

## PUBLIC RECORDS

The following policy is adopted to comply with the requirements of the Mississippi Public Records Act of 1983, hereinafter the "Act."

### **Section I: RECORDS FOR ACCESS.**

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.

### **Section II: REQUESTS FOR ACCESS**

Requests for access to public records shall be filed in writing, on forms provided, with the Superintendent of Schools. The request must state with sufficient specificity the nature, location, and description of the public records 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 a.m. and 3 p.m., on any working day in the Superintendent's or designee'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) working days from the date of the receipt of the request, to allow inspection and/or duplication.

If the public record is unable to be produced by the seventh (7<sup>th</sup>) working day after the request is made, a written explanation will be provided 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 production of the requested records be any later than fourteen (14) working days from the receipt of the original request.

### **Section III: FEES CHARGED**

Requests for public records, such as information made available for distribution, shall be made available at no charge.

As allowed by statutes for requests made for public records that require staff time to research, review, redact, duplicate, and mail, a charge will be applicable. An additional charge may also be charged for documents that require legal review.

Please note that the following types of public records requests usually require additional research and staff time and can have significant costs associated with filling the request:

- a. Requests for very large volumes of materials;

- b. Requests that are too broad or unspecific in scope;
- c. Requests for information that have already been archived; and
- d. Requests for documents that are unusual in size.

The costs of electronic copies of records shall be determined on a case-by-case basis for information on a flash drive. The actual cost of the flash drive plus research and redaction time will be included. The cost of scanning existing District paper or other non-electronic records is actual time (per hour) it takes for completion of scanning. There will be no charge for e-mailing electronic records to a requestor, unless another costs applies such as a scanning fee or system costs allowed under Mississippi state law.

All applicable charges shall be paid to the district in advance of complying with any requests.

#### **Section IV: 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 constitution, 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 examination, and letters of recommendation.
5. 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.
6. Records which would disclose information about a person's individual tax payment or status.
7. 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.
8. All educational records of students and former students, as defined by Policy JCF and by the Family and Educational Rights to Privacy Act of 1974; such exemption shall also apply to letters of recommendation

respecting admission to any educational agency or institution.

9. 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.
10. Commercial and financial information of a proprietary nature required to be submitted to the district.

**Only records that exist at the time of the request shall be made accessible to the public.**

## **SECTION V: 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 reasons for the denial. The district will maintain a record of all denials for a period of three (3) years.

SOURCE: Jackson Public School District, Jackson, Mississippi

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