REGULATION SETTING FORTH PROCEDURES AND FEES FOR THE PRODUCTION OF AGENCY RECORDS PUSUANT TO THE STATE PUBLIC RECORDS ACT AGENCY SERVICES AND PUBLICATIONS*

REQUEST OF AGENCY RECORDS PURSUANT TO THE STATE PUBLIC RECORDS ACT

500. POLICY

It is the declared public policy of the Office of the Secretary of State ("Agency") to provide service and information to the people of the State of Mississippi and to all others who request such service and information, consistent with the provisions of the Mississippi Public Records Act of 1983, Miss Code Ann. § 26-61-1, et.seq (Supp. 1983) ("Public Records Act").

501. DEFINITIONS

1. Identifiable Record: A requested 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 staff person involved, or other identifier which will permit location or retrieval of the record.

2. Working Day: A working day is any day other than a weekend, state holiday, federal holiday, or other day on which by executive order the Agency is authorized to be closed.

502. PROCEDURE

1. Records Available: All public records of the Agency not otherwise exempt pursuant to § 25-61-9 and § 25-61-11 of the Public Records Act shall be made available for inspection or copying, or both pursuant to the procedures outline below.

2. Request in Writing: All requests shall be in writing, if possible, and shall request the disclosure of identifiable records and shall be signed by the person or persons requesting the records, giving the requester's address and telephone number. This requirement may be waived at the discretion of the Assistant Secretary of State in order to facilitate the timely release of the information.

3. Agency Response: Within three (3) days computed from the date of the receipt of the request, the Agency shall notify the requesting party as to whether the record(s) requested will be disclosed. If the record is to be disclosed, the Agency shall give and estimate of the total cost, if any, of compliance with the request. Upon payment

of the cost estimate, the Agency shall produce the record(s) requested no later than six (6) working days from the date of payment of the cost estimate.

4. Denials: Any denial of a request shall be made by the Assistant Secretary of State for the subject matter work area.

503. TRADE SECRET NOTICE

Notice of Request: For the purpose of providing notice of a request for inspection, examination, copying or reproduction to a third party which has submitted trade secrets, confidential commercial or financial information, pursuant to § 25-61-9 of the Public Records Act, twenty-five (25) days from the third party receipt of written notice shall be deemed a reasonable period of time after which the requested record(s) shall be released.

504. FEES

1. Costs: A fee covering the direct cost of search, review, and reproduction to comply with a request shall be charged, unless the fee is waived pursuant to this regulation, as follows:

A. Reproduction charge per page shall be $0.25 per page. Self-service shall be $0.10 per page.

B. Certification of Authenticity shall be $1.00 for each certificate.

C. Records delivered via FAX shall be an additional charge of $5.00 per transmission.

D. Records may be delivered by overnight delivery at an additional charge of $10.00 per delivery.

E. There will be a charge of $2.00 per item for documents retrieved from off-site storage.

F. On-line access to corporate and uniform commercial code information, through the SUCCESS program, may be obtained through the State Computer Center. An initial charge of $250.00for new accounts shall be charged. Transactions will be billed at $0.10 each on a monthly basis.

G. Special database printout requests such as listing of all nonprofit corporations; list of all new corporations; list of corporations with identical designed agents for service of process; list of corporations with a particular person listed as officer or director; list of all notary publics, etc. will be calculated on a per-request basis, depending on the volume of information requested.

H. All requests for electronic information will be provided via electronic transmission, diskette, CD-ROM, or magnetic tape. Costs will be calculated on a per-request basis, depending on the volume of information requested and the method of transmission. A fee of $200.00 per copy will be charged for copies of the Agency's corporate database which copy will be supplied in EBCDIC format on customer supplied medium. A fee of $150.00 per copy will be charged for copies of the Agency's notary public commission database which copy will be supplied in DBASE format on agency medium.

I. For extensive searches and duplication of records, the person making the request may be allowed to perform the searches and duplication in lieu of it being performed by staff of the Agency, provided it is done in a non-disruptive manner and the fee for the use of the Agency's equipment is paid in advance.

2. Free Services: There shall be no charge if the record requested is not found, or if it is determined to be exempt from public disclosure. No charge shall be made for staff hours spent in resolving any legal or policy questions concerning the request.

3. Public Interest Waiver: Fees established by this regulation may be waived or reduced upon a determination that such waiver or reduction is in the public interest. Persons seeking such waiver or reduction of fees may be required to submit a statement setting forth the intended purpose for which the records are requested or to otherwise indicated how disclosure will primarily benefit the public, and, in appropriate cases, to explain why the volume of records requested is necessary. Determinations pursuant to this section are solely within the discretion of the Agency.

II.

MISCELLANEOUS

505. METHOD OF PAYMENT

Fees and charges shall be paid by check or money order made payable to the Office of the Secretary of State, or by Visa, MasterCard or cash (exact change). A charge of $5.00 per item will be assessed for checks returned for insufficient funds.

III.

FEES FOR PUBLICATIONS

506. Charges for bound documents, publications, etc. of the Office of Secretary of State shall be as follows:

1. Mississippi Code Annotated and Supplements – Price set by the publisher, Lawyer's Cooperative Publishing Company. State government entities may acquire a discounted set through the publisher.

2. Legislative Session Laws – Price set by the Office of Secretary of State in accordance with applicable statutes. The current cost is $300.00 for hard copies, including extraordinary sessions, and $200.00 for electronic transmission of the same information.

3. General Laws – Price set by the Office of Secretary of State in accordance with applicable statutes. The current cost is $65.00, which includes shipping and handling.

4. House and Senate Journals – Price set by the Office of Secretary of State in accordance with applicable statutes. The current cost for the House Journal is $65.00 per set. The current cost for the Senate Journal is $100.00 per set.

5. Advance Sheets – Price set by the Office of Secretary of State in accordance with applicable statutes. The current cost is $12.00 per set.

6. Mississippi Official & Statistical Register (Blue Book) – Publications provided free of charge in accordance with applicable statutes. Limited production restricts distribution to one copy per individual. Public school teachers and school children are provided access to copies by the State Department of Education, which purchases 5,000 additional volumes for educational purposes.

7. Mississippi Souvenir Booklet – Publication is provided free of charge to individuals and school children. Limited production restricts distribution to one copy per individual. Teachers are provided up to 30 copies for their classroom. A charge of $1.00 per copy is assessed for commercial distribution.

8. Elected Official Directory – Publication is provided free of charge to individuals. Limited production restricts distribution to one copy per individual.

9. Mississippi State Constitution - Publication is provided free of charge to individuals. Limited production restricts distribution to one copy per individual.

10. Judicial Directory & Court Calendar – Publication is provided free of charge to members of the Mississippi State Bar and the state judiciary. Additional volumes are provided for a nominal charge of ~~$1.50~~ $5.00 per volume.

11. Pre-Advance Sheet Index – Service is provided for a charge of $25.00 per legislative session. Information includes bills signed into law, long title, effective date, and number of pages.

12. Flags – Mississippi state flags are available to Legislators free of charge upon request. Individuals may purchase 3 by 5 foot cotton or nylon flags from the Office of Secretary of State for $17.50. Flags will be mailed for an additional handling charge of $2.50.

IV.

REPEAL OF PREVIOUS RULES AND REGULATIONS

507. All previously promulgated rules or regulations which are inconsistent with any provisions set forth above are hereby repealed.

*Conflicts between this regulation and existing statutes relating to access to Agency records and fees charged by individual work areas of the Agency shall be resolved in favor of the existing statute.