

STATE OF WISCONSIN
Public Records Board

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FROM: Peter Gottlieb, Chair 

TO: Agency Administrators

RE: Public Records on Social Networking Sites

State agencies increasingly use social networking internet sites like Facebook, Twitter, Flickr, wikis and blogs to conduct their business. The Public Records Board is receiving requests for guidance on the retention of information carried by these sites. The purpose of this memo is to provide general guidance and to invite further questions from agencies when more specific advice is needed.

The following guidelines are based on Wis. Stats. 16.61, in which public records are defined and agency responsibilities for managing records are specified. Before disposing of material falling under this statute's definition of public records, agencies must either adopt and use a General Records Schedule (GRS) approved by the Board or submit their own Records Disposition Authorizations (RDA) to the Board.

General guidance on public records on social networking sites:

- Information posted **by agencies** to social networking sites is likely to be a public record and must be retained according to the relevant GRS or agency RDA in situations where any of the following apply:
 1. the information is unique and not available elsewhere
 2. contains evidence of the agency's policies and procedures
 3. is being used to conduct the agency's work
 4. has been authorized by the agency, or contains information for which there is a business need;
- When citizens post information concerning any aspect of agencies' work to agencies' social networking sites, that information is a public record and must also be retained according to a GRS or RDA;
- When citizens use information from agencies' web pages or other social networking sites to create their own compilations on the sites (lists, directories, chronologies, etc.), such re-purposed information meets the definition of a public record only when it is available to all other citizens using the sites. If the compilations are private and available only to the citizens who created them, they are not public records.

Government agencies' future use of social networking and media will evolve and will pose new questions about the applicability of Wisconsin public records law. The Board will monitor this development and issue further guidance. Agency administrators should consult with their records managers concerning General Records Schedules and agency RDAs approved by the Board. Questions to the Board concerning social networking sites and media should be addressed to the Executive Secretary Harold Coltharp: Harold.coltharp@wisconsin.gov