

# **RECORDS REQUEST POLICY**

## **CITY OF BAY ST. LOUIS, MISSISSIPPI**

### **Section 1. Authority and Purpose.**

“It is the policy of the Legislature that public records must be available for inspection by any person unless otherwise provided by this act. Furthermore, providing access to public records is a duty of each public body and automation of public records must not erode the right of access to those records.” Miss. Code Ann. § 25-61-1.

“All public records are hereby declared to be public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access, and public notice of the procedures shall be given by the public body.” Miss. Code Ann. § 25-61-5.

The act defines "public record" to include any "all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body.” Miss. Code Ann. § 25-61-3(b).

The purpose of these rules is to establish the procedures the City of Bay Saint Louis, Mississippi (hereinafter the “City”) will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the City and establish processes for both requestors and City staff that are designed to best assist members of the public in obtaining such access.

The purpose of the act is to provide the public full access to public records concerning the conduct of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the City will be guided by the provisions of the act describing its purposes and interpretation.

### **Section 2. Contact Information.**

- (1) Any person wishing to request access to public records of the City or seeking assistance in making such a request should contact the City’s City Clerk (Municipal Clerk):

**Physical Address:**

City Clerk  
City of Bay St. Louis  
Phone: (228) 466-5457  
Fax: (228) 466-5506  
688 Hwy 90  
Bay St. Louis, MS 39520

**Mailing Address:**

City Clerk  
City of Bay St. Louis  
Phone: (228) 466-5457  
Fax: (228) 466-5506  
P.O. Box 2550  
Bay St. Louis, MS 39521

- (2) The City Clerk (Municipal Clerk), or the Clerk's designee, shall facilitate all records requests.

### **Section 3. Availability of Public Records.**

- (1) *Hours for inspection of records.* Public records are available for inspection and copying during normal business hours of the City, Monday through Friday, 8:00a.m. to 5:00p.m., excluding legal holidays.
- (2) *Organization of Records.* The City will maintain its records in a reasonably organized manner. The City will take reasonable actions to protect records from damage and disorganization. A requestor shall not take the City's records from the City's offices.
- (3) *Records Available on the City Website.* A variety of records are available on the City's website at <https://baystlouis-ms.gov/>. Records publicly available on the City's website shall not be provided per this Policy since these records are readily available for public viewing through the website. This includes, but is not limited to, agendas, agenda packages, and minutes from meetings of the City Council, Planning and Zoning Commission, Municipal Harbor Commission, and/or the Historic Commission. It also includes any contracts, agreements, applications, etc. approved by the council.
- (4) *Making a Request for Public Records.*
- (a) A requestor is required to submit the request using the City's Public Records Request Form.
  - (b) A Public Records Request Form is available for use by requestors on the City's website at [www.baystlouis-ms.gov](http://www.baystlouis-ms.gov) or at the office of the City Clerk (Municipal Clerk). The following information must be submitted on the form:
    - i. Name of requestor;
    - ii. Address of requestor;
    - iii. Telephone number of requestor;
    - iv. Email address of requestor;
    - v. Case or Accident Number (if asking for a police report)
    - vi. Identification of the public records adequate for the Municipal Clerk or designee to locate the records;
    - vii. Indicate if you want to inspect the records at city hall or if you want copies for a fee; and
    - viii. The date and time of day of the request.
  - (c) Any person wishing to inspect or copy the City's public records should make the request in writing on the City's Public Records Request Form and submit the required form to the City Clerk (Municipal Clerk).

- (d) The written request must be clear and state the specific and identifiable records requested. Overly broad requests may require clarification by the requestor, per Section 4.
- (e) If the requestor wishes to have copies of the records made instead of simply inspecting them at City Hall, he or she should indicate and make arrangements to pay for copies of the records pursuant to Section 8 of this policy.

#### **Section 4. Processing of Public Records Requests – General**

- (1) *Providing Access.* The City acknowledges that “providing access to public records is a “duty” and that “any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record” in accordance with these policies. Miss. Code Ann. §§ 25-61-1 and 25-61-5.
- (2) *Acknowledging Receipt of Request.* Within five (5) business days of receipt of the request, the City Clerk (Municipal Clerk), or the Clerk’s designee, will do one or more of the following:
  - a. Upon receipt, the City Clerk (Municipal Clerk), or the Clerk’s designee, shall write the date of received on the Public Records Form to acknowledge the date of receipt.
  - b. Acknowledge receipt of the public records request by phone or email to the requestor.
  - c. Provide reasonable estimate of when records will be available and provide the estimated cost to prepare the requested documents.
- (3) *Processing the Public Records Request – General.* The City Clerk (Municipal Clerk), or the Clerk’s designee, will:
  - a. Notify the requestor if records are available on the City Website, such as minutes, agenda, and agenda packages at no charge.
  - b. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone or email. The City Clerk (Municipal Clerk), or the Clerk’s designee, may revise the estimate of when records will be available;
  - c. Collect the estimated fees due for the records before gathering the records.

- d. Gather the records that have been requested to be ready for inspection or make copies of the document.
  - e. Make the records available for inspection or copy the records to fulfil the request, and, if needed, redact any information.
  - f. Notify the requestor the records are available for pick up or mail the records to the requestor for a fee.
  - g. Deny the request if the records are exempt.
- (4) *Consequences of Failure to Respond.* If the City fails to respond in writing within seven (7) business days of receipt of the request for disclosure, the requestor should consider contacting the City Clerk (Municipal Clerk) to determine the reason for failure to respond.
- (5) *Protecting Rights of Others.* In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the City Clerk (Municipal Clerk) or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary seek an order from a court to prevent or limit the disclosure. The notice to affected persons will include a copy of the request.
- (6) *Records Exempt from Disclosure.* Some records are exempt from disclosure, in whole or in part. If the City believes that a record is exempt from disclosure and should be withheld, the City Clerk (Municipal Clerk), or the Clerk's designee, will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the City Clerk (Municipal Clerk), or Clerk's designee, will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

## **Section 5. Processing of Public Records Requests – Electronic Records**

- (1) *Requesting electronic records.* The process for requesting electronic public records is the same as for requesting paper public records.
- (2) *Providing electronic records.* When a requestor requests records in an electronic format, the City Clerk (Municipal Clerk), or the Clerk's designee, will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the City and is generally commercially available, or in a format that is reasonably translatable from the format in which the City keeps the record. Costs for providing electronic records are governed by Section 8.

- (3) *Customized access to data bases.* With the consent of the requestor, the City may provide customized access if the record is not reasonably locatable or not reasonably translatable into the format requested. The City may charge the actual cost for such customized access.

## **Section 6. Exemptions.**

The Public Records Act, as well as other statutes and court decisions, provide that a number of types of documents are exempt from public inspection and copying. The City is bound by these exemptions, including but not limited to, the exemption protecting trade secrets, proprietary, commercial, and financial information under Miss. Code Ann. § 79-23-1.

## **Section 7. Third Party Information.**

- (1) When any person files or submits documents with the City and the filer contends records are exempt from disclosure under the Public Records Act, the filer shall provide a written statement at the time of filing which shall describe the documents filed and which shall fully explain why the documents are designated as exempt from disclosure and must specifically cite any statute or other legal authority in support of such designation. Such written statement shall itself be a public record subject to disclosure.
- (2) Any document filed with the City which contains trade secrets or confidential commercial or financial information subject to the protection of any applicable law or court decision shall be clearly designated as such by the filer on its face and accompanying cover letter at the time of filing and shall be placed in an envelope other than white. Each page of each document shall be marked confidential. Upon request to inspect or copy any document so designated, the City shall notify the person who filed the document. Thirty (30) days after such notice, the document will be made available for public inspection or copying unless the filer shall have obtained a court order protecting such records as confidential pursuant to Miss. Code Ann. § 25-61-9.
- (3) Any person filing documents with the City shall, prior to filing, redact from the documents any social security numbers, account numbers or dates of birth not required to be listed. The City shall determine on a case-by-case basis whether similar information may be redacted by the filer to prevent identity theft. In no event will the City bear any responsibility for a filer's failure to redact such information which leads to or may lead to identity theft or other crime or loss.

## **Section 8. Reporting Public Records Request to the City Council**

The City Clerk (Municipal Clerk) or designee shall report a list of all public records request to the city council monthly as part of the city council agenda under reports.

## **Section 9. Costs of Providing Public Records.**

- (1) *Payment.* The City requires payment in advance for all costs before providing copies or access to records. Payment may be made by cash, check, credit card, or money order to the City of Bay St. Louis.

City of Bay St. Louis  
688 Highway 90  
Bay St. Louis, MS 39520

- (2) *Costs of mailing.* The City may also charge actual costs of mailing, including the cost of the shipping container.
- (3) *Charges for searching, reviewing, copying and redacting.* The actual cost of searching for and reviewing and, if necessary, copying and redacting exempt information from public records shall be based upon the hourly rate of compensation for the lowest paid agency employee, including benefits, qualified to perform the task, which shall be multiplied by the actual time to complete the task. There is a minimum fifteen (15) minute charge for all labor.
- (4) *Fee Schedule.* The city has a fee schedule for public records requests. This fee schedule may be changed at any time by the administration. Copy charges for some specific types of records are set by statute and may exceed the amount stated above.
- a. Before beginning to make the copies, the requestor must pre-pay all reasonably estimated costs of copying all the records selected by the requestor. The City Clerk (Municipal Clerk) or designee may also require the payment of the remainder of the copying costs before providing all the records in an installment before providing that installment.
  - b. The City will not charge sales tax when it makes copies of public records.
  - c. The fee schedule for the City is as follows:

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FEE SCHEDULE ON NEXT PAGE]

**PUBLIC RECORDS REQUESTS  
SCHEDULE OF FEES**

<b>Description of Service Provided</b>	<b>Rate</b>
Police Reports	\$15.00
Accident Reports	\$25.00
Letter Copies: Pages-Single Sided (black & white)	\$0.25
Letter Copies: Pages-Single Sided (color)	\$0.50
Letter Copies: Pages – Double Sided (black & white)	\$0.50
Letter Copies: Pages – Double Sided (color)	\$1.00
Legal Copies: Pages- Single Sided (black & white)	\$0.25
Legal Copies: Pages- Single Sided (color)	\$0.50
Legal Copies: Pages-Double Sided (black & white)	\$0.50
Legal Copies: Pages-Double Sided (color)	\$1.00
Ledger Copies: Pages-Single Sided (black & white)	\$0.75
Ledger Copies: Pages-Single Sided (color)	\$1.50
Ledger Copies: Pages-Double Sided (black & white)	\$1.50
Ledger Copies: Pages-Double Sided (color)	\$3.00
Scanning (letter, legal or ledger)	\$0.25
Compact Disk (each)	\$1.00
Jump Drive (each)	\$8.00
Computerized Records Hours	\$85.00
Staff Labor Time (Hourly rate billed 1/4 hours)	\$29.00
City Clerk or Police Chief Review (Hourly rate billed ¼ hours)	\$50.00
City Attorney Review (Hour rate billed ¼ hours)	\$225.00
Mailing Fees	TBD

*Note: Staff and city clerk labor time includes salary and benefits for hourly rate.*

**Please make check payable to:**

City of Bay St. Louis  
Attn: City Clerk/Public Records Request  
688 Highway 90  
Bay St. Louis, MS 39520