RULES
FOR PUBLIC RECORDS REQUEST
OF THE MISSISSIPPI LAND, WATER AND TIMBER RESOURCES BOARD

CHAPTER 02- Public Records Request

Public Records Procedure

100 To ensure the orderly implementation of the Public Records Act (hereinafter "the Act"), the Board establishes the following procedure.

100.01. Schedule of Fees.

a. All applicable fees shall be collected by the Board in advance of complying with any request for public records. Pursuant to the Act, the Board establishes the following fees to reimburse the Board for cost of searching, reviewing and/or duplicating and, if applicable, mailing copies of public records. Fees are subject to change.
   i. $10.00 per hour per person 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.
   ii. $0.50 per page for each copy. Copies of pages printed on both sides (front and back) shall be considered as two (2) pages for copy charge purposes.
   iii. $5.00 packing and handling fee shall be charged on all requests for copies of public records to be shipped or mailed.
   iv. Mailing costs shall be calculated at the applicable rate for each such mailing. If a 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 or entity requesting such public records.
b. All fees charged for searching, reviewing, duplicating or mailing shall be paid prior to the performance of any such searching, reviewing, duplicating or mailing by the Board; provided however, if actual cost exceeds preliminary charges, the additional cost shall be paid by the person requesting such records prior to the release of the records.

100.02. Procedures.

a. In the interest of implementing the terms and conditions of the Act, and to prevent the unnecessary disruption to the orderly operations of the Board, the Board will accept written requests for records which are signed by the person requesting the records. All requests shall be directed to: Public Records Officer, Mississippi Land, Water and Timber Resources Program, P.O. Box 1609, Jackson, MS 39205
b. No person requesting public records shall be permitted to review Board files; however, copies of records requested, within limitations imposed by the Act and this regulation, will be furnished such person.

100.03. Availability of Records.

a. The availability of all records in the possession of the Board shall be subject to the following limitations:
   i. Any public record specifically declared to be confidential, privileged or exempt by the Act, or any constitutional or statutory law or decision of a court of this state or the United States shall be exempt from the provisions of the Act.
   ii. Any records furnished to the Board which contains trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction until forty-five (45) days following written notice from the Board to the person or entity furnishing such records advising that a request has been received for copies of such documents. The notice shall contain a listing of specific documents requested and the name and address of the person requesting such documents or records. Notices shall be mailed certified mail return receipt requested. At the end of the forty-five (45) day notice period, copies of all records listed in said notice shall be released to the person requesting such records unless the person or entity furnishing such records shall have obtained a court order protecting such records as confidential and exempting such records from the provisions of the Act.
   iii. Personnel records and applications for employment or respecting admission to any educational agency or institution in the possession of the Board, 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.
   iv. Test questions and answers in the possession of the Board shall be \ exempt from the provisions of the Act.
   v. Records which represent and constitute the work product of any attorney, district attorney or county prosecuting attorney representing the Board and which are related to litigation made by or against the Board or in anticipation of prospective litigation, including all communications between such attorney made in the course of an attorney-client relationship shall be exempt from the provisions of the Act.
   vi. Records in possession of the Board, which would disclose information about a person's or entity's, tax payment or status shall be exempt from the provisions of the Act.
   vii. Information or records in the possession of the Board which concerns the sale or purchase of real or personal property for public purposes shall be exempt from the provisions of the Act, prior to public announcement of the purchase or sale, where the release of such

records could possibly have a detrimental effect on such sale or purchase.

viii. Records in the possession of the Board which are not otherwise protected by law, that (a) are compiled in the process of detecting and investigating any unlawful activity or alleged unlawful activity, disclosure of which would harm such investigation; (b) would reveal the identify or informants; (c) would prematurely release information that would impede the Board's enforcement, investigation or detection efforts in such proceedings; (d) would disclose investigatory techniques; (e) would deprive a person of a right to a fair trial or impartial adjudication; (f) would endanger the life or safety of any Board member or personnel; (g) are matters pertaining to quality control or PEER review activities, shall be exempt from the Act.

ix. Applications for licensure or test questions that are to be used in future license examinations in the possession of the Board, except that which may be released to the person who made the application or with the prior written consent of the person who made the application, shall be exempt from the provisions of the Act.

x. Commercial and financial information or records of a proprietary nature required to be submitted to the Board by a firm, business, partnership, association, corporation, individual or other like entity, shall be exempt from the Act.

xi. Records in the possession of the Board as defined by Section 2(b) of the Act, which are not otherwise protected by law, that are compiled by reason of inspection or investigation of specific facilities, organizations, or devices pursuant to any law requiring such inspections or investigations to determine, insure, or enforce compliance with such law, shall be exempt from the provisions of the Act.

xii. All records ~~or information~~ in the possession of the Board not specifically exempt as a public record by the Act, or this Regulation, shall be made available upon written request within **seven (7)** ~~fourteen (14)~~ working days from the date of receipt of said request. All requests must include a specific description, identity and name of the records requested. **If the Board is unable to produce a public record by the seventh working day after the request is made, the Board must provide a written explanation to the requestor stating that the record requested will be produced, unless exempt by law, and specifying with particularity why the records cannot be produced within the seven-day period. Unless there is mutual agreement of the requestor and the Board, in no event shall the date for the Board's production of the requested records be any later than fourteen (14) working days from the receipt by the Board of the original request. If the requestor and the Board agree, a response period of longer than fourteen (14) working days from the receipt of the request shall be allowed. If the request is**

denied, the Board shall notify the requestor in writing that the request is denied and provide the specific reason or exemption relied upon by the Board for the denial.

b. All requirements for release of records imposed by the Act and this regulation shall have been fully satisfied before any such records are released.

(Adopted May 2004; amended October 13, 2008; **amended July 2010**.)