

<b>UMMC POLICY AND PROCEDURE MANUAL</b>	<b>A-IP-GEN-GEN-PO-00123</b>
<b>Subject:</b> Public Records Request Policy	
<b>Revised Date:</b> 10/7/2020	<b>Effective Date:</b> 8/27/2020
<b>Prepared By:</b> Marc Rolph	<b>Approved By:</b> Brian Rutledge  <b>Reviewed By:</b> Tom Fortner

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

PUBLIC RECORDS REQUEST POLICY

**I. Purpose:**

Mississippi law requires that public entities, which includes The University of Mississippi Medical Center (“UMMC”), provide access to or copies of public records in response to a written request. The mandate for open disclosure of public records has certain exceptions from disclosure, but those exceptions are limited. The law requires that a public entity that receives a public records request must comply with a written request within up to 7 working days.

**II. Scope:**

This policy applies to all UMMC faculty and staff receiving a request for public records. This policy also applies to any individual requesting to inspect, copy or review public records possessed by UMMC.

**III. Policy:**

UMMC follows applicable law and the policy of the Board of Trustees of State Institutions of Higher Learning (“IHL”) which directs the method and time within which responses to written public records requests are to be made.

**IV. Procedure:**

To ensure compliance with the law and the above referenced IHL policy, the following are hereby adopted by UMMC for the processing of all public records requests:

**A: Submitting a Request for Public Records**

- Any person wishing to inspect, copy or review public records maintained by UMMC must first make a formal written request by completing the UMMC’s Public Records Request Form and submitting the completed form to UMMC by U.S. mail or email.

**By U.S. Mail:**

- UMMC Office of Communications and Marketing  
 Attn: Public Information Officer  
 2500 North State Street  
 Jackson, MS 39216-4505

**By Email:**

- [publicrecords@umc.edu](mailto:publicrecords@umc.edu)

**To be processed, ALL requests for public records must include the following information:**

1. Name of requester
2. Mailing Address of requester
3. Other pertinent contact information, including phone numbers and/or email addresses

4. Detailed description of the public records being requested that includes date ranges for the records sought, in such a way that it assists UMMC in locating the records requested.
5. The type of review specifically requested, to personally inspect, receive copies of the requested material, or another method.
6. The date and time of the request

## B. Processing a Request for Public Records

- **Acknowledging Receipt of Request:** Upon receipt of a written public records request (“PRR”) signed by an individual requester, the receiving individual will (within one business day) forward a copy of the request to the Office of Communications and Marketing. The Office of Communications and Marketing’s public information officer (“PIO”) will then notify the appropriate administrative official(s). If the PIO has any questions regarding the legality of the request, those questions will be directed to the Office of General Counsel for review and advisement. Within two business days of the receipt of the PRR, the PIO will send a written acknowledgement to the requester confirming receipt of the PRR.
- **Initial Review:** If the PRR constitutes an appropriate request requiring a response, the PIO will then communicate with the UMMC official(s) who maintains the requested records to determine whether UMMC has the records requested within its possession and/or control.
- **Exemptions:** Some records are exempt or protected from disclosure, in whole or in part. If UMMC believes that a record is exempt from disclosure, the PIO will notify the requester of the exempt and/or protected nature of the record, and identify the applicable exemption. UMMC may determine that it can redact protected or exempt information and provide the portion of a record that is not protected or exempt. In such case, UMMC will redact the exempt portions, provide the nonexempt portions, and indicate to the requester why portions of the record have been redacted. Pursuant to Miss. Code Ann. § 25-61-9, if the requested records include trade secrets or confidential commercial or financial information of third parties, UMMC will provide written notification to the third party of the pending PRR, provide them a copy of the PRR, and ask them to respond within no more than twenty-one days, as allowed by law. The following list of exemptions frequently applies to records in the possession or control of UMMC:
  - (a) Academic records (see Miss. Code Ann. § 37-11-51);
  - (b) Attorney work product (see Miss. Code Ann. § 25-1-102);
  - (c) Hospital records (see Miss. Code Ann. § 41-9-68);
    - (i) Records directly relating to the terms of any potential or current employment or services agreement with any physicians or other employees of a public hospital, including any application for medical staff privileges or membership with a public hospital;
    - (ii) Records directly relating to the credentialing, health, performance, salary, raises or disciplinary action of any employee or medical staff member or applicant for medical staff privileges at a public hospital;
    - (iii) Records directly relating to prospective strategic business decisions of a public hospital, including without limitation, decisions to open a new service line, implement capital improvements, or file applications for certificates of need or determinations of nonreviewability with the State Department of Health; and
    - (iv) Records directly relating to individual patient billing and collection information;
  - (d) Personnel files (see Miss. Code Ann. § 25-1-100); and,
  - (e) Trade secrets, proprietary commercial and financial information (see Miss. Code Ann. § 25-61-9 and § 79-23-1).
- **Costs:** The PIO in consultation with the appropriate administrative officials will determine costs for providing public records. Costs of providing access to and/or copies of the requested records will be assessed according to the applicable IHL policy. Potential costs include, but are not limited to, staff time for those who participate in the identification and search for records, legal costs, secretarial time and resources used to copy and make necessary redactions, and general mailing costs. Once costs are determined, the PIO will notify the requestor of the applicable cost. Pursuant to Miss. Code Ann. § 25-61-7, records are not provided prior to payment of the applicable costs by the requestor.
- **Production of Records:** Once public records responsive to the PRR are identified, any exemptions verified and applied, the requisite time for any third party response has expired (absent receipt of a protective order), and receipt of payment of the applicable costs, the PIO shall provide the requestor with access to or copies of the requested public records.
- **Closing Withdrawn or Abandoned Requests:** If the requester either withdraws the request or otherwise fails to exercise his/her obligations to submit payment for the requested records or inspect the records within 30 days from the date of being notified of their availability, then UMMC shall close the request and refile the assembled records.
- **Review of Denials of Requests for Public Records:** Any person who objects to the initial denial or partial denial of a PRR may, within ten days of the denial, submit a written petition to the Executive Director - Office of Communications and Marketing for a review of the denial decision. The petition must include a copy of or reasonably identify the written statement by UMMC denying the request and a descriptive statement as to the petitioner’s stance that the denial was issued in error or contrary to applicable law. The Executive Director - Office of

Communications and Marketing will provide a written response to the petition within two business days. Complaints regarding UMMC's processing of PRRs may be made to the Mississippi Ethics Commission.

- **Public Records Request Log:** The PIO shall keep a log of all received PRRs, which shall include, but not be limited to, the date of receipt of each request, the name of the requesting party, the requesting party's contact information, a description of the requested records, the date of each communication with the requestor, the date the records were provided, the applicable costs of the search, and the date payment was received.

**Attachments:**

[UMMC's Public Records Request Form](https://secureforms.umc.edu/forms/public_records_request.aspx): [https://secureforms.umc.edu/forms/public\\_records\\_request.aspx](https://secureforms.umc.edu/forms/public_records_request.aspx)