

Section: C General School Administration

Policy Code: CNA Access to Public Records

Policy:

ACCESS TO PUBLIC RECORDS

HATTIESBURG PUBLIC SCHOOL DISTRICT PUBLIC RECORDS ACCESS PROCEDURES

The following policies and procedures are adopted in order to comply with the requirements of the Mississippi Public Records Act of 1983 (hereinafter the Act).

RECORDS ACCESSIBLE

All public records maintained by the district, as defined by the Act, shall be made available for access and duplication, subject to the exceptions and requirements of these policies, and other state or federal laws.

REQUESTS FOR ACCESS

Requests for access to public records shall be filed in writing, on forms provided, with the Superintendent of Schools, Hattiesburg Public School District, P. O. Box 1569, 301 Mamie Street, Hattiesburg, MS 39403-1569. The request must state with sufficient specificity the nature, location, and description of the public record sought in order to enable the appropriate official(s) of the district to obtain the records for review and/or duplication. In the event that the request lacks sufficient clarity or is otherwise unduly burdensome, it will be returned to the originator for clarification or correction. All requests to inspect or duplicate public records must be filed between the hours of 9:00 a.m. and 3:00 p.m. on any working day in the superintendent's office.

Requests for inspection and/or duplication of records shall be honored at such time during the day as the documents are not being used by the appropriate officials of the district. After the records are located and made available for inspection and/or duplication, the originator of the request will be notified of a time, place and date, not later than seven (7) days from the date of the receipt of the request, to allow inspection and/or duplication.

FEES CHARGED

As allowed by statute, the district shall charge and collect fees to reimburse it for the actual costs of searching, reviewing, duplicating and mailing copies of public records. All applicable charges shall be paid to the district in advance of complying with any requests, pursuant to the following schedule:

- Photocopying: 30 cents per page, with a minimum charge of \$1.00 per search.
- Searching and Reviewing: An hourly charge of \$5.00 or any staff time or contractual services included in actual cost shall be at the pay scale of the lowest level employee or contractor competent to respond to the request. Such fees shall be collected by the district in advance of complying with the request.

- Postage: Actual cost of postage shall be assessed for all records mailed.

Any request which will require considerable assistance of school personnel for searching and reviewing shall be subject to a minimum deposit of \$25.00. In the event that the actual cost is found to be less than \$25.00, the balance shall be refunded to the originator of the request at the appointed time for the inspection and/or duplication.

EXEMPT RECORDS

The following records are exempt from the Act and from this policy and shall not be subject to disclosure, except under other authority and under appropriate circumstances.

1. Records furnished to public bodies by third parties which contain trade secrets or confidential, commercial or financial information, as provided by the Act.
2. Records which are confidential or privileged, as provided by constitutional, statutory or case law of this state or of the United States.
3. Records which are developed among judges, judges and their aides, and juries.
4. Personnel records, including but not limited to applications for employment, test questions and answers used in employment examinations, and letters of recommendation.
5. Test questions and answers in the possession of a public body which are to be used in future academic examinations.
6. Records which represent and constitute the work product of an attorney representing the district, records which are related to litigation by or against the district, or in anticipation of prospective litigation, and communications between the district and the attorney in the course of an attorney-client relationship.
7. Records which would disclose information about a person's individual tax payment or status.
8. Records concerning the sale or purchase of property for public purposes prior to the announcement of the purchase or sale where the release of the record would have a detrimental effect on the sale and purchase.
9. All educational records of students and former students, as defined by Policy JR Student Records and by the Federal Privacy Act; such exemption shall also apply to letters of recommendation respecting admission to any educational agency or institution.
10. Records that are maintained regarding the process of detection and investigation of unlawful activity, in addition to such records as defined in Section 45-29-1 of the Mississippi Code of 1972.

11. Commercial and financial information of a proprietary nature required to be submitted to the district.

INABILITY TO PRODUCE THE RECORD BY THE SEVENTH DAY

If a public body is unable to produce a public record by the seventh working day after the request is made, the public body must provide a written explanation to the person making the request stating that the record 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.

DENIAL OF ACCESS

In the event that the district denies a request for access to or copies of public records, the denial will be in writing and contain a statement of the specific exemption relied upon by the public body for the denial. The district will maintain a record of all denials for a period of three (3) years.

The Mississippi Public School Accountability Standard for this policy is standard 1.

LEGAL REF.: MS CODE ' 25-61-1 *et seq.*; '37-11-51 (1983)

CROSS REF.: Policies BE School Board Records

CN Administrative Records

GAR Professional Personnel Records

JR Student Records

Last Review Date:2/7/2017

Review History:[1/1/1900][1/1/1901]

Exhibits:

Regulations:

References:

Exhibits:

Regulations:

References:

Original Adopted Date: 12/1/2015 **Status:** Adopted
Approved/Revised Date: 12/1/2015 **Record Id:** 118600