



# WHAT YOU SHOULD KNOW ABOUT MISSOURI'S SUNSHINE LAW

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Missouri Department  
of Elementary and Secondary Education

# 1. WHEN IN DOUBT, PRESUME PUBLIC ACCESS

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- *Except as otherwise provided by law, all public meetings of public governmental bodies shall be open to the public as set forth in section 610.020, all public records of public governmental bodies shall be open to the public for inspection and copying as set forth in sections 610.023 to 610.026, and all public votes of public governmental bodies shall be recorded as set forth in section 610.015.*



2. The Sunshine Law applies to all records, regardless of what form they are kept in, and to all meetings, regardless of the manner in which they are held.

- **Public bodies are strongly encouraged to make information available in usable electronic formats to the greatest extent feasible. Section 610.029, RSMo.**
- **A request that a public record be provided in a format other than paper must be honored if the public governmental body is able to reproduce the record in that format. Opinion No. 153-98 and SB 1020 - section 610.023.3.**



3. The Sunshine Law *allows* a public body to close meetings and records to the public in some limited circumstances, but it almost never requires a public body to do so.

- ❑ **Other laws may require confidentiality for specific records or meetings. Examples are:**
  - ❑ **Family Educational Rights & Privacy Act. (20 U.S.C. § 1232g)**
  - ❑ **Health Insurance Portability & Accountability Act (42 U.S.C. § 300gg, 29 U.S.C § 1181 et seq. and 42 USC 1320d et seq.)**
  - ❑ **Privacy Act of 1974 (5 U.S.C. § 552a)**



4. A public body generally must give at least 24 hours' public notice before holding a meeting. If closed to the public, the notice must state the provision in law that allows the meeting to be closed.

□ **Notice of an open meeting must contain:**

- Date of meeting
- Time of meeting
- Place of meeting
- Tentative agenda
- If closed, the statutory basis for that action

□ **Enough to reasonably advise public of matters to be considered.**

□ ***Practice tip:* Indicate date and time notice is posted.**



4. A public body generally must give at least 24 hours' public notice before holding a meeting. If the meeting will be closed to the public, the notice must state the specific provision of the law that allows the meeting to be closed.

- **Posted at public body's main office**

- Or if there is no office, at the meeting location

- **At least 24 hours in advance**

- Weekends and holidays don't count

- News media get special notice on request

- **Emergency meetings**

- Less than 24 hours notice, but only for good cause, stated in the minutes



5. Each public body must have a written Sunshine Law policy and a custodian of records whose name is available to the public upon request.

□ **Policy may be simple...**

- name and address of custodian, schedule of fees and deadlines for filling requests...

□ **... or more detailed**

- including policy for routing records requests, specific cost for frequently requested records, circumstances under which fees will be waived...

□ **Compliance with a properly drafted policy protects individual members from liability for violations of the Sunshine Law.**



6. The custodian of records must respond record requests as soon as possible but no later than *three business days* after the custodian receives it.

- ❑ **The public is entitled to inspect, as well as receive copies of public records.**
- ❑ **If records are not available within three business days, custodian must explain delay and state when records will be available.**
- ❑ **Time for providing access may exceed three days for “reasonable cause.”**



7. The Sunshine Law deals with access to public records, not what records the body must keep or for how long.

- ❑ **A body cannot, however, avoid a records request by destroying records after it receives a request for those records.**
- ❑ **Chapter 109, RSMo, and the records retention schedules promulgated by the Secretary of State govern records retention.**



7. The Sunshine Law deals with access to public records, not what records the body must keep or for how long.

- **A public body must keep minutes for both open and closed meetings. Minutes must contain, at a minimum:**
  - **date**
  - **time**
  - **place**
  - **members present, members absent**
  - **record of any votes taken**



8. The Sunshine Law requires a public body to grant access to open records it already has, but it does not require a public body to create new records in response to a request for information.

- ❑ **A list of, e.g., licensees may not exist even though the information is available by copying or inspecting all the individual licenses.**
- ❑ **For frequently requested information, compiling it in a more user-friendly format may save time in the long run.**



9. When responding to a request for copies of its records, a public body is limited as to what it can charge for copying and research costs.

- ❑ **Unless a specific statute gives the authority to charge a different rate, the Sunshine Law governs the amount that can be charged for copies of public records.**
- ❑ **For electronic records, the cost cannot exceed the actual cost of making copies, the cost of any necessary programming, and the cost of the disk, tape, or other medium used for the duplication.**



9. When responding to a request for copies of its records, a public body is limited as to what it can charge for copying and research costs.

- **\$0.10 maximum per copy for regular copies (legal size or smaller).**
- **May add duplicating time, not to exceed the average hourly rate of pay for clerical staff.**
- **May charge for the actual cost of research time.**



## For More Information

Missouri Sunshine Law Home Page

<http://ago.mo.gov/Open-Government.htm>