

STATE OF MISSISSIPPI DEPARTMENT OF EDUCATION	TOPIC: MEDIA AND PUBLIC RECORDS
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MEDIA POLICIES

The MDE has fostered a close working relationship with the news media to promote its programs, projects, and operations. To assist in the effort, the Office of Communications and Government Relations has been designated as the coordinating office for all activities regarding news media. All news releases, newsletters, public service announcements, publicity, promotional materials, advertising (except for advertising for purchasing), graphics, photography, etc. will be originated, produced, disseminated and/or approved by the Office of Communications and Government Relations.

The Office of Communications and Government Relations should be informed of any activity of the MDE that may be newsworthy. This includes, but is not limited to, new programs, changes in existing programs, conferences, and the release of data and reports. This information should be provided to the Office of Communications and Government Relations at least two weeks in advance of the activity.

All legislative requests should be directed immediately to the Office of Communications and Government Relations. If any office intends to invite an elected official to speak at a conference, workshop or training, the invitation should be approved by the Office of Communications and Government Relations before the invitation is extended.

All employees have the right as citizens to make statements to the press or news media. However, on those occasions when the employee is officially representing the MDE, he or she may not disclose to the press or news media any restricted or confidential information unauthorized by the Office of Communications and Government Relations.

Employees contacted by the media should not respond, but instead refer the media to the Office of Communications and Government Relations. Following any contact with the news media, employees should immediately forward the following information to the Office of Communications and Government Relations: the reporter's name, the news organization, the nature of the request, information supplied, and any follow-up that should occur. Prior to responding to media inquiries, the employee must have been delegated the authority to speak for his or her program by the Office of Communications and Government Relations. The employee or office should not speak for the Board or the State Superintendent.

PUBLIC RECORDS POLICY

The public records policy of the MDE has been adopted in accordance with the Mississippi Public Records Act of 1983, Miss. Code Ann. § 25-61-1, *et seq.* All records and portions of records not exempt from disclosure will be made available in accordance with the procedures outlined below.

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The following terms have been defined for purposes of this policy:

Public Body: A public body is defined as “any department, office, division, council, commission, committee, subcommittee, board, agency and any other entity of the state of political subdivision thereof, and any municipal corporation and any other entity created by the Constitution or by law, executive order, ordinance or resolution. Within the meaning of this act, the term ‘entity’ shall not be construed to include individuals employed by a public body or any appointed or elected public official.” See Miss. Code Ann. § 25-61-3(a).

Public Records: Public records are defined as “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.” See Miss. Code Ann. § 25-61-3(b).

Exempt Records: Those records exempt from disclosure under the Public Records Act.

Non-Exempt Records: Those records which are not exempt from disclosure under the Public Records Act.

Working Day: A working day is any day other than a weekend, state holiday, or a day which by executive order an agency is authorized to be closed or the employees of an agency are authorized to be absent.

Fees: By statute, charges are made on a cost-recovery basis. Any person who desires copies of a public record as defined herein but does not officially represent a public body shall be charged the actual cost per page of mechanically reproduced copy. Copies of pages printed on both sides (front and back) shall be considered as two pages. This fee is for the cost of searching, reviewing, and duplicating the public record.

However, if the searching, reviewing, or duplicating of documents or the separating of non-exempt material from documents, etc., containing exempt material requires more than one-quarter hour of work, then the hourly rate can be charged in addition to a mechanical reproduction charge of twenty-five cents (\$.25) per page for any copies desired. The charge for the hours shall be based upon the hourly salary of the lowest paid employee of the Department qualified and available to do the job.

If the public record is available in computer files and can be obtained through computer use, then the requesting party must pay the charge for the computer use, including programming time and actual computer time as well as any other costs incurred. This charge will be determined by the

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Department.

Mailing costs calculated at the applicable United State Postal Service rates shall be charged where appropriate. The cost of mailing a notice to third parties via certified mail, return receipt requested, shall be charged to persons requesting the public records. Actual costs for shipment by other than United States Postal Service shall be charged to the person requesting the special shipment.

If the requestor is another state agency or public entity within Mississippi, the fee shall be waived.

PROCEDURES FOR RECORD REQUESTS

The MDE Office of Public Reporting is responsible for responding to public records requests. The following steps outline the MDE's procedure for responding to requests.

1. Public records requests are sent directly to the Office of Public Reporting. The requests must be made in writing. The Public Records Request Form is not required if the written request contains the information required.
2. The Office of Public Reporting reviews each request and determines whether MDE maintains the information requested.
 - a. If the information is readily available on the MDE website or within a commonly requested document that the Office of Public Reporting has on file, the Office of Public Reporting directs the requestor to the appropriate website or provides a copy of the document to the requestor.
 - b. If it is apparent from the request that MDE does not maintain the information requested or the information is not legally allowable for release (e.g., it contains personally identifiable information or proprietary information), the Office of Public Reporting, in consultation with legal counsel when needed, sends a denial letter to the requestor.
 - c. If the information requested may be permissible for release, the Office of Public Reporting routes the request to the Chief(s) or the appropriate office director who holds and/or is responsible for the information requested. The Office of Public Reporting will provide the due date by which the records must be sent to Office of Public Reporting to send in response.
3. The Chief(s) or office director directs the appropriate personnel to collect and verify the requested information.

