

Sunshine Law Requests

Date Approved: 8/11/2017	Date Effective: 8/11/2017
Approved By: Chief John Nemes	Next Review: 8/11/2018

Purpose: To outline Marion County Ambulance District's (MCAD) commitment, policy, and procedure in compliance with Missouri's Sunshine Law.

MCAD shares the State of Missouri's commitment to openness in government as clearly stated in Section 610.011 of the Sunshine Law: "It is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public unless otherwise provided by law. Sections 610.010 to 610.200 shall be liberally construed and their exceptions strictly construed to promote this public policy."

The law sets out the specific instances when a meeting, record or vote may be closed, while stressing these exceptions are to be strictly interpreted to promote the public policy of openness.

Public meetings, including meetings conducted by telephone, Internet or other electronic means, are to be held at reasonably convenient times and must be accessible to the public. Meetings should be held in facilities that are large enough to accommodate anticipated attendance by the public and accessible to persons with disabilities.

Policy: MCAD and its public governmental bodies (Board of Directors) do desire to conduct its business in a public fashion, and to advise all citizens of the community of meetings of members of the Board. MCAD recognizes that records of the Board are records that belong to the citizens, and as a general matter should be available to the public as a matter of course. However, there are occasionally reasons that some meetings and some records need to be closed to the public,

This Policy is designed to explain to members of MCAD's Board of Directors members, MCAD staff, citizens, and to the public at large the ways that MCAD plans to implement the Missouri Open Meetings and Records Act (Chapter 610 of the State Statutes).

Procedure:

- I. **Custodian of Records Designated:** The Office Assistant and/or Manager shall be designated as the "Custodian of Records" for this public governmental body of MCAD. Such designation does not mean that the Custodian will necessarily have all the records in his/her possession, but simply is an indication to whom requests for copies of records and information regarding the public governmental body shall be directed. Requests for records made to persons other than the Custodian of Records may not be considered to be requests that are made pursuant to the Missouri Sunshine Law, Chapter 610 of the State Statutes.
- II. **Open Records and Votes:** It is the public policy of MCAD that all Board meetings, records, votes, actions, and deliberations of this body shall be open to the public unless otherwise provided by policy or law. Records of finances, expenditures, revenue, budgets, and audit reports shall be open to the public unless otherwise provided by policy or law.
- III. **Closed Records and Votes:** All records of the Board which are permitted to be closed records by reason of the Sunshine Law, or by any other Statute of Missouri, or by any statute or regulation of the United States government shall be maintained as closed records. No such closed record shall be released to any person who is not a part of the Board or the Board's designated staff, except that the Board's auditor may see such records as are

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reasonably necessary to prepare an audit report as requested by the Board and the Board's attorney may see such records as are reasonably necessary to represent the Board. Requests that closed records be opened to public inspection will be considered on a case-by-case basis by the members of the Board or the Board's designee.

A public governmental body, MCAD is permitted, but not required, to close its meetings, records and votes when they relate to certain issues. Matters that may be closed include:

- Legal actions, causes of action or litigation (except that votes, minutes and settlement agreements must be opened to the public on final disposition, unless ordered closed by a court).
- Leasing, purchase or sale of real estate where public knowledge might adversely affect the amount paid in the transaction.
- Hiring, firing, disciplining or promoting a particular employee.
- Welfare cases of identifiable individuals.
- Software codes for electronic data processing.
- Individually identifiable personnel records.
- Records related to existing or proposed security systems.
- Records that are protected from disclosure by other laws.

When a public governmental body votes to meet in closed session, members must cite in open session the specific statute and subsection allowing closure. Once in closed session, the public body may not discuss any matter beyond the scope of the stated reason for the closed session. The public governmental body must close only that portion of the facility necessary for its members to conduct the closed meeting, allowing space for the public to remain and attend any later open session.

- IV. Protected Health Information and Confidential Patient Information: MCAD prohibits the release of any patient information to anyone outside the organization unless authorized by Policy 021 HIPAA Policy: Patient Access, Amendment & Restriction on Use of Protected Health Information. MCAD and its employees will comply with all National Standards to protect the privacy of Personal Health Information and HIPAA regulations.
- V. Records Requests: Unless otherwise provided by law, records of a public governmental body are to be open and available to the public for inspection and copying. MCAD may charge up to 10 cents per page for standard copies and the actual cost of the copy for larger or specialized documents (such as maps, photos and graphics).

MCAD may charge a reasonable fee for the time necessary to search for and copy public records. Research time may be charged at the actual cost incurred to locate the requested records. Copying time shall not exceed the average hourly rate of pay for clerical staff of MCAD. MCAD may reduce or waive costs when it determines the request is made in the public interest and is not made for commercial purposes. The law also requires that if a request is made in a particular format, the custodian shall provide the records in that format if it is available.

If access is denied, the custodian must explain in writing and must include why access is denied, including the statute that authorizes the denial.

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- VI. How Records are Requested: The Custodian of Records shall request that all requests for records, notices, or information be made in writing, although it shall not be a reason to refuse the request that the person making the request declines to put the request in writing. The Custodian of Records may require that all requests be accompanied by a deposit of the estimated cost of reproducing the requested information. Oral requests shall be immediately recorded in written form by the Custodian of Records to document the same.
- VII. Response Desired to be Noted on Request: The requesting party shall indicate on the request the manner in which a response is desired. In the absence of instructions to the contrary, it will be assumed that the requesting party wants to receive a response in the same form as the original request.
- VIII. Response Within 3 Business Days: The Sunshine Law requires that each request for access to a public record be acted on no later than the end of the third business day following the date the request is received by the custodian. For purposes of this policy, the Custodian of Records is directed to respond to a records request within 3 calendar days, not counting Saturdays, Sundays, or any day which is a holiday per MCAD policy.
- IX. Documentation of Response: The Custodian of Records shall document the response provided either by (1) making an extra copy of the response and attaching it to the original request, (2) noting on the request what documents were provided, or (3) keeping a copy of any letter or note requesting additional information in order to process the request.
- X. Request for Searches: A request for copies of "all documents" or "every document" of a particular sort involves a request to search through every record of the public governmental body in order for it to certify that it has provided "all" or "every" document. Such searches are expensive. Similarly, a request for records compiled in a format differing from the format in which the records are customarily retained is a request for a search and compilation, and can be expensive. As a general rule, the Custodian of Records is not expected to engage in extensive searches or compilations. Any search request that will require more than one (1) hour of the Custodian's time may be declined without an advance deposit for the estimated time required to search for the records.
- XI. Subpoenas for Closed Records: No subpoena for a closed record shall be honored. All such subpoenas shall be referred to the MCAD's legal counsel for a response, and for a motion to quash the subpoena. The only exception to this requirement that will be recognized is a subpoena from a grand jury.