

Village of Beulah OFFICIAL
POLICY & PROCEDURE

November 8, 2012

Title

Freedom of Information Act (FOIA) Policy

Purpose

The Michigan Freedom of Information Act (FOIA) provides that most Village records are public information, and that each Village shall have a written Freedom of Information Act policy. The following policy is to comply with the Michigan Freedom of Information Act.

Policy & Procedure

A. Definitions.

Act: The Michigan Freedom of Information Act No. 442 of the Public Acts of 1976, as amended.

FOIA: Freedom of Information Act.

FOIA Coordinator: The individual designated by the Village Council, who is responsible for accepting and processing requests for public records as outlined in this policy and the Act, and who is responsible for approving denials or requests, or that individual's designee as provided.

Person: An individual, corporation, organization, or other legal entity, as modified by the Act.

Public Body: The Village of Beulah and its duly constituted departments, councils, 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 and as otherwise defined by the Act.

Unusual Circumstances: Entails the need to search for, collect, or appropriately examine or review a voluminous amount of public records and/or the need to collect public records from numerous locations apart from the processing office.

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

B. Right to Records.

A person has the right to submit a written request for public record(s) from the Village and its departments. The request 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 exempted by law or court order, in accordance with Section 15.233 of the Act. Original public records will not be released from the Village offices where the public records are secured. A person may request that copies of a public record be provided subject to the payment of fees outlined in Section D of this policy.

C. Rights and Obligations of the Public Body.

The FOIA Coordinator shall provide reasonable facilities and opportunities for the person(s) to inspect public records. The FOIA Coordinator shall provide a certified copy of a public record if a person requests the same in writing. Neither the public body nor the FOIA coordinator is obligated to create a record, list, compilation, or summary of information that does not already exist. This includes analyzing, compiling, or summarizing existing information into a new format. Neither the Public Body nor the FOIA Coordinator are obligated to provide answers to oral or written questions. The FOIA Coordinator shall provide copies of any public records as provided for in the Act and shall retain a copy of all written requests on file for a period of not less than one (1) year. The FOIA Coordinator will follow the provisions of Section D of this policy.

D. Provisions for copying public records

All FOIA requests submitted pursuant to the Act may be subject to fees and charges as follows:

Exact cost of postage, envelopes, and/or other containers used for mailing copies of the public records requested may be charged. Labor costs, including search, examination, review and the deletion and separation of exempt from non-exempt information, shall be for the actual time spent calculated on the hourly wage of the lowest paid Village official or full-time Village employee who is capable of retrieving the information necessary to comply with the request under this Act. A Deposit will be required in advance of compilation of the public records if it is determined by the FOIA Coordinator that the anticipated total cost will exceed \$50.00. The deposit will be 50% of the total anticipated cost. In the event a deposit is required, the FOIA Coordinator will not begin compilation of the public records until the deposit is received. The balance must be paid prior to the release of the public record copies.