

## **Title 30: Professions and Occupations**

### **Part 3101: Organization and Structure**

#### **Part 3101 Chapter 5: Public Records Request**

*Rule 5.1 Scope.* All public requests to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of the Mississippi State Board of Physical Therapy (Board) must be submitted in writing to: the Executive Director, Mississippi State Board of Physical Therapy, PO Box 55707, Jackson, Mississippi 39296-5707. This rule is not intended to apply to any record or other document, which is exempted or privileged under the provisions of the Mississippi Public Records Act.

The written request must be typed or clearly handprinted on a letter size piece of paper and must specify in detail the public record(s) sought. The request must include a description of the type of record, dates, title of a publication, and other information which may aid in locating the record. No verbal or telephone requests for records will be accepted.

Under the Public Records Act, documents that are exempt from public access to records include, but are not limited to, personnel records, appraisal records, attorney communications and work products of attorneys, academic records, third party confidential commercial or financial information, licensure applications and examination records, and individual tax records.

Within seven (7) working days of the Board's receipt of a public records request, the Board shall review same and determine whether the records sought are exempt or privileged by law and shall either: i) produce the records; ii) allow access to records; iii) if the request is unclear or does not sufficiently identify the record sought, request clarification from the requestor; or iv) deny access to or production of the records sought. If the Board is unable to produce a public record by the seventh working day after the request is received, the Board will provide the requester with a written explanation stating that the record requested will be produced and specify the reason why the records cannot be produced within the seven-day period. Unless there is mutual agreement between the Board and the requester, the date for production of the requested record will be no later than fourteen (14) working days from the Board's receipt of the original public record request.

When a request for information is made for documents furnished to the Board by a third party, the Board will give notice of the request to the third party as required by the Public Records Act. Such third party information will not be released without the prior written consent of the third party authorizing the release of the information and/or until the third party has been provided with notice of the public records request and an opportunity to seek a court order protecting such records from public review. No third party information will be released by the Board if the third party obtains a court order prohibiting the disclosure of such information.

When possible, nonexempt material will be separated from exempt material and only the exempt material will be withheld from disclosure by the Board.

If the Board determines that the records requested are exempt or privileged under the law, the request shall be denied and the person making the request will be provided a statement of the specific reasons for the denial. Such denials shall be kept on file for inspection by any person for three (3) years from the date such denials are made.

Public records of the Board are available for inspection and copying or reproduction during regular office hours (8:00 a.m. through 5:00 p.m., Monday through Friday) by appointment. All inspection, copying or mechanical reproduction of records must be done in the office of the Board. The time, place and manner of inspection and reproduction or copying will not be allowed to interfere with the official duties of the Board. The Board will not allow its records to be taken from the Board office.

The requester must pay the Board in advance all reasonably estimated costs of searching, obtaining from storage, reviewing, shipping and/or duplicating the requested records. Such payment must be sufficient to cover the actual costs to the Board of complying with the public records request. There shall be a charge of \$1.00 per page for each copy. Copies printed on both sides (front and back) shall be considered as two (2) pages for copy charge purposes. Mailing cost shall be calculated at the applicable rate for each such mailing. If the request involves notice being given to a third party, the cost of mailing such notice to the third party shall be charged to the requester. Cost of obtaining records from any state storage facilities and the search for the records shall be charged to the requester. If the actual cost of a public records request exceeds the estimated cost provided to the requester, the requester will be required to pay the Board the difference between the amounts paid in advance by the requester and the actual cost of supplying the record to the requester.

Payment by the public records requester must be made by money order or certified check.

The Board has also established a schedule of standard fees for frequently requested documents and information, directory or labels of licensees, and electronically accessible data. The schedule of standard documents and fees is set forth in below.

Charges are as follows:

Copying Fee:

\$1.00 per page plus cost of retrieving information

Microfilm Reproductions:

8½" x 11" .50/page

Minimum charge of \$2.00 per request

Computer Printouts:

11" x 17" Continuous form \$1.00/page of reported data

\$250.00 for data retrieved from computer file

Certification of Documents:

\$3.00/First copy or cover letter

\$1.00/Each additional page

Minimum charge of \$3.00 per request

Additional fees incident to document production may include personnel charges for time expended in the actual searching, reviewing, and/or duplication of documents and, if applicable, the mailing of copies of said public documents.

Source: *Miss. Code Ann.* §§25-61-1 through 25-61-12 (Rev. 2010) and *Miss. Code Ann.* §73-23-43(1)(e) and (d).

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When possible, nonexempt material will be separated from exempt material and only the exempt material will be withheld from disclosure by the Board.

If the Board determines that the records requested are exempt or privileged under the law, the request shall be denied and the person making the request will be provided a statement of the specific reasons for the denial. Such denials shall be kept on file for inspection by any person for three (3) years from the date such denials are made.

Public records of the Board are available for inspection and copying or reproduction during regular office hours (8:00 a.m. through 5:00 p.m., Monday through Friday) by appointment. All inspection, copying or mechanical reproduction of records must be done in the office of the Board. The time, place and manner of inspection and reproduction or copying will not be allowed to interfere with the official duties of the Board. The Board will not allow its records to be taken from the Board office.

The requester must pay the Board in advance all reasonably estimated costs of searching, obtaining from storage, reviewing, shipping and/or duplicating the requested records. Such payment must be sufficient to cover the actual costs to the Board of complying with the public records request. There shall be a charge of \$1.00 per page for each copy. Copies printed on both sides (front and back) shall be considered as two (2) pages for copy charge purposes. Mailing cost shall be calculated at the applicable rate for each such mailing. If the request involves notice being given to a third party, the cost of mailing such notice to the third party shall be charged to the requester. Cost of obtaining records from any state storage facilities and the search for the records shall be charged to the requester. If the actual cost of a public records request exceeds the estimated cost provided to the requester, the requester will be required to pay the Board the difference between the amounts paid in advance by the requester and the actual cost of supplying the record to the requester.

Payment by the public records requester must be made by money order or certified check.

The Board has also established a schedule of standard fees for frequently requested documents and information, directory or labels of licensees, and electronically accessible data. The schedule of standard documents and fees is set forth in below.

~~All written public records requests pursuant to the statute will be approved or denied in writing within fourteen (14) working days after the request is made.~~

~~A document search will be done personally by individual, firm, or their representative requesting reproduction in the presence of the Physical Therapy Board's staff personnel and/or a Board member. Each document will be marked for copying by the searcher. Actual reproduction will be made by the Physical Therapy Board's staff personnel and/or the Board member.~~

~~Some documents are exempt as privileged by law and are not available for inspection. Examples are, but not limited to, personnel records, appraisals, attorney communications and work products of attorneys, certain records compiled in the process of detecting and investigating any unlawful activity or alleged unlawful activity, licensure application and examination records, records maintained by public hospitals, records the release of which would deprive one criminally accused of his constitutional right to a fair trial, test questions and answers in the possession of the Physical Therapy Board and/or its staff personnel which are to be used in future academic examinations, letters of recommendation in the possession of the Board and/or its staff personnel respecting admission to any educational agency or institution or respecting any application for employment, documents relating to contract authorization under 25-9-120, recommendations in the possession of the Board respecting any application for professional license or certificate, records about a person's individual tax payment or status.~~

~~All written public records request shall be forwarded immediately by the Board and/or its staff personnel to counsel for the Board for a determination of the availability of the requested information for inspection and copying.~~

~~Costs of reproductions and certifications will be payable by the requesting individual, firm or their representative in advance of receipt of any requested documents. The attached schedule of charges and/or fees is being filed with the Secretary of State's Office along with the substance of this rule/regulation.~~

Charges are as follows:

~~Xerographic Reproductions: Copying Fee:  
\$1.00 per page plus cost of retrieving information  
8 1/2 x 11" .25/page  
8 1/2 x 14" .35/page  
11 x 17" .75/page~~

~~Microfilm Reproductions:  
8 1/2" x 11" .50/page  
Minimum charge of \$2.00 per request~~

~~Computer Printouts:  
11 x 17" Continuous form \$1.00/page of reported data~~

~~\$250.00 for data retrieved from computer file~~

~~Charge of \$7.50/1000 pages printed with a \$7.50 minimum charge~~

~~Certification of Documents:  
\$3.00/First copy or cover letter  
\$1.00/Each additional page  
Minimum charge of \$3.00 per request~~

Additional fees incident to document production may include personnel charges for time expended in the actual searching, reviewing, and/or duplication of documents and, if applicable, the mailing of copies of said public documents.

~~All denials of document request shall be in writing, shall state reasons for denial.~~

Source: *Miss. Code Ann.* §§25-61-1 through 25-61-12 (Rev. 2010) and *Miss. Code Ann.* §73-23-43(1)(e) and (d).