reply all.” *Id.*
5. Avoiding a violation of the open meetings law when board members communicate by e-mail is complicated by the concept of a “walking quorum.” An example of the walking quorum problem was addressed by the Attorney General regarding e-mail communications between members of the University of Wisconsin-Madison Athletic Board. The situation involved the approval of a contract with Reebok that required Athletic Board review. The chairman of the board sent an e-mail to the members of the Athletic Board, soliciting their opinions regarding a compromise contract. The board members replied back to the chairman via e-mail with unanimous support for the revised contract. The Board of Regents subsequently approved the contract. This action was challenged, and the Attorney General concluded that the e-mail communications between board members constituted a walking quorum and that the Athletic Board had violated the open meetings law. *See Paul E. Kritzer, Attorney General Correspondence (August 20, 1996).*
6. However, the Attorney General has reasoned that an e-mail message retains the characteristics of a letter or memorandum when it is used as a one-way conduit of information from one member of the board to another board member. Sending a letter or memorandum to a quorum of a board is not by itself the convening of a meeting. A single reply letter or memorandum from the recipient back to the sender, even in the form of an e-mail message, does not make the completed communication a meeting. *See Kenneth J. Merkel, Attorney General Correspondence (March 11, 1993).*

C. Other Technology and the Open Meetings Law

1. Telephonic meetings.
 - a. Telephone conference calls among members of a governmental body fit within the definition of “meeting” subject to the open meetings law. 69 Op. Att’y Gen. 143 (1980).
 - b. An Open Meetings Law violation may occur if elected officials are meeting via telephone conference, if: (a) the purpose of the call is to conduct the governmental business of the body; and (b) the call

involves a sufficient number of members of the body to determine the body's course of action. Also, in the event that the conversations on the call were conducted in such a way as to attempt to either explicitly or tacitly obtain agreement on a course of action, the calls could have violated the Open Meeting Law by creating a "walking quorum" situation. *See* Wisconsin Attorney General Informal Opinion (March 24, 2004). A "walking quorum" is a series of gatherings among separate groups of members of a governmental body, each less than quorum size, who agree, tacitly or explicitly, to act uniformly in sufficient number to reach a quorum. *Showers*, 135 Wis. 2d at 92.

- c. Telephone trees, where members serially and repeatedly phone each other to form a collective decision, are also prohibited under the Open Meetings Law. The use of voice mail messages for this purpose is probably similarly prohibited.

2. Instant Messaging

- a. A similar type of electronic communication is referred to as instant messaging. This form of communication is more like telephone conferencing because participants are separated in space, but not by time. Each participant connects to a specific electronic location and can send and receive typewritten messages, which are displayed on each individual's computer screen. Locations are often set up by a provider for its users and are referred to as "chat rooms."
- b. This type of communication has the potential to be as instantaneous as spoken communication. All participants are present in the communication environment at the same time and have access to all the information provided by every other participant during the communication.
- c. Instant messaging communications that resemble an in-person discussion may constitute a meeting for the purpose of the open meetings law, if the communications involve enough members to control an action by the body. *See* Tom Krischan, Attorney General Correspondence (October 3, 2000).
- d. The Attorney General has stated that an open meetings violation may occur "if elected officials are instant messaging or contacting each other via e-mail within a close time if (1) enough of them are involved in the messaging to determine the body's course of action, and (2) there is a purpose to engage in official business. An open meetings violation could also occur if a single official were to

e-mail other officials in succession, asking for their support of a particular matter or position.” Dan Bensen, Attorney General Correspondence (March 12, 2004).

- e. The Attorney General has reasoned that it is possible to conduct a meeting using this technology that clearly falls within the requirements of the open meetings law. *See* Tom Krischan, Attorney General Correspondence (October 3, 2000). This is accomplished by making a centrally located computer available for non-members of the board so that the communications between the participants can be monitored. In addition to the notice requirement indicating date, time, and subject matter of the meeting, the board would need to designate a location where the public could view the computer display of the members’ instant messages to each other. This would be considered similar to designating a central listening location for monitoring telephone conferences with a speakerphone. However, school boards should note that they have separate requirements that may restrict using technology for meetings involving the school board. *See* Wis. Stat. § 120.11.

C. Enforcement

1. The Open Meetings Law can be enforced in the name and on behalf of the state by the attorney general or, upon the verified complaint of any person, by the district attorney of any county wherein a violation may occur. Wis. Stat. § 19.97(1).
2. If the district attorney refuses or otherwise fails to commence an action to enforce this subchapter within 20 days after receiving the verified complaint, the person making such complaint may bring an action in the name of the state to enforce the Open Meetings Law. Wis. Stat. § 19.97(4).
3. Any member of a governmental body who knowingly attends a meeting of such body held in violation of the Open Meetings Law, or who, in his or her official capacity, otherwise violates this subchapter by some act or commission must forfeit without reimbursement a minimum of \$25.00 but not more than \$300 for each violation. Wis. Stat. § 19.96.
4. The attorney general or the district attorney may also commence an action to obtain other legal or equitable relief including a mandamus, injunction or declaratory judgment. Wis. Stat. § 19.97(2).
5. Any action that is taken at a meeting held by a governmental body that is in violation of the open meeting law is voidable, upon action brought by

the attorney general or the district attorney. Wis. Stat. § 19.97(3). However, before entering any judgment declaring such action void, the court must find that the interest in enforcing the law outweighs any interest in maintaining the validity of the action. *Id.*

D. Guidelines / Policy

1. School board members should avoid using e-mail to discuss school related matters with other board members, especially when the communication is sent to all board members. In this respect, whenever a school board member receives an e-mail that is sent to all school board members, he or she should avoid using features such as “reply all” to address such matters.
2. School district administrators may need to communicate over e-mail with board members. If so, they should send the communication and indicate in the communication as follows: “Please do not respond to this e-mail using the “reply all” feature. All comments should be sent to me only.”
3. Board policy may indicate that e-mail can be used only for limited purposes, such as communicating with the school district administrator regarding agenda items or for the purpose of responding to citizen questions or concerns. It should specifically restrict deliberations and decision-making over school related matters by e-mail between school board members.

II. E-mail and the Public Records Law

A. Definition of Record

1. A record is “[a]ny 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.” Wis. Stat. § 19.32(2). A record “includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks.” *Id.*
2. This definition is broad in terms of types of materials covered. It includes *any* material on which information is recorded or preserved *regardless* of physical form or characteristics. Thus, e-mail communications, whether stored in electronic or printed form, are covered by this definition.
3. This definition applies to any material which “has been created or is being kept by an authority.” An “authority” includes, but is not limited to, a state or local office, elected official, agency, board, commission, committee, or council. As an elected official, a school board member is considered an

“authority.” Accordingly, any e-mail created or kept by a school board member regarding the affairs of the school district is considered a record.

4. The meaning of “kept” has been interpreted to include any record in the possession of an officer or an employee who falls under the supervision of an authority. *State ex rel. Blum v. Sch. Dist. of Johnson Creek*, 209 Wis.2d 377, 565 N.W.2d 140 (Ct. App. 1997). This means that even records (such as e-mails) related to school district business that are held, received, or created by school superintendents’ assistants fall under the definition of “record.”
5. The definition of “record” does not include all communications by officials or employees in a school district. Some communications, including e-mail communications or their attachments, may be excluded if they fall outside of the definition of a “record.” In this respect, a “record does not include:
 - a. Drafts, notes, preliminary computations and like materials prepared for the originator’s personal use or prepared by the originator in the name of a person for whom the originator is working. Wis. Stat. § 19.32(2).
 - b. Materials which are purely the personal property of the custodian and have no relation to his or her office. Wis. Stat. § 19.32(2).

B. Restrictions On Access To Public Records

1. The Public Records Law limits access to certain information under various state and federal statutory exemptions, such as the Pupil Records Law and the Family Educational Rights and Privacy Act (FERPA), discussed below. Statutory exemptions are to be narrowly construed. Further, redaction of the record may be required if a record contains information that is subject to disclosure and information that is not subject to disclosure. Wis. Stat. § 19.36(6). Under state law, access to the following information is limited:
 - a. A computer program is not subject to examination or copying. Wis. Stat. § 19.36(4).
 - b. An authority may withhold access to any record containing information qualifying as a trade secret. Wis. Stat. § 19.36(5).
 - c. Access to certain employee personnel records is limited. Wis. Stat. § 19.36(10). “Employee” is defined as any individual who is employed by an authority, other than an individual holding local public office, or any individual who is employed by an employer

other than an authority. Wis. Stat. § 19.32(1bg). An authority shall not, unless access is specifically authorized by statute, provide access to records that contain the following information:

- i. Information maintained, prepared, or provided by an employer concerning the home address, home electronic mail address, home telephone number, and social security number of an employee, unless the employee authorizes the authority to provide access to such information;
 - ii. Information relating to the current investigation of a possible criminal offense or possible misconduct connected with employment by an employee prior to disposition of the investigation;
 - iii. Information pertaining to an employee's employment examination, except an examination score if access to that score is not otherwise prohibited; and
 - iv. Information relating to one or more specific employees that is used by an authority or by the employer of the employees for staff management planning, including performance evaluations, judgments, or recommendations regarding future salary adjustments or other wage treatments, management bonus plans, promotions, job assignments, letters of reference, or other comments or rating relating to employees.
- d. An authority shall not provide access to records containing information maintained, prepared, or provided by an employer concerning the home address, home e-mail address, home telephone number, or social security number of an individual who holds a "local public office," unless the individual authorizes the authority to provide access to such information. Wis. Stat. § 19.36(11).

2. The balancing test may limit access to public records.

- a. The balancing test examines the public interest in maintaining the confidentiality of the record against the public interest in disclosing the record. Evidence of such an overriding interest may be found in state or federal statutory law, case law, and other similar sources of the public policy.
- b. The private interest of a person mentioned or identified in the record is not a proper element of the balancing test except

indirectly. If there is a public interest in protecting an individual's privacy or reputational interest as a general matter, there is a public interest favoring the protection of the individual's privacy interest.

3. Exemptions to the open meetings law "are indicative of public policy" and can be considered as balancing factors. Wis. Stat. § 19.35(1)(a). If an open meetings exception is relied upon, the custodian must make "a specific demonstration that there is a need to restrict public access at the time that the request to inspect or copy the record is made." Wis. Stat. § 19.35(1)(a).
4. Privacy and reputational interests may limit disclosure. Wis. Stat. § 995.50.

C. Pupil Record Law and FERPA

Pupil records fall within the definition of "records" under the Public Records Law. However, such records are not subject to disclosure, except to the parent or guardian of a minor pupil, to an adult pupil, or in other limited circumstances.

1. Pupil Records Law
 - a. "Pupil records" is defined as all records relating to individual pupils maintained by a school. Wis. Stat. § 118.125(1)(d).
 - i. "Progress records" are defined as pupils' grades, courses taken, and records of attendance, immunization, lead screening, and extracurricular activities. Wis. Stat. § 118.125(1)(c).
 - ii. "Behavioral records" are defined as psychological tests, personality evaluations, records of conversations, written statements relating specifically to a pupil's behavior, tests relating specifically to achievement or measurement of ability, physical health records (other than immunization and lead screening records), law enforcement officers' records obtained under Wis. Stat. §§ 48.396(1) or 938.396(1) or (1m) and any other pupil records that are not progress records. Wis. Stat. § 118.125(1)(a).
 - iii. The following are not "pupil records": 1) notes or records maintained for personal use by a teacher or other person required to be licensed under Wis. Stat. § 115.28(7), if such notes or records are not available to others, and 2) records necessary for, and available only to persons involved in, a

pupil's psychological treatment. Wis. Stat. § 118.125(1)(d).

- b. Thus, based on the above, any e-mails directly related to an individual pupil, such as those sent by a teacher to another teacher, are pupil records and must be retained and kept confidential. Such e-mails that are "pupil records" may be "progress records" or "behavioral records," depending on the content.
 - c. All pupil records maintained by a public school shall be confidential except as provided in the pupil records law. School boards must adopt regulations to maintain the confidentiality of such records. Wis. Stat. § 118.125(2).
2. Family Educational Rights and Privacy Act (FERPA). 20 U.S.C. § 1232g and 34 C.F.R. Part 99.
- a. Types of records. 34 C.F.R. § 99.3.
 - i. "Education records" are defined as information recorded in any way, including handwriting, print, tape, film, microfilm, and microfiche that directly relates to a student and is maintained by an educational institution or an agent of the institution.
 - ii. The following are not "education records:" 1) records of teaching and administrative personnel kept in the sole possession of the maker and not accessible to anyone other than a temporary substitute for the maker, 2) records of an educational institution's law enforcement unit, if kept separately and used only for law enforcement purposes, 3) personnel records, except those of student-workers, 4) mental health records of "eligible students," if used only for treatment in an extra-educational context, and 5) records that contain only post-enrollment information about a person.
 - b. No funds may be made available under any applicable program to an educational institution with a policy or practice of allowing disclosure of education records (or personally identifiable information contained therein except for directory information) without the written consent of parents except as permitted by FERPA.

D. Private E-mail Accounts and Public Records Law

1. An e-mail regarding school district business that is created or kept by a school district employee within a private e-mail account, rather than a school district e-mail account, probably does not change the conclusion that such e-mail is a record.
2. The statutory definition only looks at whether the e-mail is created or kept by an authority (which may include various e-mail created or kept by officials or employees of the school district, including school superintendents' assistants) and whether it relates to the affairs of the school district. In an informal opinion, the Wisconsin Attorney General's office concluded that the requirement to maintain e-mail applies "to home computers as well as office computers, if the topic of the e-mail is the business of the governmental unit, rather than personal communications." *See* Wisconsin Attorney General Informal Opinion (March 12, 2004); *see also* Wisconsin Attorney General Informal Opinion, (Sept. 25, 2006).
3. In one case, the Wisconsin Court of Appeals concluded that a settlement memorandum was a record within the meaning of the Wisconsin Public Records Law, even though it was located in the office of the school district's attorney. *Journal/Sentinel, Inc. v. Sch. Dist. of Shorewood*, 186 Wis.2d 443, 521 N.W.2d 165 (Ct. App. 1994).

E. Right of Requesters to Receive Records in a Particular Format

1. The authority is not required to create a new record by extracting information from existing records and compiling the information in a new format. Wis. Stat. § 19.35(1)(L).
2. The Wisconsin Public Records Law does not specifically require school districts to provide e-mail to requesters in electronic format. However, in one case, the Wisconsin Court of Appeals required a county to provide tapes of 911 dispatch calls to a requester in digital, rather than analog, format. *State ex rel. Milwaukee Police Ass'n v. Jones*, 2000 WI App 146, 237 Wis.2d 840, 615 N.W.2d 190. This case may provide an argument that e-mail needs to be provided to the public in an electronic, rather than paper, format. However, any such requirement may present practical problems because the district may not be able to delete confidential information if required to provide e-mails in electronic format.
3. Unlike paper format, electronic format includes "metadata," which requesters may argue presents a need to have the e-mail in electronic format. As a result, e-mail should be preserved in electronic format to ensure that such requests can be fulfilled.
4. Employers are not always obligated to provide requestors with a copy of the record in the original form in which it was created if disclosure in the

original form would pose a risk that documents not subject to disclosure may be viewed or copied. WIREdata requested an electronic/digital copy of property assessment data collected by independent assessors for Sussex, Thiensville, and Port Washington. The assessors collected the data using a computer program called “Market Drive” that was owned by the assessors. The municipalities had just “read only” access to the data. The municipalities provided the information in PDF format. WIREdata sued. The Wisconsin Court of Appeals held that records of a real property assessment must be provided in the original computer format that was created by a municipality’s independent contractor assessors. *WIREdata, Inc. v. Village of Sussex*, 2007 WI App 22, 298 Wis.2d 743, 729 N.W.2d 757. On appeal, however, the Wisconsin Supreme Court agreed with the concern of the Department of Justice that such access would pose substantial risks because records not subject to disclosure could be viewed or copied. Also, the municipality’s database could be damaged. As a result, the Wisconsin Supreme Court concluded that it was sufficient for a municipality to provide a copy of the relevant data in an appropriate format. *WIREdata, Inc. v. Village of Sussex*, 2008 WI 69.

F. Access To Certain Records Involving E-mail / Technology

1. On April 16, 2007, Vesper resident Don Bubolz requested e-mail messages to and from five Wisconsin Rapids teachers between March 1 and April 13, 2007. In March 2008, Adams County Circuit Court Judge Charles Pollex ruled that all e-mail messages were public records and subject to disclosure. The teachers unsuccessfully attempted to block the release of these records based in part on the alleged personal nature of the e-mails. According to the attorney for the teachers, there were a handful of e-mails from the teachers to their spouses, kids, neighbors, and friends that had nothing to do with school business, they were purely personal in nature. *Schill v. Wis. Rapids Sch. Dist.*, 2007 CV 304 (Wood Cnty. Cir. Ct., March 25, 2008). This case is currently on appeal to the Wisconsin Court of Appeals.
2. A school district employee was terminated for allegedly viewing images from adult websites on his computer. After a public hearing that resulted in the teacher’s termination and after the teacher filed a grievance challenging the termination, the Milwaukee Journal Sentinel requested release of a memo and a CD containing adult images and internet searches that the employee allegedly viewed and conducted on his school computer. The employee requested an injunction prohibiting the district from releasing the memo and CD, claiming that the memo and CD were not “records” within the meaning of the statute because they contained copyrighted materials or because they were part of a current investigation. The employee also alleged that the memo contained inaccurate data that would be prejudicial to the employee’s reputation and privacy interests.

The court held that a person aggrieved by a request made under the open records law has standing to raise a challenge that the requested materials are not “records” within the meaning of the statute because they are copyrighted; however, the court found that the memo and CD did not fall under the copyright exception to the open records law when viewed in light of the “fair use” exception to copyright infringement. Second, the court held that the CD and memo did not fall within the statutory exception for pending disciplinary records “prior to disposition of the investigation,” because the district’s investigation of the employee’s conduct was concluded for the purposes of the open records law when the employee was terminated. Finally, the court held that the presumption of complete public access, based on a policy determination that records should usually be open for review, outweighed the public’s interest in protecting the employee’s privacy and reputation interests in this case. *Zellner v. Cedarburg School District*, 2007 WI 53, 731 N.W.2d 240.

3. If the school district maintains a listserv where citizens can sign up to receive press releases or other items of interest from the school board or district administrator, the names, addresses, and e-mail addresses of these participants are likely subject to disclosure if requested.

G. Record Retention and E-mail

1. Wisconsin Statute § 19.21(6) sets forth the general requirement for record retention for school districts. It states:

A school district may provide for the destruction of obsolete school records. Prior to any such destruction, at least 60 days’ notice in writing of such destruction shall be given to the historical society, which shall preserve any records it determines to be of historical interest. The historical society may, upon application, waive the notice. The period of time a school district record shall be kept before destruction shall be not less than 7 years, unless a shorter period is fixed by the public records board under s. 16.61(3)(e) and except as provided under sub. (7). This section does not apply to pupil records under s. 118.125.

2. The Records Retention Schedule for School Districts (RRSSD) only addresses retention periods for hard copy (paper) and microfilm records. It does not apply to e-mail records. The Wisconsin Public Records Board has been considering adding e-mail to the retention schedule for some time, but, to date, has not finalized any such schedule.
3. School boards can adopt policies for shorter retention periods for certain types of records, but must do so with approval from the Public Records Board. However, the Public Records Board bases its retention decision based on the content of the record (i.e., employment record, budget

information, etc.), rather than the means of communication (i.e., e-mail, paper, etc.). As a result, the Public Records Board will not approve blanket retention periods for all e-mail records.

4. Based on the above, the best practice is to retain e-mails related to school district business for seven years, pursuant to Wis. Stat. § 19.21(6) above. Some e-mails may be regarded as pupil records, and if so, such records should follow the retention periods under Wis. Stat. § 118.125(3).
5. School board members and school district administration should formulate procedures to ensure that records are properly managed and preserved. Presently, it does not appear that a public record that originates in electronic form must be maintained in electronic form. However, it is possible that records created in electronic form may contain unique information in their original format that would be lost by transferring the record to another format. Therefore, districts should consider developing policies regarding what type of computerized documents may be transferred to, and retained in, an alternative format.
6. The technological limitations of a given district may affect the district's decisions regarding the format in which records will be retained. Districts that choose to maintain documents solely in electronic format should carefully review the requirements of Wisconsin's Administrative Code, Chapter Adm 12, which apply exclusively to records retained solely in electronic form, and determine whether the district has the technological and managerial capacity to meet these requirements.

H. Enforcement

1. A requester may seek enforcement of the right of access to records by bringing an action for a writ of mandamus. A requester who has been denied access to a record may also seek enforcement of the right of access by requesting the district attorney or the attorney general to bring an action for a writ of mandamus. Wis. Stat. § 19.37(1).
2. A requester who prevails in whole or in substantial part in any action may be awarded reasonable attorney fees, damages, and other actual costs of the requester. If the court awards damages, it must award damages of not less than \$100. Wis. Stat. § 19.37(2)(a). A requester may also be awarded punitive damages where an authority or legal custodian has arbitrarily and capriciously denied. Wis. Stat. § 19.37(3).
3. The district attorney or the attorney general may also bring a forfeiture action. The forfeiture must not exceed \$1,000. Wis. Stat. § 19.37(4).

I. Guidelines / Policy

1. Board members should be provided with a school district e-mail account. School board policy should designate a records custodian for all school board member accounts, such as the district administrator or his or her designee. Board members should use their e-mail accounts for school related business only.
2. Board members should avoid using their own private e-mail account for any school board communications. Board members should be reminded that, if they are using a private e-mail account for school district business, such e-mail is subject to the Public Records Law and should be retained. If a school board member receives any school related e-mail over his or her private account, it should be forwarded to his or her school district account. If it is not forwarded, the school board member is responsible for retaining that e-mail for seven years and should not delete any such e-mail.
3. Districts should not use an automatic delete feature for e-mail, which may delete e-mail that are, for example, sixty days old.
4. When responding to records requests, school districts should avoid responding to records requests by simply forwarding e-mail records. Instead, e-mail records should be printed and reviewed individually to determine whether the e-mail record falls within the scope of the request and whether any part of the record should be redacted. E-mails should be provided in electronic format only when all of the content of the e-mail is subject to disclosure. In light of previous case law, e-mail should be retained in electronic form in the event that a court mandates that such e-mails must be provided in such form.
5. Personal e-mails should be regularly deleted, as they are likely not “records” under the Public Records Law, despite the ruling in *Wisconsin Rapids* above.