

ADM 46 FREEDOM OF INFORMATION ACT REQUESTS

1. PURPOSE

The Michigan Freedom of Information Act (FOIA) regulates and sets requirements for the disclosure of public records by all public bodies in the State of Michigan. As a public institution in the State, the College is subject to provisions of the FOIA. Under the FOIA, all persons, except those incarcerated, have the right to inspect and/or receive copies of public records maintained by the College.

2. AUTHORITY

MCL, §15.231 et seq.

3. PROCEDURE

- A. The Vice President of Administrative Services or designee shall be responsible for responding to Freedom of Information Act (FOIA) requests. A FOIA request can be submitted to any office at the College and that office is responsible for promptly forwarding requests to the Vice President of Administrative Services in the Business Office. However, persons are encouraged to submit their requests directly to the Business Office to avoid any delay. The President shall be kept informed by the Vice President of Administrative Services of any requests with potential legal, personnel, or public relations implications or other matters of significant institutional importance.
- B. A request must be in writing (which includes email and fax). The College has five business days in which to respond, although the response period can be extended by the FOIA officer up to an additional 10 business days, providing the officer specifies the reasons for the extension and the date by which the college will grant or deny the FOIA request. Day 1 of the response period is considered to be the next business day following receipt of the written request by any office of the College.
- C. The FOIA officer can either grant a request; deny it in full or in part, citing one or more exemptions specified in the FOIA; or certify that the requested document(s) does not exist. If a request is denied in full or part, a Notice of Right to Seek Appeal or Judicial Review shall be attached to the response.
- D. The following is a schedule of fees that will be charged by WSCC to persons who file Michigan Freedom of Information Act "FOIA" requests for public records of West Shore Community College:

Copying:

1. The charge for photocopies of documents shall be \$.05 per page.
2. The charge for copies of other public records, like audiotapes and photographs, shall be determined on a case by case basis, depending on the means and cost of preparing a duplicate of that public record.

Delivery:

1. The College shall generally charge the person who makes a FOIA request the actual cost of sending copies of the public records to the requester by first-class mail. If the copies of the public records to be sent to the requester exceed first-class mail weight limits, those copies will be shipped via U.S. Parcel Post (or by another commercial carrier at similar rates), and the actual cost of shipping will be billed to the requester.
2. The College may send copies of the public records to the requester by an express mail delivery service if the requester asks the College to use such a service and agrees that it will pay the additional charge for such a service. Use of an express mail delivery service is facilitated if the requester provides its own account number with that delivery service to the FOIA Office.

Labor:

1. The cost for time spent photocopying documents shall be billed at the hourly wage of the lowest paid full-time clerical employee at the College.
2. The cost for time spent on a public record search, on duplicating public records by means other than photocopying, on examining and reviewing public records, on separating exempt from nonexempt information, and on redacting exempt information from public records shall be billed at the respective hourly wages of the lowest paid College employees capable of performing those tasks with respect to that FOIA request.
3. Each hourly wage charged shall include salary and benefits. The hourly salary shall be as set forth in the applicable labor agreement for hourly employees. For fees involving labor by non-hourly employees, the hourly salary shall be computed by converting the relevant annual salary into an hourly salary based on a 40 hour week and a 52 week year. Each hourly salary shall be multiplied by the applicable fringe benefit load rate to convert the hourly salary into an hourly wage that reflects salary and benefit costs to the College.

Deposit:

1. The College will generally seek a deposit before undertaking the work necessary to respond to a FOIA request if, in its judgment, based upon a preliminary review of that FOIA request by the FOIA Office in consultation with the offices that will provide the relevant public records, the total fee to be charged is likely to exceed \$50.00. The deposit shall not exceed half of the total fee projected by the FOIA Office.
2. If the College requires a deposit, it will not process the FOIA request until the deposit is paid.

A person who makes a FOIA request for which a deposit is required may withdraw that FOIA request without charge instead of paying the required deposit.

Payment Terms:

1. Each deposit shall be paid in full before the FOIA request will be processed.
2. All other fees for responding to a FOIA request will be billed when the College responds to the FOIA request. An invoice will be provided by the College with the response. The amount invoiced must be paid within thirty days.
3. The College reserves the right to require payment in full of all fees incurred in processing a FOIA request before delivering the final, responsive documents.

Waiver of Fees:

1. The College may waive or reduce the fees it is authorized to charge for responding to a FOIA request if it determines that a waiver or reduction of the fee is in the public interest because responding to the FOIA request should be considered as primarily benefiting the general public.
2. The College will generally not charge a fee for responding to a FOIA request when the fee for responding to the FOIA request is below \$20.00. The College will treat multiple concurrent FOIA requests from the same person as one FOIA request for purposes of determining whether the fee is below \$20.00.
3. If the College concludes that all the public records sought by a requester are exempt from disclosure and, for that reason, completely denies a FOIA request, the College will generally waive the fee for responding to that FOIA request.

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4. The College shall waive the first \$20.00 of the fee for responding to a FOIA request from an individual who is eligible to make a FOIA request and who submits an affidavit with the FOIA request (a) stating that he or she is receiving public assistance, or, (b) if he or she is not receiving public assistance, stating facts that show his or her inability to pay FOIA fees because of indigency.

Other:

1. The College's decision to deny access to public records sought by a FOIA request because those records are, in whole or in part, exempt from disclosure does not excuse the person who files that FOIA request from payment of the fees for the work undertaken by the College in response to that FOIA request (e.g., the time spent searching for those records), unless the College waives those fees.
2. A person who seeks to inspect public records at the College or receive electronic copies, rather than to receive paper copies of those records, will still incur fees for labor costs necessary for the College to compile and prepare such records for that person's review. Please note, for example, that the College may, for security reasons, not allow a FOIA requester to examine original public records. In that event, the costs of copying such records will be billed to the requester. Similarly, the College will not redact its original records. Hence, a person who wishes to examine public records that the College redacts to prevent the disclosure of exempt information must pay the copying charges associated with the preparation of the redacted documents for that requester's review unless the College waives those charges.