



# OFFICE OF ADMINISTRATION ADMINISTRATIVE POLICY

POLICY TITLE: <b>Open Records</b>	AUTHORIZED BY: <b>Sarah Steelman</b> Commissioner
POLICY : <b>B-36</b>	PAGE: <b>1 of 4</b>
ISSUED: <b>March 3, 2008</b>	REVISED: <b>April 2018</b>

## **I.     General Statement**

This policy is established to provide standardization and consistency in the application of Chapter 610 of the Missouri Revised Statutes commonly known as the Sunshine law.

## **II.    Purpose**

The purpose of this policy is to carry out the provisions of Chapter 610 with regard to the availability and access to records. It is public policy of the Office of Administration that records of its agencies shall be provided in accordance with the following unless otherwise provided by law.

## **III.   Guidelines**

- A. Public records shall include any record retained by or of any public governmental body including any report, survey, memorandum or other document or study prepared and presented by a consultant or other professional service paid for in whole or in part by public funds. Such records may be in the form of paper, microfilm or electronic media. The records shall be made available in the format in which they are stored. No interpretation of records will be made nor will any record be developed pursuant to a request made under Chapter 610. Furthermore, pursuant to a deliberative decision making process, the following records are deemed closed pursuant to 610.021 by the Office of Administration and shall not be released unless disclosure is otherwise required by law.
1. Legal actions - causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement relating to legal actions, causes of action or litigation involving a public governmental body shall be made public upon final disposition of the matter voted upon provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorized institution of such a legal action. Legal work product shall be considered a closed record;
  2. Leasing, purchase or sale of real estate by a public governmental body - where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;



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3. Hiring, firing, disciplining or promoting an employee of a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body to hire, fire, promote or discipline an employee of a public governmental body must be made available, with a record on how each member voted, to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice before such decision is made available to the public;
4. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;
5. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;
6. Software codes for electronic data processing and documentation thereof;
7. Specifications for competitive bidding until either the specifications are officially approved by the public governmental body or the specifications are published for bid;
8. Sealed bids and related documents, until the earlier of either when the bids are opened, or all bids are accepted or all bids are rejected;
9. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service officers and employees of public agencies once they are employed as such;
10. Records which are protected from disclosure by law or privilege;
11. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
12. Existing or proposed security systems and structural plans of real property owned or lease by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety;
13. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow



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unauthorized access to or unlawful disruption of a computer, computer system, computer network. Or telecommunications network of a public governmental body.

14. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body.
  15. Social security numbers.
- B. Each division or governmental body within the Office of Administration shall appoint a custodian who is responsible for the maintenance of that division's or governmental body's records. The identity and location of the custodian shall be made available upon request.
  - C. When a division, not to include boards and commissions assigned to the Office of Administration, receives a request for records, a copy of the request will be immediately forwarded to OA's legal staff by either scanning the document and emailing it or faxing a copy to OA's legal staff. Before responding to any request for documents the division must coordinate with OA legal staff regarding their response.
  - D. Public access for inspection and copying of records will be given during the normal working hours of the divisions or governmental body. Those hours will be 8:00 - 5:00 p.m. Monday through Friday unless otherwise established. No person shall remove original public records from the division or governmental body's office without written permission of the designated records custodial.
  - E. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records.
  - F. If access is not immediately granted, the custodian shall give a detailed explanation of the cause for delay and the place, date and time that the record will be available. The period of time allowed to provide the document may exceed three days for reasonable cause.
  - G. If access is denied, the records custodian shall provide, upon request, a written statement of the grounds for such denial citing the specific statutory provision under which access is denied. Such written statement shall be provided within three business days of the date of the request.



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- H. The division or governmental body shall charge a fee to provide access to or furnish copies of public records. Fees or charges will comply with the provisions of Chapter 610 of Missouri Revised Statues.
- I. The division or governmental body may wave the charge or reduce the charge when the division or governmental body determines that such action is in the public interest because it is likely to contribute significantly to public understanding of the operations of activities of the division or governmental body is not primarily in the commercial interest of the requester.
- J. The division or governmental body shall give a written estimate of the cost to produce the documents requested. The division or governmental body may require the requester to pay the copying fee prior to making copies. The form of acceptable payment for such documents are cash, or cashier's check, money order or personal check made payable to "The State of Missouri."
- K. The division or governmental body shall remit funds for the payment of such documents to the Division of Accounting. The Division of Accounting shall remit such payment to the Director of Revenue for deposit to the General Revenue Fund of the state, except as otherwise provided by law.
- L. Open Meetings - Notices of meetings of the board of Fund Commissioners, the Board of Public Buildings, the Head Injury Advisory Council, the Children's Trust Fund Board, the Missouri Deferred Compensation Commission, the Missouri Public Entity Risk Management Fund Board of Trustees and any other board, council, commission or other agency within the Office of Administration subject to the notice requirements of sections 610.020 and 610.022 shall provide the required notices in accordance with the following:
  - 1. Notices shall be prepared and posted by personnel designated by the division or governmental body utilizing information provided by the Office of Administration staff working with the division or governmental body holding the meeting.
  - 2. Meetings and votes may be closed to the extent they relate to the topics designated in III A of this policy.
  - 3. All public votes shall be recorded as required by section 610.015 except as otherwise provided by law.