

**FREEDOM OF INFORMATION REQUEST POLICY**  
**Adopted 9/9/03**

**1. PURPOSE**

The purpose of this policy is to:

- 1.1 Assure compliance with the Freedom of Information Act by all Tuscola County Departments and Offices as permitted by statute(s).
- 1.2 Formulate a comprehensive written County policy regarding the dissemination of information pursuant to the Freedom of Information Act MCL 15.231 et seq, Public 553 of 1997, as amended.
- 1.3 Assure consistency with the Act that all persons except those incarcerated in state or local correctional facilities are entitled to full and complete information regarding governmental decision making.
- 1.4 Designate the Chairperson of the Tuscola County Board of Commissioners as the FOIA Coordinator and authorize the Board Chairperson to designate a staff member to act on the Chair's behalf.
- 1.5 Communicate to County Elected Officials, Department Heads, Employees, and the Public the formal County Policy on Freedom of Information requests.

This policy applies to all County Elected Officials, Department Heads, Employees and Agencies of Tuscola County.

The Board Chairperson shall have responsibility for implementing this policy with assistance from the Controller/Administrator's Office.

**2. POLICY**

2.1 FOIA Coordinator. In accordance with the Act, the Chairperson of the Tuscola County Board of Commissioners is the County FOIA Coordinator. The FOIA Coordinator shall be responsible for accepting and processing requests for records covered under the Act and shall be responsible for approving a denial in accordance with the Act. If a FOIA request is received by a department, it is the responsibility of that department *to prepare a response and forward said response to the FOIA Coordinator for approval and signature.*

2.2 In accordance with the Act. The Tuscola County Board of

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Commissioners Chairperson may designate a staff member of the Controller/Administrator's Office to act on the Chairperson's behalf in accepting and processing requests for the County's Public Records and in approving denial of same. The FOIA Coordinator may also refer the request to the appropriate individual or County attorney to prepare a response. Said response should be approved by and copied to the FOIA Coordinator before being submitted.

- 2.3 Submission of Requests. All FOIA requests must be submitted in writing. This includes requests received by facsimile, electronic mail or through other electronic means. Requests received by facsimile or other electronic means are considered received the first business day following the transmittal.
- 2.4 Response. (See attached Standardized Form) Within five (5) business days the FOIA Coordinator or designee will:
- 2.4.1 Grant the request, or
  - 2.4.2 Grant the request in part and deny part of the request, or
  - 2.4.3 Deny the request, or
  - 2.4.4 Under unusual circumstance request an extension of ten (10) business days for additional response time.
  - 2.4.5 In the situation where the cost of granting the request is expected to exceed \$50.00, a notice to provide 50% of the cost prior to granting the request will be sent.
- 2.5 Records that must be produced. A request must describe the public record sufficiently to enable the public body to find the public record. A request that is overly vague or that does not give reasonable time parameters will be denied. A specific request can be properly denied if it falls within one of the exemptions listed in the FOIA.
- 2.6 Denial. Notice to deny a request in whole, or part, by the FOIA Coordinator or designee shall contain an explanation for the grounds under FOIA or other statute for the determination that the public record or portion of the public record is exempt from disclosure, if that is the reason for denying all or part of the request. If an exemption is used to deny a request, the specific statutory citation for the exemption will be listed with a copy of the statutory exemption highlighting the specific exemption attached. All denials must be signed by the FOIA Coordinator

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or designee. All denials will also include a description of the denied record, an explanation of the requestor's right to appeal and/or a certificate verifying that the attached record does not exist under the name given by the requestor or by another name reasonably known to the public body. All full or partial denials shall be copied simultaneously to the Tuscola County legal counsel.

2.7 File FOIA Request. The FOIA Coordinator or designee will keep on file a time stamped copy of all requests and responses for a period of one (1) year following their issuance.

2.8 Fees. In accordance with the FOIA, Tuscola County will charge fees for reproducing requested records; this shall include actual mailing cost, duplication or publication cost including labor, the cost of the search, examination, review, and the cost of separation of exempt from non-exempt information. A good faith deposit is requested where charges are expected to exceed fifty dollars (\$50). The deposit cannot exceed half of the total expected fee. The FOIA Coordinator will by mail, advise the requestor that they can obtain copies of the records requested by first paying the above applicable fees.