

Part 201 Chapter 3: Mississippi Emergency Management Agency Public Records Policy

Rule 3.1 Application of Chapter. This chapter describes how the public may obtain information or make submissions or requests for public records.

Source: *Miss. Code Ann.* §§ 25-43-2.104 & 25-61-1 et seq.

Rule 3.2 Disclosure of Information. Policies and procedures concerning the availability of and disclosure of records and information maintained by the Mississippi Emergency Management Agency is in accordance with § 25-61-1 et seq., Mississippi Code of 1972, “The Public Records Act of 1983.” This applies to all records and information materials generated, developed, or held by MEMA.

Source: *Miss. Code Ann.* § 25-61-1 et seq

Rule 3.3 Requests for Public Records. “The Public Records Act of 1983,” states that it is the policy of the Mississippi Legislature that public records must be available for inspection by any person unless otherwise provided.

- A. All requests for public records from MEMA must be made in writing using the MEMA Official Public Records Request Form to: Mississippi Emergency Management Agency, External Affairs Division, P.O. Box 5644, Pearl, MS 39288. Requests, using the required form, may also be emailed to memainfo@mema.ms.gov or faxed to (601) 933-6810.
- B. If public records requests are not directed through the channels provided in Rule 3.3.A., official receipt of a public records request may be delayed as it may take additional time (no more than two working days) to route your request to the correct agency department.
- C. Requests not made on the MEMA Official Public Records Request form will not be recognized as an official public records request. The purpose of this form is to readily identify a request as a public records request made pursuant to applicable state laws, and will provide the agency with the information necessary to efficiently and expeditiously comply with a request.

Source: *Miss. Code Ann.* §§ 25-61-2 & 5

Rule 3.4 Costs for Public Records Requests. Whenever possible records will be provided at little or no cost to the requestor. However, MEMA may charge reasonable fees as follows to cover retrieval and copying costs. MEMA requires that any associated cost be paid in advance of complying with a request for public records.

- A. The following charges are applicable for public records requests to MEMA:
 - i. No charge for inspection of public records.
 - ii. \$10.00 (Ten Dollars) per hour for clerical assistance.
 - iii. \$40.00 (Forty Dollars) per hour for professional and/or technical assistance.
 - iv. \$0.25 (Twenty Five Cents) per copied page.
 - v. \$0.10 (Ten Cents) per scanned page.
 - vi. Associated delivery costs.

- vii. Other costs as determined due to the nature of a specific request.
- B. In the event that the estimated costs for production of public records requests exceeds \$30.00 (Thirty Dollars) (for example approximately two hours of clerical assistance, fifteen minutes of legal assistance, and 40 paper copies or 100 electronic copies), MEMA will provide the requestor with an estimate of cost. This estimate must be paid prior to any production. If costs for actual production exceed the estimated cost paid, MEMA will produce documents up to the cost provided and will send a second invoice for the remaining cost of production. This method is employed to avoid non-payment of charges for a public records request that has already been performed. The fulfill a public records request MEMA employees must stop work on their everyday duties of emergency management to identify, retrieve, and review public records. This method ensure that these efforts will be compensated for, especially when fulfillment of the request has been extensive and time consuming.

Source: *Miss. Code Ann.* §§ 25-61-5 & 7

Rule 3.5 Inspection of Public Records.

- A. Inspection of public records is available at no charge.
- B. Inspection must be conducted at the Mississippi Emergency Management Agency, #1 MEMA Drive, Pearl, MS 39208, during normal hours of operation (Monday through Friday from 8 a.m. to 5 p.m. excluding state holidays).
- C. Requests for inspection of public records must be made on the MEMA Official Public Records Request form and must be submitted according to this chapter, Rule 3.3.A.
- D. Appointments for inspection of public records will be made no sooner than two business days after receipt of an official public records request.
- E. If it is required that information must be redacted from public records available for inspection, the timeframes outlined in this chapter Rule 3.5 will be employed for inspection of public records.
- F. If redaction of information is necessary, charges will apply as outlined in this chapter Rule 3.4.
- G. Any public record stored on proprietary sensitive software will be stored in an electronic format viewable by the requestor.

Source: *Miss. Code Ann.* § 25-61-5 & 7

Rule 3.6 Timeframe for Requests for Inspection and Production. MEMA shall adhere to the following timeframes in response to a request for inspection or production of public records:

- A. MEMA will make all efforts to respond to each request within seven (7) working days as provided by § 25-61-5, Mississippi Code of 1972.
- B. MEMA may not be able to comply with all requests for public records within seven (7) working days and will comply within fourteen (14) working days after providing the requester with a written explanation of why inspection or production cannot be had within seven (7) days.
- C. If the State Emergency Operations Center is activated due an emergency, whereby all agency personnel will be involved in response and recovery operations, all requests will be handled after the agency has returned to normal operation status.

Source: *Miss. Code Ann.* §§ 25-61-5 & 33-15-11

Rule 3.7 Exemptions to Public Records Requests. There are exemptions to “The Public Records Act of 1983” in which the request will be denied.

- A. Requests for MEMA records may be denied if disclosure is exempted under the provisions of §§ 9-1-38, 13-5-97, 25-1-100, 25-1-102, 25-1-111, 25-61-9, 25-61-11, 27-3-77, 31-1-27, 33-15-11(b)(12), 39-7-41, 41-9-68, 73-52-1, and 79-23-1 Mississippi Code 1972.
- B. Usually, except when a record is classified, or when disclosure would violate any other statute, the authority to withhold a record from disclosure is permissive rather than mandatory.
- C. The authority for non-disclosure will not be invoked unless there are compelling reasons mandating such action.

Source: *Miss. Code Ann.* §§ 9-1-38, 13-5-97, 25-1-100, 25-1-102, 25-1-111, 25-61-9, 25-61-11, 27-3-77, 31-1-27, 33-15-11(b)(12), 39-7-41, 41-9-68, 73-52-1, and 79-23-1

Rule 3.8 Records of Other Agencies or Entities. MEMA does have access to records of other agencies and/or entities. The following procedures will be followed if a request is made for inspection or production of records that are the primary responsibility of another agency or entity.

- A. If a request is submitted to MEMA for current records that are the primary responsibility of another agency or entity, MEMA will refer the request to the pertinent agency or entity for appropriate action.
- B. MEMA will advise the requester that the application has been forwarded to the responsible agency or entity.

Source: *Miss. Code Ann.* § 25-61-1 et seq.

Rule 3.9 Denials of Public Records Requests. Denials by MEMA of a request for access to or copies of public records will be made in writing and will contain a statement of the specific exemption relied upon for the denial.

Source: *Miss. Code Ann.* § 25-61-5

Rule 3.10 Suspension of Timeframe in times of Emergency. The Governor may suspend the provisions of any regulatory statute, including the Public Records Act of 1983, if strict compliance with the provisions of said statute, rule or regulation would in any way prevent, hinder or delay necessary action in coping with a disaster or emergency. As all employees of MEMA have the primary responsibility for emergency management or support for emergency management functions, in times of emergency as declared by the Governor in a Proclamation of Emergency, the timeframes regulated by statute and this rule may be suspended in order to adequately provide emergency or disaster assistance to the state of Mississippi and its citizens.

Source: *Miss. Code Ann.* § 33-15-11(c)(1)

Rule 3.11 MEMA Official Public Records Request Form. The required form for requesting public records from MEMA may be obtained by contacting the MEMA External Affairs Office, whose contact information is provided in this chapter at Rule 3.3. The Official Public Records Request form may also be found on the MEMA website at www.msema.org in the Library/Forms section of the website.

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Variance Text

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Rule 3.3 Requests ~~Request for Inspection of~~ Public Records. “The Public Records Act of 1983,” states that it is the policy of the Mississippi Legislature that public records must be available for inspection by any person unless otherwise provided.

- D. All requests for ~~inspection of~~ public records from MEMA ~~should~~ must be made in writing using the MEMA Official Public Records Request Form to: Mississippi Emergency Management Agency, External Affairs Division, P.O. Box 5644, Pearl, MS 39288. Requests, using the required form, may also be emailed to memainfo@mema.ms.gov or faxed to (601) 933-6810.
- E. If public records requests are not directed through the channels provided in Rule 3.3.A., official receipt of a public records request may be delayed as it may take additional time (no more than two working days) to route your request to the correct agency department.
- F. Requests not made on the MEMA Official Public Records Request form will not be recognized as an official public records request. The purpose of this form is to readily identify a request as a public records request made pursuant to applicable state laws, and will provide the agency with the information necessary to efficiently and expeditiously comply with a request.
- G. ~~In general inspection of public records is free of charge. However, MEMA may change reasonable fees to reimburse the actual costs of searching and reviewing:~~
 - i. ~~— \$10.00 per hour for clerical assistance.~~
 - ii. ~~— \$40.00 per hour for professional and/or technical assistance.~~

- iii. ~~Other costs as determined due to the nature of a specific request.~~
- H. ~~Any public record stored on proprietary sensitive software will be stored in an electronic format viewable by the requestor.~~

Source: *Miss. Code Ann.* §§ 25-61-2 & 5

Rule 3.4 Request for Production of Public Record Costs for Public Records Requests. “The Public Records Act of 1983,” states that it is the policy of the Mississippi Legislature that public records must be available for inspection by any person unless otherwise provided. Whenever possible records will be provided at little or no cost to the requestor. However, MEMA may charge reasonable fees as follows to cover retrieval and copying costs. MEMA requires that any associated cost be paid in advance of complying with a request for public records. All requests for public information from MEMA should be made in writing to: Mississippi Emergency Management Agency, External Affairs Division, P.O. Box 5644, Pearl, MS 39288. Requests may also be emailed to memainfo@mema.ms.gov or faxed to (601) 933-6810.

- A. ~~Whenever possible, records will be provided at little or no cost to the requestor. However, MEMA (the agency) may charge reasonable fees as follows to cover retrieval and copying costs:~~
 - i. ~~\$10.00 per hour for clerical assistance.~~
 - ii. ~~\$40.00 per hour for professional and/or technical assistance.~~
 - iii. ~~\$0.25 per copied page.~~
 - iv. ~~\$0.10 per scanned page.~~
 - v. ~~Actual mailing cost.~~
 - vi. ~~Other costs as determined due to the nature of a specific request.~~
- C. The following charges are applicable for public records requests to MEMA:
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 - iii. \$40.00 (Forty Dollars) per hour for professional and/or technical assistance.
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 - vi. Associated delivery costs.
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- D. In the event that the estimated costs for production of public records requests exceeds \$30.00 (Thirty Dollars) (for example approximately two hours of clerical assistance, fifteen minutes of legal assistance, and 40 paper copies or 100 electronic copies), MEMA will provide the requestor with an estimate of cost. This estimate must be paid prior to any production. If costs for actual production exceed the estimated cost paid, MEMA will produce documents up to the cost provided and will send a second invoice for the remaining cost of production. This method is employed to avoid non-payment of charges for a public records request that has already been performed. The fulfill a public records request MEMA employees must stop work on their everyday duties of emergency management to identify, retrieve, and review public records. This method ensure that these efforts will be compensated for, especially when fulfillment of the request has been extensive and time consuming.

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- ~~G. All inspections of public records will be had at the Mississippi Emergency Management Agency, #1 MEMA Drive, Pearl, MS 39208.~~
- ~~H. All inspections of public records will be had during the normal business hours of Monday through Friday between 8:00 a.m. and 5:00 p.m.~~

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