

## **AUTHORITY AND PURPOSE**

### **RULE 1. 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.

“[A]ll 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 any "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, or 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 these rules is to establish the procedures Adams County will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of Adams County and establish processes for both requestors and Adams County staff that are designed to best assist members of the public in obtaining such access.

The purpose of the act is to provide the public full access to public records concerning the conduct of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, Adams County will be guided by the provisions of the act describing its purposes and interpretation.

### **PUBLIC BODY DESCRIPTION--CONTACT INFORMATION--PUBLIC RECORDS OFFICER**

#### **RULE 2. Public body description--Contact information--Chancery Clerk--Cite.**

- (1) The Adams County central office is located at 314 State St., Natchez, MS 39120.
- (2) Any person wishing to request access to public records of Adams County, or seeking assistance in making such a request should contact the Chancery Clerk of Adams County at 1 Courthouse Square, Natchez, MS; (601) 446-6684.
- (3) The Chancery Clerk will oversee compliance with the act but another Adams County staff member may process the request. Therefore, these rules will refer to the Chancery Clerk "or designee." The Chancery Clerk or designee and Adams County will provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of Adams County.

(4) These rules shall referred to as the “Adams County Open Records Policy” and be cited as ACORP.

## **AVAILABILITY OF PUBLIC RECORDS**

### **RULE 3. Availability of public records.**

(1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of Adams County, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the appropriate offices of the requested material. The time, place and manner of inspection and copying of records will not be allowed to interfere with other essential duties of Adams County.

(2) **Organization of records.** Adams County will maintain its records in a reasonably organized manner. Adams County will take reasonable actions to protect records from damage and disorganization. A requestor shall not take Adams County records from Adams County offices.

### **(3) Making a request for public records.**

(a) Any person wishing to inspect or copy public records of Adams County should make the request in writing on Adams County request form, or by letter, fax, or e-mail addressed to the Chancery Clerk and including the following information:

Name of requestor;

Address of requestor;

Other contact information, including telephone number and any e-mail address;

Identification of the public records adequate for the Chancery Clerk or designee to locate the records; and

The date and time of day of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Costs of photocopies are governed by ACORP 8.

(c) A form is available for use by requestors.

(d) The Chancery Clerk or designee may accept requests for public records that contain the above information in person or by telephone. If the Chancery Clerk or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

## **PROCESSING OF PUBLIC RECORDS REQUESTS — GENERAL**

### **RULE 4. Processing of public records requests – General.**

(1) **Providing access.** Adams County acknowledges that “providing access to public records is a duty” and that “any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record” in accordance with these policies. Sections 25-61-1 and 25-61-5. The Chancery Clerk or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within seven business days of receipt of the request, the Chancery Clerk will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The Chancery Clerk or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) **Consequences of failure to respond.** If Adams County does not respond in writing within seven business days of receipt of the request for disclosure, the requestor should consider contacting the Chancery Clerk to determine the reason for the failure to respond.

(4) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the Chancery Clerk may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If Adams County believes that a record is exempt from disclosure and should be withheld, the Chancery Clerk will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the Chancery Clerk will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) **Inspection of records.**

(a) Consistent with other demands, Adams County shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes Adams County to copy.

(b) The requestor must claim or review the assembled records within thirty days of notification to him or her that the records are available for inspection or copying. Adams County will notify the requestor in writing of this requirement and inform the requestor that he or she should contact Adams County to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, Adams County may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(7) **Providing copies of records.** After inspection is complete, Chancery Clerk or designee shall make the requested copies or arrange for copying.

(8) **Providing records in installments.** When the request is for a large number of records, the Chancery Clerk or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the Chancery Clerk or designee may stop searching for the remaining records and close the request.

(9) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the Chancery Clerk or designee will indicate that Adams County has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(10) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the Chancery Clerk will close the request and indicate to the requestor that Adams County has closed the request.

(11) **Later discovered documents.** If, after Adams County has informed the requestor that it has provided all available records, Adams County becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

## **PROCESSING OF PUBLIC RECORDS REQUESTS – ELECTRONIC RECORDS**

### **RULE 5. Processing of public records requests – Electronic records.**

(1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** When a requestor requests records in an electronic format, the Chancery Clerk will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the public body and is

generally commercially available, or in a format that is reasonably translatable from the format in which the public body keeps the record. Costs for providing electronic records are governed by ACORP 8.

(3) **Customized access to data bases.** With the consent of the requestor, Adams County may provide customized access if the record is not reasonably locatable or not reasonably translatable into the format requested. Adams County may charge the actual cost for such customized access.

## **EXEMPTIONS AND THIRD PARTY INFORMATION**

### **RULE 6. Exemptions.**

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. Exemptions shall be narrowly construed in favor of disclosure. The exemptions may not be mandatory and Adams County may be able to elect for disclosure notwithstanding an exemption. Requestors should be aware of the following exemptions outside the Public Records Act, that restrict the availability of some documents held by Adams County for inspection and copying, and also be aware that other exemptions may allow Adams County to exempt:

- (a) Academic records exempt from public access.
- (b) Appraisal records exempt from access.
- (c) Archaeological records exempt from public access.
- (d) Attorney work product, examination, exemption.
- (e) Birth Defects Registry.
- (f) Bureau of vital statistics, access to records.
- (g) Charitable organizations, registration information, exemption from public access.
- (h) Concealed pistols or revolvers, licenses to carry, records, exemption.
- (i) Confidentiality, ambulatory surgical facilities.
- (j) Defendants likely to flee or physically harm themselves or others.
- (k) Environmental self-evaluation reports, public records act, exemption.
- (l) Hospital records, Mississippi Public Records Act exemption.
- (m) Individual tax records in possession of public body, exemption from public access requirements.
- (n) Insurance and insurance companies, risk based capital level requirements, reports.

- (o) Records in the possession of a public body which were developed among judges and among judges and their aides.
- (p) Jury records exempt from public records provisions.
- (q) Licensure application and examination records.
- (r) Medical examiner, records and reports.
- (s) Personnel files exempt from examination.
- (t) Public records and trade secrets, proprietary commercial and financial information, exemption from public access.
- (u) Workers' compensation, access to records.
- (v) Records subject to privilege, such as Attorney/Client, Physician/Patient, etc.
- (w) Any other legal exemption. Authority for such exemption must be specifically cited in writing to the requestor.

### **THIRD PARTY INFORMATION**

#### **RULE 7. Third Party Information**

When any person files or submits documents with Adams County which the filer contends are exempt from disclosure under the Public Records Act, the filer shall provide a written statement at the time of filing which shall describe the documents filed and which shall fully explain why the documents are designated as exempt from disclosure and must specifically cite any statute or other legal authority in support of such designation. Such written statement shall itself be a public record subject to disclosure.

Any document filed with Adams County which contains trade secrets or confidential commercial or financial information subject to the protection of any applicable law or court decision shall be clearly designated as such by the filer on its face and accompanying cover letter at the time of filing and shall be placed in an envelope other than white. Each page of each document shall be marked confidential. Upon request to inspect or copy any document so designated, Adams County shall notify the person who filed the document. Thirty (30) days after such notice, the document will be made available for public inspection or copying unless the filer shall have obtained a court order protecting such records as confidential pursuant to Section 25-61-9, Miss. Code of 1972.

Any person filing documents with Adams County shall, prior to filing, redact from the documents any social security numbers, account numbers or dates of birth not required to be listed. Adams County shall determine on a case-by-case basis whether similar information may be redacted by the filer to prevent identity theft. In no event will Adams County 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.

## **COSTS OF PROVIDING PUBLIC RECORDS**

### **RULE 8. Costs of providing public records.**

(1) **Costs for paper copies.** Section 25-61-7(1), Miss. Code of 1972, reads as follows: "Except as provided in subsection (2) of this section, each public body may establish and collect fees reasonably calculated to reimburse it for, and in no case to exceed, the actual cost of searching, reviewing and/or duplicating and, if applicable, mailing copies of public records."

A requestor may obtain standard black and white photocopies for fifteen cents per page. Copy charges for some specific types of records are set by statute and may exceed the amount stated above. Examples of specific copy charges include, but are not limited to, the following:

Chancery Clerk and Circuit Clerk certified copies of filed documents cost \$1.00 per document

Copies made at the Chancery Clerk's office made by en employees cost \$0.50 per page

Copies made at the Circuit Clerk's office made by an employee cost \$1.00 per page

Copies made at the Chancery Clerk's or Circuit Clerk's office made by anyone else cost \$0.25 per page

Before beginning to make the copies, the requestor must pre-pay all reasonably estimated costs of copying all the records selected by the requestor. The Chancery Clerk or designee may also require the payment of the remainder of the copying costs before providing all the records in an installment before providing that installment. Adams County will not charge sales tax when it makes copies of public records.

(2) **Costs for electronic records.** The cost of electronic copies of records shall be the actual cost of a CD for information on a CD-ROM.

(3) **Costs of mailing.** Adams County may also charge actual costs of mailing, including the cost of the shipping container.

(4) **Payment.** Payment may be made by cash, check, or money order to Adams County.

(5) **Charges for searching, reviewing and redacting.** The actual cost of searching for and reviewing and, if necessary, redacting exempt information from public records shall be based upon the hourly rate of compensation for the lowest paid agency employee qualified to perform the task, which shall be multiplied by the actual time to complete the task.

(6) Adams County may require payment in advance for all costs before providing copies or access to records.

## **REVIEW OF DENIALS OF PUBLIC RECORDS**

### **RULE 9. Review of denials of public records.**

(1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing to the Chancery Clerk for a review of that decision. The petition must include a copy of or reasonably identify the written statement by the Chancery Clerk or designee denying the request.

(2) **Consideration of petition for review.** The Chancery Clerk must promptly provide the petition and any other relevant information to the Adams County Board Attorney. The Board Attorney will immediately consider the petition and either affirm or reverse the denial within two business days following Adams County receipt of the petition, or within such other time as Adams County and the requestor mutually agree to.

(3) **Review by the Ethics Commission.** Pursuant to Section 25-61-13, if Adams County denies a requestor access to public records, the requestor may ask the Ethics Commission to review the matter. The Ethics Commission has adopted rules on such requests. They may be found at [www.ethics.state.ms.us](http://www.ethics.state.ms.us).

(4) **Judicial review.** Any person whose request for public records was denied may institute a suit in the Chancery Court of Adams County, Mississippi, seeking to reverse the denial, as set forth in Section 25-61-13.

(5) **Administrative remedies.** The remedies available in subsections (3) and (4) may not be pursued until the administrative procedure set out in subsections (1) and (2) have been exhausted.