

ORDINANCE NUMBER 3221

AN ORDINANCE ESTABLISHING PROCEDURES FOR ACCESS TO PUBLIC RECORDS MAINTAINED BY THE CITY OF HATTIESBURG, MISSISSIPPI, AND REPEALING ORDINANCE NUMBER 2349, ADOPTED 6-5-90, AND ANY ORDINANCE IN CONFLICT THEREWITH

WHEREAS, heretofore the City of Hattiesburg, Mississippi, has made available to the public all public records maintained by it in accordance with the rules of common law and with the recognition that all such public records are public property and as such have been made available to all members of the public requesting in writing any such public records; and,

WHEREAS, Sections 25-61-1 through 25-61-19 of the Mississippi Code of 1972, annotated and amended, are known as the "Mississippi Public Records Act of 1983"; this law provides for public access to public records and contains certain requirements with reference to the public bodies of the State of Mississippi, including the City of Hattiesburg; and,

WHEREAS, the City of Hattiesburg, Mississippi, deems it appropriate and necessary to formally set forth its policies and procedures with reference to inspection by the public of its public records, including the requirements and procedures of the Mississippi Public Records Act of 1983 as amended.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Hattiesburg, Mississippi:

Section 1. Except as otherwise provided by Section 1C, 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 the reasonable written procedures as follows:

A. REQUEST FOR ACCESS TO RECORDS:

The Mayor shall designate a Public Records Officer from his/her administrative team who will carry the responsibility of compliance with this ordinance. All requests to inspect, copy, mechanically reproduce or obtain a reproduction of any public record of the City of Hattiesburg shall be submitted electronically or in writing to the Public Records Officer between the hours of 8:00 a.m. and 5:00 p.m. on any working day. Requests for inspection of records shall be honored at the soonest time the documents are not being used in the day-to-day operation of the City. All requests for inspection and reproduction of records shall be addressed as quickly as is reasonably possible and within seven working days. On rare occasions the nature of a request may require more than seven (7) working days to retrieve and reproduce. Should this be the case the Public Records Officer or his/her designee shall inform the requestor within seven working days of the reason for the extended time to respond, and in all cases shall fulfill the request within fourteen (14) working days of the receipt of the original request. Individual city officials or employees will be notified within three days when a public records request is received that involves information specific to them.

B. APPLICABLE CHARGES FOR RECORDS SEARCH, REVIEW, DUPLICATION AND MAILING: The Public Records Officer should endeavor to deliver small, non-time consuming requests at no charge to the public. In cases where the request for reproduction of records is 25 or more pages of hard copy, or time consuming for city employees {more than one hour to retrieve and reproduce}, the City may charge the requester only the actual amount of expense of the copies and/or the hourly wage of the lowest salaried/waged person who is capable of retrieving and reproducing the records beyond the first hour of work. If the requester desires express delivery via mail or private carrier they may be charged for that expense as well. The Public Records Officer will inform the requester of those potential costs when receiving the request and will require payment at the time of the delivery of the request. A deposit may be required for a large request.

The Public Records Act and 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.

C. EXCEPTIONS:

Allowable exemptions include:

- Academic records exempt from public access, see & 37-11-51
- Appraisal records exempt from access, see & 31-1-27
- Archaeological records exempt from public access, see & 39-7-41
- Attorney work product, examination, exemption, see & 25-1-102
- Concealed pistols or revolvers, licenses to carry, records, exemptions, see & 45-9-101
- Defendants likely to flee or physically harm themselves or others, see & 41-32-7
- Environmental self-evaluation reports, public records act, exemption, see & 49-2-71
- Individual tax records in possession of public body, exemption from public access requirements, see & 27-3-77
- Insurance and insurance companies, risk based capital level requirements, reports, see & 83-5-415
- Judicial records, public access, exemption, see & 9-1-38
- Licensure application and examination records, exemption from Public Records Act, see & 73-52-1
- Personnel files exempt from examination, see & 25-1-100
- Public records and trade secrets, proprietary commercial and financial information, exemption from public access, see & 79-23-1
- Workers' compensation, access to records, see & 71-3-66
- Investigative reports from Fire or Police Departments containing information beyond the scope of matters contained in an incident report, see & 25-61-3
- Records subject to privilege, such as Attorney/Client, Physician/Patient, etc., see & 25-1-102
- Any other or future exemptions granted by statute or applicable rules of law

D. REDACTIONS

The Public Records Officer and all City officials shall avoid disclosing personally identifiable information that may include Social Security or Driver's License numbers, date of birth, etc. Further, if a portion of a record is exempt from disclosure, but the majority of the document is not, the exempt portion should be redacted with the remainder provided to the requestor. For example, information contained in a police incident report revealing the identity of a crime victim is exempt from disclosure and should be redacted.

E. DENIAL OF REQUESTS:

Denial of a request by the City of Hattiesburg for any of the reasons stated in Section C shall be made to the requestor in writing within seven working days of the request, and shall include a statement of the specific reason for the denial. A requestor receiving a denial may request an internal review of the denial by contacting the Mayor's office.

F. FORMS FOR REQUESTS:

The request forms for access to records will be made available to the public By the City and shall contain such information as follows:

1. The name, firm (if applicable), address and telephone number of the requestor
2. Date of the request
3. Nature of the request including the specific public documents being requested
4. Request complied with by: name, title, date
5. Request denied for: specific reason
6. Request denied by: name, title, date
7. Any and all other information deemed necessary for particular requests

Section 2. The provisions herein are to be read together with and not be construed to conflict with, amend, repeal or supersede the Mississippi Public Records Act of 1983, or any constitutional or statutory law or decision of a court of this state or the United States which at the time of the passage of the Mississippi Public Records Act of 1983 is effective, or thereafter specifically declares a public record to be withheld from public disclosure under the provisions of said Act.

The above and foregoing Ordinance, having been reduced to writing, was introduced by Council member Delgado, seconded by Council member George, and Adopted by the following vote, to-wit:

YEAS: George
Delgado
Carroll
Dryden
Brown

NAYS: None

ABSENT

The President thereby declared the motion carried and the Ordinance adopted, this the 5th Day of December, 2017 A.D., 2017.

(SEAL)

ATTEST:


Clerk of Council

ADOPTED:


PRESIDENT

The above and foregoing Ordinance, having been submitted to and approved by the Mayor, this the 5th day of December, A.D., 2017.

ATTEST:


CITY CLERK

APPROVED:


MAYOR