

# Public Records Policy



## **Department of Municipal Clerk**

219 S. President St.  
P.O. Box 17  
Jackson, Mississippi 39205-0017

# CONTENTS

OVERVIEW .....	3
DEFINITIONS .....	3
PROCEDURES.....	3-4
FEES.....	4
PUBLIC RECORDS ACCESS PROCESS.....	5-6

## OVERVIEW

It is the policy of the state of Mississippi that public records shall be available for inspection by any person unless otherwise provided by the Mississippi Public Records Act of 1983. Accordingly, it is the policy and duty of the City of Jackson, Mississippi to provide access to public records consistent with the provisions of the Mississippi Public Records Act of 1983.

## DEFINITIONS

**Public Record:** 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.

**Non-exempt Public Record:** Any public record that is available for inspection, examination, copying or reproduction pursuant to the Mississippi Public Records Act of 1983 and the policies provided herein.

**Exempt Public Record:** Any public record that is not available for inspection, examination copying or reproduction in accordance with any constitutional or statutory law, including but not limited to, the Mississippi Public Records Act of 1983, a legal declaration that the public record is confidential or privileged or any express statutory exemption provided by local, state or federal laws.

**Working Day:** Any day other than a weekend, a state holiday, federal holiday, furlough day, or other day which the City is closed by Executive Order.

## PROCEDURE

**Request Using Online Portal:** The individual requesting records shall complete and submit the designated public records request online to the Department of Municipal Clerk at <https://cityofjacksonms.nextrequest.com/>.

**Response Timeline:** The City shall respond to the request for public records within seven (7) working days after receipt of the request. The requestor is required to pay for the actual cost of searching, reviewing and/or duplicating copies of the requested public

records. Such fees shall be collected in advance of complying with the request. If the requestor fails to tender payment within five (5) calendar days of receiving notification regarding the cost associated with the request, the request is deemed withdrawn and closed. The requestor shall re-submit his/her request.

**Response Timeline for Requests for Trade Secrets, Confidential, Commercial or Financial Information Submitted to the City by a Third Party:** When an individual seeks inspection, examination, copying or reproduction of information which includes trades secrets, confidential, commercial or financial information submitted to the City by a third party, the records shall be released no later than twenty-one (21) days from the date the third parties receive notice of the request unless the third parties have filed in chancery court a petition seeking a protective order on or before the expiration of the twenty-one-day time period. Any party seeking the protective order shall give notice to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure. The City shall release the requested public records at the expiration of the twenty-one-day time period, unless the third-party seeks the protective order.

**Denials:** Any denial of a request shall be made by the Office of the City Attorney in writing, and shall contain a statement of the specific reasons for denial. The Department of Municipal Clerk shall maintain a file of all denials for a period of not less than three (3) years. No department shall deny a request for public records submitted pursuant to the City's procedures without the express written authority of the Office of the City Attorney.

## **FEES**

**Fees for Costs Incident to Providing Access to Public Records:** The person requesting access to public records is required to pay the actual cost of providing such access. Fees are calculated to reimburse the City for the actual cost of searching, reviewing and/or duplicating and, if applicable, mailing copies of public records. Staff time or contractual services included in the actual cost shall be at the pay scale of the lowest level City employee or City contractor competent to respond to the request. Such fees shall be paid in advance of the City complying with the request. Photocopies of the requested public records are billed at .15 per page; certified copies are \$1.50 each. Prepayment is required.

**Note:** There shall be no charge if the requested public records are not found, or if the requested records are exempt from public disclosure. Thus, no charge shall be made for staff hours expended to resolve any legal or policy concerning the request. However, if staff anticipates a request will require extensive research, a cost estimate shall be provided to the requestor prior to filling the request.

## **PUBLIC RECORDS ACCESS PROCESS**

The Department of Municipal Clerk shall receive and process all requests for public records via NextRequest. In the event that anyone other than the Department of Municipal Clerk receives a written request for public records, the request should be forwarded to the Department of Municipal Clerk for review. The Department of Municipal Clerk may contact the requester and advise of the proper procedure for submitting the request electronically. If anyone receives a verbal request for a public record, the requestor should be referred to the Municipal Clerk's Department or may be directed to the City of Jackson's website to complete an online request form or contact the Department of Municipal Clerk (601) 960-1035 for assistance.

Each Department Director shall appoint a person within their department as the contact person to respond to requests for public records housed within their department (Public Records Agent "PRA"). The Department Director shall forward the name and telephone number of the PRA, and the PRA's assigned support staff to the City Clerk.

---

### The Process:

1. Upon receipt of a public record request, the Department of Municipal Clerk shall assign the request to the PRA for the Department which maintains the requested public records.
2. Upon receipt, the PRA shall provide a cost estimate to the Municipal Clerk within two (2) working days for review and approval if the projected cost estimate is \$50.00 or more. If the cost estimate is approved, the Department of Municipal Clerk shall notify the requestor of the same. The Department of Municipal Clerk shall inform the requestor that he/she has five (5) calendar days to tender payment of the requisite fee to the Department of Municipal Clerk. If no cost estimate is required, the PRA will proceed with fulfillment of the request.
3. If the requestor fails to render payment to the Department of Municipal Clerk within five (5) calendar days of notifying the requestor of the fee, the Department of Municipal Clerk will send a standard notice to the requestor informing him/her of the perils of not providing the requisite fee.
4. After the requestor renders payment of the requisite fee, the City Clerk shall notify the Department of the same.

5. Upon receipt of notification from the Department of Municipal Clerk that the requestor has tendered payment of the requisite fee, the Department's PRA shall forward to the Office of the City Attorney the requested public records within two (2) working days of receiving said notification.
6. To ensure a timely response to requests for public records, the PRA shall make certain that the requested records are retrieved/uploaded and forwarded to the Office of the City Attorney within two (2) working days after the PRA receives notification that the requestor has tendered payment to the City Clerk. If the requested record is nonexistent, a memo or letter should be uploaded as the response to the requester. All responses should be submitted to Legal for approval.
7. The Office of the City Attorney shall review and upon approval shall submit to the Department of Municipal Clerk for release to the requestor.
8. Communication is a key component of this process. If the PRA does not understand the request, the PRA should contact the requestor immediately for clarification. In the event the PRA or Department Director has a question for the Department of Municipal Clerk, the Office of the City Attorney or other City of Jackson employees relating to the requested record, the PRA or Department Director should contact the same immediately to ensure timely delivery of the requested public records.