

PUBLIC RECORDS POLICY  
STARKVILLE-OKTIBBEHA COUNTY PUBLIC LIBRARY SYSTEM

In accordance with 39-3-365 of the Mississippi Code 1972, Annotated, records containing information related to the identity of a library user and pertaining to the user's use of library books and other materials in any branch of the Starkville-Oktibbeha County Public Library System are confidential and shall only be released with the written consent of the user, or as a response to a duly served court order.

The Mississippi Public Records Act of 1983, as located in 25-61-1 to 25-61-17 in the Mississippi Code of 1972, Annotated is adopted as policy and referenced by SOCPLS. Unless exempted by 25-61-9, 25-61-11, 39-3-365 or in the sections, all public records held by SOCPLS are declared to be public property, and any person shall have the right to inspect, copy, or mechanically reproduce or obtain a reproduction of any such record as outlined by the following procedures.

Records furnished to SOCPLS and housed in any branch by a third party, unless declared exempt under the above listed sections of the Mississippi Code of 1972, annotated, shall also be released upon request by the public. Reasonable attempts will be made to notify third parties of public record requests concerning the specific records of said third party.

1. EXEMPTIONS – PUBLIC RECORDS ACT OF 1983

The availability of all records in the possession of SOCPLS shall be subject to the following limitations:

- a. Personnel records and applications for employment and letters of recommendation for employment in possession of SOCPLS, except those which may be released to the person who filed the application, or released upon prior written approval of the person who filed the application, shall be exempt from the provisions of the Act, 25-1-100.
- b. Test questions or answers which are used in employment exams or competency tests for the purpose of completing annual evaluations and in possession of SOCPLS except for those that may be released to the person who filed the application, or released upon prior written approval of the person who filed the application, shall be exempt from the provisions of the Act, 25-1-100.
- c. Records which represent and constitute the work product of any attorney, district attorney, or county prosecuting attorney representing SOCPLS and related to any litigation made by or against SOCPLS, or in anticipation of potential litigation, including communications between the attorney and SOCPLS made in the course of attorney-client relationship shall be exempt from the provisions of the Act, 25-1-102.
- d. Records in the possession of SOCPLS which would reveal information about a person's individual tax payment or status shall be exempt from the provisions of the Act, 27-3-77.
- e. Appraisal information in the possession of SOCPLS which pertains to the sale or purchase of real or personal property for public purposes prior to the announcement of the purchase or sale, where the release of such information could be detrimental to such sales or purchases shall be exempt from the provisions of the Act, 31-1-27.
- f. Letters of Recommendation concerning admission to any education institution which are in the possession of SOCPLS shall be exempt from the provisions of the Act, 37-11-51.

- g. Records in the possession of SOCPLS which contain information concerning the location of any specific archeological site, which in the opinion of SOCPLS could upon disclosure, create a substantial risk of damage or destruction to the historical value of the archeological site or create a substantial risk of damage to private property rights, shall be exempt from the provisions of the Act, 39-7-41.
- h. Records in possession of SOCPLS which are not otherwise protected by law that (1) are compiled in the process of detecting and investigating any unlawful activity or alleged unlawful activity, disclosure of which would hamper or harm any investigation or detection efforts in such proceedings; (2) would reveal the identity of informants; (3) would prematurely release information which would hamper SOCPLS' enforcement, investigation, or detection 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 SOCPLS personnel; (7) are matters pertaining to the quality control or PEER review activities, shall be exempt from the provisions of the Act, 45-29-1.

## 2. PROCEDURES FOR REQUESTING ACCESS TO RECORDS

Public access to SOCPLS non-exempt records will require the following procedures:

### a. Written Request

Individuals wanting to obtain access to public records information in the possession of SOCPLS should make a written request, signed by the individual or authorized agent, either by mail to the Director of SOCPLS at 326 University Drive, Starkville, MS 39759 or in person at the SOCPLS administrative offices located at the same address during publicly open hours of the Starkville Public Library. Requests for public records shall be received and the request acted upon during regular business hours. The written request and the envelope must be marked "Request for Public Records" in the lower left hand corner of the envelope. Failure to mark the request may delay responses by SOCPLS.

The written request must describe in reasonable detail the records sought. The request should include a description of the type of records, dates, and any other information that may be helpful to locating the records.

The written request shall: specify whether the party requesting the records wants to access the record by personally inspecting the record or wants photocopies of the records; specify when the party requesting the records will be present to personally inspect the records; state the number of persons who will be inspecting the records, and provide the name, address, home and office telephone numbers of the party requesting the records.

### b. Production of Records or Denial of Access

The Director of SOCPLS shall determine, with consultation with any legal counsel that may be deemed necessary, are exempt and shall either produce the records or provide access to the records, or deny access to or production of the records sought within

seven (7) working days of the receipt of the request.

If the Director of SOCPLS determines that the records requested are exempt or privileged by law, the Director shall deny the request and send the party requesting the records a written statement detailing the specific reasons for denying the request for the records. When possible, SOCPLS, will maintain separate files for non-exempt and exempt materials, and only exempt materials shall be withheld (25-61-1). Such denials shall be kept on file for a period of three (3) years and be made available for inspection and/or copying during regular working hours by any person upon written request (25-61-5).

Individuals provided access to the records may view the records during regular publicly open hours of the Starkville Public Library under the supervision of an SOCPLS administrative representative. Those records which the party wants to have copied shall be marked by the individual and the staff person will reproduce copies of the records. No records, only reproductions, shall leave the premises of the SOCPLS headquarters.

c. Appeal of a Denial

If the public records request is denied, the party requesting the records may appeal the decision under the following procedures:

- i. The requesting party has thirty (30) calendar days from the receipt of SOCPLS' response to appeal the denial.
- ii. The appeal shall be submitted in writing to the Director of SOCPLS for consideration by the Board of Trustees for a final administrative decision.
- iii. The appeal must contain a copy of the original request, the written statement of denial, and the justification for reconsideration of the denial.
- iv. The appeal and the envelope must be marked, "Public Records Appeal" in the lower left hand corner of the envelope. Failure to mark the envelope may delay a response from the Board of Trustees.
- v. The Board of Trustees will instruct the Director to prepare and issue a written decision granting or denying the appeal within sixty (60) working days after the receipt of the appeal, unless after showing good cause, the Board extends the sixty (60) day period. If the appeal is granted, the requesting party must begin the procedures detailed in item a. under PROCEDURES FOR REQUESTING ACCESS TO RECORDS. If the appeal is denied, in its entirety or in part, the decision will include the reasons for the denial.

3. REFERENCE REQUESTS AS PUBLIC RECORDS REQUESTS

The branches of SOCPLS are resource libraries containing bibliographic collections that routinely receive reference requests for information. Occasionally, a request submitted as a reference request is actually a public records request. In those instances, the following procedures will be followed:

- a. The staff member receiving the request will transmit the request to the Assistant Director who will submit the reference request in question to the Director for review and determination that it is indeed a request for public records.
- b. After the determination that the reference question is actually a request for public records, the Director will return the reference request to the party or parties who submitted the reference question, with instructions as to how the request should be submitted as a public records request.
- c. The party submitting the reference request as a public records request will be required to follow the procedures in PROCEDURES FOR REQUESTING ACCESS TO RECORDS.

#### 4. COST REIMBURSEMENTS

SOCPLS establishes a schedule of cost reimbursements to compensate the library system for cost incurred in searching, overseeing, reproducing, and if required, mailing copies of public records. Reimbursement costs are subject to change.

- a. Reimbursement schedule:
  - i. No reimbursement, except for reproduction costs, packing, and mailing costs shall be charged if the request requires one (1) hour or less.
  - ii. If the request requires more than (1) hour, \$10.00 per hour per person may be charged for searching, reviewing, and duplicating public records. Any part of an hour will be charged at the full hourly rate.
  - iii. Reproduction cost will be reimbursed at the current library rate for copies. Copies of pages printed on front and back will be counted as two (2) pages for the purposes of copy cost reimbursement.
  - iv. A \$5.00 fee will be charged for all requests for public records that must be packaged for shipping or mailing.
  - v. Mailing costs will be calculated by weight and at the applicable rates for each individual mailing. If the request involves notices to a third party, the cost of mailing the notice by certified mail will be charged to the party requesting the public records.
- b. Prior to complying with a request for public records, SOCPLS will estimate the projected time and reimbursement costs that may be incurred, and the party submitting the request will reimburse SOCPLS for the estimated costs as set forth by the Reimbursement Schedule. If the reimbursement costs exceed the estimated amount, the party requesting the public records must remit the difference prior to the release of the public records by SOCPLS. Cost reimbursements will apply even if the search does not yield any pertinent public records.