DICKINSON COUNTY

FREEDOM OF INFORMATION (FOIA) PROCEDURES AND GUIDELINES

A. APPOINTMENT OF FOIA COORDINATOR:

In accordance with Section 6 of the Freedom of Information Act (FOIA), MCL 15.236, the County has appointed a FOIA Coordinator. The names of the FOIA Coordinators are listed below.

B. SUBMISSION OF FOIA REQUESTS:

FOIA requests to Dickinson County should include a name, phone number and mailing address. Requests can be dropped off or sent by mail to:

Dickinson County
Attn: FOIA Coordinator
P.O. Box 609
Iron Mountain, MI 49801

Requests can also be faxed to (906) 774-4660

1. **DEPARTMENT COORDINATORS:**

   a. **COUNTY COORDINATOR:**
   Dolly Cook-Clerk/Coordinator

   b. **PROSECUTOR'S OFFICE:**
   Lisa Richards-Prosecutor
   Carl Downing-Chief Assistant Prosecutor

   c. **APPEAL COORDINATOR:**
   Scott Rutter-Undersheriff/Coordinator
   Scott Celello-Sheriff/Appeals Coordinator

C. NOTIFICATION OF FOIA REQUEST:

Any employee of the County, except for the Sheriff and Prosecutor's Office, who receives a written request for a public record must **immediately** forward that request to the FOIA Coordinator with the date that they received it.

D. REQUEST RESPONSE TIME:

The County may extend the time for responding by an additional ten business days by notifying the requesting person in writing of the reason for the extension and the new due date (MCL 15.235(2)(d) and (6)). Due to the short statutory time period within which the County must issue written notice in response to the FOIA request, it is imperative that there be no delay in complying with the County procedures and guidelines.

E. RESPONSE TO A FOIA REQUEST:

Only the County's FOIA Coordinator, the Sheriff's Coordinator or the Prosecutor's Coordinator will respond to FOIA requests. The County will provide copies of these procedures and guidelines with each written response. If a request is denied, in full or in part, the Office will provide the requester an explanation of the basis of the denial under FOIA and give notice to the requester of his or her remedial rights (MCL 15.235(4)).

F. ASSESSMENT OF FEES FOR A FOIA REQUEST:

The FOIA permits the County to charge a fee for the search, retrieval, examination, review and separation and deletion of exempt from nonexempt material, but only if the failure to charge a fee would result in unreasonably high costs because of the nature of the request in the particular instance to the Office (MCL 15.234(1) and (3)).

The following fee guidelines for calculating labor and material costs incurred in processing FOIA requests are established pursuant to MCL 15. 234(3):

1. Fees will be uniform and not dependant upon the identity of the requesting person.
2. Fees will be itemized using the attached form and will include:

    a. Labor costs for the *search, location and examination of public records,* which will be calculated using the hourly wage of the lowest paid employee capable of conducting the search, whether or not they are available or actually performing the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. The hourly wage will be based on the County's payroll records for the applicable fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.

    b. Labor costs for the *review of public records and separation and deletion of exempt from non exempt material* which will be calculated using the hourly wage of the County's lowest paid employee capable of conducting the search, whether or not they are available or actually performing the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. The hourly wage will be based on the County's payroll records for applicable fiscal year.

c. *Non-paper physical media costs* will be calculated using the actual and most reasonably economical cost of computer discs, computer tapes and other digital and similar media provided by the County.

d. *Duplication and publication* costs for paper copies will be calculated using the actual total incremental cost of necessary duplication or publication of a public record, not including labor. The actual and incremental cost, calculated per sheet, shall be charged and will not exceed ten cents per sheet of paper for letter or legal size paper. The County shall use the most economical means available for making copies, including the use of double-sided printing, if cost-saving and available.

e. Labor costs for the *duplication or publication of public records, including making paper copies, making digital copies or transferring digital public records to be produced on non-paper physical media or through electronic means* will be calculated using the hourly wage of the County's lowest paid employee capable of conducting the search, whether or not they are available or actually performing the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. The hourly wage will be based on the County's payroll records for applicable fiscal year.

f. Actual costs of mailing, using a reasonable economical justifiable manner.

g. No County employee shall stipulate overtime or include overtime wages in the labor costs described in these procedures and guidelines.

h. If a requester submits an affidavit of indigence, the first $20.00 of a fee will be waived. A requesting person must include a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration. Other than $20.00 for cases of indigence, no County employee shall waive a fee or any part of a fee without authorization from the FOIA Coordinator.

i. Labor costs for monitoring an inspection of original records will be calculated using the hourly wage of the County's lowest paid employee capable of monitoring the inspection. The hourly wage will be based on the County's payroll records for the applicable fiscal year. Note: Section 3(3) of the FOIA, MCL 15.233(3), provides in pertinent part, that "[a] public body shall protect records from loss, unauthorized alteration, mutilation or destruction."

j. If a statute authorizes the sale or production of public records to the public for a specified fee or if a fee for production of public records is otherwise set by statute, the County will charge a statutory fee in lieu of a fee calculated using the guidelines set forth above.

G. DEPOSIT REQUIREMENTS:

If the County estimates a fee to process a FOIA request greater than $50.00, the County will require a good-faith deposit from the requester before processing the request. The deposit shall not exceed ½ of the total estimated fee. The County shall provide reasonable efforts, but not binding, after a deposit is received to provide the requested records estimate in good faith and strive to be reasonably accurate and to provide the public records in the manner based on this State's public policy under Section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.

H. APPEALS OF FEES AND DISCLOSURE DETERMINATIONS:

If the County charges a fee or denies all or part of a request, the requester may submit to the County a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced or the disclosure determination should be reversed.

DICKINSON COUNTY

P.O. Box 609, Iron Mountain, MI 49801
Phone: (906) 774-0988
Fax: (906) 774-4660

DOLLY COOK
County Clerk/Register of Deeds

DAN MILLER
Chief Deputy County Clerk

FREEDOM OF INFORMATION (FOIA) REQUEST FORM

Name of Requester:	Phone Number:
Mailing Address:	Date of Request:
For Office Use Only:	
Date Received:	FOIA Coordinator:

Please indicate, in detail, what you are requesting so the County may accommodate your request to the best of your needs below:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Signature Date