

HARRISON COUNTY DEVELOPMENT COMMISSION
POLICY FOR ACCESS, FEES AND REPRODUCTION OF PUBLIC RECORDS

INTRODUCTION

The Commissioners of the Harrison County Development Commission (hereinafter "the Commission") has adopted this Public Records Policy to provide information and guidance to records and requestors for complying with the Public Records Act, Section 25-61-1 through 25-61-17, Miss. Code of 1972 ("the Act"). The purpose of this policy is to provide reasonable written procedures concerning the cost, time, place, and method of access to public records and to give public notice of the procedures" as required by Section 25-61-5. If there are any conflicts between these Rules and "the Act" then "the Act" controls.

AUTHORITY AND PURPOSE

It is the policy of the Legislature that public records must be available for inspection by any person unless otherwise provided by this act. Furthermore, providing access to public records is a duty of each public body and automation of public records must not erode the right of access to those records." Section 25-61-1, Miss. Code of 1972.

All public records are hereby declared to be public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access, and public notice of the procedures shall be given by the public body." Section 25-61-5, Miss. Code of 1972.

The act defines "public record" to include all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, prepared, possessed or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body." Section 25-61-3(b).

The purpose of this policy is to establish the procedures the Commission will follow in order to provide full access to public records. This policy also provides information to persons wishing to request access to public records of the Commission and establishes processes designed to assist members of the public in obtaining such access.

EXECUTIVE DIRECTOR AS PUBLIC RECORDS OFFICER

The Commission designates the Executive Director as the point of contact for members of the public seeking public records. Upon receiving a public records request, the Executive Director shall acknowledge receipt of same and shall route the request to the appropriate staff member(s) for processing. The Executive Director shall maintain a file of all public records requests received and all completed public records requests in the office of Harrison County Development Commission.

AVAILABILITY OF PUBLIC RECORDS

Public records can be made available for inspection and copying during normal business hours of the Commission, Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding legal holidays. Any person requesting public records of the Commission must complete the Public Records Request form adopted by the Commission and submit same to the Executive Director, either by email to BLavers@MSCOAST.ORG or by written form delivered to the Executive Director at 12281 Intraplex Parkway, Gulfport, MS. 39503. If email is used the requestor should request confirmation of receipt of the same to avoid any question the request was received. If you do not receive confirmation of receipt upon request, the requestor should contact the Executive Director. A notation on the public records request form of "See attached letter" is not acceptable. The request submitted must be on the Commission approved form and clearly identify the public records requested.

A requestor has a duty to request identifiable records. The Commission is not required to conduct research for a requestor, but only to produce identifiable public records. When the Commission receives a broad or vague request, it may seek clarification of the request from the requestor. The Commission is not obligated to create a new record to satisfy a records request but only to produce existing records. If the records requested are voluminous and the fees for copying same appear cost-prohibitive, the requestor shall be given the opportunity to inspect the records and then consider selecting which records to copy or not. The requestor will, however, be charged the usual research time for the department personnel gathering all of the records to be reviewed.

PROCESSING OF PUBLIC RECORDS REQUESTS

Communication is the key to a smooth public records process for both requestors and the Commission. When the Commission receives a large or unclear request, it shall communicate with the requestor to attempt to clarify the request. If the request is to be modified the requestor shall submit a revised written public records request.

The Commission will provide a response to a request for public records not later than seven (7) working days from the date of the receipt of the request for the production of the record. However, in cases where, due to the volume or complexity of the request the Commission is unable to produce a complete response to the request for public records by the seventh working day after the request is made, the Commission will provide a written explanation to the person making the request stating that the records requested will be produced and specifying with particularity why the records cannot be produced within the seven-day period. Unless there is mutual agreement of the parties, in no event shall the date for the public body's production of the requested records be any later than fourteen (14) working days from the receipt by the public body of the original request. Production of competitive sealed proposals in accordance with requests made pursuant to this section shall be no later than seven (7) working days after the notice of intent to award is issued to the winning proposer. Persons making a request for production of competitive sealed proposals after the notice of intent to award is issued by the public body shall have a reasonable amount of time, but in no event less than seven (7) working days after the

production of the competitive sealed proposals, to protest the procurement or intended award prior to contract execution

As soon as possible after receipt of a public records request, the Executive Director shall provide an estimate of the cost of searching reviewing if necessary, and copying, if requested, of the records requested. If a request for public records is to be denied the Executive Director will provide such response within seven (7) days of receipt of a public records request and the reasons therefor.

Access to a public record can be provided by allowing inspection of the record, providing a copy of the record, or posting the record on the Harrison County Development Commission web site and/or assisting the requestor in finding it. The Commission shall mail a copy of records, if requested and provided the requestor pays the actual cost of postage plus the cost of searching, reviewing and copying the same. The requestor can specify which method of access (or combination, such as inspection and then copying) he or she prefers.

If a portion of a record is exempt from disclosure, but the remainder is not, the Commission will redact (black out) the exempt portion and then provide the remainder to the requestor. Originals should not be redacted. For paper records, the Commission shall redact materials by first copying the record and then on the copy use a black marker or equivalent to redact the exempt portion of that record.

When the Commission claims an exemption for an entire record or portion of one, it will inform the requestor of the exemption and provide a brief explanation of how the exemption applies to the record or portion withheld. The brief explanation shall provide enough information for the requestor to make a determination of whether the claimed exemption is proper. The Commission shall charge a reasonable fee for the review and redaction of any exempted material, not to exceed the agency's actual cost.

If the request seeks to inspect records, the Commission shall notify the Requestor that the requested records are available for inspection with the statutory time period upon payment of costs, if any, and ask the requestor to contact the Commission to arrange for a mutually agreeable time for inspection. The notification shall recite that if the requestor fails to inspect or copy the records or make other arrangements within thirty days of the date of the notification the Commission will close the request. If a request seeks copies, or there is a cost associated with the search or review of the records, the Commission shall notify the Requestor of the projected costs and whether a deposit is required before the search, review or copies made will commence.

ELECTRONIC RECORDS

The process for requesting electronic public records is the same as for requesting paper public records. Costs for providing electronic records are as provided in this Policy. However, in certain cases, and with the consent of the requestor, the Commission may provide customized access if a record is not reasonably locatable or not reasonably translatable into the format requested. In such instances the Commission may charge the actual cost for such customized access.

The Commission can only produce public records if it can locate the records based on a description provided by the requestor and can only produce records which it can reasonably locate. When locating the requested records or translating them into the requested format cannot be done without specialized programming with the agreement of the Requestor the County may charge actual fees for “customized access.”

EXEMPTIONS AND THIRD-PARTY INFORMATION

The Public Records Act, as well as other statutes and court decisions, provide that a number of types of documents are exempt from public inspection and copying. In addition, other statutes or rules of law, such as various privacy restrictions, may prohibit disclosure. Requestors are directed to and should be aware of exemptions as set forth in "the ACT" and other exemptions under the law which may apply.

When any person files or submits documents with the Commission, which the filer contends are exempt from disclosure under "the Act", the filer may provide a written statement at the time of filing which shall identify the documents requested to be designated as exempt from disclosure and which shall fully explain why the documents are requested to be designated as exempt from disclosure and must specifically cite any statute or other legal authority in support of such designation.

Any person filing documents with the Commission shall, prior to filing, redact from the documents any social security numbers, account numbers, dates of birth or other private information not required to be listed. In no event will the Commission bear any responsibility for a filer's failure to redact such information which leads to or may lead to identity theft or other crime or loss.

COST OF PROVIDING PUBLIC RECORDS

The cost for reproducing paper copies of records shall be \$0.50 per page plus the costs of searching and reviewing said records if required. The cost for searching for and collecting the requested information shall be based upon an hourly rate as determined by the salary of the lowest paid employee capable of performing the work.

The Commission may require payment in advance for all costs before providing copies or access to records.

If the Commission gathers requested information from several sources and creates a list of information on several pages, these pages shall be scanned and made available as an Adobe Acrobat PDF copy at a cost of \$0.50 per page.

In cases where a request is large or voluminous or may require substantial time and effort to A requestor may be required to pre-pay all reasonably estimated costs of searching for and reviewing and, if necessary, redacting exempt information from public records. A requestor may also be required to pre-pay all reasonably estimated costs of copying all the records requested before copying of such records is commenced. If the request requires legal review of the records requested, the estimated cost thereof must also be paid.

If inactive records are requested, which have been placed in storage, the requestor shall pre-pay the cost to retrieve said records from storage.

The Commission shall also charge actual costs of mailing. Payment may be made by cash, check, or money order, payable to Harrison County Development Commission.

If the requestor seeks inspection of a large number of records, but only selects a smaller group of them for copying, copy charges will only be made for the records selected by the requestor. However, charges can be made for searching, reviewing, and redacting records not copied.

If the requestor specifies that he/she seeks inspection of records, the requestor shall first pay Harrison County Development Commission an estimate of the cost involved for searching and reviewing, if necessary, of the records requested. Upon inspection of the records, the requestor may choose to have certain of those records inspected to be copied, at which time the requestor shall submit a new public records request for copies of certain designated records at a cost of \$0.50 per page.

ALL fees shall be collected in advance of complying with a request.