



*Water Is Life*

**POLICIES AND PROCEDURES**  
**FOR FEES AND REPRODUCTION OF DOCUMENTS**  
**OF THE**  
**DIAMONDHEAD WATER & SEWER DISTRICT**  
**DIAMONDHEAD, MISSISSIPPI**

## PREAMBLE

The Board of Commissioners of the Diamondhead Water & Sewer District 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 District Records affects requests for records of the Diamondhead Water & Sewer district requested on and after the effective date of August 11, 2016. This Policy replaces and supersedes all previous public records policies and ordinances enacted by the District prior to the effective date of this Policy.

### SECTION I. Authority and Purpose.

A. Miss. Code Ann. § 25-65-1, (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 this Act. 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.”

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 the Diamondhead Water & Sewer District 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 the Diamondhead Water & Sewer District as well as establish the processes for both said requestors and District employees to follow in order to best assist members of the public in obtaining such access.

### SECTION II. Online Access.

Requestors are encouraged to utilize the District’s website at <http://dwsd.us/> as many public records are readily available thereon at minimal or no cost.

### SECTION III. Comptroller as Public Records Officer.

The Board of Commissioners of the Diamondhead Water & Sewer District designates the comptroller as a point of contact for members of the public seeking public records. Upon receiving a public records request, the comptroller shall acknowledge receipt of same and shall route the request to the appropriate District official or department for processing. The District official/department receiving the public records request from the comptroller shall notify the General Manager that (i) the request has been received; and (2) of final disposition of the matter. The comptroller shall maintain a file of completed public records requests.

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

Public records are available for inspection and copying during normal business hours of the District, Monday through Friday from 8:00 a.m. to 4:00 p.m., excluding legal holidays. Any person requesting public records of the District must complete the Public Records Request form (available at <http://dwsd.us/> under "Forms") and submit same to the District at its offices located at 4425 Park Ten Drive, Diamondhead, Mississippi 39525.

A requestor has the duty to request identifiable records. The District is not required to conduct research for a requestor but only to produce identifiable public records. When the District receives a broad or vague request, it will seek clarification of the request from the requestor. The District 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 the District. Any request submitted must clearly identify the public records requested. The District can only produce records it can locate based upon the description provided by the requestor.

The District 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.

The District shall inform any requestor if the records requested are available on the District's website. There will be no charge made for electronically-accessible information on the District's website and the District shall provide the requestor with the necessary information to view the information which is available on the District's website at no cost to the requestor.

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 V. 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 the District's receipt of payment of the estimated reproduction costs, the district shall (a) make the records available for inspection or copying; (b) if copies are requested and payment is made at terms agreed to by the District, 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 the District. When the District 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 the District 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 the District's 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, the District shall redact (black out) the exempt portion and then provide the remainder to the requestor. Originals shall not be redacted. For paper records, the District 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, the District 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. The District shall charge a reasonable fee for the redaction of any exempted material which shall not exceed the District's actual cost.

If requesting to inspect District records, the District shall notify a requestor that the records will be available for inspection upon payment of costs, if any, and ask the requestor to contact the District 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 the District's notice of availability to a requestor. The District 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, the District shall notify the requestor of the projected costs and whether a deposit is required before a review and search commences or copies made.

#### **SECTION VI. 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 8 contained herein.

#### **SECTION VII. 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 the District 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 the District shall, prior to filing, redact from the documents any social security numbers, account numbers or dates of birth not required to be listed. The District 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 the District 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 VIII. Cost of Public Records.**

The cost for reproducing paper copies of records shall be \$0.25 per page plus the costs of searching and reviewing said records if required. The District shall require payment in advance for all costs before providing copies or access to records.

The cost for searching and collecting the requested information shall be based upon an hourly rate as determined by the salary of the lowest paid employee capable of performing the work.

If a District department gathers requested information from several sources and creates a list of information on several pages, the pages shall be scanned and made available as an Adobe Acrobat PDF copy at a cost of \$0.50 per page.

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 the Diamondhead Water & Sewer District.

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 District records, the requestor shall first pay the District 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. If choosing to copy a lesser amount than originally requested, a requestor shall submit a new public records request for the copies being sought at a cost of \$0.25 per page.

**SECTION IX. Review of Denials of Public Records.**

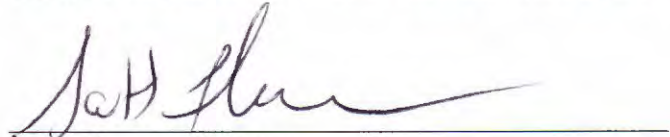
Any person or corporation who objects to the initial denial or partial denial of a records request may petition in writing to the Board of Commissioners for a review of that decision. The petition must include a copy of or reasonably identify the written statement by the Public Records Officer denying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

**SECTION X. Effective Date.**

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

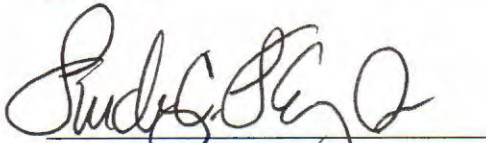
SO ADOPTED, THIS THE 11th DAY OF August, 2016.

**DIAMONDHEAD WATER & SEWER DISTRICT**



Scott Thomas, Chairman

ATTEST:



Lindsay "Pink" L'Ecuver,  
Secretary/Treasurer





Water Is Life

**DIAMONDHEAD WATER & SEWER DISTRICT**  
4425 PARK TEN DRIVE  
DIAMONDHEAD, MISSISSIPPI 39525

**PUBLIC RECORDS REQUEST**

DATE REQUESTED: \_\_\_\_\_

REQUESTED BY \_\_\_\_\_

ORGANIZATION: \_\_\_\_\_

PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

*Fees must be paid by personal check or  
Money order made payable to the  
DIAMONDHEAD WATER & SEWER DISTRICT*

**FOR INTERNAL USE ONLY:**

Request Received Date \_\_\_\_\_

Request Received By: \_\_\_\_\_

**SUMMARY OF COST**

Rate \$ \_\_\_\_\_ \* Hours \_\_\_\_\_ \$ \_\_\_\_\_

Data Size \_\_\_\_\_ mb \* \$10/mb \$ \_\_\_\_\_

Storage Retrieval Cost \$ \_\_\_\_\_

\_\_\_\_\_ Copies \* \$0.25/copy \$ \_\_\_\_\_

**TOTAL COST  
OF REPRODUCTION \$ \_\_\_\_\_**

Response Date: \_\_\_\_\_

Response Prepared By: \_\_\_\_\_

Records are unavailable as requested due to:

- Records are nonexistent
- Records are private data
- Production is cost prohibitive
- Other (See Attached Explanation)

**RECORDS REQUESTED**

DATE RANGE (if applicable) \_\_\_\_\_

DESCRIPTION OF RECORDS REQUESTED \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PREFERRED RESPONSE FORMAT**

MAP (Y/N) \_\_\_\_\_

ELECTRONIC (Y/N) \_\_\_\_\_

HARDCOPY (Y/N) \_\_\_\_\_

DELIVERY METHOD  Website  Email  Personal Pickup  
 Overnight Mail  First Class Mail

**YOUR SIGNATURE BELOW INDICATES YOUR APPROVAL AND AUTHORIZATION TO PROCEED WITH THE  
REPRODUCTION OF RECORDS AND YOUR AGREEMENT TO PAY ASSOCIATED FEES**

Signature \_\_\_\_\_ Date \_\_\_\_\_

(8/11/2016)