

ADA TOWNSHIP

Public Summary of FOIA Procedures and Guidelines

This is a summary of procedures and guidelines relevant to you, the general public, on how to make a Freedom of Information Act (FOIA) request to Ada Township. This summary also explains how to understand the Township's responses to FOIA requests, deposit requirements, fee calculations, and your appeal rights. References to "we" and "us" mean the Township.

How do you make a written FOIA request?

A FOIA request must be made in writing and directed to the attention of the Township's FOIA Coordinator or an authorized designee. See the attached list for names and contact information.

How detailed must your request be?

Your FOIA request must be specific enough for us to identify what records you want. We may deny your request if it requires us to create a new public record or to make a compilation, summary, or report of information.

Must your written request specifically mention FOIA?

No, but we encourage you to mention "FOIA" in the title, subject line, or first sentence of your request. And the law relieves us from some duties if your request does not:

- Convey a request for information within the first 250 words of the body of a letter, facsimile, e-mail or e-mail attachment; or
- Specifically include on the front of your envelope, or in the subject line of your letter, e-mail, or facsimile cover page, either the appropriate legal code reference for the FOIA statute, or the words, characters, or abbreviations for any of the following (or a recognizable misspelling): "freedom of information," "information," "FOIA," or "copy."

Here are the two consequences if your request does not do either of the above:

- We are excused from the requirement that we reduce our fees for labor costs for every day that we are late responding to a request. Normally, we must reduce our fees by 5% for each day we are late, with a maximum reduction of 50% of our fee.
- Our failure to respond within the FOIA's deadline will not be treated as a denial of your request, so you would not be able to appeal at that time.

How quickly must we respond?

Within five business days after receiving your request, we must respond by:

- Granting your request;
- Denying your request;
- Granting your request in part and denying your request in part; or
- Issuing a notice extending, for up to 10 business days (not calendar days), the period during which we must respond to your request.

If we send a notice extending our time to respond, it must specify the reasons for the extension and the date by which we must respond.

When does our time period for responding begin?

The time period begins when the FOIA Coordinator receives the request. A request made by facsimile, e-mail, or other electronic transmission is not treated as received until one business day after the electronic transmission is made. However, if the e-mail request is delivered to our "spam" or "junk mail" folder, the request is not treated as received until one day after we first become aware of the written request.

Must we respond to an oral FOIA request?

No. However, if you make an oral request to one of our employees for information we believe is available on our website, that employee must, where practicable and to the best of that employee's knowledge, tell you the website address.

Must we respond if the requested records are available on our website?

Requested information being on our website does not excuse us from responding to your request. If the FOIA Coordinator knows or has reason to know that requested information is available on our website, we will tell you in our response and will include a specific webpage address, if practical.

What fee may we charge for responding to a FOIA request?

We may charge a fee for providing a requested copy and for copying necessary for a requested inspection. The fee is limited to actual costs that are within one of the categories itemized on our fee itemization form. We may require you to pay the fee in full before delivering the requested records to you.

We will generally not charge for requests if the total allowable fee would be less than \$20. We also will not charge a fee if all of your requested records are exempt from disclosure.

For any material on our website, we may not charge a fee for separating and deleting exempt information from nonexempt information. We will itemize charges separately for requested records that are available on our website from those that are not. We will also tell you of the additional charge to receive copies of records available on our website. If you still want paper or electronic copies of records available on our website, we must provide those copies but we may charge a fringe benefit multiplier on our labor costs that is greater than the 50% limitation that the law otherwise imposes.

Is anyone exempt from having to pay those fees?

Yes, in part. We may not charge a fee if you submit an affidavit stating that you are indigent and are receiving specific public assistance or, if not receiving public assistance, stating facts showing your inability to pay a cost because you are indigent. This exemption applies only to the first \$20 of a fee.

You are not eligible for this exemption if either of the following applies:

- You have already received discounted copies twice during the same calendar year; or
- You request the information in conjunction with outside parties who are offering or providing payment or other value to you for making the request. We may require that your affidavit state that the request is not being made in this way.

If we believe you are not eligible for a requested discount, we must inform you of the specific reason for our conclusion.

This exemption applies also to a nonprofit organization designated by the State of Michigan to carry out activities under Subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act and the Protection and Advocacy for Individuals with Mental Illness Act.

The discount for such a nonprofit organization applies only if the request is made directly on behalf of that organization or its clients, made for a reason wholly consistent with the organization's mission, and is accompanied by documentation, if so requested by the Township, of the organization's designation by the State.

When may we require a deposit before responding to your FOIA request?

We may require a deposit from you before providing the requested records if we estimate in good faith that the fee will be more than \$50, the deposit is not more than 50% of our total estimated fee, and we include in our deposit notice to you a detailed itemization of our estimated fee and our good-faith best-efforts estimate of how long it will take us to comply with your request. That time frame estimate does not bind us, but it does not extend our response deadline.

We may require a deposit of up to 100%, however, if you have not paid in full the amount charged for any previous FOIA request from you. This increased deposit applies only if all of the following conditions are met:

- The final fee for the previous request was not more than 105% of our estimated fee for that request.
- The records we made available contained the information you requested in the previous request and are still in our possession.
- We made the records available to you, subject to payment, within the time frame estimated to you under that request.

- At least 90 days have passed since we notified you that your records were available for pick up or mailing.
- You are unable to show us proof that you paid that final fee.
- We gave you a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

We may not require the increased deposit from you if you pay in full for the prior request or at least 365 days have passed since you made the written request that remains unpaid.

Must we respond to a person who still has not paid the fees charged for a previous FOIA request?

Yes, but we may require a larger deposit. See the answer to the previous question.

Are any records exempt from disclosure?

Yes. The FOIA allows for a number of exemptions to disclosure. If your request asks for both exempt and nonexempt records, our response will describe the redacted material in a general way, unless the description would reveal the exempt information.

If you request records that are exempt from disclosure, you must still pay fees we charge for the work undertaken to process your request. We may decide to waive those charges.

How will we deliver requested copies?

Unless you request another method, we will mail copies by U.S. first-class certified mail. If the copies exceed first-class weight limits, we will ship them via U.S. Parcel Post with delivery confirmation.

May you choose to inspect records instead of requesting copies?

Yes. We may still charge a fee for responding to your request, including labor costs necessary for searching for the requested records and separating exempt from nonexempt information. We will not redact original documents for inspection. So if exempt information is included in the requested records, we may charge for making copies that can be redacted to protect exempt information from disclosure.

We may also impose reasonable inspection rules to protect our records and other property from loss, unauthorized alteration, mutilation, and destruction, and prevent interference with our operations. This may include, for example, keeping one of our employees present while you inspect records and making a video recording of your inspection.

What appeal rights does a person have?

You have rights to appeal the amount of the fee we charge and our denial of your request for records. Both kinds of appeals require you to send a written appeal to the Township Board (to the attention of the Township Supervisor). The mailing address is 7330 Thornapple River Dr., P.O. Box 370, Ada, Michigan 49301. The e-mail address is {E-MAIL ADDRESS}. The appeal must be titled "FOIA Appeal." Fee appeals must identify how our fee exceeds what the law allows. Other appeals must give the reasons why denial of the request should be reversed. You may also appeal directly to the circuit court. In some cases the court may order us to pay damages, attorney fees, fines, and penalties.

Within 10 business days (not calendar days) after receiving a fee appeal, the Board must:

- Waive the fee;
- Reduce the fee and give you a written determination of the specific basis under the FOIA for supporting the remaining fee, including certifications required by the FOIA;
- Uphold the fee and give you a written determination of the specific basis under the FOIA for supporting the required fee, including certifications required by the FOIA; or
- Issue a notice extending for no more than 10 business days (not calendar days) the time period for responding to your appeal. This notice must include a detailed reason why the extension is necessary.

Within 10 business days (not calendar days) after receiving a written appeal on grounds other than fees, the Board must:

- Uphold the denial;
- Reverse the denial;
- Reverse the denial in part and uphold the denial in part; or
- Under unusual circumstances, extend the appeal deadline for an additional 10 business days.

An appeal is deemed "received" on the day of the Board's first regularly scheduled meeting following the submission of the appeal. The Board may not issue more than one notice of extension for an appeal. We will notify you promptly of the Board's decision on your appeal.

What else should you know?

- We will keep a copy of each FOIA request for no less than one year from the date it is received.
- We reserve the right to change these procedures as we deem appropriate.
- This document and other FOIA policies and forms are available on the Township's website at www.adatownshipmi.com.

