OP 06.04: PUBLIC RECORDS REQUEST PROCEDURES

PURPOSE

Mississippi law requires that public entities, which includes Mississippi State University (MSU), provide access to or copies of the public records of MSU in response to a written request. [§§25-61-1, *et seq.*, Mississippi Code of 1972] The mandate for open disclosure of the public records has certain exceptions from disclosure. The purpose of this policy is to establish the procedures in which MSU will respond to valid requests for public records.

POLICY

MSU follows the policy of the Board of Trustees of State Institutions of Higher Learning which directs the method and time within which responses to written public records requests are to be made. [IHL Policy 301.0804]

PROCEDURE

To ensure compliance with the law and the above referenced IHL Board policy, the following procedures are hereby adopted by MSU for the processing of all public records requests:

1. All public records requests must include the date, the name of the requester, the address of the requester, and the current contact information of the requester. The request must be personally delivered, mailed to the Office of General Counsel, PO Box 6171, Mississippi State University, Mississippi State, MS 39762, or emailed to the MSU General Counsel (legal@msstate.edu).

2. Upon receipt of a written public records request by an office other than the Office of General Counsel, the MSU official who received the request will immediately (within one business day) forward a copy of the request to the Office of General Counsel.

3. Upon receipt, the General Counsel or designee (GC) will review the request for compliance with the law.

4. If the request constitutes an appropriate request requiring a response, in the opinion of the GC, the GC will then communicate with the MSU official within whose office the records are maintained (the "custodian") to determine whether MSU has any records identified in the request within its possession and/or control.

5. If the request identifies records which are within MSU's possession or control as verified by the custodian, then the GC will advise the custodian of the standard exemptions that apply to public records release.

6. The custodian will then determine, upon advice of the GC, whether the records are subject to exemption from disclosure.

7. If the custodian determines that no exemption applies to the records, or any part thereof, then:

    a. The custodian will advise the GC of the cost of providing access to and/or copies of the records being requested (See detailed directives in the IHL Board policy for determining costs).

    b. The GC will notify the requester of the availability of the records and the costs associated with providing the records.

    c. Upon receipt of the payment (cash, check, or money order) of the estimated costs in advance, the custodian will provide the GC copies of the records.

8. If the custodian determines that an exemption does apply to the records, or any part thereof, then the custodian so notifies the GC, who in turn will issue a full or partial denial of the request to the requester. In the event of a partial denial, the process described in paragraph 7 above shall be followed for those records not subject to denial.

Due to the possibility that the denial of access to public records may result in litigation against MSU, neither the custodian, nor any other MSU official other than the GC, should communicate with the requester about the request or the denial thereof. All contacts from the requester, without any further discussion with the requester, should be forwarded to the GC for a response.

Questions regarding this procedure or the implementation thereof should be directed to the Mississippi State University General Counsel.

REVIEW

The General Counsel is responsible for review of this OP every four years.

REVIEWED BY:

/s/ Joan Lucas   11/18/2022
General Counsel   Date

/s/ Tracey N. Baham   11/18/2022
Assistant Vice President, Institutional Strategy & Effectiveness   Date

APPROVED BY:

/s/ Mark E. Keenum   11/28/2022
President   Date