

# CITY OF DE PERE

## City Attorney's Office

335 South Broadway Street, De Pere, WI 54115 | 920-339-4042 | [www.de-pere.org](http://www.de-pere.org)



February 7, 2022

Via email to: [records@americanoversight.org](mailto:records@americanoversight.org)  
Ms. Sarah Colombo

Re: February 3, 2022 Public Records Request

Dear Ms. Columbo:

De Pere City Administrator Lawrence Delo has forwarded your On February 2, 2022 seven (7) page Public Records Law Request to my office for review and response. That request is incorporated herein by reference.

Under the state public records law (Wis. Stats. §19.21 *et. seq.*), the City of De Pere ("City") and Ald. Ruh may be legal custodians of records (as defined in the state public records law) to which the public is entitled access unless otherwise provided by law. "Record" is defined under Wis. Stats. §19.32(2) as:

"Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved.

That section goes on to define what are not considered public records:

*"Record" does not include 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; materials that are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of an authority other than a public library that are available for sale, or that are available for inspection at a public library. Id. (emphasis added)*

The City provides elective officials with an individual email account using the city email system for use in their capacity as a city official. The City does not provide elective officials with a phone, personal email account, or other social media tool and therefore does not have custody of any record existing in other such media. A search of the City's email system was performed on a

journal mailbox that captures all messages send to or from the City of De Pere using Gimmal Discovery Attender for Exchange. That search identified no records responsive to your request on the City's email system.

Ald. Ruh, has conveyed that she has reviewed her personal email, text messages and other private social media accounts and determined that those sources contain purely personal materials having no relation to her aldermanic office, and therefore no records have been located in those accounts that are responsive to your request.

Very truly yours,



Judith Schmidt-Lehman  
City Attorney

JSL

cc: Ald. Ruh

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Ms. Sarah Columbo, American Oversight

Page -2-

February 7, 2022