

CITY OF CRYSTAL FALLS

FREEDOM OF INFORMATION ACT POLICY

The Council adopted this policy for the City of Crystal Falls on February 11, 2002. The policy identifies the procedures that City officers and employees are to follow when processing a request in accordance with Act No. 442 of the Public Acts of 1976, as amended (the "Act").

Section 1. Definitions

Act: The Michigan Freedom of Information Act No. 442 of the Public Acts of 1976 as amended.

FOIA: Freedom of Information Act.

FOIA Coordinator: The individual designated by the City Council, who is responsible for accepting and processing requests for public records as outlined in this policy and the Act, and who is responsible for approving denials or requests, or that individual's designee as provided.

Person: An individual, corporation, organization, or other legal entity, as modified by the Act.

Public Body: The City of Crystal Falls and its duly constituted departments, councils, boards or committees.

Public Record: A writing which is prepared, owned, used, in the possession of or retained by a public body in the performance of an official function from the time it is created and as otherwise defined by the Act.

Unusual Circumstances: Entails the need to search for, collect, or appropriately examine or review a voluminous amount of public records and/or the need to collect public records from numerous locations apart from the processing office.

Where not otherwise defined, the words and phrases contained in this policy shall have the meaning given to them, if any, by the Act.

Section 2. Right to Records

A person has the right to submit a written request for public record(s) from the City and its departments. The request must sufficiently describe the public record to enable the FOIA coordinator to identify the requested public record.

A person has the right to inspect a public record, unless exempted by law or court order, in accordance with Section 15.233 of the Act.

Original public records will not be released from the City offices where the public records are secured. A person may request that copies of a public record be provided subject to the payment of fees outlined in Section 4 of this policy.

Section 3. Rights and Obligations of the Public Body.

The FOIA Coordinator shall provide reasonable facilities and opportunities for the person(s) to inspect public records.

The FOIA Coordinator shall provide a certified copy of a public record if a person request the same in writing.

Neither the public body nor the FOIA coordinator is obligated to create a record, list, compilation, or summary of information that does not already exist. This includes analyzing, compiling, or summarizing existing information into a new format. Neither the Public Body nor the FOIA Coordinator are obligated to provide answers to oral or written questions.

The FOIA Coordinator shall provide copies of any public records as provided for in the Act and shall retain a copy of all written requests on file for a period of not less than one (1) year. The FOIA Coordinator will follow the provisions of Section 4 of this policy.

Section 4. Provisions for copying public records.

All FOIA requests submitted pursuant to the Act may be subject to fees and charges as follows:

Exact cost of postage, envelopes, and/or other containers used for mailing copies of the public records requested may be charged.

Labor cost may be charged as permitted by the Act and determined by the FOIA Coordinator based on Section 15.234 of the Act, using the wages of the lowest paid, full-time public body employee capable of retrieving the records requested.

A Deposit will be required in advance of compilation of the public records if it is determined by the FOIA Coordinator that the anticipated total cost will exceed \$50.00. The deposit will be 50% of the total anticipated cost. In the event a deposit is required, the FOIA Coordinator will not begin compilation of the public records until the deposit is received. The balance must be paid prior to the release of the public record copies. The cost will be determined with the completion of a Freedom of Information Worksheet for Determination of Charges prior to the compilation of the requested public record(s).

The City of Crystal Falls has limited in-house capabilities for copying photographs, audio or videotapes, microforms, maps or plans. If a person requests that copies be made of these or large documents which must be copied off-site, the FOIA Coordinator will determine and assess those costs. If an employee of the public body is required to deliver and/or pick up the public records and/or copies of public records, the labor hours spent and applicable mileage (at current City rates) will also be applied to the charges to the person(s) requesting the public records.

Copy fees will be charged at the rate of \$.25 per sheet.

Copy fees and mailing charges for future issuances of regularly published public records will be arranged through the FOIA Coordinator. A person can request that a public record, which is regularly published, be sent to them or they may be called for pick up of the public record for a period of time, not to exceed six months, unless extended. An escrow deposit of \$25.00 may be charged to the applicant to cover the costs of this service as determined by the FOIA Coordinator. The FOIA Coordinator must sign the request form (The Freedom of Information Act Worksheet for Future Issuances) to confirm that the public record is one that is regularly published.

Section 5. Procedures of the Public Body to Process the FOIA Request.

After a person has made a written request for a public record in accordance with the Act, the FOIA Coordinator shall respond within five (5) business days in one of four (4) ways:

1. Grant the request
2. Issue a written notice denying the request.
3. Grant the request in part and issue a written notice to the requesting person denying the request in part.
4. Issue a notice extending for not more than 10 business days the period during which the City shall respond to the request. The City shall not issue more than 1 notice of extension for a particular request.

Section 6. Procedures for Separation of Records.

If a request is made for an existing public record that includes information which is exempt from disclosure under the Act and information which is not exempt, the FOIA Coordinator must separate the material and make the non-exempt material available for examination and/or copying. Additionally, the FOIA Coordinator is directed to generally describe the material which had to be separated, unless doing so would reveal the contents of the exempt information and thus defeat the purpose of the exemption. The labor cost associated with such procedures shall be treated in accordance with Section 4.

Section 7. Designation of FOIA Coordinator.

The City Clerk/Treasurer is hereby designated to be the City of Crystal Falls' FOIA Coordinator. In addition, the following officers shall be authorized to act as FOIA Coordinator designees: The City Manager, the Deputy City Clerk/Treasurer, and the Chief of Police. The FOIA Coordinator and designees shall be responsible to accept and process request for public records and approve denials in accordance with Sections 5(4) and (5) of the Act.

Section 8. Appeals.

In accordance with the Act, where a person's request for a public record is denied, in whole or in part, the person shall be entitled to file a written appeal of the decision as follows:

The person shall be advised by the FOIA Coordinator of the right to file a written appeal to the City Council.

Where a written appeal is received by the City Council in accordance with the Act, the City council shall either (a) place the appeal on the agenda for the next regularly scheduled meeting where unusual circumstances are found to exist; or (b) consider and decide the appeal at the meeting at which it was received; or (c) direct that a special meeting to consider the appeal be scheduled. In its consideration of any appeal, the City Council shall review the materials submitted by the appellant, any written comments received from the FOIA Coordinator, and such other information as the City Council deems necessary.

The City Council may deliberate and take one of the following actions in response to the filing of an appeal:

- i) Reverse the disclosure denial.
- ii) Issue a written notice to the requesting person affirming the disclosure denial.
- iii) Reverse the disclosure denial in part and issue a written notice to the requesting person affirming the denial in part.

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WORKSHEET FOR FUTURE ISSUANCES

Under Section 4 of the City of Crystal Falls' Freedom of Information Policy, a person can request that a public record, which is regularly published, be sent to them or they may be called for pick up of the public record for a period of time, not to exceed six months, unless extended. The FOIA Coordinator must sign the request form to confirm that the public record is one regularly published in order for this worksheet to be validated.

The City requires that an escrow deposit of \$25.00 be paid when request is made to the FOIA Coordinator. (The deposit may be waived by the FOIA Coordinator if it is determined the cost to the City will be minimal.) The City will charge against that escrow deposit for the costs of copying and postage as outlined in Section 4 of the FOIA policy. The FOIA Coordinator will maintain an account sheet of the number of copies and costs for mailing. If the escrow deposit is reduced to \$1.00 or less prior to the expiration of the term of the FOIA request, the FOIA Coordinator will contact the person for an additional deposit or termination of the request.

I, _____, have read and agree to the terms listed above:

Public record requested: _____

Period of request (not to exceed six (6) months): _____

I request that the records be:

Sent to me at: _____

OR

Call to notify me that the public records are available for pickup at: _____

Phone number _____

Signature: _____

Applicant

Date: _____

I confirm that the public record requested above are regularly published by the City of Crystal Falls. The City has received the escrow deposit and agrees to provide copies of the public record as requested for the period listed above or until the request is terminated due to lack of escrow funds for copying and postage charges as described above.

Signature: _____ Date: _____

FOIA Coordinator