



MISSISSIPPI ATTORNEY GENERAL'S OFFICE PUBLIC RECORDS POLICY

In accordance with the Mississippi Public Records Act ("Act"), codified at Miss. Code Ann. 25-61-1 *et seq.*, the Mississippi Attorney General's Office ("AGO") has adopted the following Public Records Policy ("Policy"):

Authority and Purpose

The purpose of this Policy is to establish the procedures the AGO 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 the AGO and establish processes for both requestors and AGO staff that are designed to best assist members of the public in obtaining such access. All records and portions of records not exempt from disclosure will be made available in accordance with the procedures outlined in this Policy.

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, the AGO will be guided by the provisions of the Act describing its purposes and interpretation.

Public Records of the AGO

The Attorney General serves as the chief legal officer for the State of Mississippi, state agencies, and state officials. Because the primary function of the AGO is to provide legal advice and representation, many of its records are exempt from the Act as attorney work product and/or subject to the attorney-client communication privilege. Additionally, the Attorney General is the chief law enforcement officer for the State and, therefore, the AGO maintains a large number of documents that are exempt from the Act as investigative records.

Form of Request

All requests to examine, copy, or obtain public records must be in writing utilizing the standard Request for Public Records form, a copy of which is provided at <https://attorneygenerallynnfitch.com/divisions/opinions-and-policy/>. The request must identify the records, give the name, address, and telephone number of the requesting agency or

individual, and must be signed by the requesting party. If known, the request should include the division within the AGO likely to maintain the record. In addition, the requestor must identify or describe the public records requested in a manner that is adequate for AGO staff to locate the records. A record is identifiable if a reasonably specific description of the record has been given, such as the date of the record, the subject matter, division, or person involved, etc., which will permit location or retrieval of the record.

Requests may be submitted by electronic mail or U.S. Mail to the Opinions and Policy Division of the AGO:

Opinions & Policy Division
Mississippi Attorney General's Office
By electronic mail: openrecords@ago.ms.gov
By mail: P.O. Box 220, Jackson, Mississippi 39205

Due to the high volume of records requests that our office processes and to ensure that the AGO timely responds to all requests, a public records request is not considered received until it is submitted to our Opinions and Policy Division utilizing our Public Records Request form. Any request submitted after 5:00 Central Standard Time will be considered received on the following business day.

Any requirement related to the form of the request may be waived on a case-by-case basis by the AGO to facilitate the orderly and timely release of the information.

Processing of Public Records Requests

Timing: No later than seven working days of receipt of the request, the AGO will do one or more of the following:

- (a) Provide a cost estimate to the requestor for the search, review, duplication, and, if applicable, mailing for response to the public records request;
- (b) Send the copies of the records to the requestor;
- (c) Make the records available for inspection or copying, if in-person inspection is required;
- (d) Provide a reasonable estimate of when records will be available;
- (e) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor and, if necessary, revise the estimate of when records will be available; or
- (f) Deny the request.

If the AGO does not respond in writing within seven working days of receipt of the request for disclosure, the requestor should consider contacting the Opinions and Policy Division to determine the reason for the failure to respond.

Consistent with the Act and as used in this Policy, a working day is any day other than a weekend, legal holiday, or other day on which by executive order the AGO is authorized to be closed or all the employees of the Office are authorized to be absent.

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 AGO 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.

Records exempt from disclosure: Some records are exempt from disclosure, in whole or in part. If the AGO believes that a record is exempt from disclosure and should be withheld, the AGO 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 AGO will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

Inspection of records: Upon request, the AGO will 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 the public body to copy, provided the requestor makes payment for the costs of search, review, and production in advance. After inspection is complete and payment is made, the AGO shall make the requested copies or arrange for copying.

Providing records in installments: When the request is for a large number of records, the AGO will publish its response in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If the response is accomplished through in-person inspection, and within 30 days the requestor fails to inspect the entire set of records or one or more of the installments, the AGO may stop searching for the remaining records and close the request.

Closing withdrawn or abandoned requests: When, after 30 days, the requestor either withdraws the request or fails to fulfill his or her obligations or pay the deposit or final payment for the requested copies, the AGO will close the request.

Electronic Records

When a requestor requests records in an electronic format, the AGO will provide the nonexempt records or portions of such record that are reasonably locatable in an electronic format that is used by the AGO and is generally commercially available or in a format that is reasonably translatable from the format in which the AGO keeps the record. Costs for providing electronic records are described below.

Third Party Information

Records furnished to the AGO by third parties shall be provided to the requesting party in accordance with Section 25-61-9, Miss. Code of 1972.

Any person filing documents with the AGO shall, prior to filing, redact from the documents any social security numbers, account numbers, or dates of birth not required to be listed. The AGO shall determine on a case-by-case basis whether similar information may be redacted by the filer to prevent identity theft.

Costs of Providing Public Records

Any person desiring copies of public records who does not officially represent a public body, as defined in the Act, shall be entitled to obtain mechanically reproduced copies at a charge of fifteen cents (\$.15) per page, which represents the actual cost of such reproduction. Official representatives of public bodies, as defined in the Public Records Act, shall be entitled to reasonable copies of such records with no charge.

Transmission of records: The AGO may also charge actual costs of mailing, including the cost of the shipping container. There will be no charge for e-mailing electronic records to a requestor.

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. If the searching, reviewing, duplicating, or separating of non-exempt material from documents, etc., containing exempt material requires less than fifteen minutes of work, the AGO may waive the cost for searching, reviewing, and redacting.

Payment: The AGO requires payment in advance for all costs before providing copies or access to records. Payment may be made by cash, check, or money order to the AGO.