



WAYNE COUNTY
CONSERVATION
DISTRICT

FREEDOM OF INFORMATION ACT POLICY

Summary

Section 1 of the Michigan Freedom of Information Act (“FOIA” or “the statute”) provides, “it is the public policy of this state that all persons, except those persons incarcerated in state or local correctional facilities, are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with this act. The people shall be informed so that they may fully participate in the democratic process” (M.C.L.A. 15.231.) To that end, all people, excluding prisoners, are allowed to file FOIA requests with Wayne County Conservation District (the “Wayne County CD”). A requester must file a request in writing with the Wayne County CD FOIA Administrator, and the Wayne County CD will begin processing the request. Verbal requests will require contact information for follow up as the FOIA Administrator will summarize the verbal request for accuracy in writing to the requester for content confirmation.

The Wayne County CD, in its initial response, will do one of the following within the time frame permitted by the statute: grant the request, partially grant the request, deny the request, inform the requester that additional time is needed, require a fee deposit prior to further processing, or inform the requester that the requested record has not been sufficiently described.

If a request is denied or partially denied, the Wayne County CD will explain why the documents have not been released and inform the requester of his or her challenge and appeal options.

A fee deposit will be required when processing a request that will require significant Wayne County CD time and resources, depending on whether past Wayne CD FOIA invoices bills have been paid by the requester. The Wayne County CD, if requested, can provide a non-binding, best efforts estimate of the time it will take to complete the processing of the request. If the cost of processing the request is significantly greater than the estimated cost, the Wayne County CD will notify the requester to assess whether or not he or she wants to proceed with the request.

After the Wayne County CD receives a required deposit, it will make every effort to provide the requested documents within the time estimate provided. Requesters must understand, however, that at any given time, the Wayne County CD is processing multiple requests and cannot devote all of its time to one particular request.

If a requester feels that he or she was wrongly denied responsive documents, he or she may appeal to the Head of the Public Body, which for the purposes of these Procedures and Guidelines is the Chair of the Wayne County CD, or file a civil action. If a requester believes that the Wayne County CD has required a fee that exceeds the amount permitted under the Procedures and Guidelines, he or she may file a civil action. Requesters are also always free to contact the Wayne County CD Executive Director at (313) 418-

0700 with any questions about the processing of their requests. Detailed Procedures and Guidelines follow.

Procedures and Guidelines

1. How to submit a FOIA request to the Wayne County CD

- A. A FOIA request can be made verbally by calling 313-418-0700 or by email to the Wayne County CD's Executive Director whose email address is cboris4@gmail.com.
- B. A request should describe the record(s) sought sufficiently to enable the Wayne County CD to find the record(s) and should provide the requester's contact information.
- C. Request should state that they are submitted pursuant to the Michigan Freedom of Information Act.
- D. 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. A business day is defined as Monday through Friday, exclusive of holidays and institutional closure days.
- E. If a FOIA request is delivered to the Wayne County CD Administrator's junk mail folder, the request will be deemed received one business day after the FOIA Administrator becomes aware of the request. The FOIA Administrator will check the junk mail folder at least once per month.
- F. Verbal requests made, via telephone or in person to the FOIA Administrator, will require contact information for follow up. The FOIA Administrator will summarize the verbal request for accuracy in writing to the requester for content confirmation.

2. Responses to FOIA requests to the Wayne County CD

- A. The Wayne County CD will respond to a FOIA request within five (5) business days of the FOIA Administrator receiving the request, or if more time is needed, due to the nature of the request, an additional ten (10) business days, for a total of 15 business days.
- B. A response will consist of one or more of the following:
 - I. A granting of the request
 - II. A partial granting of the request, and a partial denial because some or a portion of the records do not exist, are not in the possession of the Wayne County CD and/or are exempt from disclosure.
 - III. A complete denial of the request because all of the records do not exist, are not in the possession of the Wayne County CD, and/or are exempt from disclosure.
 - IV. A notice that more time is needed to process the request.
 - V. A notice that a fee deposit is required prior to further processing
 - VI. If a fee deposit is required, the Wayne County CD will include in its response a non-binding, best efforts estimate regarding the time it will take to provide the records to the requester.
 - VII. A notice that the record(s) sought has (have) not been sufficiently described to enable the Wayne County CD to locate the record(s).
 - VIII. The response will state the FOIA exemptions under which any information and/or documents are withheld, if applicable.
 - IX. If any part of a request for records is denied for any reason, the response will set forth the procedures for appealing the denial.

3. Deposit Requirements

- A. A fee deposit will be required when the processing of a request will result in fees equal to or greater than \$50.00, depending on several factors, such as the volume of records requested, staff time availability, past payment history of a requester, etc.

- B. The required deposit will equal up to 50% of the estimated cost of fulfilling the request as calculated at the time of the initial response.
- C. If the Wayne County CD requires a deposit, it will not process the FOIA request further until the deposit is paid.
- D. If, after receipt of the deposit and further processing of the request, the Wayne County CD learns that the processing costs will be significantly different from the estimated costs, the Wayne County CD will so notify the requester. Where the actual effort to search for, review and separate exempt material significantly exceeds the estimate, the Wayne County CD will notify the requester. The requester may choose to limit the original request to those records, which may be processed within the allotted time.
- E. A person who makes a FOIA request for which a deposit is required may withdraw that FOIA request without charge instead of paying the required deposit. Failure to pay the deposit will be deemed as a withdrawal of the FOIA request.
- F. Where a requester who has not paid the final fee for the processing of an earlier request files a new FOIA request, the Wayne County CD will require a deposit of (100%) of the estimated fees for processing the subsequent request prior to processing the subsequent request.

4. Calculation and Payment of Fees.

- A. Fees are calculated by adding together the following costs, as applicable:
 - i. The labor costs for searching for, locating, and examining responsive records.
 - ii. The labor costs for review, separation, and deletion of exempt information from non-exempt information
 - iii. The cost of non-paper physical media, if used.
 - iv. The cost per copy of paper copies, not to exceed \$0.25/page for standard 8 ½ x 11-inch paper.
 - v. The labor costs directly associated with duplication or publication, which may include copying to non-paper media.
 - vi. The cost of mailing, if used.
- B. The Wayne County CD may require payment in full of all fees incurred in processing a FOIA request before delivering the final, responsive documents; and the Wayne County CD invoice for fulfilling the FOIA request must be paid within ninety (90) days.
- C. If the requester has not paid the Wayne CD's invoice for the FOIA request within 30 days after receipt of the invoice, a late fee of 6% of the outstanding balance will be charged for each month that the invoice is not paid by the requestor.
- D. The Wayne County CD's decision to deny access to public records sought by a FOIA request because those records are, in whole or in part, exempt from disclosure does not excuse the person who files that FOIA request from payment of fees for the work undertaken by the Wayne County CD in response to that request.
- E. The Wayne County CD may waive or reduce the fees it is authorized to charge if it determines that a waiver or reduction of the fee is in the public interest because responding to the FOIA request can be considered as primarily benefiting the general public.
- F. Fee reductions or waivers are required in certain instances involving proven indigence or non-profit organizations. The Wayne County CD will apply these reductions or waivers in accordance with the statute.
- G. Labor costs will be calculated based on the following requirements:

