

**POLICIES AND PROCEDURES**  
**FOR FEES AND REPRODUCTION OF DOCUMENTS**  
**OF**  
**GULF COAST MENTAL HEALTH CENTER**

## **PREAMBLE**

The Board of Commissioners for GULF COAST MENTAL HEALTH CENTER has patterned the following Policy in order to comply with the requirements of the Mississippi Public Records Act, Miss. Code Ann. §25-61-1 *et seq.* (1972), as amended. The purpose of the Policy is to provide reasonable written procedures regarding the cost, time, place and method of access to public records and to give public notice of said procedures. This Policy for Fees and the Reproduction of GCMHC Records affects requests for records of GULF COAST MENTAL HEALTH CENTER on and after the effective date of February 26, 2020. This Policy replaces and supersedes all previous public records policies and ordinances enacted by the GCMHC prior to the effective date of this Policy.

### **SECTION I. Authority and Purpose.**

A. Miss. Code Ann. § 25-61-1, (1972), as amended, states “It is the policy of the Legislature that public records must be available for inspection by any person unless otherwise provided by Chapter 453, Laws of 1996. 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. As each agency increases its use of and dependence on electronic record keeping, each agency must ensure reasonable access to records electronically maintained, subject to the rules of records retention..”

B. Miss. Code Ann. § 25-61-5, (1972), as amended, states that “[A]ll 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.”

C. Miss. Code Ann. § 25-61-3(b), (1972), as amended, defines “public record” to include “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.”

D. The purpose of the Policies contained herein is to establish the procedures Gulf Coast Mental Health Center will follow in order to provide full access to public records. These Policies provide information to persons wishing to request access to public records of Gulf Coast Mental Health Center as well as establish the processes for both said requestors and GCMHC employees to follow in order to best assist members of the public in obtaining such access.

### **SECTION II. Executive Director as Public Records Officer.**

The Board of Commissioners of Gulf Coast Mental Health Center designates the Executive Director as a point of contact for members of the public seeking public records. Upon receiving a public records request, the Executive Director shall acknowledge receipt of same and shall route the request to the appropriate GCMHC official or department for processing. GCMHC official/department receiving the public records request from the Executive Director shall notify the Executive Director that (i) the request has been received; and (2) of final disposition of the matter. The Executive Director shall maintain a file of completed public records requests.

### **SECTION III. Availability of Public Records.**

Public records are available for inspection and copying during normal business hours of GCMHC, Monday through Friday from 8:00 a.m. to 4:00 p.m., excluding legal holidays. Any person requesting public records of GCMHC must complete the Public Records Request form (available at 1600 Broad Avenue) and submit same to the GCMHC at its offices located at 1600 Broad Avenue, Gulfport, Mississippi 39501.

A requestor has the duty to request identifiable records. GCMHC is not required to conduct research for a requestor but only to produce identifiable public records. When GCMHC receives a broad or vague request, it will seek clarification of the request from the requestor. GCMHC is not, however, obligated to create a new record to satisfy a records request but only to produce existing records.

A notation on a request form of "See Attached Letter" is not acceptable and such requests shall be denied by GCMHC. Any request submitted must clearly identify the public records requested. GCMHC can only produce records it can locate based upon the description provided by the requestor.

GCMHC shall have seven (7) business days to respond to the request to provide an estimate of the cost of searching for, copying and reviewing the records and the records shall be made available or produced within seven (7) days of payment of the estimated cost thereof.

If the records requested are voluminous and the fees for copying the same are cost prohibitive, the requestor shall be given the opportunity to inspect the records and then consider selecting which records to copy or not. The requestor will be charged the usual research time for the department personnel gathering the records.

### **SECTION IV. Processing Requests for Public Records (Paper).**

Within seven (7) days of receipt of a public records request, the Public Records Officer shall provide an estimate of the cost of researching, reviewing, if necessary, and copying, if requested, the public records being requested. Within seven (7) days of GCMHC receipt of payment of the estimated reproduction costs, the GCMHC shall (a) make the records available for inspection or copying; (b) if copies are requested and payment is made at terms agreed to by GCMHC, send copies to the requestor; (c) provide a reasonable estimate of when records will be available, or if the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor; or (d) deny the request and the reasons therefor.

Communication is the key to a smooth public records process for both requestors and GCMHC. When GCMHC receives a large or unclear request, it shall communicate with the requestor to clarify the request. If the request is modified orally, the Public Records Officer shall memorialize the communication in writing and the requestor shall submit a revised public records request.

All departments of GCMHC shall promptly respond to any inquiries from the Public Records Officer regarding public records requests. If any department is unable to provide the requested records within fourteen (14) days, that department shall advise the requestor that additional time is required to fulfill the request and an estimate of the time to do so.

Access to a public record can be provided by allowing inspection of the record, providing a copy or posting the record on GCMHC website and/or assisting the requestor in finding it. The requestor can specify which method of access (or combination, such as an inspection and then copying) he/she prefers.

If all or a portion of the record being requested is exempt from disclosure, GCMHC shall redact (black out) the exempt portion and then provide the remainder to the requestor. Originals shall not be redacted. For paper records, GCMHC shall redact materials by first copying the record and then on the copy use a black marker or equivalent to redact the exempt portion of that record. If all of a record is exempt, GCMHC shall inform the requestor of the exemption and provide a brief explanation of how the exemption applies to the record or portion withheld. The brief explanation shall provide enough information for the requestor to make a determination of whether the claimed exemption is proper. GCMHC shall charge a reasonable fee for the redaction of any exempted material which shall not exceed GCMHC's actual cost.

If requesting to inspect GCMHC records, GCMHC shall notify a requestor that the records will be available for inspection upon payment of costs, if any, and ask the requestor to contact GCMHC to arrange a mutually agreeable time for inspection. Requestors shall inspect, copy or make other arrangements regarding the records within thirty (30) days of the date of GCMHC's notice of availability to a requestor. GCMHC may close all requests wherein a requestor fails to inspect, copy or otherwise make arrangements to review requested records upon the expiration of thirty (30) days after said records are first made available to a requesting party. For requests in which copies are being sought or there is a cost associated with the search or review of the records, GCMHC shall notify the requestor of the projected costs and whether a deposit is required before a review and search commences or copies made.

#### **SECTION V. Processing Requests for Electronic Records.**

The process for requesting electronic public records is the same as for requesting public records that are in paper form. Costs for providing electronic records are governed by Section 7 contained herein.

#### **SECTION VI. Exemptions and Third Party Information.**

Mississippi law exempts certain types of documents from public inspection and copying. Additionally, various privacy restrictions may prohibit disclosure of certain items. Requestors should be aware of these exemptions as set for the in the Mississippi Public Records Act and/or other applicable federal or state laws.

When any person or corporation files or submits documents with GCMHC which the filer contends are exempt from disclosure under the Act, the filer may 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, including specifically citing any statute or other legal authority in support of such designation.

Any person or corporation filing documents with GCMHC shall, prior to filing, redact from the documents any social security numbers, account numbers or dates of birth not required to be listed. GCMHC 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 GCMHC 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 VII. Cost of Public Records.**

Cost of reproduction of the requested information will be provided to the person making the request. The fees charged will be according to the following schedule:

1. Twenty Dollars (\$20.00) for pages one (1) through twenty (20);
2. One Dollar (\$1.00) per page for the next eighty (80) pages;
3. Fifty Cents (\$.50) per page for all pages thereafter.

4. Ten percent (10%) of the total charge may be added for postage and handling.
5. Fifteen Dollars (\$15.00) may be recovered by the GCMHC for retrieving agency records in archives at a location off the premises where the GCMHC Main Office on Broad Avenue, Gulfport, Mississippi.
6. Other material – cost determinant upon materials
7. Records search – clerical, \$7.50 per hour
8. Records search – technical or professional, \$20.00 per hour
9. Records search – automated, \$18.00 per hour

A requestor must pre-pay all reasonably estimated costs of searching, reviewing (including legal), redacting, if necessary, exempt information from public records, as well as pre-pay all reasonable estimated costs associated with copying before the search for records is commenced. Costs shall also include retrieval costs for requests of inactive records which have been placed in storage. Actual cost of mailing shall also apply.

Payment may be made by cash, check or money order made payable to Gulf Coast Mental Health Center.

If a requestor seeks inspection of a large number of records, but only selects a smaller group to copy, charges will only be made for the records selected by the requestor. Charges, however, still apply for searching, reviewing (including legal) and redacting, if necessary, records not copied.

If a requestor specifies that he/she seeks to personally inspect GCMHC records, the requestor shall first pay the GCMHC an estimate of the cost involved for searching and reviewing (including legal) and redacting, if necessary, the records requested. Upon inspection of the records, a requestor may choose to have only a portion of the records inspected copied.

#### **SECTION VIII. Review of Denials of Public Records.**

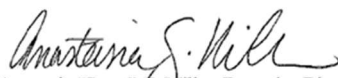
Any person or corporation who objects to the initial denial or partial denial of a records request may petition in writing to the Board of Commissioners for a review of that decision. The petition must include a copy of or reasonably identify the written statement by the Public Records Officer denying the request. The Board will review and respond to a requestor as quickly and promptly as possible, but in no event shall said response be later than sixty (60) days.

#### **SECTION IX. Effective Date.**

This Policy shall go into effect immediately upon approval by the Board.

**SO ADOPTED, THIS THE 26 DAY OF February, 2020.**

**GULF COAST MENTAL HEALTH CENTER**



Anastasia G. “Stacy” Miller, M.S., Executive Director/CEO