

Macomb Community College

Public Summary of FOIA Procedures and Guidelines

Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the following is the Written Public Summary of Macomb Community College's FOIA Procedures and Guidelines relevant to the general public.

This is only a summary of Macomb Community College's FOIA Procedures and Guidelines. For more details and information, copies of Macomb Community College's FOIA Procedures and Guidelines are available at no charge at any College office and on Macomb Community College's website: <http://www.macomb.edu/resources/college-policies/attachments/FOIA-Policy.pdf>

1. How do I submit a FOIA request to Macomb Community College?

- Requests must be in writing, state that it is a "Freedom of Information" or FOIA 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

2. What kind of response can I expect to my request?

- Within 5 business days after receiving a FOIA request, Macomb Community College will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. Macomb Community College 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 indicating that due to the nature of the request Macomb Community College Macomb Community needs an additional 10 business days to respond,
 - Issue a notice requesting clarification of a request,

- Request a deposit if the cost of processing a request is expected to exceed \$50.00 and provide a written estimate of costs, or
- Issue a written notice indicating that the public record requested is available at no charge on Macomb Community College's website.
- Deposits must be paid before a request will be processed, and all allowable costs must be paid in full before the documents will be provided.

3. What are Macomb Community College's deposit requirements?

- If Macomb Community College makes a good faith calculation that the total fee for processing the request will exceed \$50.00, it may require that you provide a deposit in the amount of 50% of the total estimated fee. When Macomb Community College requests the deposit, it will provide you a non-binding written estimate of how long it will take to process the request after you have paid your deposit.

4. How does Macomb Community College calculate FOIA processing fees?

The Michigan FOIA statute permits Macomb Community 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 Macomb Community 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 Macomb Community 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 Macomb Community College's website if you ask Macomb Community 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 Macomb Community College's website if you ask the College to make copies.
- The cost to mail or send a public record to a requestor.

Labor Costs

- 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 may also include a charge to cover or partially cover the cost of fringe benefits. 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.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage)

Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to Macomb Community College's usual FOIA requests, because of the nature of the request in the particular instance.

Copying and Duplication

Macomb Community College must use the most economical method for making copies of public records, including using double-sided printing, if cost-saving and available.

Non-paper Copies on Physical Media

- The cost for records provided on non-paper physical media, such as computer discs, 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 be charged only if Macomb Community College has the technological 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 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 will paper will reflect the actual cost of reproduction.

Mailing Costs

- The cost to mail public records will use a reasonably economical and justified means.

- Macomb Community College may charge for the least expensive form of postal delivery confirmation.
- No charge will be made for expedited shipping or insurance unless you request it.

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.

5. How do I qualify for an indigence discount on the fee?

Macomb Community College will discount the first \$20.00 of fees 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 indigence.

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

- Have previously received discounted copies of public records from Macomb Community College 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.

6. How may I challenge the 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 appeal by filing a written appeal of the denial with the President of Macomb Community College.

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 10 business days of receiving the appeal the President of Macomb Community College will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of a denial to the President of Macomb Community College, you may file a civil action in Macomb County Circuit Court within 180 days after the

College's final determination to deny your request. If you prevail in the civil action the court may award you reasonable attorneys' fees, costs and disbursements. If the court determines that Macomb Community College acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.

Appeal of an Excess FOIA Processing Fee

If you believe that the fee charged by Macomb Community College to process your FOIA request exceeds the amount permitted by state law, you must first file a written appeal for a fee reduction with the President of Macomb Community College.

The appeal must specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. Within 10 business days after receiving the appeal, the President of Macomb Community College 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 10 business days the period during which the President of Macomb Community College will respond to the written appeal.

Within 45 days after receiving notice of Macomb Community College's determination of the processing fee appeal, you may commence a civil action in Macomb County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements. If the court determines that Macomb Community College acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.

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