

**GANGES TOWNSHIP  
FREEDOM OF INFORMATION ACT (FOIA) POLICY**

**SECTION 1    DEFINITIONS**

FOIA/Act	Freedom of Information Act, PA 442 of 1976, as amended, MCL 15.231 et seq.
FOIA Coordinator	The person, designated by the Township Board, who is responsible for accepting and processing requests for information as outlined in this policy.
Person	An individual, corporation, organization, or other legal entity.
Public Body	Ganges Township and its duly constituted departments, commissions, 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 by the Act.
Writing	Documentation encompassing all varieties of records including computer, handwritten, printed, visual, or audio records.

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

**SECTION 2    RIGHTS AND OBLIGATIONS OF THE PERSON**

A Person has the right to request a Public Record from the Public Body. The request must be in writing and 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 otherwise exempted by law or court order. The original Public Record is not to be released from the Township offices where the Public Record is secured. A Person does have the right to request that copies be provided and those copies are subject to the fees outlined in Section 4.

A Person has the right to subscribe to future issuances of regularly published Public Records as outlined in Section 4 of the Act for a period of six months or less, upon which requests may be renewed.

A Person will be afforded reasonable facilities to examine the Public Records provided by the Public Body. Persons with special needs, as defined in the Americans with Disabilities Act, should contact the FOIA Coordinator to insure that arrangements for special needs or reasonable facilities are prepared.

### **SECTION 3 RIGHTS AND OBLIGATIONS OF THE PUBLIC BODY**

The FOIA Coordinator shall provide reasonable facilities and opportunities for Person(s) to inspect Public Records as reasonably requested under the Act. However, the FOIA Coordinator shall adopt reasonable rules regulating the time and manner in which records are reviewed and to protect the records and prevent excessive interference with the Public Body's normal operations.

The FOIA Coordinator shall provide a certified copy of a Public Record if a Person makes such a request in writing.

The FOIA Coordinator and/or the Public Body are not obligated to create a record, list, compilation, or summary, which does not already exist. The exemption includes analyzing, compiling, or summarizing existing information into a new format. All Public Records shall be retained per the Township's approved Retention Schedule. Neither the Public Body nor FOIA Coordinator is obligated to provide answers to questions.

The FOIA Coordinator or designee shall provide copies of any Public Records as provided for in the Act. The FOIA Coordinator will follow the provisions of Section 4 of this policy.

### **SECTION 4 PROVISIONS FOR COPYING PUBLIC RECORDS**

The first \$2.00 of copying/labor/postage and handling charges will be waived by the Township. Any Person(s) requesting copies will receive an itemized FOIA Worksheet of the anticipated charges (Attachment A). Ganges Township annually adopts a schedule of fees for providing various Public Records, including but not limited to voter lists through various medium, ordinances and copies. Any FOIA requests from a Person shall be charged in a manner comparable to the Fees and Charges approved by the Township Board. Postage and Handling shall also be charged as applicable and shall include the exact postage, as well as envelopes or other containers used for mailing copies of the Public Records requested.

The FOIA Coordinator may charge a fee for the labor involved with searching for, examining and reviewing a Public Record as permitted by the Act. The estimated labor charges that are involved will be included on the FOIA Worksheet if applicable. The Public Body is further authorized to require that ½ of the estimated fee be paid in advance of the performance of the work as authorized by the Act if the estimated total costs exceed \$50. The balance must be paid prior to the release of the Public Record copies. The FOIA Coordinator shall not charge additional fees for certification of any copies, if so requested. The charge for labor costs shall be determined by using the wages of the lowest paid, full-time Public Body employee capable of retrieving the Public Record(s) requested.

The FOIA Coordinator has limited access to copying maps or plans in-house. Copies are limited to 11”x 14” in-house. If a Person requests that copies be made of maps or other documents larger than 11”x 14”, the FOIA Coordinator will 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 mileage will also be applied to the charges to the Person(s) requesting the Public Records.

The first \$20 of copying/labor charges must be waived for any Person(s) receiving public assistance or who demonstrate an inability to pay due to indigency.

A person has a right to subscribe to future issuances of public records that are created, issued or disseminated on a regular basis. A subscription shall be valid for up to six months at the request of the subscriber and shall be renewable. Copy fees and mailing charges for future issuances shall be arranged through the FOIA coordinator. A person can request that the public record be sent to an address or they can be called to pick up the public records for a period of time not to exceed six months. The FOIA coordinator or Supervisor shall sign the request form to confirm that the public record is one that is issued on a regular basis in order for the worksheet to be validated.

The Township requires that an escrow deposit of \$10 be paid when this request is made to the FOIA Coordinator. The Township will charge against that escrow deposit for the costs of copying and postage as outlined under Section 4 of the FOIA Policy. There will be no labor charges since this must be a Public Record that is routinely developed. The FOIA Coordinator will maintain an account sheet containing 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. (See FOIA Worksheet for Future Issuances, Attachment B)

## **SECTION 5 PROCEDURES OF THE PUBLIC BODY IN PROCESSING A FOIA REQUEST**

After a Person has made a written request for a Public Record, the FOIA Coordinator must respond within five business days in one of four ways:

- 1) Grant the request. If the written FOIA request indicates that the Person wishes to inspect the Public Record(s), the FOIA Coordinator will contact the Person to arrange for an inspection of the Public Records requested at a reasonable time.

If the written FOIA request indicates that the Person wishes to have copies of the Public Record(s) prepared and/or sent to them and the anticipated cost is expected to exceed \$50, the FOIA Coordinator will respond with a FOIA Worksheet and request confirmation to continue based on the fees to be incurred. If the estimated total costs are anticipated to exceed \$50, a down payment of ½ of the total estimated fees will be required.

Upon receiving the Person's signature approving the FOIA Worksheet charges and down payment of any applicable fees, the FOIA Coordinator will respond by providing those Public Records in the manner agreed upon in the FOIA Worksheet.

- 2) The FOIA Coordinator or designee may issue a written notice denying the request. The notice of denial shall include an explanation as to why the requested document is exempt in accordance with the Act or an explanation that the requested Public Record does not exist under the name given by the Person and another name reasonably known to the Public Body, or an explanation or general description of information which had to be separated or deleted according to Section 6 of this policy.

In addition to one of the three explanations noted above, the denial shall also include an explanation of the Person's right to seek appeal from the Township Board and/or judicial review as provided by the Act.

- 3) The FOIA Coordinator may grant the request in part and issue a written notice denying the request in part. In this instance, the information that is exempt from disclosure should be treated as stated in item 2) above. All information granted in the request should be handled as stated in item 1) above.
- 4) In unusual circumstances, issue a written notice extending the time in which to respond to the request in accordance to the Act.

In the case where a written request is received, which does not sufficiently describe the Public Records requested, as to enable the FOIA Coordinator to locate the Public Record(s), the FOIA Coordinator may send notice to the Person(s) requesting clarification of the request. Such notice, if sent, shall not be interpreted as a denial of the request for the purposes of the Act.

#### **SECTION 6      PROCEDURES FOR SEPERATION 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 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".

#### **SECTION 7      APPOINTMENT OF A FOIA COORDINATOR**

The Township Board shall appoint, by resolution, a FOIA Coordinator. The FOIA Coordinator may designate, in turn, other individuals to assist the FOIA Coordinator

in accepting and processing requests for information, and in approving 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 appeal the decision to deny in accordance with the following process:

1. The person shall be advised by the FOIA Coordinator of their right to file an appeal to the Township Board.
2. Where a written appeal is filed as provided for in the Act, the Township Board shall schedule a hearing within ten (10) days after receiving the appeal. At the hearing, both the Person making the request (or his agent) and the FOIA Coordinator shall be entitled to present information to the Township Board in support of their respective positions. Formal procedural and evidentiary rules need not be followed at the hearing.
3. At the conclusion of the hearing, the Board may deliberate and take one of the following actions:
  - a. Reverse the disclosure denial.
  - b. Issue a written notice to the requesting Person affirming the disclosure denial.
  - c. Reverse the disclosure denial in part and issue a written notice to the requesting Person affirming the denial in part.
  - d. In unusual circumstances, issue a single written notice extending for no more than ten (10) days the period during which the Township Board shall respond to the appeal.