# ATTACHMENT A

**Library:** Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

_____ Library, _____ County, MI

**Request Form**
*Note: Requestors are not required to use this form. The Library may complete one for recordkeeping if not used.*

# FOIA Request for Public Records

## Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq*.

**Request No.:** _____ Date Received: _____ Check if received via: ¨ Email ¨ Fax ¨ Other Electronic Method

Date delivered to junk/spam folder: _____

*(Please Print or Type)*

Date discovered in junk/spam folder: _____

| | | |
|---|---|---|
| Name | | Phone |
| Firm/Organization | | Fax |
| Street | | Email |
| City/Township | State | Zip |

**Request for:** ¨ Copy ¨ Certified copy ¨ Record inspection ¨ Subscription to record issued on regular basis

**Delivery Method:** ¨ Will pick up ¨ Will make own copies onsite ¨ Mail to address above ¨ Email to address above
¨ Deliver on digital media provided by the Library : _____

***Note:*** *The Library is not required to provide records in a digital format or on digital media if the Library does not already have the technological capability to do so.*

**Describe the public record(s) as specifically as possible.** You may use this form or attach additional sheets**:**

| | |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| **Requesting Person's Signature** | **Date** |

**Records Located on Website** *(Complete both sides)*

If the Library directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (*separate exempt information from non-exempt information*).

If the FOIA Coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the Library must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the Library must separate the requested public records that are available on its website from those that are not available on the website and must inform the requesting person of the additional charge to receive copies of the public records that are available on its website.

If the Library includes the website address for a record in its written response to the requesting person and the requesting person thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the Library must provide the public records in the specified format (if the Library has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

**Request for Copies/Duplication of Records on Library Website**

I hereby stipulate that, even if some or all of the records are located on a Library website, I am requesting that the Library make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

| Requestor's Signature | Date |
|---|---|

**Overtime Labor Costs**

Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

**Consent to Overtime Labor Costs**

I hereby agree and stipulate to the Library using overtime wages in calculating the following labor costs as itemized in the following categories:

**1.** ¨ Labor to copy/duplicate **2.** ¨ Labor to locate **3a.** ¨ Labor to redact **3b.** ¨ Contract labor to redact

**6b.** ¨ Labor to copy/duplicate records already on Library 's website

| Requestor's Signature | Date |
|---|---|

**Request for Discount: Indigence**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first $20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

**1)** Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**

**2)** If not receiving public assistance, stating facts showing inability to pay the cost because of indigence. If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

**(i)** The individual has previously received discounted copies of public records from the same public body twice during that calendar year,

**(ii)** The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

**Office Use:** ¨ Affidavit Received ¨ Eligible for Discount ¨ Ineligible for Discount

| I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:<br><br>Requestor's Signature: | Date: |
|---|---|

**Request for Discount: Nonprofit Organization**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first $20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

**(i)** Is made directly on behalf of the organization or its clients.

**(ii)** Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.

**(iii)** Is accompanied by documentation of its designation by the state, if requested by the Library .

**Office Use:** ¨ Documentation of State Designation Received ¨ Eligible for Discount ¨ Ineligible for Discount

| I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931:<br><br>Requestor's Signature: | Date: |
|---|---|

# ATTACHMENT B

# Freedom of Information Act Request Detailed Cost Itemization

**Date:** _____ **Prepared for Request Number:** _____ **Date Request Received:** _____

| | | |
|---|---|---|
| **The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the Library's FOIA Policies and Guidelines.** | | |
| **1. Labor Cost for Copying / Duplication**<br>This is the cost of labor directly associated with duplication or publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requesting person on non-paper physical media or through the Internet or other electronic means as stipulated by the requesting person.<br>This shall not be more than the hourly wage of the Library's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.<br>These costs will be estimated and charged in 15-**minute time increments;** all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no labor charge.*<br>**Hourly Wage Charged: $_____** **Charge per increment: $_____**<br>**OR**<br>**Hourly Wage with Fringe Benefit Cost: $_____** **OR**<br>Multiply the hourly wage by the percentage multiplier: _____%<br>*(up to 50% of the hourly wage)* and add to the hourly Wage for a total per hour rate. **Charge per increment: $_____**<br>• Overtime rate charged as stipulated by Requestor *(overtime is not used to calculate fringe benefit cost)* | To figure the number of increments, take *the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:*<br>**No. of increments x _____ =** | **1. Labor Cost $_____** |
| **2. Labor Cost to Locate:**<br>This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the Library because of the nature of the request in this particular instance, specifically: _____<br>_____.<br>The Library will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.<br>These costs will be estimated and charged in 15-**minute time increments***;* all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no labor charge.*<br>**Hourly Wage Charged: $_____** **Charge per increment: $_____**<br>**OR**<br>**Hourly Wage with Fringe Benefit Cost: $_____** **OR**<br>Multiply the hourly wage by the percentage multiplier: ____%<br>*(up to 50% of the hourly wage)* and add to the hourly Wage for a total per hour rate. **Charge per increment: $_____**<br>• Overtime rate charged as stipulated by requesting person *(overtime is not used to calculate fringe benefit cost)* | To figure the number of increments, take *the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:*<br>**No. of increments x _____ =** | **2. Labor Cost $_____** |

**3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):**
***(Fill this out if using Library employee. If contracted, use No. 3b instead).***
The Library will not charge labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the Library because of the nature of the request in this particular instance, specifically: _____
_____
_____.

This is the cost of labor of a **Library employee,** including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the **Library's lowest-paid employee** capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in 15**-minute time increments***;* all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no labor charge.*

**Hourly Wage Charged: $_____** **Charge per increment: $_____**
**OR**
**Hourly Wage with Fringe Benefit Cost: $_____** **OR**
Multiply the hourly wage by the percentage multiplier: _____%
*(up to 50% of the hourly wage)* and add to the hourly
Wage for a total per hour rate. **Charge per increment: $_____**

 Overtime rate charged as stipulated by requesting person *(overtime is not used to calculate fringe benefit cost)*

To figure the number of increments, take *the number of minutes: _____, divide by _____-minute increments, and round down to: _____ increments Enter below:*

**No. of increments x _____ =**

**3a. Labor Cost $_____**

**3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):**
***(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a. instead)***
The Library will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the Library because of the nature of the request in this particular instance, specifically: _____
_____
_____

As the Library does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a **contractor** (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of _____ *(currently $8.15)*.

**Name of contracted person or firm: _____**

These costs will be estimated and charged in 15-**minute time increments**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no labor charge.*

**Hourly Wage Charged: $_____** **Charge per increment: $_____**
**OR**
**Hourly Wage with Fringe Benefit Cost: $_____** **OR**
Multiply the hourly wage by the percentage multiplier: ____%
*(up to 50% of the hourly wage)* and add to the hourly
Wage for a total per hour rate. **Charge per increment: $_____**

 Overtime rate charged as stipulated by Requesting person *(overtime is not used to calculate fringe benefit cost)*

To figure the number of increments, take *the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:*

**No. of increments x _____ =**

**3b. Labor Cost $_____**

## 4. Copying / Duplication Cost:

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection *(for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection)*.

**No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:**

- **Letter** (8½ x 11-inch, single- or double-sided): ___ **cents per sheet**
- **Legal** (8½ x 14-inch, single- or double-sided): ___ **cents per sheet**

**No more than the actual cost of a sheet of paper:**

- **Other paper sizes** (single- or double-sided): ___ **cents / dollars per sheet**

**Actual and most reasonably economical cost of non-paper physical digital media:**

- ***Circle applicable:*** Disc / Tape / Drive / Other Digital Medium **Cost per Item: _____**

The cost of paper copies **must** be calculated as a total cost per sheet of paper. The Library **must** utilize the most economical means available for making copies of public records, including using double sided printing, if cost saving and available.

| **No. of Sheets:** | **Costs:** |
|---|---|
| **x** _____ = | $_____ |
| **x** _____ = | $_____ |
| **x** _____ = | $_____ |
| **No. of Items:** | |
| x _____ = | $_____ |

**4. Total Copy Cost**
**$_____**

## 5. Mailing Cost:

The Library will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner.

- The Library ***may*** charge for the least expensive form of postal delivery confirmation.
- The Library ***cannot*** charge more for expedited shipping or insurance unless specifically requested by the requesting person*

| | **No. of Envelopes or Packages:** | **Costs:** |
|---|---|---|
| **Actual Cost of Envelope or Package:** $_____ | **x** _____ = | $_____ |
| **Actual Cost of Postage:** $_____ per stamp | **x** _____ = | $_____ |
| $_____ per pound | **x** _____ = | $_____ |
| $_____ per package | **x** _____ = | $_____ |
| **Actual Cost (least expensive) Postal Delivery Confirmation:** $_____ | **x** _____ = | $_____ |
| ***Expedited Shipping or Insurance as Requested:** $_____ | **x** _____ = | $_____ |

 *Requesting person has requested expedited shipping or insurance

**5. Total Mailing Cost**
**$_____**

## 6a. Copying / Duplication Cost for Records Already on Library's Website:

If the Library has included the website address for a record in its written response to the requesting person, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the Library will provide the public records in the specified format and may charge copying costs to provide those copies.

**No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:**

- **Letter** (8½ x 11-inch, single and double-sided): ___ **cents per sheet**
- **Legal** (8½ x 14-inch, single and double-sided): ___ **cents per sheet**

**No more than the actual cost of a sheet of paper for other paper sizes:**

- **Other paper sizes** (single and double-sided): ___ **cents / dollars per sheet**

**Actual and most reasonably economical cost of non-paper physical digital media:**

- ***Circle applicable:*** Disc / Tape / Drive / Other Digital Medium **Cost per Item: _____**

**Requesting person has stipulated that some / all of the requested records that are already on the Library's website be provided in a paper or non-paper physical digital medium.**

**No. of Sheets:**
**x** _____ =
**x** _____ =

**x** _____ =

**No. of Items:**
x _____ =

**Costs:**
$_____
$_____

$_____

$_____

**6a. Web Copy Cost**
**$_____**

## 6b. Labor Cost for Copying / Duplicating Records already on Library's Website:

This shall not be more than the hourly wage of the Library's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in 1**5-minute time increments***;* all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no labor charge.*

**Hourly Wage Charged: $_____** **Charge per increment: $_____**

**OR**

**Hourly Wage with Fringe Benefit Cost: $_____**
Multiply the hourly wage by the percentage multiplier: _____% and add to the hourly wage for a total per hour rate. The Library may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.

**OR**

**Charge per increment: $_____**

Overtime rate charged as stipulated by requesting person

To figure the number of increments, take *the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:*

**No. of increments**
**x** _____ =

**6b. Web Labor Cost**
**$_____**

## 6c. Mailing Cost for Records Already on Library's Website:

**Actual Cost of Envelope or Package:** $_____
**Actual Cost of Postage:** $_____ per stamp
$_____ per pound
$_____ per package
**Actual Cost (least expensive) Postal Delivery Confirmation:** $_____
***Expedited Shipping or Insurance as Requested:** $_____

*Requesting person requested expedited shipping or insurance

**Number:**
**x** _____ =
**x** _____ =
**x** _____ =
**x** _____ =
**x** _____ =
**x** _____ =

**Costs:**
$_____
$_____
$_____
$_____
$_____
$_____

**6c. Web Mailing Cost**
**$_____**

**Subtotal Fees Before Waivers, Discounts or Deposits:**

☐ Cost Estimate
☐ Bill

**Estimated Time Frame to Provide Records:**

_____ *(days or date)*

The time frame estimate is nonbinding upon the Library, but the Library is providing the estimate in good faith. Providing an estimated time frame does not relieve the Library from any of the other requirements of the Freedom of Information Act.

| | |
|---|---|
| **1. Labor Cost for Copying:** | $_____ |
| **2. Labor Cost to Locate:** | $_____ |
| **3a. Labor Cost to Redact:** | $_____ |
| **3b. Contract Labor Cost to Redact:** | $_____ |
| **4. Copying/Duplication Cost:** | $_____ |
| **5. Mailing Cost:** | $_____ |
| **6a. Copying/Duplication of Records on Website:** | $_____ |
| **6b. Labor Cost for Copying Records on Website:** | $_____ |
| **6c. Mailing Costs for Records on Website:** | $_____ |
| **Subtotal Fees:** | **$**_____ |

## Waiver: Public Interest

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the Library determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefitting the general public.

☐ **All fees are waived** **OR** ☐ **All fees are reduced by: _____%**

**Subtotal Fees After Waiver or Reduction:** **$**_____

## Discount: Indigence

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first $20.00 of the fee** for each request by an individual who is entitled to information under the Freedom of Information Act and who:

**1)** Submits an affidavit stating that the individual is indigent and receiving specific assistance, **OR**

**2)** If not receiving public assistance, stating facts showing inability to pay the cost because of indigency.

If a requestor is ineligible for the discount, the Library shall inform the requestor specifically for the reason for ineligibility in the Library's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

i. The individual has previously received discounted copies of public records from the Library twice during that calendar year, **OR**

ii. The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. The Library may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

☐ **Eligible for Indigence Discount**

**Subtotal Fees After Discount (subtract $20):** **$**_____

## Discount: Nonprofit Organization

A public record search must be made and a copy of a public record **must** be furnished **without charge for the first $20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C. of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

i. Is made directly on behalf of the organization or its clients.

ii. Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.

iii. Is accompanies by documentation of its designation by the state, if requested by the Library.

☐ **Eligible for Indigence Discount**

**Subtotal Fees After Discount (subtract $20):** **$**_____

| | | |
|---|---|---|
| **Deposit: Good Faith**<br>The Library may require a good-faith deposit before providing the public records to the requestor **if the entire fee estimate or charge exceeds $50.00**, based on a good-faith calculation of the total fee. The deposit cannot exceed ½ of the total estimated fee. **Percent of Deposit: _____%** | **Date Paid:**<br>_____ | **Deposit Amount Required:**<br>$_____ |
| **Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full**<br>After a Library has granted and fulfilled a written request from an individual under the Freedom of Information Act, if the Library has not been paid in full the total amount of fees for the copies of public records that the Library made available to the individual as a result of that written request, **the Library may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual** if **ALL** of the following apply:<br>(a) The final fee for the prior written request was not more than 105% of the estimated fee.<br>(b) The public records made available contained the information being sought in the prior written request and are still in the Library's possession.<br>(c) The public records were made available to the individual, subject to payment, within the time frame estimate given on Page 5 of this form.<br>(d) Ninety (90) days have passed since the Library notified the individual in writing that the public records were available for pickup or mailing.<br>(e) The individual is unable to show proof of prior payment to the Library.<br>(f) The Library calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.<br>A Library **can no longer require an increased estimated fee deposit** from an individual if **ANY** of the following apply:<br>(a) The individual is able to show proof of prior payment in full to the Library , **OR**<br>(b) The Library is subsequently paid in full for the applicable prior written request, **OR**<br>(c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the Library. | **Date Paid:**<br>_____ | **Percent Deposit Required:**<br>_____%<br>**Deposit Required:**<br>$_____ |
| **Late Response Labor Costs Reduction**<br>If the Library does not respond to a written request in a timely manner as required under MCL 15.235(2), the Library must do the following:<br>(a) **Reduce the charges for labor costs** otherwise permitted by 5% for each day the Library exceeds the time permitted for a response to the request, **with a maximum 50% reduction**, if **EITHER** of the following applies:<br>i. The late response was willful and intentional, **OR**<br>ii. The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy", or a recognizable misspelling of such, or appropriate legal code reference to MCL 15.231 et seq. or 1976 Public Act 442, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page. | **Number of Days Over Required Response Time:**<br>_____<br>**Multiply by 5%**<br>**= Total Percent Reduction:**<br>_____ | **Total Labor Costs**<br>$_____<br>**Minus Reduction**<br>$_____<br>**= Reduced Total Labor Costs**<br>$_____ |
| The Public Summary of the Library's FOIA Procedures and Guidelines is available free of charge from:<br>Website: _____ Email: _____<br>Phone: _____ Address: _____<br>**Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed** | **Date Paid:**<br>_____ | **Total Balance Due:**<br>$ _____ |

# ATTACHMENT C

**Library:** Keep original and provide copy, along with Public Summary, to requestor at no charge.

_____ Library, _____ County, MI

**Extension Form**

# Notice to Extend Response Time for FOIA Request

## Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq*.

**Request No.:** _____ Date Received: _____ Check if received via: ¨ Email ¨ Fax ¨ Other Electronic Method

Date of This Notice: _____ Date delivered to junk/spam folder: _____

*(Please Print or Type)* Date discovered in junk/spam folder: _____

| | | |
|---|---|---|
| Name | | Phone |
| Firm/Organization | | Fax |
| Street | | Email |
| City/Township | State | Zip |

**Request for:** ¨ Copy ¨ Certified copy ¨ Record inspection ¨ Subscription to record issued on regular basis

**Delivery Method:** ¨ Will pick up ¨ Will make own copies onsite ¨ Mail to address above ¨ Email to address above

¨ Deliver on digital media provided by the Library : _____

**Record(s) You Requested:** (Listed here or see attached copy of original request) _____

_____

_____

_____

We are extending the date to respond to your FOIA request for no more than 10 business days, until _____ (*month, day, year*). Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact _____ at _____

**Estimated Time Frame to Provide Records:** _____ (*days or date*)

The time frame estimate is nonbinding upon the Library, but the Library is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

**Reason for Extension:**

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

| | |
|---|---|
| **Signature of FOIA Coordinator:** | **Date:** |

**[This page left blank on purpose.]**

# ATTACHMENT D

# Notice of Denial of FOIA Request

## Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq*.

**Request No.:** _____ Date Received: _____ Check if received via: ¨ Email ¨ Fax ¨ Other Electronic Method
Date of This Notice: _____ Date delivered to junk/spam folder: _____
*(Please Print or Type)* Date discovered in junk/spam folder: _____
**Request for:** ¨ Copy ¨ Certified copy ¨ Record inspection ¨ Subscription to record issued on regular basis

| | | |
|---|---|---|
| Name | | Phone |
| Firm/Organization | | Fax |
| Street | | Email |
| City/Township | State | Zip |

**Delivery Method:** ¨ Will pick up ¨ Will make own copies onsite ¨ Mail to address above ¨ Email to address above
¨ Deliver on digital media provided by the Library : _____

**Record(s) You Requested:** *(Listed here or see attached copy of original request)* _____
_____
_____
_____

¨ **All OR** ¨ **Part** of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact _____ at _____

### Reason for Denial:

¨ **1. Exempt from Disclosure:** This item is exempt from disclosure under FOIA Section 13, Subsection _____*(insert number)*, because: _____
_____
_____

¨ **2. Record Does Not Exist:** This item does not exist under the name provided in your request or by another name reasonably known to the Library. A certificate that the public record does not exist under the name given is attached. If you believe this record does exist, provide a description that will enable us to locate the record: _____
_____

¨ 3. **Redaction:** A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection _____ *(insert number)*, because: _____
_____
A brief description of the information that had to be separated or deleted: _____
_____
_____

**Notice of Requestor's Right to Seek Judicial Review**

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the Library Board to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the Library has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (*See back of this form for additional information on your rights*.)

**Signature of FOIA Coordinator:** **Date:**

**FREEDOM OF INFORMATION ACT (EXCERPT)**
**Act 442 of 1976**

**15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.**

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

# ATTACHMENT E

# FOIA Appeal Form—To Appeal a Denial of Records

## Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq*.

**Request No.:** _____ Date Received: _____ Check if received via: ¨ Email ¨ Fax ¨ Other Electronic Method

Date of This Notice: _____ Date delivered to junk/spam folder: _____

*(Please Print or Type)* Date discovered in junk/spam folder: _____

**Request for:** ¨ Copy ¨ Certified copy ¨ Record inspection ¨ Subscription to record issued on regular basis

| | | |
|---|---|---|
| Name | | Phone |
| Firm/Organization | | Fax |
| Street | | Email |
| City/Township | State | Zip |

**Delivery Method:** ¨ Will pick up ¨ Will make own copies onsite ¨ Mail to address above ¨ Email to address above

¨ Deliver on digital media provided by the Library : _____

**Record(s) You Requested:** *(Listed here or see attached copy of original request)* _____

_____

_____

**Reason(s) for Appeal:**

The appeal must identify the reason(s) for the denial. You may use this form or attach additional sheets:

_____

_____

_____

**Requestor's Signature:** _____ **Date:** _____

**Library Response:**

The Library Board must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension. The Library Board is not considered to have received this appeal until the first regularly scheduled meeting of the Library Board following submission of this appeal.

**Library Board Extension:** We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until _____ (*month, day, year*). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: _____

_____

If you have any questions regarding this extension, contact: _____

**Library Board Determination:**

¨ Denial Reversed ¨ Denial Upheld ¨ Denial Reversed in Part and Upheld in Part

The following previously denied records will be released: _____

_____

_____

_____

**Notice of Requestor's Right to Seek Judicial Review**

With or without the Library Board's determination on this appeal, you are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the Library has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (*See back of this form for additional information on your rights.*)

**Signature of FOIA Coordinator:** **Date:**

**FREEDOM OF INFORMATION ACT (EXCERPT)**
**Act 442 of 1976**

**15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.**

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015.

# ATTACHMENT F

**Library:** Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

_____ Library, _____ County, MI

**Fee Appeal Form**

# FOIA Appeal Form—To Appeal an Excess Fee

## Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq*.

**Request No.:** _____ Date Received: _____ Check if received via: ¨ Email ¨ Fax ¨ Other Electronic Method

Date of This Notice: _____ Date delivered to junk/spam folder: _____

*(Please Print or Type)* Date discovered in junk/spam folder: _____

**Request for:** ¨ Copy ¨ Certified copy ¨ Record inspection ¨ Subscription to record issued on regular basis

| | | |
|---|---|---|
| Name | | Phone |
| Firm/Organization | | Fax |
| Street | | Email |
| City/Township | State | Zip |

**Delivery Method:** ¨ Will pick up ¨ Will make own copies onsite ¨ Mail to address above ¨ Email to address above

¨ Deliver on digital media provided by the Library : _____

**Record(s) You Requested:** *(Listed here or see attached copy of original request)* _____

_____

_____

**Reason(s) for Appeal:**

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:

_____

_____

_____

**Requestor's Signature:** _____ **Date:** _____

**Library Board Response:**

The Library Board must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension. The Library Board is not considered to have received this appeal until the first regularly scheduled meeting of the Library Board following submission of this appeal.

**Library Board Extension:** We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until _____ (*month, day, year*). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: _____

_____

If you have any questions regarding this extension, contact: _____

**Library Board Determination:** ¨ Fee Waived ¨ Fee Reduced ¨ Fee Upheld

Written basis for Library determination:

_____

_____

**Notice of Requestor's Right to Seek Judicial Review**

You are entitled under the Library Board's written Procedures & Guidelines and Section 10a of the Michigan Freedom of Information Act, MCL 15.240a to appeal a FOIA fee to the Library Board if you believe the fee exceeds the amount permitted under the Library's written Procedures & Guidelines or the Freedom of Information Act. Following the Library Board's determination on the appeal, you are then entitled to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the Library Board. If a civil action is commenced in court, the Library is not obligated to complete processing the request until the court resolves the fee dispute. If the court determines that the Library required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount. (*See back of this form for additional information on your rights*.)

**Signature of FOIA Coordinator:** **Date:**

**FREEDOM OF INFORMATION ACT (EXCERPT)**
**Act 442 of 1976**

**15.240a.added Fee in excess of amount permitted under procedures and guidelines or MCL 15.234.**
Sec. 10a.

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of $500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of $500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

**History:** Add. 2014, Act 563, Eff. July 1, 2015