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8310 - FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES

It is the policy of the "District that all persons are entitled to full and complete information regarding governmental decision-making, consistent with the Michigan Freedom of Information Act (the "FOIA" or the "Act").

For purpose of these procedures and guidelines, a "public record" means: a writing prepared, owned, used, in the possession of, or retained by the District in the performance of an official function, from the time it is created. Public record does not include computer software.

Procedures & Guidelines

General Information

- A. All officers, employees, and agents of the District shall protect public records from loss, unauthorized alteration, mutilation, or destruction.
- B. The Superintendent's designee is hereby designated the "FOIA Coordinator" with the authority and responsibilities stated in the Act and these procedures and guidelines.
- C. The FOIA Coordinator shall be responsible to accept and process all written requests for public records under the Act and shall be responsible for approving a denial under Section 5 of the Act (MCL 15.235)
- D. These procedures and guidelines regarding time frames, appeals, and fees do not apply to public records prepared for, or disclosed pursuant to another act or statute (i.e., requests for medical records made pursuant to the Public Health Code, or requests made pursuant to the Public Employment Relations Act or the Bullard-Plawecki Employee Right to Know Act, etc.).

Written Requests

- A. All Individuals desiring to inspect or receive a copy of a public record shall make a written request to the FOIA Coordinator that describes the public record sufficiently to enable the FOIA Coordinator, or his/her designee, to identify and locate the public record.
- B. The FOIA Coordinator, or any other designee, is not required to respond to oral requests for public records, but may do so for routine requests that can be granted immediately.
- C. If a written request is received directly by a District employee other than the FOIA Coordinator, the original shall be promptly forwarded to the FOIA Coordinator.
- D. A written request made by facsimile, electronic mail, or other electronic transmission is not received by the FOIA Coordinator until one business day after the electronic submission is made. If a request is delivered to a spam or junk mail folder, the request is not received by the FOIA Coordinator until one business day after it is discovered.
- E. Upon receiving a written request for a public record pursuant to these procedures and guidelines, a person or entity has the right to inspect, copy, or receive copies of the requested public records(s), unless the requested public record is exempt from disclosure pursuant to Section 13 of the Act (MCL 15.243), as amended.
- F. The School District is not required to create new public records, compilations, summaries, and/or reports of information in response to a FOIA request.
- G. Upon request for public inspection, the FOIA Coordinator, or any other designee, shall furnish a requestor a reasonable opportunity for inspection and examination of the requested public records, subject to applicable exemptions, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during regular business hours.
- H. A requestor may stipulate the public records be provided on non-paper physical media, electronically mailed, or otherwise electronically provided to him or her in lieu of paper copies. Notwithstanding the foregoing, such stipulation must be within the technological capabilities of the District.
- I. A person or entity may subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall remain valid for up to six months, at the request of the subscriber, and shall be renewable.
- J. If a requested public record may be obtained on the District's website or webpage, the FOIA Coordinator shall notify the requestor in writing of such availability and provide the direct internet address or link to obtain such public record. If, after receiving such written notification from the FOIA Coordinator, the requestor notifies the District that he or she continues to want the District to provide a copy of the available public record, in any format, the District shall process such request and may impose additional labor costs as specified within Article IV below.

Request Processing

- A. When the District receives a written request for a public record, the FOIA Coordinator, or any other designee, shall, in not more than five (5) business days after the District receives the request, respond to the request by one of the following:
 1. Grant the request.

2. Issue a written notice to the requestor denying the request.
 3. Grant the request in part and issue a written notice of the requestor denying the request in part.
 4. Issue a written notice extending, for not more than ten (10) business days, the period during which the District shall respond to the request.
- B. Any failure to respond to a written request as provided for above constitutes the District's determination to deny the request.
- C. Any written response denying a request for a public record, in whole or in part, is a final determination to deny the request or portion of that request. A denial response should contain the following:
1. An explanation of the basis under the Act or other statute for the determination that a public record(s), or portion(s) thereof, is exempt from disclosure, if that is the reason for denying all or part of a request.
 2. A statement that the public record(s) do not exist under the name/description given by the requestor or by another name reasonably known to the District.
 3. A description of a public record(s) or information on a public record that is separated or deleted if such separation or deletion is made.
 4. A full explanation of the requestor's right to either file an appeal with the Superintendent or designee or seek judicial review of the denial pursuant to Section 10 of the Act (MCL 15.240).
 5. Notice that a requestor may receive attorney's fees and damages pursuant to the Act if the Court determines that the District has not complied with Section 5 (MCL 12.235) of the Act and orders disclosure of all or a portion of a public record.

Deposits and Fees

In accordance with Section 4 (MCL 15.234) of the Act, the School District may charge fees for the necessary copying of a public record for inspection or for providing a copy provided it has established and made publically available, and follows procedures and guidelines to implement the subsection. Fees shall be limited to actual mailing costs, and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review and the deletion and separation of exempt from nonexempt information. Specific exclusions will be made as provided in subsection 4(2)(a) of the Act (the first \$20) of the fee is waived for recipient of public assistance and/or if indigent.)

In its response to a requestor, the District may require a good-faith deposit if the estimated fees for providing the response exceed \$50.00.

Procedures and Guidelines for Implementation

The School District shall establish procedures and guidelines for implementation of this policy related to the processing of requests, responses, deposit requirements, fee calculations and appeals.

Legal

M.C.L.15.231 et. seq.