

Policy and Procedures- Freedom of Information Act

For Leighton Township Library

The following policy is to comply with the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq (FOIA).

I. The Freedom of Information Act (FOIA) mandates disclosure of certain public records. To fulfill this mandate, these policies have been set in place for providing FOIA requests to the Leighton Township Library, and Leighton Township Library Board. All persons are entitled to full and complete information regarding official acts of those who act as public employees- except those persons incarcerated in state or local correctional facilities.

II. The Library Director will serve as the FOIA Coordinator.

III. FOIA Requests must be in writing, and may be submitted in person or via mail, facsimile or electronic mail. Oral requests shall not be honored. A form is available for use, but is not required. Requests received by e-mail, fax, or other electronic means shall be deemed received by the FOIA Coordinator one business day after the date the electronic transmission is made and shall be handled in the same manner as a written request. Any employee who receives a written request for a document must immediately deliver the request to the FOIA Coordinator. Any written request for a document shall be considered a FOIA request, regardless of whether the word FOIA is used.

IV. Requests shall sufficiently describe the record to enable the FOIA Coordinator to identify and locate the record. The FOIA Coordinator shall maintain a log of all written requests received showing the nature and the date of the request, determination of disposition, date of disposition, and manner of final response to the request.

V. The FOIA Coordinator shall respond to the request no more than five business days, excluding holidays, after the request has been made. A single extension of not more than ten business days may be issued. One of the following responses will be provided:

1. *Grant the request.* A copy of the request for a public record along with all requested documents shall be sent to the person who requested the records. The Library will require payment be made for the allowable fees associated with the request before the record is made available.

2. *Deny the request.* The FOIA Coordinator shall sign and state the reasons for denial, including an explanation of the requesting person's right to seek a non-mandatory appeal from the decision to the Leighton Township Library Board or a judicial review of

the decision with the Allegan County Circuit Court. Failure to timely respond to the request constitutes denial.

3. Grant the request in part and issue a written notice denying in part the request.

Material which is partially exempt and partially subject to disclosure shall be separated or deleted, and the non-exempt material offered for inspection.

4. Issue a written notice indicating that the public record requested is available at no charge on the Library's website.

VI. Schedule of Fees.

A. Duplication costs. Cost per letter/legal size paper, single- or double sided will be \$0.10 cents for each page.

Cost per computer disk/drive will be actual cost times the number of disks/drives provided.

B. Delivery costs. First class postage will be used, unless the requester requires expedited shipping or insurance. Cost per fax will be \$5.00 per fax.

C. Labor Costs. Searching, reviewing, and deleting exempt information, charged at 15 minute increments, if less than one hour is currently \$12.50 per hour. Cost to copy, fax, and scan, make digital copies, and package and prepare to mail, will be charged at the current minimum wage for the state of Michigan, being \$8.15 per hour charged at 15 minute increments, rounded down.

D. Fee Reductions. The Library will waive the first \$20.00 of the processing fee for a request if you submit an affidavit stating that you are:

- Indigent and receiving specific public assistance; or
- A non-profit organization designated by the State of Michigan to carry out certain activities and your request satisfies the criteria.

VII. Record Retention. The FOIA Coordinator will maintain all FOIA requests on file for no less than one year.

VIII. Exemptions. Records specifically described in Section 13 of the FOIA Act. The following are most relevant, but not all inclusive.

- Information of a personal nature, if disclosure would constitute an invasion of an individual's privacy.

- Records or information specially exempted from disclosure by statute.
- A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids, or until the deadline for bids has passed.
- Appraisals for real property to be acquired by the public body until either an agreement has been entered into, or three years have elapsed, unless litigation has not yet terminated.
- Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts, including protected health information.
- Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than factual materials and are preliminary to a final agency determination of policy or action. Instances where this exemption shall not apply are specifically described in P.A. 442 Section 13 (m).
- Records of a public body's security measures, including plans, passwords, keys.
- Information or records that would disclose the social security number of an individual.
- Information or records subject to the attorney-client privilege, the physician patient privilege, or the psychologist-patient privilege.

IX. Appeals. Within ten (10) days after receiving a written appeal, the Leighton Township Library Board shall:

1. Reverse the denial;
 2. Issue a written notice upholding the appeal;
 3. Reverse the denial in part and issue a written notice upholding the denial in part.
- The ten (10) day time period shall begin on the date of the next regularly scheduled Leighton Township Library Board Meeting following the receipt of the request.

Decision of the Library Board may be appealed to Allegan County Circuit Court within 180 days.

X. A Copy of this policy shall be available at the LEIGHTON TOWNSHIP LIBRARY AND ON THE LIBRARY WEBSITE. www.leightonlibrary.org

The effective date of this policy is June 15, 2015 as approved by the Leighton Township Library Board.

Leighton Township Library- FOIA Request Form

Name: _____

Street Address: _____

City, State, Zip: _____

Phone: _____ Fax _____

Email: _____

Information requested (be as specific as you can):

For office use:

Date received:

Date: _____ Granted _____ Denied _____ Extended _____

Total cost _____ Paid _____