## Article VI Public Records

Proposals, books, records, papers, or other documentary materials, regardless of physical form or characteristics, in use, prepared, possessed or retained by the WCC for use in the conduct of its business are public records under Mississippi law and are subject to disclosure to any person making a request thereof, according to the procedures documented below.

## Submission of Requests

All requests for information under the Public Records Act must be submitted in writing to:

Executive Manager
Mississippi Wireless Communication Commission
412 East Woodrow Wilson Avenue, Mail Stop 6601
Jackson, MS 39216-1405

RE: PUBLIC RECORDS REQUEST

**Please Note: No verbal or telephone requests can be accepted for either standard documents or special requests. Because payment must be submitted with the request, no email requests can be accepted.**

For documents listed on the attached Schedule of Fees under "Standard Documents," each request must be accompanied by payment in the amount specified on the payment schedule.

For any special request (i.e. any request for information not included in the list of Standard Documents), the request must be accompanied by payment in the amount of $60 to cover the first hour of staff time involved in evaluation and research of the request. This payment is non-refundable and is applied toward the total actual cost of filling the public records request.

Requests not accompanied by payment in the amount specified for Standard Documents or in the amount of $60 for special requests will be closed within ten (10) Working Days of the date of notification to the requestor, if payment is not received. "Working Days" as used herein means Monday through Friday but excludes State recognized holidays mandated by Mississippi Code Annotated, Section 3-3-7 (1972), other holidays identified in holiday proclamations published or distributed by the Mississippi Secretary of State, and any other day the offices of state agencies are officially closed for business.

## Timetable for Processing

Upon receipt of a written request accompanied by the appropriate initial payment as described above, the WCC will provide the requested Standard Document within seven (7) Working Days, or, for special requests, will furnish the requestor within seven (7) Working Days a cost estimate and projected schedule for providing the information included in the request. When payment in the amount of the estimated remaining balance is received from the requestor, WCC will provide the requested information.

The WCC staff will make a good faith effort to provide the requested information within 14 Working Days after payment is received. Note, however, that if Third Party Information is requested, additional time will be required to notify the Third Party and to provide this party the opportunity to protect any confidential information. The WCC cannot accept payment for the balance of the request until the deadline for obtaining a court order to block release of Third Party Information has passed. (See discussion of Third Party Information below).

**Information on Proposal Results**

All information and documents applicable to a request for proposals and awarded contracts, including proposals received, will be available to any business or person via the submission of a public records request as outlined in this policy. Proposal information will be handled as described below under Third Party Information.

**Third Party Information**

The WCC receives certain information from Third Parties that may be confidential. In compliance with the Mississippi Public Records Act of 1983 [Section 25-61-9(1), Mississippi Code Ann. 1972, as amended], trade secrets or confidential commercial or financial information is not released until notice has been given to the party submitting the information. When the WCC receives a request to release Third Party Information, the owner of this information is notified of the name and address of the party requesting the information and the nature of the information requested. The requestor also receives a copy of this notification. The owner of the information is given ten (10) Working Days to obtain a court order protecting the information as confidential.

If a court order is delivered to the WCC by this deadline, the WCC will notify the requestor that the information is protected and cannot be furnished. If a court order is not obtained or if portions of the information are excluded from the court order, the WCC releases all information not protected to the requestor once the deadline has passed and payment for the information has been received from the requestor.

**Assessment of Costs to Requestor**

Payment for information requested must be made in advance and must be sufficient to cover the actual costs for the WCC and/or the customer agency/institution to furnish the information. Such costs include, but are not limited to, staff and/or counsel time to evaluate and research the request, to retrieve any relevant files, to organize the information, to notify any Third Parties, to develop a cost estimate and schedule, to reproduce the material, and to deliver the information requested.

Payment must be in the form of a certified check, money order, or corporate check made payable to the WCC for the amount specified. No cash or personal checks can be accepted.

Should the actual cost of producing the requested information exceed the estimate provided, the requestor will be notified of the additional amount due before the WCC provides the information.

**Requests for Standard Documents**

In order to save time and expense to the requestor, the WCC has established a list of standard documents and rates for frequently requested information. The list of these documents and associated costs are in the Standard Documents portion of the Schedule of Fees shown below. It is not necessary to send the $60 evaluation and research fee for Standard Documents.

**Special Requests**

When a public records request is received for information not on the list of Standard Documents, the WCC staff will evaluate the request; research the project file and other sources to see what information is available and in what format the information is stored; and estimate the effort that will be required to reproduce the information. This research may require the retrieval of files that have been archived or the search of electronic records. The WCC staff will then prepare a schedule and estimated cost for the public records request, based upon the volume of the information, the format in which the information is stored, and whether or not Third Party Information has been requested. The requestor must provide a payment of $60 with the public records request to cover the first hour of staff time involved in researching the request, retrieving files, and preparing the estimate. This payment is non-refundable if the requestor decides not to proceed with the request after receiving the schedule and estimated cost.

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

**(1) Requests with Large and/or Nonspecific Scope:**
The less defined and/or more inclusive the scope of the public records request, the more documents and files have to be searched and evaluated by the WCC staff. For example, wording in requests asking for "all records, papers, documents, messages, correspondence, notes, etc. related to this or similar projects" is extremely open-ended and requires staff to interpret what time-frame, sources of information, and project files are reasonable to research and evaluate. The wider the "net," the greater the effort required, and, thus, the greater the cost to the requestor.
**(2) Postponing a Request:**
Sometimes the requestor will submit a public records request and then not respond with payment during the required time frame once the schedule and estimate are provided. If the requestor later decides to proceed with the request, the WCC staff must again locate the information and develop a new schedule and cost estimate. The requestor must submit a new request with the $60 initial payment.
**(3) Delays in Requesting Information:**
Project files may be archived off-site after a reasonable time period. Requests for information on projects for which a contract has been signed for several months are typically more expensive to respond to than requests for information on projects that have been recently awarded.

The WCC reserves the right to use temporary personnel and services, the cost of which will be passed on to the requestor, if sufficient in-house personnel are not available to respond to the request in a timely manner.

The charges for the WCC to fulfill public records requests are based upon the following:

**Schedule of Fees**

| **Standard Documents:** | |
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| Printed Copy of RFPs | $25, plus actual cost of reproducing any oversized diagrams or other special attachments |
| Copy of RFPs on CD in Microsoft Word format | $25 for Word document; any oversized diagrams or other special attachments will be reproduced on paper or electronically at actual cost |
| Paper copy of a project contract, excluding confidential exhibits | $25 |
| **Special Requests and Variable Costs:** | |
| Evaluation & research payment (Due with the submission of Public Records requests for special requests and is applied toward the actual cost of filling the Public Records request) | $60 |
| Fees for fulfilling Special Requests, based on the expense categories below: | Quoted individually upon receipt of written request and $60 evaluation and research payment (above). |
| In-house photocopies | $0.20 per page (paper/copier fee); actual cost for color copies |
| CD (with .doc, .xls, or .pdf files of requested information) | $5.00 per CD (media fee) |
| Postage, UPS, Federal Express* | Actual cost |
| Staff time | Actual staff time required to provide all services to fulfill the Public Records request, |

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| | including but not limited to researching; providing notifications; and compiling, copying, scanning, and delivering requested information, at staff members' hourly rates ($60 - $75 per hour) |
| Computer processing | Actual Cost |
| Temporary agency personnel* | Actual Cost |
| Reproduction cost by outside print facility* | Actual Cost |
| Attorney time | Actual Cost |

*** The WCC may request that payments for outside services be made by the requestor directly to the company or person providing the services.**
**Acceptable Forms of Payment:**

1. Corporate Check
2. Certified Check
3. Money Order

No cash or personal checks can be accepted.

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