



**Friday, March 9th, 2007
7:00am Redwood Room
Radisson Paper Valley Hotel
Appleton, Wisconsin**

Agenda

- 1. WLIP Grant Funds Status.**
- 2. Future WLIP funding**
- 3. WLIP Annual Survey.**
- 4. Wisconsin Strategic Plan for GIS**
- 5. LION Web site**
- 6. Possible Information/Privacy Policy law**
- 7. Recent Court Decision regarding Open Records Law and Digital Data**
- 8. LION Organizational Business**
- 9. New/Old Business**
 - continuation of 9-1-1 wireless funding**
 - LIO email contact list**
- 10. Adjourn**

Background Information for the LION Annual Meeting

March 9, 2007

.1. WLIP Grant Funds Status.

At our last meeting it was confirmed that although the base budget was raised to \$50,000, fees collected from counties have been inadequate to fully fund this grant. Grant amounts will be prorated to reflect this. All eligible counties will receive a grant. The Department of Administration has sent out details of funds collected and individual county awards. Members of the LION Exec Board have been meeting regularly with the Department of Administration to discuss a number of issues affecting the Land Information Program over the last year. Representatives from WLIA, the State Cartographers office and Mr. Mockert from the Geographic Information Office have been present. The Department of Administration has been very helpful in providing information on fund status and clarifying the way in which funds from the WLIP are allocated. Department of Administration staff will be present to discuss the grant allocations and overall division of funds from retained fees.

2. Future WLIP funding

Funds that could alleviate the shortfall in county grant funding are currently directed at Comprehensive Planning Grants and an annual lapse to the general fund of the State of Wisconsin (\$2,000,000 and approx. \$400,000 respectively). The current proposed state budget does not contain the lapse for 2008. However, Comprehensive Planning grants will continue until the legislature acts to change them. There are no sunsets regarding Comprehensive Planning Grants. The LION needs to discuss a plan to address this funding issue.

3. WLIP Annual Survey

Proposed by the State Cartographers Office is to incorporate the survey into the national RAMONA Survey. State Cartographer, Ted Koch will be available to discuss the process and extraction of data from the survey. Ramona is produced by the [National States' Geographic Information Council](#) (NSGIC) as a tool for states and their partners. Its primary purpose is to track the status of GIS in US state and local government to aid the planning and building of Spatial Data Infrastructures. Access Ramona through www.gisinventory.net (nationwide view) or through any individual state-view using the state's 2-letter prefix in the URL (e.g., www.nc.gisinventory.net).

4. Wisconsin Strategic Plan for GIS

What impact will the Wisconsin Strategic Plan have on County Land Information Offices? Can the plan be a tool in recovering funds lost to State GPR and comprehensive planning? Dave Mocket will be present to discuss LION involvement. The plan is available at the following site:

<http://www.wlia.org/wilandinfo/strategic+planning/default.asp>

5. LION Web site

HELP! We need some volunteers to keep it fresh.

Updating:Contacts – who to contact when – Events, Meeting, LIO list, Send out updates when page has been updated

6. Possible Information/Privacy Policy law.

State Representative Parisi (D-Madison) introduced a bill (2005 Assembly Bill 1167) last year relating to authorizing a property owner to have his or her name removed from a governmental internet listing of property taxes assessed. This would in effect mandate an opt out policy for internet records. The Bill failed to move. However, Rep. Parisi is seeking to introduce it or something similar again this year. Damon Scott and Jason met with Rep. Parisi together with representatives of an abused women's advocacy group. We came to an understanding regarding meeting both the needs of privacy and demands from businesses and citizens right to information. Our solution was to not allow internet searches by name unless through a subscription. LION needs to discuss the details and come to a consensus.

7. Recent Court Decision regarding Open Records Law and Digital Data

Wiredata vs. City of Port Washington, Village of Thiensville, Village of Sussex
In a nut shell this case is about the responsibility of governmental units to comply with open records law. A governmental unit cannot pass off the responsibility to a contractor. Also, paper printouts of digital data is not equivalent to the digital files. The text from the decision below speaks to this directly. Also in the works is a separate case in Ashland County regarding costs.

¶61 We have already considered the application of our open records law to data in digital form. In *Jones*, 237 Wis. 2d 840, ¶1, Milwaukee's police officers' association and its president filed an open records request for a copy of a 911 call. The chief of police responded by providing an analog copy of the original digital audio tape recording. *Id.*, ¶¶3, 4. The association subsequently enhanced its request, seeking a digital audio copy of the original digital recording. *Id.*, ¶4. The chief of police denied that enhanced request and a mandamus action ensued. *Id.*, ¶¶5-7.

¶62 The chief of police maintained that WIS. STAT. § 19.36(4) establishes that record requesters have no right to copies of computer programs, but rather only may request the information which is inputted into a computer for processing. *Jones*, 237 Wis. 2d 840, ¶16. We rejected this argument, finding it contrary to the remaining language in § 19.36(4), which also permits access to the material produced as a product of the computer program. *Jones*, 237 Wis. 2d 840, ¶17. We held that the statute “[c]learly and unambiguously ... allows for exactly what [the association] has requested—access to the source ‘material’ and the opportunity for ‘examination and copying.’” *Id.* In that case, the “source material” was the digital audio tape itself.

¶63 By arguing that the PDF satisfies WIREdata's open records requests, the municipalities are essentially fronting the same argument as the chief of police in *Jones*. They are saying that the PDF, like the analog copy in *Jones*, essentially provides WIREdata with the same information the assessors inputted into the computer program. However, as *Jones* teaches, the language of the law itself and the public policy underpinning the open records law require more. They require access to the source material—the material as it is both inputted and stored in the database, regardless of its physical form or characteristics.

¶64 Here, WIREdata seeks the data created and collected not by Assessment Technologies and the Market Drive program, but by the tax assessors on their visits to the properties or from other sources. The assessors inputted this raw data into the computer, and the Market Drive program in conjunction with Microsoft Access automatically allocated the data to hundreds of fields grouped into master categories. See *Assessment Techs.*, 350 F.3d at 642-43. This inputted data, maintained at public expense in the Microsoft Access database, is as much a part of the public record as if it were written on paper property cards and organized and stored in a file cabinet. As *Jones* tells us, the open records law provides WIREdata with access to this material whatever its physical form or characteristics. WIREdata, or the municipalities themselves, may use tools, in the Market Drive program itself or otherwise, to extract and copy the data WIREdata desires from the Microsoft Access database and place it in a separate electronic file.

¶65 The municipalities and their independent contractor assessors comment that the PDF, essentially a photocopy of an electronic document viewed as a picture on a computer screen, is an electronic file that permits WIREdata to cut and paste the assessment information. They miss the point. The municipalities and assessors do not input the data into or maintain the assessment records in a PDF. Indeed, they created the PDF following the Seventh Circuit's decision rejecting Assessment Technologies' copyright defense. Instead, the municipalities and their assessors maintain the assessment data in a Microsoft Access database which runs off of the Market Drive software.^{1[5]} *Jones* tells us that WIREdata may request access to this database for purposes of examination and copying of the source data.^{2[6]}

¶66 The organization and compilation of the data into the Microsoft Access database, done at public expense, allows greater ease of public access to the public assessment information. In keeping with the letter and spirit of the open records law, we will not allow the municipalities to deny WIREdata, and others who seek the information, the value-added benefit of this computerization. As we wrote in *Jones*:

As technology advances and computer systems are refined, it would be sadly ironic if courts could disable Wisconsin's open records law by limiting its reach.... A potent open records law must remain open to technological advances so that its statutory terms remain true to the law's intent.

Jones, 237 Wis. 2d 840, ¶19.

8. LION Organizational Business

Upcoming open positions.

Representative from a Base Budget county to assist LION regarding base budget grant funding. Current positions are as follows:

Chair - Damon

Chair elect - vacant

Past Chair - Jason

Secretary - Joyce

LIO at large – Bret and Scott
