



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

July 30, 2024

Risher G. Caves, Esq.
Attorney, Jones County Board of Education
Post Office Drawer 167
Laurel, Mississippi 39441-0167

Re: Public Records Request

Dear Mr. Caves:

The Office of the Attorney General has received your request for an official opinion.

Question Presented

If a public records request seeks a list of statistical information that does not currently exist, is a school district required to compile and assemble said list of information?¹

Brief Response

No. A school district is not required to create a record that does not currently exist in response to a public records request.

Applicable Law and Discussion

Pursuant to the Mississippi Public Records Act of 1983 (the “Act”), public records must “be *available for inspection* by any person unless otherwise provided by” the Act. Miss. Code Ann. § 25-61-2 (emphasis added). The Act does not require a public body to create a record in response to a public records request. MS AG Op., *Robertson* at *1 (Oct. 13, 2006). Rather, the public body merely must make its records available for inspection. See MISSISSIPPI MODEL PUBLIC RECORDS RULES, COMMENT 4.4(4)(a) (stating that “[a] public body is only required to provide access to public records it has in its possession or over which it has control. A public body is not required to create a public record in response to a request.”). Accordingly, it is the opinion of this office that a school district is not required by the Act to compile and assemble a list of statistical information if the requested document does not already exist.

¹ Your opinion request included an additional question. However, you informed us in a subsequent conversation that the additional question was moot and did not require a response.

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If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Beebe Garrard*

Beebe Garrard
Special Assistant Attorney General

OFFICIAL OPINION