SUBPART 2
CHAPTER 01

Availability Of Records

105 The availability of all records in the possession of the Mississippi Board of Animal Health shall be subject to the following limitations:

1. Any public record specifically declared to be confidential, privileged or exempt by the Mississippi Public Records Act of 1983, 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 Mississippi Public Records Act of 1983.
2. Any records furnished to the Mississippi Board of Animal Health which contain 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 Mississippi Board of Animal Health to the person furnishing such records advising that a request has been made 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 person requesting such records unless person furnishing such records shall have obtained a court order protecting such records as confidential and exempting such records from the provisions of the Mississippi Public Records Act of 1983.
3. Personnel records and applications for employment, letters of recommendation for employment or respecting admission to any educational agency or institution in the possession of the Mississippi Board of Animal Health, 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 Mississippi Public Records Act of 1983.
4. Test questions and answers in the possession of the Mississippi Board of Animal Health shall be exempt from the provisions of the Mississippi Public Records Act of 1983.
5. Records which represent and constitute the work product of any attorney, district attorney or county prosecuting attorney representing the Mississippi Board of Animal Health and which are related to litigation made by or against the Mississippi Board of Animal Health 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 Mississippi Public Records Act of 1983.
6. Records in the possession of the Mississippi Board of Animal Health which would disclose information about a person's individual tax payment or status shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

7. Information or records in the possession of the Mississippi Board of Animal Health which concerns the sale or purchase of real or personal property for public purposes shall be exempt from the provisions of the Mississippi Public Records Act of 1983, prior to public announcement of the purchase or sale, where the release of such records could possibly have an effect on such sale or purchase.
8. Records in the possession of the Mississippi Board of Animal Health which are not otherwise protected by law, that (1) were compiled in the process of detecting and investigating any unlawful activity or alleged unlawful activity, disclosure of which would harm such investigation; (2) would reveal the identity of informants; (3) would prematurely release information that would impede the Mississippi Board of Animal Health's enforcement, investigation or detection efforts in such proceedings; (4) would disclose investigatory techniques; (5) would deprive a person of a right to a fair trial or impartial adjudication; (6) would endanger the life or safety of any Mississippi Board of Animal Health personnel; or (7) are matters pertaining to quality control or PEER review activities, shall be exempt from the provisions of the Mississippi Public Records Act of 1983.
9. Applications for licensure or test questions that are to be used in future license examinations in the possession of the Mississippi Board of Animal Health except those 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 Mississippi Public Records Act of 1983.
10. Commercial and financial information or records of a proprietary nature required to be submitted to the Mississippi Board of Animal Health by a firm, business, partnership, association, corporation, individual or other like entity, shall be exempt from the provisions of the Mississippi Public Records Act of 1983.
11. ~~All records or information in the possession of the Mississippi Board of Animal Health not specifically exempt as a public record by the Mississippi Public Records Act of 1983, or this Regulation, shall be made available upon written request within 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.~~

(Adopted November 16, 2000. Amended 2010.)

Board Response

106 The Board will respond to public records requests as follows:

1. All public records 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) working days from the date of receipt of said request except as provided in subsections (2), (3) and (4) of this section.
2. If the Board cannot produce the record(s) requested by the requestor by the seventh working day, it will provide a written explanation to the requestor stating:

a. that the Board will produce the record(s) requested, unless exempt by law, and

b. the specific reasons that the request cannot be produced within the seven-day period.

3. In no event shall records be produced any later than 14 working days from the date of receipt of the request, except by agreement of the parties.

4. If the Board denies the request, then the Board will notify the requestor in writing that the request is denied and provide the specific reason for the denial.

(Adopted 2010.)