

## **RULES FOR ACCESS TO PUBLIC RECORDS OF PEARL RIVER COUNTY UTILITY AUTHORITY**

### **Rule 1. Authority and Purpose.**

This document is adopted pursuant to the authority and requirements of Section 25-61-1 of the Mississippi Code of 1972, as Amended, (hereinafter referred to as the “Act”).

The purpose of these rules is to establish the procedures the Pearl River County Utility Authority (hereinafter referred to as “PRCUA”) 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 PRCUA and establish processes for both requestors and PRCUA staff that are designed to best assist members of the public in obtaining such access.

### **Rule 2. Contact Information and Public Records Officer.**

(1) The PRCUA is a public body corporate and politic constituting a political subdivision of the State of Mississippi created by Section 49-17-719 of the Mississippi Code of 1972, as Amended, for the planning, acquisition, construction, maintenance, operation and coordination of water, wastewater and storm water systems in order to ensure the delivery of water, wastewater and storm water services to citizens residing within the boundaries of Pearl River County, Mississippi, and to promote the health, welfare and prosperity of the general public. The office location, address and other contact information of the PRCUA is as follows:

Pearl River County Utility Authority  
100 Street A, Suite F  
P. O. Box 699  
Picayune, MS 39466  
Telephone: (601) 799-5259  
Fax: (601) 799-1656  
Web Address: [www.prc-ua.org](http://www.prc-ua.org)

(2) Any person wishing to request access to public records of the PRCUA, or seeking assistance in making such a request should contact the public records officer of the PRCUA:

Cliff Diamond  
Public Records Officer  
Pearl River County Utility Authority  
100 Street A, Suite F  
P. O. Bo 699  
Picayune, MS 39466  
Telephone: (601) 799-5259  
Email: [cdiamond@prc-ua.org](mailto:cdiamond@prc-ua.org)

(3) The public records officer will oversee compliance with the Act, but another designated PRCUA staff member may process the request.

**Rule 3. Availability of Public Records.**

(1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business days and hours of the PRCUA. Records must be inspected at the offices of the PRCUA. The time, place and manner of inspection and copying of records will not be allowed to interfere with other essential duties of the PRCUA. The normal business days and hours of the PRCUA, excluding legal holidays, are:

Monday through Thursday – 8:00 a.m. to 4:30 p.m.  
Friday – 8:00 a.m. to 12:00 p.m.

(2) **Organization of Records.** The PRCUA will maintain its records in a reasonable organized manner. A requestor shall not take PRCUA records from the PRCUA offices. A variety of records is available on the PRCUA web site at [www.prc-ua.org](http://www.prc-ua.org). Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(3) **Making a Request for Public Records.**

(a) Any person wishing to inspect or copy public records of the PRCUA should make the request in writing by letter, fax or e-mail addressed to the public records officer and including the following information:

Name of requester;  
Address of requester;  
Other contact information, including telephone and e-mail address;  
Identification of records for location purposes; and  
The date and time of the request.

(b) If the requester wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to these rules, standard black and white photocopies will be provided at fifteen cents (\$0.15) per page.

(c) The public records officer or designee may, in his/her discretion, accept requests for public records that contain the above information by telephone or in person, but if accepted, he/she should confirm receipt of the information and the substance of the request in writing.

**Rule 4. Processing of Public Records Requests – General.**

(1) **Providing access.** The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within seven (7) business days of receipt of the request, the public records officer or designee will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment of a deposit for the copies, if any, is made, or terms of payment are agreed upon, send the copies to the requester;
- (c) Provide a reasonable estimate of when records will be available; or
- (d) 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. The public records officer or designee may revise the estimate of when records will be available; or
- (e) Deny the request.

(3) **Failure to respond.** If the PRCUA does not respond in writing within seven (7) business days of receipt of the request, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(4) **Protecting the rights of others.** In the event that the requested records contain information that may affect the rights of others and may be exempt from disclosure, the public records officer 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 the affected persons will include a copy of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the PRCUA believes that a record is exempt from disclosure and should be withheld, the public records officer 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 public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) **Inspection of records.**

(a) Consistent with other demands, the PRCUA shall provide space to inspect public records. No member of the public may remove a document from the viewing area or

disassemble or alter any document. The requestor shall indicate which documents he or she wishes to be copied.

(b) The requestor must claim or review the assembled records within thirty (30) days of the PRCUA notification that the records are available for inspection or copying. If the requestor or a representative of the requestor fails to claim or review the records within the thirty (30) day period or make other arrangements, the PRCUA may close the request and refile the assembled records.

(7) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(8) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be more practical to provide the records in that way. If, within thirty (30) days, the requester fails to inspect the entire set of records or one or more of the installments, the public officer or designee may stop searching for the remaining records and close the request.

(9) **Completion of inspection.** When the inspection of the requested records is complete and all requested nonexempt copies are provided, the public records officer or designee may close the request.

(10) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request.

(11) **Later discovered documents.** If, after completion of the assembly, inspection or copying of the requested records, the PRCUA or its public records officer or designee becomes aware of additional responsive documents existing at the time of the request, it will inform the requestor of the additional records and provide them for inspection and/or copying by or for the requestor.

## **Rule 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 public records officer or designee will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the PRCUA and is generally commercially available, or in a format that is reasonably translatable from the format in which the PRCUA keeps the record. Costs for providing electronic records are governed by subsequent rule herein.

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

#### **Rule 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. In addition, other statutes or rules of law, such as various privacy restrictions, may prohibit disclosure. Requestors should be aware of the following exemptions, outside of the Public Records Act, that restrict the availability of some documents held by the PRCUA from inspection and copying (Section numbers refer to the Mississippi Code of 1972, as Amended and Annotated):

- (1) Academic records, see § 37-11-51.
- (2) Appraisal records, see § 31-1-27.
- (3) Archaeological records, see § 39-7-41.
- (4) Attorney work product, see § 25-1-102.
- (5) Birth Defects Registry, see § 41-21-205.
- (6) Bureau of Vital Statistics records, see § 41-57-2.
- (7) Charitable organizations, registration information, see § 79-11-527.
- (8) Concealed pistols or revolvers, license records, see § 45-9-101.
- (9) Confidentiality of ambulatory surgical facilities, see § 41-75-19.
- (10) Defendants likely to flee or harm themselves or others, see § 41-32-7.
- (11) Environmental self-evaluation reports, see § 49-2-71.
- (12) Hospital records, see § 41-9-68.
- (13) Individual tax records, see § 27-3-77.
- (14) Insurance companies, see § 83-5-415.
- (15) Judicial records, see § 9-1-38.
- (16) Jury records, see § 13-5-97.
- (17) Licensure application and examination records, see § 73-52-1.
- (18) Medical examiner records and reports, see § 41-61-63.
- (19) Personnel files, see § 25-1-100.
- (20) Records, trade secrets, proprietary information, see § 79-23-1.
- (21) Workers' compensation records, see § 71-3-66.
- (22) Attorney/Client, Physician/Patient and other privileged records.

#### **Rule 7. Third Party Information.**

When any person files documents with or submits documents to the PRCUA which the filer contends 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 fully explain why the documents are designated as exempt from disclosure, and 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.

Any document filed with the PRCUA 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 in color. Each page of each document shall be marked as confidential. Upon request to inspect or copy any document so designated, the PRCUA 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 or parts thereof as confidential pursuant to Section 25-61-9 of the Mississippi Code of 1972, as Amended.

Any person filing documents with the PRCUA shall, prior to filing, redact from the documents any social security numbers, account numbers or dates of birth not required to be listed. The PRCUA shall determine on a case-by-case basis whether similar information may be redacted by the filer to prevent theft. In no event will the PRCUA 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.

#### **Rule 8. Costs of Providing Public Records.**

(1) **Costs for paper copies.** A requestor may obtain standard black and white photocopies for fifteen cents (\$0.15) per page. Nonstandard copies requested, such as color copies, engineering drawings, photographs, and putting records on a disk, shall be charged at the actual costs to the PRCUA for providing. A statement of the factors and the manner used to determine this charge shall be available from the public records officer.

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 public records officer 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. The PRCUA will not charge sales tax when it makes copies of public records.

(2) **Costs for Electronic Records.** The cost of electronic copies of records already existing in an electronic format shall be the actual cost of the CD-ROM. The cost of scanning existing PRCUA paper records or other non-electronic records onto disk is fifteen (\$0.15) per page. There will be no charge for e-mailing electronic records to a requester, unless another cost applies such as a scanning fee or system costs allowed under Section 25-61-7(2) of the Mississippi Code of 1972, as Amended.

(3) **Costs of mailing.** The PRCUA may also charge actual costs of mailing, including the cost of the shipping container.

(4) **Payment.** Payment may be made by cash, check or money order to the PRCUA. The PRCUA may require payment in advance for all costs before providing copies or access to records.

(5) **Charges for searching, reviewing and redacting.** The actual cost of searching for and reviewing and, if necessary, redacting exempt information from public records shall be based upon the hourly rate of compensation for the lowest paid PRCUA employee qualified to perform the task, which shall be multiplied by the actual time to complete the task. However, a broad request which results in the necessity that the records be reviewed and a determination made by legal counsel regarding a potential legal exemption from public disclosure shall result in reimbursement to PRCUA for the actual cost of the attorney's time at his/her usual and customary hourly rate, which shall be estimated for payment in advance.

**Rule 9. Review of Denials of Public Records.**

(1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition must include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer must promptly provide the petition and any other relevant information to the President, or in his absence the Vice-President, of the PRCUA Board. That person will immediately consider the petition and either affirm or reverse the denial within two (2) business days following the PRCUA's receipt of the petition, or within such other time as the PRCUA and the requestor may mutually agree upon.

(3) **Review by the Ethics Commission.** Pursuant to Section 25-61-13 of the Mississippi Code of 1972, as Amended, if the PRCUA denies a requestor access to public records, the requestor may ask the Mississippi Ethics Commission to review the matter. The Ethics Commission has adopted rules on such requests, which may be found on the web site of the Commission at [www.ethics.state.ms.us](http://www.ethics.state.ms.us).

(4) **Judicial review.** Any person whose request for public records was denied may institute a suit in the Chancery Court of Pearl River County, Mississippi, seeking to reverse the denial, as set forth in Section 25-61-13 of the Mississippi Code of 1972, as Amended.