



Disclosure of Information

Policies and procedures concerning the availability of and disclosure of records and information maintained by the Mississippi Emergency Management Agency is in accordance with Section 25-6-1 et seq., Mississippi Code of 1972, "The Public Records Act of 1983." This applies to all records and information materials generated, developed, or held by MEMA.

Public Records Request

"The Public Records Act of 1983", Miss. Code Ann. § 25-61-1, et seq., states that it is the policy of the Legislature that public records must be available for inspection by any person unless otherwise provided by this act. As such, Miss. Code Ann. § 33-15-11(12) exempts information and data for assessment of vulnerabilities and capabilities within the borders of Mississippi as it pertains to the nation and state's security and homeland defense.

All requests for public information from this agency must be made in writing using the form attached to this policy to:

Mississippi Emergency Management Agency
Legal Division
P.O. Box 5644
Pearl, MS 39288

Requests, using the accompanying form, may also be e-mailed to wdreher@mema.ms.gov or faxed to (601) 933-6810.

If public records requests are not directed through the channels provided above, official receipt of your public records request may be delayed as it may take additional time (no more than two working days) to route your request to the correct agency department.

Requests not made on the MEMA Official Public Records Request form will not be recognized as an official public records request. The purpose of using this form is to readily identify your request as a public records request made pursuant to applicable state laws, and will provide the agency with the information necessary to efficiently and expeditiously comply with your request.

Costs for Public Records Requests

Please note that whenever possible, records will be provided at little or no cost to the requestor. However, MEMA (the agency) may charge reasonable fees as follows to cover retrieval and copying costs. Per Miss. Code Ann. § 25-61-7, MEMA requires that any associated cost be paid in advance of complying with a request for public records. The following charges are applicable for public records requests to MEMA:

- No charge for inspection of public records
- \$10 per hour for clerical assistance.
- \$40 per hour for professional and/or technical assistance.
- \$0.25 per copied page.
- \$0.10 per scanned page.
- Associated delivery costs.
- Other costs as determined due to the nature of a specific request.

In the event that the estimated costs for production of public records exceeds \$30.00 (Thirty Dollars), (for example approximately two hours of clerical assistance, 15 minutes of legal assistance, and 40 paper copies or 100 electronic copies) MEMA will provide the requestor with an estimate of cost. This estimate must be paid prior to any production. If costs for actual production exceed the estimated cost paid, MEMA will produce documents up to the cost provided and will send a second invoice for the remaining cost of production. The method is employed to avoid non-payment of charges for a public records request that has already been performed. To fulfill a public records request MEMA employees must stop work on their everyday duties of emergency management to identify, retrieve, and review public records. This method ensures that these efforts will be compensated for, especially when fulfillment of the request has been extensive and time consuming.

Inspection of Public Records

Inspection of public records is available at no charge. Inspection must be conducted the Mississippi Emergency Management Agency, #1 MEMA Drive, Pearl, MS 39208, during normal hours of operation (Monday through Friday from 8 a.m. to 5 p.m. excluding state holidays). Requests for inspection of public records must be made on the attached MEMA Official Public Records Request form and must be submitted according to the guidelines above. Appointments for inspection of public records will be made no sooner than two business days after receipt of an official public records request for inspection made according to this policy. If it is required that information must be redacted from public records available for inspection pursuant to the Miss. Code, the timeframes outlined below will be employed for inspection of public records. If redaction of information is necessary, the charges will apply as outlined above pursuant to Miss. Code Ann. § 25-61-5.

Timeframes for Responses to Public Records Requests

The agency will make all efforts to respond to each request within seven (7) working days as provided by §25-61-5, Mississippi Code of 1972. However, MEMA may not be able to produce all requests for public records within seven (7) working days and will produce within fourteen (14) working days after providing the requester with a written explanation of why production cannot be made within seven (7) days. Further, if the State Emergency Operations Center is activated due to an emergency, whereby all agency personnel will be involved in response and recovery operations, all requests will be handled after the agency has returned to normal operation status.

Exemptions

1. Requests for MEMA records may be denied if disclosure is exempted under any provision of the Miss. Code Ann. including but not limited to §§9-1-38, 13-5-97, 25-1-100, 25-1-102, 25-1-111, 25-61-9, 25-61-11, 27-3-77, 31-1-27, 33-15-11(b)(12), 39-7-41, 41-9-68, 73-52-1, 79-23-1, Mississippi Code, 1972.
2. Usually, except when a record is classified, or when disclosure would violate any other statute, the authority to withhold a record from disclosure is permissive rather than mandatory.
3. The authority for non-disclosure will not be invoked unless there are compelling reasons mandating such action.

Records of Other Agencies

1. If a request is submitted to MEMA for current records that are the primary responsibility of another agency, MEMA will refer the request to the pertinent Agency for appropriate action.
2. MEMA will advise the requester that the application has been forwarded to the responsible Agency.

Denials of Public Records Requests

Per Miss. Code Ann. § 25-61-5 denials by MEMA of a request for access to or copies of public records will be made in writing and will contain a statement of the specific exemption relied upon by the public body for the denial.

Suspension of Timeframes in times of Emergency

Pursuant to Miss. Code Ann. § 33-15-11(c)(1) allows the Governor to suspend the provisions of any regulatory statute, including the Public Records Act of 1983, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with a disaster or emergency. As all employees of MEMA have the primary responsibility for emergency management or support for emergency management functions, in times of disaster or emergency as declared by the Governor in a Proclamation of Emergency, the time frames regulated by statute and this policy may be suspended in order to adequately provide emergency or disaster assistance to the state of Mississippi and its citizens.



MEMA

MEMA Official Public Records Request

By Mail:
 Mississippi Emergency Management Agency
 Legal Division
 P.O. Box 5644
 Pearl, MS 39288

By Hand Delivery:
 Mississippi Emergency Management Agency
 Legal Division
 #1 MEMA Drive
 Pearl, MS 39208

By Email:
wdreher@mema.ms.gov

By Fax:
 601-933-6810

Name of Person Requesting Records Hart Wood

Organization of Person Requesting Records (if applicable) American Oversight

Contact Information:

Mailing Address American Oversight, 1030 15th Street NW,
Suite B255, Washington, DC 20005

Phone Number (202) 873-1743

Email records@americanoversight.org

In many instances, MEMA must contact a requestor to clarify their request. Please provide your preferred method of contact, understanding that contact by mail will not be as timely as a phone number or email contact and may delay your public records request. Please circle your preferred method of contact:

Mail Phone Email

Description of Public Records Request (please attach additional pages if necessary)

Please see attached request (MS-MEMA-22-1086)

(Detailed and descriptive requests generally are more cost effective to the requestor and prevent the production of unwanted or unnecessary information and the subsequent charging for said unwanted and/or unnecessary information).

Please check your preferred method of production:

- Inspection (no charge)
- Paper copies (\$0.25 per page)
- Electronic copies (\$0.10 per page)

Preferred method of delivery if not inspecting:

- Pick up at Pearl office (no charge)
- Mail for paper or electronic copies (charged U.S. Postal Services Standard Mailing Rate for appropriate package size)
- Email for electronic copies (available only if the electronic file is small enough to be emailed according to MEMA's server capacity)

(Please remember that inspections will be conducted pursuant to MEMA's published Policy on Public Records)

If estimated costs exceed \$30.00 (Thirty Dollars), approximately two hours of clerical assistance, 15 minutes of legal assistance, and 40 paper copies or 100 electronic copies, MEMA will provide the requestor with an estimate of cost. This estimate must be paid prior to any production. If costs for actual production exceed the estimate cost paid, MEMA will produce documents up the cost provides and will send a second invoice for the remaining production.

I, Hart Wood (print name), hereby acknowledge the terms provided in MEMA's Policy on Public Records Requests and further acknowledge the willingness to remit any costs associated with my public records request as described above.

11/12/2022

/s/ Hart Wood

SIGNATURE OF REQUESTOR

DATE



VIA U.S MAIL and PORTAL

Mississippi Emergency Management Agency
Legal Division
P.O. Box 5644
Pearl, MS 39288
wdreher@mema.ms.gov

Re: Mississippi Public Records Act Request

Dear Public Records Officer:

Pursuant to the Mississippi Public Records Act, Miss. Code § 25-61-1 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office the following records within seven working days:

1. All text messages or messages on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DMs, etc.) sent or received by any of the officials listed below.
 - a. Executive Director Stephen McCraney
 - b. Deputy Director Clayton French
 - c. Response Director Andrew McMillin

2. All email communications (including any email messages, attachments, or calendar invitations) sent by any of the individuals listed below.
 - a. Executive Director Stephen McCraney
 - b. Deputy Director Clayton French
 - c. Response Director Andrew McMillin

In an effort to accommodate the Mississippi Emergency Management Agency and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its second request to emails sent by the individuals listed above. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Executive Director Stephen McCraney response to an email and the initial received message are responsive to this request and should be produced.



For parts 1 and 2 of this request, please provide all responsive records from Aug. 27, 2022, through Sept. 7, 2022.

3. Any risk assessments, inspections, or reviews created by or provided to your office regarding the conditions of the O.B. Curtis or J. H. Fewell Water Treatment Plants.

For part 3 of this request, please provide all responsive records from November 19, 2021 through Aug. 29, 2022.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.¹

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not

¹ American Oversight currently has approximately 16,400 followers on Facebook and 119,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited September 13, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited September 13, 2022).

understand any part of this request, please contact Hart Wood at records@americanoversight.org or (202) 873-1743.

Sincerely,

/s/ Hart Wood

Hart Wood
on behalf of
American Oversight