

# A Quick Guide to the Mississippi Public Records Act

The Mississippi Code of 1972 Title 25 Chapter 61 establishes the Mississippi Public Records Act. It is the policy of the Legislature that public records must be available for inspection by any person unless otherwise provided by this act [Laws, 1996, ch. 453]. 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 recordkeeping, each agency must ensure reasonable access to records electronically maintained, subject to the rules of records retention [Laws, 1996, ch. 453].

- ▶ All documents and other records, regardless of form, related to government business are public records. There are specific exemptions allowed under the law as well as items that must be redacted.
- ▶ A public records request must be an identifiable record. List of questions or request for information is not a proper public record request.
- ▶ Unless a public body has adopted a public records policy, request must be responded to within 1 working day. A public body may adopt a policy allowing up to 7 working days to respond.
- ▶ All communication related to a public records request should be in writing.
- ▶ A public body may require prepayment of reasonably calculated actual costs of searching, reviewing, redacting, duplicating, and mailing public records. An estimate of the cost should be provided to the requestor and a prepayment should be made before incurring the cost to produce the record.

- ▶ Trade secrets or confidential commercial or financial information provided by third parties may be exempt from disclosure. See specific procedures for handling these types of records.
- ▶ All public records should be reviewed to ensure exempted records are redacted and not included. For example, personnel records, attorney work product, investigative reports, etc.
- ▶ A public body can supply reasonable access to records by making them publicly available and open to physical inspection or on its website.
- ▶ Text messages and emails sent from personal cellphones and/or computers in which official business is discussed are considered public records and are subject to public records request.
- ▶ The Mississippi Ethics Commission supplies the enforcement procedure for failure to follow the Public Records Act. The penalty for wrongful denial can include being liable civilly in a personal capacity in a sum not to exceed \$100 per violation, plus all reasonable expenses incurred by such person bringing the proceeding.

All public employees are encouraged to be fully aware of the complete Mississippi Public Records Act and any local public records policies adopted by the governing body. The Mississippi Ethics Commission supplies example Mississippi Model Public Records Rules, issues orders from complaints, and other resources related to public records at <https://www.ethics.ms.gov/>.

The Center for Government and Community Development staff design and deliver educational programs, training activities, information, and technical assistance in response to the high-priority economic and community development needs of Mississippi communities and their citizens. Participants in GCD programs include local government leaders, community-based organizations, state and local agencies, and business enterprises. For additional local government resources, please visit [gcd.msstate.edu](http://gcd.msstate.edu) or call (662) 325-3141.

---

**Publication 3843** (POD-11-22)

By **Jason Camp**, PhD, Extension Specialist, Extension Center for Government and Community Development.

*Copyright 2022 by Mississippi State University. All rights reserved. This publication may be copied and distributed without alteration for nonprofit educational purposes provided that credit is given to the Mississippi State University Extension Service.*

Produced by Agricultural Communications.

Mississippi State University is an equal opportunity institution. Discrimination in university employment, programs, or activities based on race, color, ethnicity, sex, pregnancy, religion, national origin, disability, age, sexual orientation, gender identity, genetic information, status as a U.S. veteran, or any other status protected by applicable law is prohibited.

Extension Service of Mississippi State University, cooperating with U.S. Department of Agriculture. Published in furtherance of Acts of Congress, May 8 and June 30, 1914. STEVE MARTIN, Interim Director

