PUBLIC ACCESS TO INFORMATION

In accordance with §39-3-365, records maintained by the Library which contain information related to the identity of a library user, relative to the user’s use of books and other materials in the agency’s library are confidential and shall only be released with the express consent of the user or as a result of a court order.

The Mississippi Public Records Act of 1983, as found in §25-61-1 to §25-61-17, is hereby adopted and incorporated by reference. Unless exempted by §25-61-9, §25-61-11, §39-3-365, or in this section, all public records held by the Library are hereby declared to be public property, and any person shall have the right to inspect, copy, or mechanically reproduce or obtain a reproduction of any such record in accordance with the procedures outlined below.

Records furnished to the Library by a third party, unless declared exempt in this section, shall also be released in accordance with these rules. A third party shall be notified of public records requests impacting the records of the third party.

* + 1. Exemptions - Public Records Act of 1983

The availability of all records in the possession of the Library shall be subject to the following limitations:

a) Personnel records and applications for employment and letters of recommendation for employment in the possession of the Library, except those which may be released to the person who made the application or released upon the prior written consent of the person who made the application, shall be exempt from the provisions of the Act. (§25-1-100)

b) Test questions or answers which are used in employment examinations and in the possession of the Library except that which may be released to the person who made the application or released upon the prior written consent of the person who made the application, shall be exempt from the provisions of the Act. (§25-1-100)

c) Records which represent and constitute the work product of any attorney, district attorney or county prosecuting attorney representing the Library and which are related to litigation made by or against the Library, or in anticipation of prospective litigation, including all communications between such attorney made in the courses of an attorney-client relationship shall be exempt from the provisions of the Act. (§25-1-102)

d) Records in the possession of the Library which would disclose information about a person’s individual tax payment or status shall be exempt from the provisions of the Act. (§27-3-77)

e) Appraisal information in the possession of the Library 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 could possibly have a detrimental effect on such sales or purchases shall be exempt from the provisions of the Act. (§31-1-27)

f) Test questions and answers in the possession of the Library which are to be used in future academic examinations and letters of recommendations respecting admission to any educational agency or institution, shall be exempt from the provisions of the Act. (§37-11-51)

g) Records in the possession of the Library which contain information about the location of any specific archaeological site and which in the opinion of such agency possessing such records, would, upon the disclosure thereof, create a substantial risk of damage or destruction to the historical value of such archaeological site or create a substantial risk of damage or destruction the private property rights, shall be exempt from the provisions of the Act. (§39-7-41)

h) Records in the possession of the Library which are not otherwise protected by law, that (1) are compiled in the process of detecting and investigating any unlawful activity or alleged unlawful activity, disclosure of which would harm such investigation; (2) would reveal the identity of informants; (3) would prematurely release information that would impede the Library’s enforcement, investigation or detection efforts in such proceedings (4) would disclose investigatory techniques; (5) would deprive a person of a right to a fair trial or impartial adjudication; (6) would endanger the life or safety of any Library personnel; (7) are matters pertaining to quality control, shall be exempt from the provisions of the Act. (§45-29-1)

* + 1. Procedures for Requesting Access to Records

Public access to Library non-exempt records shall be governed by the following procedures:

Written Request

Individuals desiring to obtain access to public records information held by the Library should make a written request, signed by the individual or duly authorized agent, either by mail to the Director or in person at the Library offices during normal working hours. Requests for public records shall be received and the request acted upon during the regular business hours. The written request and the envelope must be plainly marked “Request for Public Records.” Failure to so mark the request may delay the Library’s response.

The written request should describe in reasonable detail the records sought. The request should include, if possible, a description of the type of records, dates, title of a publication, and other information which may aid in locating the records.

The written request shall: specify whether the requestor proposes to access the record by inspection or copying; state the date and time for the proposed activity; state the number of persons scheduled to participate; and provide the name, address, and home and office telephone number of the requestor.

Production of Records or Denial of Access

The Director shall determine whether the records sought are exempt and shall either produce records or access to records or deny access to or production of the records sought within seven (7) working days of the receipt of the request.

If the Director determines that the records requested are exempt or privileged under the law, the Director shall deny the request and send the requesting individual a statement of specific reasons for the denial. Where possible, nonexempt material shall be separated from exempt material and only the exempt material shall be withheld. (§25-61-9) Such denials shall be kept on file for a period of three (3) years and be made available for inspection and/or copying during regular working hours by any person upon written request. (§25-61-5)

Individuals provided access to the records may do so within normal working hours, in the Library offices, and under the supervision of a staff member. Those records which an individual wishes to have copied shall be marked by the individual, and the staff member shall attend to the reproduction of those documents. No records, only reproductions, shall leave the building.

Appeal of a Denial

In the event a public records request is denied, the requesting individual may appeal the decision using the following procedures:

A requesting individual has thirty (30) calendar days from receipt of the Library’s response to appeal the denial.

The appeal shall be submitted in writing to the Director for consideration by the Board for a final administrative determination.

The appeal should contain a copy of the original request, the denial, and the justification for reconsideration.

The appeal and the envelope shall be plainly marked “Public Records Appeal.” Failure to so mark the appeal may delay the response from the Board.

The Board shall issue a written decision granting or denying the appeal within sixty (60) working days after receipt of the appeal unless, after showing good cause, the Board extends the sixty (60) day period. If the appeal is granted, the procedures outlined in “Procedures for Requesting Access to Public Records” shall be initiated. If the appeal is denied, in whole or part, the decision shall set forth reasons for the denial.

* + 1. Reference Requests as Public Records Requests

The Library routinely receives reference requests for information. On occasion, a request submitted as a reference request is in actuality a public records request. In such cases, the following procedures shall be initiated:

a) The reference request in question shall be referred to the Director for review and validation of the public records issue.

b) Upon validation that the reference question is actually a public records request, the reference question shall be returned to the requestor with instructions as to how to resubmit the question as a public records request.

c) The individual resubmitting the reference request as a public records request shall be required to follow the procedures outlined in “Procedures for Requesting Access to Public Records.”

* + 1. Cost Reimbursements

The Library hereby establishes a schedule of cost reimbursements to compensate the agency for the costs associated with searching, reviewing, overseeing, duplicating and if applicable, mailing copies of public records. Fees shown herein are subject to change. (§25-61-7)

a) Reimbursement schedule:

The regular rate shall be charged for each copy ($0.15 per page at this time). Copies of pages printed on both front and back shall be considered as two pages for copy charge purposes.

No charges shall be applied for searching, reviewing and/or duplicating public records if the query requires one (1) hour or less or if the number of copies required is thirty (30) pages or less.

If the query requires more than one (1) hour, $10.00 per hour per person may be charged for searching, reviewing, and/or duplicating public records. Any part of an hour spent in such activities shall be charged at the full hourly rate.

A $5.00 packing and handling fee shall be charged on all requests for copies of public records to be shipped or mailed.

Mailing cost shall be calculated at the applicable rate for each such mailing. If the request involves notice to be given to a third party, the cost of mailing such notice via certified mail return receipt requested shall be charged to the person requesting such public records.

b) Prior to complying with a request for public records, the Library shall estimate the anticipated time and charges that may be required, and the requesting individual shall reimburse the Library for the estimated costs, according to the reimbursement schedule. If actual costs exceed estimated costs, the individual shall remit the difference prior to the Library releasing the public records. Cost reimbursements shall apply even if the search is unproductive.

**Adopted: DRLS Board, 7-19-11**

**Revised: DRLS Board, 11-19-14**

**Reviewed and Retained: DRLS Board, 08-02-2018**