

FREEDOM OF INFORMATION ACT POLICY

I. Written Request.

A person, as defined under the Freedom of Information Act ("FOIA"), may request public records from the Village of Grosse Pointe Shores, a Michigan City ("Village"). Such request must be in writing and identify the public record sufficiently to allow the Village to find the requested record.

II. FOIA Coordinator.

The Village appoints the CITY MANAGER as FOIA Coordinator. The FOIA Coordinator or his or her designee will respond to requests in accordance with the FOIA. An employee of the Village who receives a request for a public record must promptly forward that request to the FOIA Coordinator.

III. Exemptions.

The FOIA permits the Village to exempt certain documents from disclosure. The FOIA Coordinator must review the request to determine if any exemptions apply. The FOIA Coordinator may request assistance from the Village's Attorney regarding the application of exemptions.

IV. Fees.

The Village may charge a fee for a public record search, the necessary copying of a public record for inspection, and for providing a copy of a public record as set forth in the FOIA and this Policy.

A. Labor Fees; Labor Fees for Examination, Review, and Deletion and Separation of Exempt Material. The Village may charge a fee, including a labor fee, for responding to a request. Labor charges will be calculated at the hourly wage, including, but not limited to, fringe benefits, of the lowest paid, public body employee of the Village capable of retrieving the information necessary to comply with a request under the FOIA. The fees include the following:

- 1) Copy costs and labor-copying fee. A fee, including a labor fee, may be charged for the actual incremental cost of duplication or publication and publication for inspection and for the related labor cost to perform the duplication and publication.
- 2) Other labor charges. A fee, including a labor fee, may be charged for the costs of the search, examination, review, and the deletion and separation of exempt from non-exempt information if the failure to charge the fee would result in unreasonably high costs to

the Village because of the nature of the request in the particular instance, and the FOIA Coordinator identifies the nature of the unreasonably high costs to the Village. The following provides further guidance on the charging of these “other labor charges”:

- a) The Village considers the costs of search, examination, review, and the deletion and separation of exempt from non-exempt information of \$50.00 or more to be unreasonably high costs to the Village due to the amount of time that must be devoted to such tasks and the cumulative effort such requests would have on the Village’s ability to provide its usual services to the public. So the Village may charge a labor fee for search, examination, review, and deleting and separating exempt from non-exempt information when that total exceeds \$50.00.
 - b) Where the costs of search, examination, review, and deletion and separation are less than \$50.00, the FOIA Coordinator typically will not charge those labor costs. Notwithstanding the above, the FOIA Coordinator has authority to determine when the costs of search, examination, review, and deletion and separation are unreasonably high in a particular instance, including, but not limited to, instances when the costs would be excessive and beyond the normal or usual amounts for responding to a request. In doing so, the FOIA Coordinator may take into account considerations such as the volume and complexity of the FOIA request as well as the Village’s particular fiscal condition at the time of the request. Where these “other labor costs” are deemed unreasonably high, they may be charged – even if below the \$50.00 threshold.
- B. Mailing and Postage Fees. The Village may charge the actual cost of mailing the documents to the person who submitted the FOIA request. This includes any envelopes, packaging, labels, and postage.
- C. Duplication Fees. The following will apply to requests for public records under the FOIA. The actual fees will be charged for the cost of the Village to duplicate the record or the actual costs incurred by the Village if a third party vendor is required to duplicate the public record.

The list of costs is not all-inclusive. Other fees may be calculated and established by the FOIA Coordinator in accordance with the FOIA.

- 1) STANDARD LEGAL AND LETTER SIZE PUBLIC DOCUMENTS: For one or two sided sheets, twenty-five (\$0.25) cents for each page of the public record provided must be charged. As permitted by the FOIA, the Village may also charge this fee for any public record that the Village is required to copy for inspection. For example, if the public record requires redactions, the public body may charge the cost of providing the redacted copy for inspection. If it is most economical for the Village to have a third party vender make copies, then the Village shall charge the actual costs incurred by the Village from the third party vendors.
- 2) RETURNED CHECKS: The Village must charge the actual cost charged by the bank to the Village for returned checks sent to the Village in connection with a FOIA request.
- 3) VIDEO OR AUDIO TAPES: The Village must charge the actual cost of the tape and actual cost of the reproduction of the tape.
- 4) COMPACT DISCS, THUMB DRIVES OR DVDs: The Village must charge the actual cost of disc, CD, thumb drives or DVD.
- 5) OVERSIZED DOCUMENTS: The Village must charge the actual costs incurred by the Village, including any actual charges from third party vendors, in order to provide a copy.

D. Statutory Fees. This section does not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or if the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.

V. **Inspection.**

Upon request, the Village must furnish a requesting person a reasonable opportunity for inspection and examination of its public records, and must furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours.

The FOIA permits the Village to make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions. The Village must protect public records from loss, unauthorized alteration, mutilation, or destruction. As such, the Village authorizes the FOIA Coordinator to determine whether in a particular circumstance an employee or agent of the Village must be present at any inspection of documents to protect the public records, and in such cases may assess charges as appropriate under law.

VI. Certified Copies.

The Village must, upon written request, furnish a requesting person a certified copy of public record disclosed in whole or in part by the Village.

VII. Affidavit of Indigency.

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 from an individual who is entitled to information under the FOIA and who submits an affidavit stating that the individual is then receiving public assistance or, if not receiving public assistance, stating facts showing inability to pay the costs because of indigency.

VIII. Public Interest Reduction or Waiver.

The FOIA Coordinator may reduce or waive the imposition of fees if the Coordinator 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 benefiting the general public.

IX. Deposit.

In cases where a fee to respond to a FOIA request is expected to exceed \$50.00 for copies, the Village may require the requester make a good faith deposit at the time the request for such information is made. The deposit may not exceed ½ of the expected total fee.

In cases where a subscription has been requested, the Village must require an escrow to be deposited of the estimated cost of the subscription. The Village must provide the estimate at the time of the subscription request. If at any time during the subscription period, the escrow deposit has been reduced to \$1.00, the Village may require additional funds to be deposited into the escrow fund to cover the estimated cost of complying with the remainder of the subscription. The Village may refuse to release subscription documents if insufficient funds at the time the documents are to be released.

X. Release of Documents upon Payment of Fee.

After a person requesting information pays the fee, the FOIA Coordinator must release the requested documents to that person.

XI. FOIA Record Retention.

The FOIA Coordinator must keep a copy of all written requests and documents sent in response to the request for public records on file for no less than 1 year, unless a longer retention time has been specified in a record retention policy applicable to the Village.

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