

## **Freedom of Information Act (FOIA) Policies and Procedures**

### **Statement of Principles**

It is the policy of Mason-Lake Conservation District that all persons, except those incarcerated and sentenced, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

The District's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The District acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The District acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

The District will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The District's policy is to disclose public records consistent with and in compliance with State law.

The Mason-Lake Conservation District Board of Directors has established the following written procedures and guidelines to implement the FOIA and will create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary will be written in a manner so as to be easily understood by the general public.

### **Section 1: General Policies**

The District Board of Directors, acting pursuant to the authority of MCL 15.236, designates the District Manager (or Executive Director if available) as the FOIA Coordinator. He or she is authorized to designate other District staff to act on his or her behalf to accept and process written requests for the District's public records and approve denials.

If a request for a public record is received by email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a District spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The District is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other District staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves. The FOIA Coordinator shall keep a copy of all written requests for public records received by the District on file for a period of at least one year.

The District will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. If it does not, the District cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

A copy of this Procedures and Guidelines document and the District's Written Public Summary must be publicly available by providing free copies both in the District's response to a written request and upon request by visitors at District offices.

This Procedures and Guidelines document and the District's Written Public Summary will be maintained on the District's website at: [www.mason-lakeconservation.org](http://www.mason-lakeconservation.org), so a link to those documents will be provided in lieu of providing paper copies of those documents.

## **Section 2: Requesting a Public Record**

No specific form to submit a request for a public record is required. However the FOIA Coordinator may make available a FOIA Request Form for use by the public.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the District may be submitted on the District's FOIA Request Form, in any other form of writing (letter, email, etc.), or by verbal request. Verbal requests for records may be documented by the District on the District's FOIA Request Form. The request 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.

If a person makes a verbal, non-written request for information believed to be available on the District's website, where practicable and to the best ability of the employee receiving the request, the person making the request shall be informed of the pertinent website address.

A request must sufficiently describe a public record so as to enable District personnel to identify and find the requested public record.

A person may request that public records be provided on non-paper physical media, emailed or other otherwise provided to him or her in digital form in lieu of paper copies. The District will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by Mason-Lake Conservation District on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

### **Section 3: Processing a Request**

Requests received shall be responded to by doing one of the following:

1. Granting the request.
2. Issuing a written notice to the requestor denying the request.
3. Granting the request in part and issuing a written notice to the requestor denying the request in part.
4. Issuing a notice of a 10 business day extension. If this extension is taken, then by the end of the 10 business days, the request must be responded to with one of the first three choices above.

Written requests for information will be date and time stamped on the front of the document upon their arrival at the Conservation District. If a date stamp is not available, handwrite the received date on the front of the document. Any staff member of the District may receive a FOIA request and promptly relay it to the District Manager.

### **Section 4: Fees and Billing**

A fee may be charged for the labor cost of copying/duplication.

A fee will **not** be charged for the labor cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the District because of the nature of the request in the particular instance. The District Board of Directors specifically identifies the nature of the unreasonably high costs as any time required that exceeds one-half (1/2) hour.

The following factors shall be used to determine an unreasonably high cost to the District:

- Volume of the public record requested
- Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The Michigan FOIA statute permits the District to charge for the following costs associated with processing a request:

1. Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
2. Labor costs associated with searching for, locating and examining a requested public record.
3. Labor costs associated with a review of a record to separate and delete information exempt from disclosure.
4. The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the District's website if the person requesting information asks for the District to make copies. Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of

paper. The District will provide records using double-sided printing, if it is cost-saving and available.

5. The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the District's website if you ask for the District to make copies. Digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
6. The cost to mail or send a public record to a requestor, utilizing the actual cost to mail public records using a reasonably economical and justified means. The District may charge for the least expensive form of postal delivery confirmation. No cost will be made for expedited shipping or insurance unless specified by the requestor.

Labor costs will be charged at the hourly wage of the lowest-paid District employee capable of doing the work, regardless of who actually performs work. Time will be billed in 15 minute increments, rounded down all partial increments.

The District will waive the first one-half (1/2) hour of costs per request. The cost of the search for and copying of a public record may be waived or reduced if, in the sole judgment of the FOIA Coordinator, a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The District Board of Directors may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

The FOIA Coordinator will use a standardized form to estimate costs and/or waivers where applicable and provide to the person requesting information.

#### **Section 5: Appeals for Denial or Excessive FOIA Processing Fee**

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, or that an excessive fee has been assessed, he or she may appeal to the District Board of Directors by filing an appeal of the denial with the District Manager, Mason-Lake Conservation District, 655 N. Scottville Rd., Scottville, MI 49454.

The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the action. The District Board of Directors is not considered to have received a written appeal until the first regularly scheduled Board of Directors meeting following submission of the written appeal.

Within 5 business days of receiving the appeal, the District Board of Directors will respond in writing by:

- Reversing the denial or fee;
- Upholding the denial or fee; or
- Reverse the ruling in part and uphold the ruling in part; or
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Board of Directors shall respond to the written appeal. The Board of Directors shall not issue more than 1 notice of extension for a particular written appeal.

#### **Section 6: Conflict with Prior FOIA Policies and Procedures;**

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by Conservation District Board of Directors or the District Manager, these Procedures and Guidelines are

controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the Conservation District Board of Directors or the District Manager, the administrative rule promulgated by the FOIA Coordinator is controlling. To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the Conservation District Board of Directors or the District Manager, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the District Board of Directors of any change to these Policies and Guidelines.

## **Mason-Lake Conservation District**

### **Public Summary of FOIA Procedures and Guidelines**

It is the public policy of this state that all persons (except those persons incarcerated in state or local correctional facilities) are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees. The people shall be informed so that they may fully participate in the democratic process.

Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the following is the Written Public Summary of the District's FOIA Procedures and Guidelines relevant to the general public. This is only a summary of the District's FOIA Procedures and Guidelines. For more details and information, copies of the District's FOIA Procedures and Guidelines are available at no charge at the District office and on the District's website: [www.mason-lakeconservation.org](http://www.mason-lakeconservation.org).

#### **1. Requesting a public record**

- a. Anyone may request public information in writing via postal mail, via email, or in-person, to be transposed into a written request by the District
- b. Any request must include the name, postal address, and telephone number or email of the requesting party
- c. The request may be made using a form provided by the District in office or at [www.mason-lakeconservation.org](http://www.mason-lakeconservation.org), but this is not required

#### **2. How a request is processed**

- a. A request for a public record must be responded to within 5 business days
- b. If a request for a public record is received by email, the request is deemed to have been received on the following business day.
- c. The District may respond in the following ways to a request:
  - i. Granting the request.
  - ii. Issuing a written notice to the requestor denying the request.
  - iii. Granting the request in part and issuing a written notice to the requestor denying the request in part.
  - iv. Issuing a notice of a 10 business day extension. If this extension is taken, then by the end of the 10 business days, the request must be responded to with one of the first three choices above.

#### **3. Fees and Billing**

The Michigan FOIA statute permits the District to charge for the following costs associated with processing a request:

- a. Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- b. Labor costs associated with searching for, locating and examining a requested public record.

- c. Labor costs associated with a review of a record to separate and delete information exempt from disclosure.
- d. The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the District's website if the person requesting information asks for the District to make copies. Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. The District will provide records using double-sided printing, if it is cost-saving and available.
- e. The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the District's website if you ask for the District to make copies. Digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- f. The cost to mail or send a public record to a requestor, utilizing the actual cost to mail public records using a reasonably economical and justified means. The District may charge for the least expensive form of postal delivery confirmation. No cost will be made for expedited shipping or insurance unless specified by the requestor.

The FOIA Coordinator will use a standardized form to estimate costs and/or waivers where applicable and provide to the person requesting information.

#### **4. Appeals**

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, or that an excessive fee has been assessed, he or she may appeal to the District Board of Directors by filing an appeal of the denial or fee with the District Manager, Mason-Lake Conservation District, 655 N. Scottville Rd., Scottville, MI 49454.

- a. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the action. The District Board of Directors is not considered to have received a written appeal until the first regularly scheduled Board of Directors meeting following submission of the written appeal.