

**Title 18: Mississippi Department of Human Services**

**Part 22: Public Records Requests**

**Chapter 1: Rules for Accessing Public Records**

***Rule 1.1 Authority and Purpose***

- A. The purpose of this policy is to establish the procedures the Mississippi Department of Human Services (MDHS) will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of MDHS and establish processes for both requestors and MDHS staff that are designed to best assist members of the public in obtaining such access.
- B. “It is the policy of this state that public records shall be available for inspection by any person unless otherwise provided by this chapter; furthermore, providing access to public records is a duty of each public body and automation of public records must not erode the right of access to those records. As each public body increases its use of, and dependence on, electronic record keeping, each public body must ensure reasonable access to records electronically maintained, subject to records retention.” Miss. Code Ann. § 25-61-2.
- C. Adopted in compliance with the Mississippi Public Records Act of 1983, Miss. Code Ann. §25-61-1 thru 25-61-19, and the Mississippi Ethics Commission’s Model for Public Records Rules. All records and portions of records not exempt from disclosure will be made available in accordance with the procedures outlined below. The act and these rules will be interpreted in favor of disclosure.
- D. “All public records 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 public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access, and public notice of the procedures shall be given by the public body.” Section 25-61-5, Miss. Code of 1972.
- E. The Act defines “public record” to include “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 us 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.” Section 25-61-3(b).

*Source: Miss Code Ann. §25-61-2, §25-61-5, §25-61-3(b), §43-1-5(1) Revised: November 2020*

***Rule 1.2 Public body description--Contact information--Public records officer***

- A. The Mississippi Department of Human Services (MDHS) is dedicated to offering Mississippians young and old tangible help today to create lasting hope for tomorrow. The

agency seeks to empower families so they can become self-sufficient and responsible for their future success. MDHS consists of the following Divisions:

1. Economic Assistance Eligibility
2. Aging and Adult Services
3. Youth Services
4. Community Services
5. Child Support
6. Early Childhood Care and Development
7. Workforce Development and Partner Management

B. The Public Records Officer will oversee compliance with the act but another MDHS staff member may process the request. Therefore, these rules will refer to the public records officer or designee. The public records officer or designee and MDHS will provide assistance to requestors, ensure that public records are protected from damage or disorganization, and ensure that filling public records requests does not cause excessive interference with essential functions of the Agency.

1. Contact information for the public records officer is as follows:

Address: Public Records Officer  
Mississippi Department of Human Services  
Office of Privacy and Civil Rights  
200 S. Lamar Street  
Jackson, MS 39201

Phone: 601.359.4311  
Fax: 601.359.4477  
Email: public.records@mdhs.ms.gov

*Source: Miss. Code Ann. §25-61-5*

*Revised: November 2020*

### ***Rule 1.3 Availability of Public Records***

- A. **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours at MDHS, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding state/legal holidays. Records must be inspected at the office of MDHS. The time, place and manner of inspection and copying of records will not be allowed to interfere with other essential duties of MDHS.
- B. **Organization of records.** MDHS will maintain its records in a reasonably organized manner, subject to the rules of record retention. MDHS will take reasonable actions to protect records from damage and disorganization. A requestor shall not take MDHS records from MDHS offices. A variety of records including certain reports and data is available on the MDHS web site at <https://www.mdhs.ms.gov/media-news-room/>. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

- C. **Making a request for public records.** Any person wishing to inspect or copy public records of MDHS should make the request in writing on the MDHS request form, or by letter, fax, or e-mail addressed to the Public Records Officer and include the following information:
- 1) Name of requestor;
  - 2) Address of requestor;
  - 3) Other contact information, including telephone number and any e-mail address;
  - 4) Identification of the public records adequate for the Public Records Officer or Designee to locate the records; and
  - 5) The date and time of day of the request.
- D. If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. (*See Rule 1.9 Cost of Providing Public Records*)
- E. A form is available for use by requestors at the office of the Public Records Officer, by email at [public.records@mdhs.ms.gov](mailto:public.records@mdhs.ms.gov), and online at <https://www.mdhs.ms.gov/public-records-request/>
- F. The Public Records Officer or Designee may accept requests for public records that contain the above information by telephone or in person. If the Officer or Designee accepts such a request by telephone, he or she will confirm receipt of the information and the substance of the request in writing.

*Source: Miss Code Ann. 25-61-5*

*Revised: November 2020*

***Rule 1.4 Processing of public records requests - General***

- A. **Acknowledging receipt of request.** Within seven (7) business days of receipt of the request, the Public Records Officer will do one or more of the following:
- 1) Make the records available for inspection, copying, or release;
  - 2) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
  - 3) Provide a reasonable estimate of when the records will be available;
  - 4) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone however, the clarification will be confirmed in writing. The Public Records Officer Designee may revise the estimate of when records will be available; or
  - 5) Deny the request.
- B. **Failure to Respond Promptly.** If MDHS does not respond in writing within seven (7) business days of receipt of the request for records, the requestor should contact the Public Records Officer to determine the reason for the failure to respond.
- C. **Timetable for Processing.** All requests to examine, copy or obtain public records will be approved or denied within fourteen (14) business days after the request is received. Some

documents could be exempt from disclosure including records furnished to MDHS by third parties referred to below (See Rule 1.7 Third Party Information). Some of those requests require giving a 21 day period for third parties to seek a court order protecting information which is proprietary in nature or confidential.

**D. Inspection of records.**

- 1) Consistent with other demands, MDHS shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents, if any, he or she wishes MDHS to copy or scan.
- 2) The requestor must claim or review the assembled records within thirty (30) days of MDHS's notification to him or her that the records are available for inspection. MDHS will notify the requestor in writing of this requirement and inform the requestor that he or she should contact MDHS to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, MDHS may close the request and refile the assembled records.

**E. Providing copies of records.** After inspection is complete, the Public Records Officer or Designee shall make any requested copies or arrange for copying/ scanning.

**F. Providing records in installments.** When the request is for a large number of records, the Public Records Officer or Designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty (30) days, the requestor fails to inspect the entire set of records or one or more of the installments, the Public Records Officer or Designee may stop searching for the remaining records and close the request.

**G. Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the Public Records Officer or Designee will indicate that MDHS has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

**H. Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the Public Records Officer will close the request and indicate to the requestor that MDHS has closed the request.

**I. Later discovered documents.** If, after MDHS has informed the requestor that it has provided all available records, MDHS becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

**Rule 1.5 Processing of public records requests – Electronic Records**

- A. **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.
- B. **Providing electronic records.** When a requestor requests records in an electronic format, the Public Records Officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the Agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the public body keeps the record.
- C. **Customized access to data bases.** With the consent of the requestor, MDHS may provide customized access if the record is not reasonably locatable or not reasonably translatable into the format requested. MDHS may charge the actual cost for such customized access.

Source: Miss Code Ann. §25-61-3, Miss Code Ann. §25-61-5

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**Rule 1.6 Costs of providing public records**

- A. **Cost of production of records.** Section 25-61-7(1), Miss. Code of 1972, reads as follows: “Except as provided in subsection (2) of this section, each public body may establish and collect fees reasonably calculated to reimburse it for, and in no case to exceed, the actual cost of searching, reviewing and/or duplicating and, if applicable, mailing copies of public records.” The following table sets out MDHS Public Records reimbursement rates.

8 ½” x 11”	.....\$0.15 per page (black and white)	\$0.52 per page (color copies)
8 ½” x 14”	.....\$0.50 per page (black and white)	\$0.87 per page (color copies)
11” x 17”	.....\$0.75 per page (black and white)	\$1.12 per page (color copies)
Electronic copies on flash drive provided by MDHS: (actual cost of flash drive only)		
.....		16GB.....\$11.38
.....		32GB.....\$13.13
.....		64GB.....\$20.39
.....		128GB.....\$33.16
.....		256GB.....\$53.04
Actual time of lowest paid employee who could access and or compile and produce the records will be charged for: copying, scanning, research, reproduction, technical or professional assistance, automated records search, and legal review if necessary.		
Actual costs will be charged for: packaging and postage, any shipping charges, or reproduction at an outside print facility if requested and/or approved by the requester.		

- 1) An explanation of standard commercial pricing used to determine this charge is available from the Public Records Officer if requested.
- 2) Before beginning to make the copies, the requestor must pre-pay all reasonably

estimated costs of copying all the records selected by the requestor. The Public Records Officer or Designee may also require the payment of the remainder of the copying costs before providing all the records in an installment before providing that installment. MDHS will not charge sales tax when it makes copies of public records.

- 3) When the time to compile the records will likely be more than one hour, MDHS will notify the requestor of the estimated cost to obtain the requested records prior to compiling the documents. The requestor will be required to reimburse MDHS for reasonable costs sufficient to cover the actual expenses incurred by MDHS to furnish the requested information. Payment must be made in advance of the receipt of documents. If the actual cost is higher than the estimate, the requestor will be required to pay the difference before receiving the information. If the actual cost is lower than the estimate, MDHS will refund the difference if a deposit is made before the records are compiled.
- 4) 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.

- B. **Cost for electronic records.** 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 MDHS 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 Section 25-61- 7(2), Miss. Code of 1972.
- C. **Cost of mailing.** MDHS may also charge actual costs of mailing, including the cost of the shipping container.
- D. **Charge for searching, reviewing and redacting.** The actual cost for searching for and reviewing and, if necessary, redacting exempt information from public records shall be based upon the hourly rate of compensation for the lowest paid agency employee qualified to perform the task, which shall be multiplied by the actual time to complete the task.
- E. **Payment.** Payment may be made by certified check, money order, or corporate check made payable to “State of Mississippi Treasurer” for the amount specified. No cash, personal checks, or credit/debit cards can be accepted.
- F. MDHS requires **payment in advance** for all costs before providing copies or access to records.

**Rule 1.7 Exemptions.** The Public Records Act, as well as other statutes and caselaw, provide that a number of types of records are exempt from public inspection and copying. In addition, other statutes or rules of law, such as various privacy restrictions, may prohibit disclosure. If requested documents are subject to such exemptions, the requestor will be notified in writing of the specific exemption which applies and the record which is exempt.

*Source: Miss Code Ann. §25-61-9, §25-61-11- 11.2*

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**Rule 1.8 Third Party Information**

- A. When any person files or submits documents to MDHS which the filer contends are exempt from disclosure under the Public Records Act or other applicable statute or caselaw, the filer shall provide, along with the unredacted documents, a redacted copy which may be released immediately upon MDHS receipt of a public records request for said documents. The third party filer must also include with the redacted copy a written statement describing the documents filed and any exemption to disclosure which is claimed, specifically citing any statute or other legal authority in support of such designation. Such written statement shall itself be a public record subject to disclosure.
- B. Upon request to inspect or copy any records submitted to MDHS by a third party, MDHS may immediately release any redacted copies submitted without notice to the third party filer. If the requestor states he or she would like to inspect unredacted records of third parties, MDHS shall notify in writing (or electronically by email) the contact designated by the third party that their records were requested, and give them twenty-one (21) days from the date of the notice to seek a court order of protection for any information contained in the records which may be proprietary or confidential. Twenty-one (21) days after such written notice, the document will be made available for public inspection or copying unless the third party filer shall have filed a petition seeking, or obtained a court order protecting such records as confidential pursuant to Section 25-61-9, Miss. Code Ann. of 1972.
- C. Any person filing or submitting documents to MDHS shall, prior to filing, redact from the documents any social security numbers, account numbers or dates of birth not required to be listed. MDHS shall determine on a case-by-case basis whether similar information may be redacted by the filer to prevent identity theft. In no event will MDHS bear any responsibility for a filer's failure to redact such information which leads to or may lead to identity theft or other crime or loss.

*Source: Miss Code Ann. §25-61-9*

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**Rule 1.9 Youth Services records**

- A. In accordance with Section 43-21-257(1) and 43-21-261, Miss. Code of 1972 (2019), Youth Court records shall not be disclosed except pursuant to an order of the youth court specifying the person or persons to whom the records may be disclosed, the extent of the records which may be disclosed and the purpose of the disclosure. No requests for records

of Oakley Youth Development Center will be filled unless accompanied by an order from the appropriate youth court providing for disclosure.

*Source: Miss Code Ann. . §43-21-257 (1); §43-21-261*

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***Rule 1.10 Review of denials of public records***

- A. **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the Public Records Officer for a review of that decision. The petition should include a copy of, or reasonably identify, the written statement by the Public Records Officer or Designee denying the request.
- B. **Consideration of petition for review.** The Public Records Officer must promptly provide the petition and any relevant information to the Compliance Officer for immediate consideration of the petition to either affirm or reverse the denial within two (2) business days following MDHS’s receipt of the petition, or within such other time as MDHS and the requestor mutually agree.
- C. **Review by the Ethics Commission.** Pursuant to Section 25-61-13, if MDHS 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 requests. They may be found at [www.ethics.ms.gov](http://www.ethics.ms.gov).
- D. **Judicial review.** Any person whose request for public records was denied may institute a suit in the Chancery Court of Hinds County, seeking to reverse the denial, as set forth in Section 25-61-13.

*Source: Miss Code Ann. §25-61-13*

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***Rule 1.11 Public Information via the Internet.*** Frequently requested information, including many standard records are available free of charge on the MDHS website at <http://www.mdhs.ms.gov/>. In addition, information on the state budget, expenditures, travel, contracts, leases, workforce and grants is available free of charge at [www.transparency.ms.gov/](http://www.transparency.ms.gov/).

*Source: Miss Code Ann. §25-61-5*

*Revised: November 2020*

***Rule 1.12 Prescribed Form.*** Form MDHS ADM-1000, Public Records Request Form, is the prescribed form for making requests in conjunction with this policy. The form may be found on the MDHS website at <https://www.mdhs.ms.gov/public-records-request/>.

*Source: Miss Code Ann §43-1-5(1)*

*Revised: November 2020*