

# FOIA SUMMARY OF PROCEDURES AND GUIDELINES

Michigan's Freedom of Information Act establishes a citizen's right to inspect, copy, or receive copies of any public record (that is not exempt) held by all "public bodies" in the state (including all public schools). FOIA regulates and sets requirements for the disclosure of these public records. Pursuant to Section 4 of the Michigan Freedom of Information Act, MCL 15.234, (the "FOIA" or the "Act") the Academy issues this written public summary of the following:

## How to Submit Request:

Request must be in writing to the FOIA Coordinator and must reasonably describe records requested. A request from a person, other than an individual who qualifies as indigent, must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address. A written request received made by fax, e-mail or other electronic submission is not received by the Academy until one (1) business day after the transmission is made.

Please review the following to ensure a timely and accurate response:

1. Address the written request to the "FOIA Coordinator" to the Academy address.
2. State that the written request is being made for public records pursuant the "Freedom of Information Act" or the "FOIA".
3. Describe the public records with enough detail to be identified and located, including the subject matter and the approximate date the public record were created.
4. State the manner in which the public records are to be provided, i.e., paper copies, non-paper physical media, e-mail, etc. Please note that all requests must be within the technological capabilities of the Academy.

## How to Understand the Written Responses:

Not more the five (5) days after receiving the request the Academy will respond to the request by:

1. Granting the request;
2. Issuing a written notice to the requesting person denying the request;
3. Granting the request in part and issuing a written notice denying the request in part; or
4. May notify the requestor in writing and extend the time for an additional ten (10) business days.

The Academy may require the requestor to sign an affidavit stating that the directory information will not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

If the requested information is on the Academy's website, the FOIA Coordinator will notify the requestor in writing that all or a portion of the requested records are available on the Academy's website. Any request for paper format or other form, including electronic formats, may result in additional charges.

## Deposit Requirements:

If the fee authorized under this section exceeds \$50.00, the Academy may require a 50 percent good faith deposit of the costs prior to complying with the FOIA request. The balance of the cost of the request must be paid before copies are picked, mailed or delivered.

## Fee Calculations:

Please review the attached Fee Itemization Form, which provides a line-by-line summary and explanation of the fees that the Academy may charge in response to a request, pursuant to Section 4 of the Act (MCL 15.234(1)).

## **Avenues for Challenges and Appeals:**

### Fee Dispute

If the requestor believes the fee estimated or charged exceeds the amount permitted under this procedures and guidelines and under Section 4 of the FOIA the requestor may:

1. Submit to the President of the Academy's Board of Directors a written appeal for a fee reduction that states the word "appeal" and identifies how the required fee exceeds the amount permitted under the Academy's procedures and guidelines and Section 4 of the FOIA.
2. Within ten (10) business days after receiving a written appeal, the Board shall do one of the following:
  - a. Waive the fee.
  - b. Reduce the fee and issue a written determination to the requestor indicating the specific basis that supports the remaining fee. The determination shall include a certification from the Board that the statements in the determination are accurate and that the reduced fee complies with Academy procedures and guidelines and Section 4 of the FOIA.
  - c. Uphold the fee and issue a written determination to the requestor indicating the specific basis under Section 4 of the FOIA that support the required fee. The determination shall include a certification from the Board that the statements in the determination are accurate and that the reduced fee complies with Academy procedures and guidelines and Section 4 of the FOIA.
  - d. Issue a notice extending, for not more than ten (10) business days, the period during which the Board shall respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The Board shall not issue more than one notice of extension for particular written appeal.
3. If the requestor does not agree with the Board's determination, the requestor may commence a civil action in circuit court in the county where the Academy is located within 45 days of receiving the Board's determination.

### Denial of Written Request

If the Academy makes the decision to deny all or a portion of the request, the requestor may either:

1. Submit to the President of the Academy's Board of Directors a written appeal that states the word "appeal" and identifying the reasons for a reversal of the denial. The written appeal is not considered to have been received until the first regularly scheduled meeting of the Board of Directors following the submission of the written appeal.

The Board shall do the following within ten (10) business days after receiving the written appeal:

- a. Reverse the denial.
- b. Issue a written notice to the appellant upholding the denial.
- c. Reverse the denial in part and issue a written notice to the appellant upholding the denial in part.
- d. Under unusual circumstances, issue a notice extending, for not more than ten (10) business days, the period during which the Board shall respond to the written appeal. The Board shall not issue more than one (1) notice of extension.

If the head of the public body fails to respond to the written appeal, or if the head of the public body upholds all or part of the disclosure denial, the appellant may seek judicial review under Section 10 of the FOIA.

2. Commence a civil action in the circuit court to compel the Academy to disclose the public records within 180 days after the Academy's final determination to deny the request. If the requestor prevails, the court may award reasonable attorney fees, costs and damages. The proper venue for an action against the Academy is the circuit court for the county in which the public record or the Academy is located.