

## **Freedom of Information Act Policy Administrative Policy**

### **Statement of Principles**

Macomb Community College's ("College") Policy with respect to FOIA requests is to comply with State law in all respects.

The College has established the following policy to implement the FOIA and has created a public summary, written in a manner so as to be easily understood by the general public, covering the specific procedures and guidelines for submitting written requests to the College and explaining how to understand the College's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal.

### **Section 1: General Policies**

The Community College District of the County of Macomb, also known as Macomb Community College, is the public body subject to this Policy and the Michigan Freedom of Information Act. The President of Macomb Community College is the head of the Community College District of the County of Macomb, also known as Macomb Community College.

The College designates General Counsel Jeffrey Steele as the FOIA Coordinator. He is authorized to designate other College staff to act on his behalf to accept and process written requests for the College's public records and approve denials.

If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to the College's spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator may, in his/her discretion, implement administrative rules, consistent with State law and this Policy to administer the acceptance and processing of FOIA requests.

The College is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other College staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

The FOIA Coordinator shall keep a copy of all written requests for public records received by the College on file for a period of at least one year.

The College will make this Policy document and the Written Public Summary publicly available without charge. If it does not, the College cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

A copy of this Policy document and the College's Written Public Summary must be publicly available by providing free copies both in the College's response to a written request and upon request by visitors at the College's office.

This Policy document and the College's Written Public Summary will be maintained on the College's website at: <http://www.macomb.edu/resources/college-policies/attachments/FOIA-Policy.pdf> and <http://www.macomb.edu/resources/college-policies/attachments/Public-Summary-FOIA-Procedures-Guidelines.pdf> so a link to those documents will be provided in lieu of providing paper copies of those documents.

## **Section 2: Requesting a Public Record**

Requests must be in writing, state that it is a "Freedom of Information" or "FOIA" request, state the complete name, address and contact information of the person or entity making the request, and be submitted to Jeffrey Steele, FOIA Coordinator, Macomb Community College, by personal delivery, mail, fax or email as provided below:

If by personal delivery, to: 16000 Hall Road, Suite 2A, Clinton Township, Michigan 48038

If by mail, to: 14500 E. Twelve Mile Road, Warren, Michigan 48088

If by fax, to: (586) 498-4095

If by email, to: [steelej40@macomb.edu](mailto:steelej40@macomb.edu)

No specific form to submit a request for a public record is required.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the College may be submitted in any form of writing (letter, fax, email, etc.).

If a person makes a verbal request for information believed to be available on the College's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.

A request must sufficiently describe a public record so as to enable the College personnel to identify and find the requested public record.

A person may request that public records be provided on non-paper physical media, emailed or other otherwise provided to him or her in digital form in lieu of paper copies. The College will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by the College on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

## **Section 3: Processing a Request**

Unless otherwise agreed to in writing by the person making the request, the College will issue a response within 5 business days of receipt of a FOIA request. If a request is received by fax, email or

other electronic transmission, the request is deemed to have been received on the following business day.

The College will respond to a 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 indicating that due to the nature of the request the College needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the College's website.

***When a request is granted:***

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.

The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.

A copy of this Policy and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records, provided however, that because this Policy, and the Written Public Summary are maintained on the College's website at:

<http://www.macomb.edu/resources/college-policies/attachments/FOIA-Policy.pdf> and <http://www.macomb.edu/resources/college-policies/attachments/Public-Summary-FOIA-Procedures-Guidelines.pdf> a link to the Procedures and Guidelines and the Written Public Summary will be provided in lieu of providing paper copies of those documents.

If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.

If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the College may require a good-faith deposit pursuant to Section 4 of this policy before processing the request.

In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the College to process the request and also provide a best efforts estimate of a time frame it will take the College to provide the records to the requestor. The best efforts estimate shall be nonbinding on the College, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

***When a request is denied or denied in part:***

If the request is denied or denied in part, the FOIA Coordinator will issue a notice of denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the College; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to either the office of the College President or seek judicial review in the Macomb County Circuit Court;
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.
- The notice of denial shall be signed by the FOIA Coordinator or his designee.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a notice of denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

***Requests to inspect public records:***

The College shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect the College records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal College operations.

***Requests for certified copies:***

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

**Section 4: Fee Deposits**

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor may be asked to provide a deposit not exceeding one-half of the total estimated fee. If the College does not receive the requested deposit within 48 days of the day the request for deposit was sent, the FOIA request will be deemed abandoned.

**Section 5: Calculation of Fees**

A fee may be charged for the labor cost of copying/duplication.

A fee will *not* be charged for the labor 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 College because of the nature of the request in the particular instance, and the College specifically identifies the nature of the unreasonably high costs.

Costs for the search, examination review, and deletion and separation of exempt from non-exempt information are “unreasonably high” when they are excessive and beyond the normal or usual amount for those services compared to the costs of the College’s usual FOIA requests.

The following factors shall be used to determine an unreasonably high cost to the College:

- Volume of the public record requested;
- The job classification and amount of time an employee must spend to search for, examine, review and separate exempt from non-exempt information in the record requested;
- Whether the public records are from more than one College department or whether various College offices are necessary to respond to the request;
- The available staffing to respond to the request.
- Whether the records must be reviewed by the Office of General Counsel to determine if records or parts of records are exempt from disclosure under the FOIA.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The Michigan FOIA statute permits the College to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the College.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the College.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the College’s website if you ask for the College to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the College’s website if you ask for the College to make copies.
- The cost to mail or send a public record to a requestor.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid College employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs for review by the Office of General Counsel shall be calculated by dividing the annual salary of the General Counsel at the time of the request by 52 weeks and then dividing that quotient by 40 hours per week.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
- The College may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage).

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if the College has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- The College will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the College's technology infrastructure.

The cost to provide paper copies of records will be based on the following requirements:

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The College will provide records using double-sided printing, if it is cost-saving and available.

The cost to mail records to a requestor will be based on the following requirements:

- The actual cost to mail public records using a reasonably economical and justified means.
- The College may charge for the least expensive form of postal delivery confirmation.

- No cost will be made for expedited shipping or insurance unless specified by the requestor.

If the FOIA Coordinator does not respond to a written request in a timely manner, the College must:

- Reduce the labor costs by 5% for each day the College exceeds the time permitted under FOIA up to a 50% maximum reduction, if *any* of the following applies:
  - The College's late response was willful and intentional,
  - The written request conveyed a request for information within the first 250 words of the body of a letter facsimile, email or email attachment, or
  - The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy" or a recognizable misspelling of such, or 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 email, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form.

### **Section 6: Waiver of Fees**

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The College may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

### **Section 7: Discounted Fees**

#### ***Indigence***

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- Indigent and receiving specific public assistance, or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is not eligible to receive the discount if:

- The requestor has previously received discounted copies of public records from the College twice during the calendar year; or
- The requestor requests information in connection with other persons who are offering or providing payment to make the request.
- An affidavit is a sworn statement attesting to the fact that he/she is indigent and receiving specific public assistance, or if not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

#### ***Nonprofit organization advocating for developmentally disabled or mentally ill individuals***

The FOIA Coordinator will discount the first \$20.00 of the processing fee for a request from:

- A nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:
  - Is made directly on behalf of the organization or its clients.
  - 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.
  - Is accompanied by documentation of its designation by the state, if requested by the public body.

### **Section 8: Appeal of a Denial of a Public Record**

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may file an appeal of the denial with the office of the College President.

The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. Within 10 business days of receiving the appeal the College President, will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reversing the disclosure denial in part and upholding the disclosure denial in part; or
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the College shall respond to the written appeal. The College shall not issue more than 1 notice of extension for a particular written appeal.

If the College fails to respond to a written appeal, or if the College 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 in Macomb County Circuit Court.

Whether or not a requestor submitted an appeal of a denial to the College, he or she may file a civil action in Macomb County Circuit Court within 180 days after the College's final determination to deny the request.

### **Section 9: Appeal of an Excessive FOIA Processing Fee**

“Fee” means the total fee or any component of the total fee calculated under section 4 of the FOIA, including any deposit.

If a requestor believes that the fee charged by the College to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first file a written appeal for a fee reduction with the office of the College President.



The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. Within 10 business days after receiving the appeal, the College President, will respond in writing by:

- Waiving the fee;
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issuing 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 10 business days the period during which the College Board will respond to the written appeal. The College shall not issue more than 1 notice of extension for a particular written appeal.

Where the College reduces or upholds the fee, the determination must include a certification from the College 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 of the FOIA.

Within 45 days after receiving notice of the College's determination of an appeal, the requesting person may commence a civil action in Macomb County Circuit Court for a fee reduction.

If a civil action is commenced against the College for an excess fee, the College is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

**Effective Date:**

Approved by President's Council

June 5, 2015

This Policy is effective July 1, 2015

Revised 2.5.19

**Macomb Community College  
FREEDOM OF INFORMATION REQUEST  
DETAILED COST ITEMIZATION FORM**

REQUESTER INFORMATION:

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 PHONE NO. \_\_\_\_\_

DATE REQUEST RECEIVED: \_\_\_\_\_ PREPARED FOR REQUEST NO.: \_\_\_\_\_

DETAILED COSTS ITEMIZATION: \_\_\_\_\_

DATE DETAILED COSTS ITEMIZATION MAILED: \_\_\_\_\_

**The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the College's FOIA Policies and Guidelines.**

<p><b>1. <u>Labor Cost for Copying / Duplication</u></b></p> <p>This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.</p> <p>This shall not be more than the hourly wage of the College'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.</p> <p>These costs will be estimated and charged in <b>15 minute time increments</b>. All partial time increments must be rounded down. <i>If the number of minutes is less than one increment, there is no charge.</i></p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ _____  <b>OR</b></p> <p>Hourly Wage with Fringe Benefit Cost: \$ _____ <b>OR</b>        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: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (<i>overtime is not used to calculate the fringe benefit cost</i>)</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by _____ -minute increments, and round down. Enter below:</p> <p><b>Number of increments</b></p> <p>x _____        = _____</p>	<p><b>1. Labor Cost</b></p> <p>\$ _____</p>
---	---	---

<p><b>2. Labor Cost to Locate:</b></p> <p>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. <b>This fee is being charged because failure to do so will result in unreasonably high costs to the College that are excessive and beyond the normal or usual amount for those services compared to the College's usual FOIA requests, because of the nature of the request in this particular instance, specifically:</b> _____</p> <p>_____</p> <p>The College 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.</p> <p>These costs will be estimated and charged in _____-minute time increments (<i>must be 15-minutes or more</i>); all partial time increments must be rounded down. <i>If the number of minutes is less than 15, there is no charge.</i></p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ _____</p> <p style="text-align: center;"><b>OR</b></p> <p>Hourly Wage with Fringe Benefit Cost: \$ _____ <b>OR</b></p> <p>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.</p> <p>Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (<i>overtime is not used to calculate the fringe benefit cost</i>)</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:</p> <p><b>Number of increments</b></p> <p>x _____</p> <p>= _____</p>	<p><b>2. Labor Cost</b></p> <p>\$ _____</p>
<p><b>3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):</b></p> <p><i>(Fill this out if using a College employee. If contracted, use No. 3b instead).</i></p> <p>The College 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.</p> <p><b>This fee is being charged because failure to do so will result in unreasonably high costs to the College that are excessive and beyond the normal or usual amount for those services compared to the College's usual FOIA requests, because of the nature of the request in this particular instance, specifically:</b> _____</p> <p>_____</p> <p>_____</p> <p>This is the cost of labor of a <b>College employee</b>, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the <b>College's lowest-paid employee</b> 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.</p> <p>These costs will be estimated and charged in <b>15 minute time increments</b>; all partial time increments must be rounded down. <i>If the number of minutes is less than 15, there is no charge.</i></p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ _____</p> <p style="text-align: center;"><b>OR</b></p> <p>Hourly Wage with Fringe Benefit Cost: \$ _____ <b>OR</b></p> <p>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.</p> <p>Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (<i>overtime is not used to calculate the fringe benefit cost</i>)</p>	<p>To figure the number of increments, take the number of minutes: _____, divide by _____-minute increments, and round down. Enter below:</p> <p><b>Number of increments</b></p> <p>x _____</p> <p>= _____</p>	<p><b>3a. Labor Cost</b></p> <p>\$ _____</p>

**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 College 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 College that are excessive and beyond the normal or usual amount for those services compared to the College's usual FOIA requests, because of the nature of the request in this particular instance, specifically:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As this College 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 \_\_\_\_\_-minute time increments (*must be 15-minutes or more*); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

**Hourly Cost Charged:** \$ \_\_\_\_\_

**Charge per increment:** \$ \_\_\_\_\_

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

**Number 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 (8 1/2 x 11-inch, single and double-sided): \_\_\_\_\_ cents per sheet
- Legal (8 1/2 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: \_\_\_\_\_

The cost of paper copies **must** be calculated as a total cost per sheet of paper. The fee **cannot exceed** 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A College **must** utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

Number of Sheets:

x \_\_\_\_\_

=

x \_\_\_\_\_

=

x \_\_\_\_\_

=

No. of Items:

x \_\_\_\_\_

=

Costs:

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

4. Total Copy Cost

\$ \_\_\_\_\_

**5. Mailing Cost:**

The College will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

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

Actual Cost of Envelope or Packaging: \$ \_\_\_\_\_

Actual Cost of Postage: \$ \_\_\_\_\_ per stamp

\$ \_\_\_\_\_ per pound

\$ \_\_\_\_\_ per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ \_\_\_\_\_

\*Expedited Shipping or Insurance as Requested: \$ \_\_\_\_\_

\* Requestor has requested expedited shipping or insurance

Number of Envelopes or Packages:

x \_\_\_\_\_

=

x \_\_\_\_\_

=

x \_\_\_\_\_

=

x \_\_\_\_\_

=

x \_\_\_\_\_

=

x \_\_\_\_\_

=

Costs:

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

5. Total Mailing Cost

\$ \_\_\_\_\_

**6a. Copying/Duplicating Cost for Records Already on College's Website:**

If the public body has included the website address for a record in its written response to the requestor, 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 College 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 (8 1/2 x 11-inch, single and double-sided): \_\_\_\_\_ cents per sheet
- Legal (8 1/2 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: \_\_\_\_\_

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

Number of Sheets:

x \_\_\_\_\_  
= \_\_\_\_\_  
x \_\_\_\_\_  
= \_\_\_\_\_

x \_\_\_\_\_  
= \_\_\_\_\_

No. of Items:  
x \_\_\_\_\_  
= \_\_\_\_\_

Costs:

\$ \_\_\_\_\_  
\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

6a. Web Copy Cost

\$ \_\_\_\_\_

**6b. Labor Cost for Copying/Duplicating Records Already on College's Website:**

This shall not be more than the hourly wage of the College'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 \_\_\_\_\_-minute time increments (i.e.: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than 15, there is no charge.

Hourly Wage Charged: \$ \_\_\_\_\_

Charge per increment: \$ \_\_\_\_\_

OR

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_

OR

Multiply the hourly wage by the percentage multiplier: \_\_\_\_\_ % and add to the hourly wage for a total per hour rate.

Charge per increment: \$ \_\_\_\_\_

The College 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.

Overtime rate charged as stipulated by Requestor

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

Number of increments

x \_\_\_\_\_  
= \_\_\_\_\_

6b. Web Labor Cost

\$ \_\_\_\_\_

**6c. Mailing Cost for Records Already on College's Website:**

Actual Cost of Envelope or Packaging: \$ \_\_\_\_\_

Actual Cost of Postage: \$ \_\_\_\_\_ per stamp / per pound / per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ \_\_\_\_\_

\*Expedited Shipping or Insurance as Requested: \$ \_\_\_\_\_

\* Requestor has requested expedited shipping or insurance

Number:

x \_\_\_\_\_  
= \_\_\_\_\_

x \_\_\_\_\_  
= \_\_\_\_\_

x \_\_\_\_\_  
= \_\_\_\_\_

x \_\_\_\_\_  
= \_\_\_\_\_

Costs:

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

6c. Web Mailing Cost

\$ \_\_\_\_\_

<p><b><u>Subtotal Fees Before Waivers, Discounts or Deposits:</u></b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <input type="checkbox"/> Cost estimate  <input type="checkbox"/> Bill         </div> <p><b>Cost for Copying:</b></p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><b>Estimated Time Frame to Provide Records:</b>            _____ (days or date)</p> <p>The time frame estimate is nonbinding upon the College, but the College is providing the estimate in good faith. Providing an estimated time frame does not relieve the College from any of the other requirements of this act.</p> </div> <p><b>Subtotal Fees:</b></p>	<p><b>1. Labor</b></p> <p><b>2. Labor Cost to Locate:</b> \$ _____</p> <p><b>3a. Labor Cost to Redact:</b> \$ _____</p> <p><b>3b. Contract Labor Cost to Redact:</b> \$ _____</p> <p><b>4. Copying/Duplication Cost:</b> \$ _____</p> <p><b>5. Mailing Cost:</b> \$ _____</p> <p><b>6a. Copying/Duplication of Records on Website:</b> \$ _____</p> <p><b>6b. Labor Cost for Copying Records on Website:</b> \$ _____</p> <p><b>6c. Mailing Costs for Records on Website:</b> \$ _____</p> <p>\$ _____</p>	<p>\$ _____</p>
<p><b>Waiver: <u>Public Interest</u></b></p> <p>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 College 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.</p> <p style="text-align: center;"> <input type="checkbox"/> All fees are waived    <b>OR</b>    <input type="checkbox"/> All fees are reduced by: _____ %         </p>	<p><b>Subtotal Fees After Waiver:</b></p>	<p>\$ _____</p>
<p><b>Discount: <u>Indigence</u></b></p> <p>A public record search <b>must</b> be made and a copy of a public record <b>must</b> be furnished <b>without charge for the first \$20.00 of the fee</b> for each request by an individual who is entitled to information under this act and who:</p> <p>1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, <b>OR</b></p> <p>2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.</p> <p>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 <b>ANY</b> of the following apply:</p> <p>(i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, <b>OR</b></p> <p>(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.</p> <p style="text-align: center;"><input type="checkbox"/> Eligible for Indigence Discount</p>	<p><b>Subtotal Fees After Discount (subtract \$20):</b></p>	<p>\$ _____</p>

<p><b>Discount: Nonprofit Organization</b></p> <p>A public record search <b>must</b> be made and a copy of a public record <b>must</b> be furnished <b>without charge for the first \$20.00 of the fee</b> for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets <b>ALL</b> of the following requirements:</p> <p>(i) Is made directly on behalf of the organization or its clients.</p> <p>(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.</p> <p>(iii) Is accompanied by documentation of its designation by the state, if requested by the College.</p> <p style="text-align: right;"><input type="checkbox"/> <b>Eligible for Nonprofit Discount</b></p>	<p><b>Subtotal Fees After Discount (subtract \$20):</b></p>	<p>\$ _____</p>
<p><b>Deposit: Good Faith</b></p> <p>The College may require a good-faith deposit <u>before providing the public records to the requestor</u> if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. <b>Percent of Deposit:</b> _____%</p>	<p><b>Date Paid:</b></p> <p>_____</p>	<p><b>Deposit Amount Required:</b></p> <p>\$ _____</p>
<p><b>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full</b></p> <p>After a College has granted and fulfilled a written request from an individual under this act, if the College has not been paid in full the total amount of fees for the copies of public records that the College made available to the individual as a result of that written request, <b>the College 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</b> if <b>ALL</b> of the following apply:</p> <p>(a) The final fee for the prior written request was not more than 105% of the estimated fee.</p> <p>(b) The public records made available contained the information being sought in the prior written request and are still in the College's possession.</p> <p>(c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request.</p> <p>(d) Ninety (90) days have passed since the College notified the individual in writing that the public records were available for pickup or mailing.</p> <p>(e) The individual is unable to show proof of prior payment to the College.</p> <p>(f) The College calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.</p> <p>A College <b>can no longer require an increased estimated fee deposit</b> from an individual if <b>ANY</b> of the following apply:</p> <p>(a) The individual is able to show proof of prior payment in full to the College, <b>OR</b></p> <p>(b) The College is subsequently paid in full for the applicable prior written request, <b>OR</b></p> <p>(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 College.</p>	<p><b>Date Paid:</b></p> <p>_____</p>	<p><b>Percent Deposit Required:</b></p> <p>_____%</p> <p><b>Deposit Required:</b></p> <p>\$ _____</p>
		<p><b>Total Labor Costs</b></p>



<p><b>Late Response Labor Costs Reduction</b></p> <p>If the College does not respond to a written request in a timely manner as required under MCL 15.235(2), the College <b>must</b> do the following:</p> <p>(a) <b>Reduce the charges for labor costs</b> otherwise permitted by 5% for each day the College exceeds the time permitted for a response to the request, <b>with a maximum 50% reduction</b>, if <b>EITHER</b> of the following applies:</p> <p>(i) The late response was willful and intentional, <b>OR</b></p> <p>(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 for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.</p>	<p>Number of Days Over Required Response Time: _____</p> <p>Multiply by 5% _____</p> <p>= Total Percent Reduction: _____</p>	<p>\$ _____</p> <p>Minus Reduction \$ _____</p> <p>= Reduced Total Labor Costs \$ _____</p>
<p>The Public Summary of the College's FOIA Procedures and Guidelines is available free of charge from:          Website: _____ Email: _____          Phone: _____ Address: _____</p> <p style="text-align: center;"><b>Request Will Be Processed,          But <u>Balance Must Be Paid Before</u> Copies May Be Picked Up, Delivered or Mailed</b></p>	<p>Date Paid: _____</p>	<p>Total Balance Due: \$ _____</p>