

## Kalkaska Board of Commissioners Policy Statement

<b>FREEDOM OF INFORMATION ACT</b>		<b>Policy # 250</b>
<b>Date Approved</b> March 13, 2013	<b>Effective</b> March 13, 2013	<b>Replaces</b> February 9, 2010

**Purpose:** To assure Kalkaska County will comply with the Freedom of Information Act herein referred to as "FOIA" and be consistent in the response to FOIA requests.

**Authority:** BOC

**Responsibility:** FOIA Coordinator and designees

**Policy:**

### **FREEDOM OF INFORMATION ACT POLICY**

**FOIA Coordinator:** The County must designate a FOIA Coordinator who is responsible for accepting and processing FOIA requests regarding public records. The County has designated the County Controller as the FOIA coordinator.

**FOIA Requests:** All FOIA requests must be in writing and have enough clarity to locate the public record if the record exists. A written request can be made by facsimile, electronic mail or other electronic transmission. A person has the right to inspect, copy, or receive copies of non-exempt public records. There are records that are exempt from FOIA requests. Refer to the FOIA for a listing of exempt records.

**The FOIA Response:** The County does not have to create a new public record, compile a summary or a list to respond to a request.

Any department or employee of Kalkaska County who receives a FOIA request for records shall date the request upon receiving it and promptly forward the request to the FOIA Coordinator. The FOIA coordinator may or will designate another individual to respond to the FOIA request on behalf of the FOIA coordinator. The designee will respond to the FOIA request and shall forward a copy of the response to the FOIA coordinator.

The FOIA Coordinator or designee must respond to the request in writing within five (5) business days of receiving the request. The County is entitled to a one (1) time ten (10) business day extension to respond to a FOIA request. This extension must be in writing and done within five (5) business days of receiving the FOIA request.

FOIA coordinator or designee must prepare a written response indicating the request is denied, is only disclosing part of the requested record or if the record does not exist within the same time frame as state above.

**Fees:** A public body may charge a fee for a public record search and copying of a public record. The fee shall be in accordance with MCLA 15.234. Examples of fees: actual mailing cost sent by first class mail, .05 per page for duplication and .05 for a printed copy, the cost of labor (wage plus benefits) for the lowest paid employee capable of retrieving the requested information.

**Requesting Deposit:** If the cost of a FOIA request is to exceed \$50.00 the County may require a deposit that shall not exceed one-half (1/2) of the total fee.

**Affidavits of Indigency:** The sworn statement of the requestor showing the individual is currently receiving public assistance or is otherwise unable to pay because of indigency. The affidavit is to show facts that the individual is indigent at the time of making the request. The affidavit will be honored for a period of no less than thirty days and no more than ninety days.

This policy is not all inclusive of the requirements of the FOIA but is a brief guideline to handle most FOIA requests. If you have a question about additional requirements contact the FOIA Coordinator or review the FOIA.

Attached are sample correspondences for responding to FOIA.