

# **Metro Police Authority of Genesee County**

## **Summary of Freedom of Information Procedures and Guidelines**

Consistent with Public Act 563 of 2014 amending the Freedom of Information Act (FOIA), the following is the Written Public Summary of the Metro Police Authority's (MPA) FOIA Procedures and Guidelines relevant to the general public.

### **Submitting a FOIA request to the MPA**

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the MPA must be submitted in writing.

- A request must sufficiently describe a public record so as to enable the city to locate it.
- No specific form to submit a written request is required.
- Written requests can be made in person by delivery to the city office in person or by mail.
- Requests can be made by facsimile by calling 810.877.6537
- Requests submitted by email should contain the term "FOIA" in the subject line and be sent to [information@metropolicegc.org](mailto:information@metropolicegc.org)

Note: If you are serving a sentence of imprisonment in a local, state, or federal correctional facility you are not entitled to submit a request for a public record.

### **Standard responses for a FOIA request?**

Within five (5) business days of receipt of a FOIA request, the MPA will issue a response. If a request is received by facsimile or e-mail, the request is deemed to have been received on the following business day. The MPA will respond to your request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying in part the request.
- Issue a notice indicated that due to the nature of the request the MPA needs an additional ten (10) business days to respond.
- Issue a written notice indicated that the public record requested is available at no charge on the MPA's webpage.

### **Deposit requirements?**

If the MPA has made a good faith calculation that the total fee for processing the request exceeds \$50.00, the MPA will require a deposit in the amount of 50% of the total estimated fee. When the MPA requests the deposit, it will provide you a non-binding best efforts estimate of how long it will take to process the request following receipt by the MPA of your deposit.

If the MPA receives a request from a person who has not paid the MPA for copies of public records made in fulfillment of a previously granted written request, the MPA will require a deposit of 100% of the estimated processing fee before it begins to search for the public records for any subsequent written request when all of the following conditions exist:

- the final fee for the prior written request is not more than 105% of the estimated fee;
- the public records made available contained the information sought in the prior written request and remain in the MPA's possession;
- the public records were made available to the individual, subject to payment, within the time frame estimated by the MPA to provide the records;
- 90 days have passed since the MPA notified the individual in writing that the public records were available for pickup or mailing;
- the individual is unable to show proof of prior payment to the MPA; and
- the MPA has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.

The MPA will not require the 100% estimated fee deposit if any of the following apply:

- the person making the request is able to show proof of prior payment in full to the MPA;

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- the MPA is subsequently paid in full for all applicable prior written requests; or
- 365 days have passed since the person made the request for which full payment was not remitted to the MPA.

### **Calculation of FOIA fees?**

A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the MPA because of the nature of the request in the particular instance, and the MPA specifically identifies the nature of the unreasonably high costs.

The Michigan FOIA statute permits the MPA to assess and collect a fee for six designated processing components. The MPA may charge for the following costs associated with processing a request:

- Labor costs associated with searching for, locating, and examining a requested public record.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
- The cost of computer discs or other digital media when the requester asks for records in non-paper physical media.
- The cost of duplication of publication, not including labor, of paper copies of public records
- Labor costs associated with the duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the internet.
- The cost to mail or send a public record to a requestor.

#### **Labor Costs**

- Estimated and charged labor costs will be allotted 15 minute increments with all partial time increments rounded down.
- Labor costs will be charged at the hourly wage of the lowest-paid MPA employee capable of doing the work in the specific fee category, regardless of who actually performs the work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.

#### **Non-paper Physical Media**

- The cost for records provided on non-paper physical media, such as computer discs, computer tapes, USB memory, or other digital media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if the MPA has the technology capability necessary to provide the public record in the requested non-paper physical media format.

#### **Paper Copies**

- Paper copies of public records made on standard letter (8.5 x11) or legal (8.5 x 14) sized paper will not exceed \$0.10 per sheet of paper. Copies for non-standard sized sheets will reflect the actual cost of reproduction.
- The MPA may provide records using double-sided printing, if cost-saving and available.

#### **Mailing Costs**

- The cost to mail public records will use a reasonably economical and justified means.
- The MPA may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless requested.

### **FOIA processing fee reduction**

The MPA may waive or reduce the fee associated with a request when the MPA determines that to do so is in the public interest because release of the information is considered as primarily benefitting the general public.

The MPA will waive the first \$20.00 of the processing fee for a request if you submit an affidavit stating that you are:

- indigent and receiving specific public assistance; or
- if not receiving public assistance, stating facts demonstrating an inability to pay because of indigency.

You are not eligible to receive the \$20.00 waiver if you:

- have previously received discounted copies of public records from the MPA twice during the calendar year; or
- are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

An affidavit is a sworn statement.

The MPA will waive the fee for a nonprofit organization which meets all of the following conditions:

- the organization is designated by the state under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act;
- the request is made directly on behalf of the organization or its clients;
- the request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code; and
- the request is accompanied by documentation of the organization's designation by the state.

### **Appeals for denial of a public record or an excessive fee?**

#### Appeal of a Denial of a Public Record

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may file an appeal of the denial with the MPA council. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons you are seeking a reversal of the denial.

Within ten (10) business days of receiving the appeal (defined as the first regular meeting of the MPA Board after submission), the MPA Board Chairperson or designee will respond in writing by:

- reversing the disclosure denial;
- upholding the disclosure denial; or
- reverse the disclosure denial in part and uphold the disclosure in part.

Whether or not you submitted an appeal of a denial to the MPA Board, you may file a civil action in circuit court within 180 days after the MPA's final determination to deny your request.

#### Appeal of an Excessive FOIA Processing Fee

If you believe that the fee charged by the MPA to process your FOIA request exceeds the amount permitted by state law, you must first submit a written appeal for a fee reduction to the MPA Board. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Within ten (10) business days after receiving the appeal, the MPA Board Chairperson or designee will respond in writing by:

- waiving the fee;
- reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- issuing a notice detailing the reason or reasons for extending for not more than ten (10) business days the period during which the MPA Board Chairperson or designee will respond to the written appeal.

Within forty-five (45) days after receiving notice of the determination of the processing fee appeal, you may commence a civil action in circuit court for a fee reduction.

### **Further Information**

This is a summary of the MPA's FOIA Procedures and Guidelines. For more details, the MPA FOIA Procedures and Guidelines are available at no charge at the MPA office and on the MPA's website at [www.metropolicegc.org](http://www.metropolicegc.org)

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