



Policy Name	Public Records Request Policy
Policy Number (Org/No.)	
Administrative Division	Division of General Counsel
Unit	Division of General Counsel
Effective Date	
Revised Date	
Review Date	

## 1.0 Purpose

This policy is intended to provide general guidelines for requests to view or reproduce public records. The public records policy of Jackson State University has been adopted in accordance with the Mississippi Public Records Act of 1983, Section 25-61-1, et seq., Miss. Code Ann. (1972). All records and portions of records not exempt from disclosure will be made available in accordance with these rules.

It is the general policy of Jackson State University to neither confirm nor deny any ongoing investigation.

## 2.0 Applicability

This policy applies to all JSU administrators, faculty, staff, students, and the public.

## 3.0 Definitions

The following terms have been defined for purposes of this policy.

- a. **Public Records:** A public record shall mean any book, record, paper, account, letter, map, photograph, film, card, tape, recording or reproduction thereof, and any other documentary material, regardless of physical form or characteristic, 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 the University, or required to be maintained by the University.
- b. **Non-exempt Record:** A non-exempt record is that part of a public record which does not fall under one of the exceptions to or exemptions from disclosure in the Public Records Act.
- c. **Identifiable Record:** 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.
- d. **Working Day:** A working day is any day other than a weekend, state holiday, or other day on which the University is authorized to be closed or all the employees of the office are authorized to be absent.
- e. **Incident Report:** means a narrative description, if such narrative description exists and if such narrative description does not contain investigative information, of an alleged offense, and at a minimum shall include the name and identification of each person charged with and arrested for the alleged offense, the time, date and location of the alleged offense, and the property involved, to the extent this information is known.
- f. **Investigative Report:** means records of a law enforcement agency containing information beyond the scope of the matters contained in an incident report, and generally will include, but not be limited to, the following matters if beyond the scope of the matters contained in an incident:

- (i) Records that are compiled in the process of detecting and investigating any unlawful activity or alleged unlawful activity, the disclosure of which would harm the investigation which may include crime scene reports and demonstrative evidence;
- (ii) Records that would reveal the identity of information and/or witnesses;
- (iii) Records that would prematurely release information that would impede the public body's enforcement, investigation or detection efforts;
- (iv) Records that would disclose investigatory techniques and/or results of investigative techniques;
- (v) Records that would deprive a person of a right to a fair trial or an impartial adjudication;
- (vi) Records that would endanger the life or safety of a public official or law enforcement personnel, or confidential informants or witnesses;
- (vii) Records pertaining to quality control or PEER review activities; or
- (viii) Records that would impede or jeopardize a prosecutor's ability to prosecute the alleged offense.

Source: *Miss. Code Ann. § 25-61-3.*

#### 4.0 Policy

##### 1) Availability of Records

Access to all non-exempt records of the University that have been properly requested, deemed subject to disclosure under the Public Records Act, and for which applicable cost payment has been made will be allowed at a schedule time during regular business hours (8:00 to 5:00 on working days). These records will be made available for inspection and/or copying. If any public record which is held to be exempt from disclosure, as designated below, contains material which is not exempt, the University shall separate the exempt material and make the non-exempt material available for examination and/or copying. The University or its designee has the authority to specify the mode, manner, time and place of access.

Source: *Miss. Code Ann. § 25-61-5; Miss. Ethics Comm. Model Public Records Rule 4.5(2).*

##### 2) Procedures for Handling Public Records Requests.

All requests to examine, copy or obtain public records, shall be in writing utilizing the standard Request for Public Records form, a copy of which is attached hereto as Exhibit A to these rules and is provided at <https://www.jsums.edu/>. The request must identify the records, with particularity, give the name, mailing address, email address and telephone number of the requesting agency or individual, and must be signed by the requesting party. This requirement may be waived on a case by case basis by the University or its designee to facilitate the orderly and timely release of the information.

Requests must be submitted by U.S. Mail to the agency's designated Compliance Officer: Compliance Officer, Division of General Counsel, at Post Office Box 17239, Jackson, Mississippi 39217. **An emailed or faxed request does not satisfy the written request requirements.** The Office shall respond to the request in writing within 7 working days from the date of request.

If the records will be disclosed, the Office will give an estimate of the total cost, if any, for compliance with the request. If the estimate is agreeable to the requestor and upon mutual agreement of the parties, the University will produce the records requested no later than 14 working days from the date the request and payment are received, or as mutually agreed upon by the parties. Payments must be made by money order or cashier's check. Denials will be handled pursuant to the Denial section.

*Source: Miss. Code Ann. § 26-61-5; Miss. Ethics Comm. Model Public Records Rule 3.6.*

3) Fees

Any person desiring copies of public records as defined in the Public Records 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.

The costs for searching, reviewing, duplicating or separating of non-exempt material from documents, etc., containing exempt material may be charged in addition to a mechanical reproduction charge of fifteen cents (\$.15) per page. The charge for the hours shall be based upon the hourly salary of the lowest paid employee of the University qualified and available to do the job.

Mailing costs calculated at the applicable United States Postal Services rates shall be charged where appropriate. The cost of mailing a notice to third parties via certified mail, return receipt requested, shall be charged to persons requesting the public records.

*Source: Miss. Code Ann. § 26-61-7; Miss. Ethics Comm. Model Public Records Rule 8.*

4) Records Furnished by Third Parties Containing Trade Secrets, Confidential Commercial or Financial Information

Records furnished to the University by third parties, which may contain trade secrets or confidential commercial or financial information, will not be released until reasonable notice to the third parties has been given. For the purpose of providing advance notice to submitters of trade secret or confidential commercial or financial information, thirty (30) days from the submitter's receipt of written notice shall be deemed a reasonable time for the disclosure of the requested records in the absence of a court order to the contrary.

*Source: Miss. Code Ann. § 26-61-9.*

5) Exempt Records

Any record expressly exempt from the Public Records Act or any record specifically declared to be exempt, confidential, or privileged by any other Mississippi statute, constitutional provision, or judicial order or directive, shall not be subject to inspection and copying. These records which are specifically exempt by law and which fall within the jurisdiction of the University include, but are not limited to, the following:

- Any report of examination or investigations, including all information obtained during the course of such examination and investigation, conducted pursuant to any statutory authority of the University (Miss. Code Ann. §§ 81-1-89(1), 81-18-21(8), and 25-61-11;
- Investigative records (Miss. Code Ann. § 25-61-12 (2));
- Personnel records and applications for employment, except those which may be released to the person who made the application or with the prior written consent of the person who made the application.
- Test questions and answers which are to be used in employment examinations (Miss. Code Ann. § 25-1-100(2));
- Letter of recommendation respecting any application for employment (Miss. Code Ann. § 25-1-100(3));
- Records which represent and constitute the work product of any attorney and which are related to litigation initiated by or against the University or in anticipation of prospective litigation, including all communications between such attorney made in the course of an attorney/client relationship (Miss. Code Ann. § 25-1-102);
- All communications made in the course of an attorney-client relationship (Miss. Code Ann. §§ 25-1-102; 26-61-11; AG Opinion No. 2004-0170);
- Appraisal information which concerns the sale or purchase of real or personal property for public purposes prior to public announcement of the purchase or sale, where the release of such records would have a detrimental effect on such sale or purchase (Miss. Code Ann. § 31-1-27); and
- Any constitutional law, state or federal statutory law, or decision of a court of this state or the United States that declares a public record to be confidential or privileged, or provides that a public record shall be exempt from the Mississippi Public Records Act (Miss. Code Ann. § 25-61-11).

Source: *Miss. Code Ann. § 26-61-11.*

## 6. Denials

Denials shall contain the specific reasons for the denial. Copies of all denials shall be maintained on file by the University for not less than (3) three years from the date denial is made.

**Petition for Internal Administrative Review:** Any person who objects to the initial denial or partial denial of a records request may, within ten (10) business days of the date of such denial, petition for a review of that decision. The petition must be submitted in writing, via U.S. Mail, to the agency's designated Compliance Officer, Compliance Officer, Division of General Counsel, at Post Office Box 17239, Jackson, Mississippi 39217. **An emailed or faxed request does not satisfy the written request requirements.**

**Consideration of Petition for Review:** The Compliance Officer will provide the petition and any other relevant information to the University who will either confirm or reverse the denial.

Review by the Ethics Commission. Pursuant to Miss. Code Ann. § 25-61-13, if the University 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 request. They may be found at [www.ethics.state.ms.us](http://www.ethics.state.ms.us).

Judicial review. Any person whose request for public records as denied may institute a suit in the chancery court of Hinds County, Mississippi, seeking to reverse the denial, as set forth in Miss. Code Ann. § 25-61-13.

Source: Miss. Code Ann. §§ 26-61-5(3) and 25-61-13; Miss. Ethics Comm. Model Public Records Rule 9.

5.0 Adherence:

All University faculty, staff, students, and the public at large are expected to comply with all federal and state laws, the Mississippi Institutions of Higher Learning policy and bylaws, and University policies, including but not limited to this stated policy to help ensure that the University is and remains in compliance therewith.

6.0 CERTIFICATE OF APPROVAL / SIGNATURE

Policy Name		
Policy Number		
Administrative Division		
<u>Approved By:</u>	<u>Signature</u>	<u>Date</u>
President	<i>Marcus L. Thompson</i>	8/14/2024
General Counsel	<i>Chetwo L. White</i>	8/15/2024
VP/Provost		
Director		