Preamble: Statement of Principles

It is the policy of the Alcona County Commission on Aging (ACCOA) that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of entities that fall under the definition of a "public body," as that term is defined by section 2(h) of FOIA (Michigan Compiled Laws section 15.232(h)). According to that statute, a "public body" which is subject to the requirements of FOIA includes "[a]ny other body that is created by state or local authority or is primarily funded by or through state or local authority." While ACCOA is not a body that is created by state or local authority, it does typically receive a portion of its funding by or through state or local sources. The percentage of such funding varies from time to time. Because ACCOA is subject to the requirements of FOIA only when it is being "primarily funded" by or through state or local authority, it shall hereafter be the policy and practice of ACCOA to adhere to the requirements of FOIA when ACCOA is being primarily funded by or through state or local authority at the time of the receipt of a FOIA request; however, ACCOA reserves the right to decline to respond to a FOIA request if, at the time of the FOIA request, ACCOA is not being primarily funded by or through state or local authority, within the meaning of section 2(h) of FOIA.

ACCOA’s policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

Subject to the discussion of "public body" above, ACCOA acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. ACCOA acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of it organization and to protect the privacy of individuals. ACCOA will protect the public’s interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. ACCOA’s policy is to disclose public records consistent with and in compliance with State law.

ACCOA has established the following written procedures and guidelines to implement FOIA and will create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The written public summary will be written in a manner so as to be easily understood by the general public.

Section 1: General Policies

ACCOA, acting pursuant to the authority at MCL 15.236, designates ACCOA’s Executive Director as the FOIA Coordinator for ACCOA. He or she is authorized to designate other ACCOA staff to act on his or her behalf to accept and process written requests for ACCOA’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 an ACCOA 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 shall review ACCOA spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with ACCOA Information Technology staff
to develop administrative rules for handling spam and junk-mail so as to protect ACCOA systems from computer attacks which may be imbedded in an electronic FOIA request.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

ACCOA 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 ACCOA 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 ACCOA on file for a period of at least one year.

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

A copy of this Procedures and Guidelines document and ACCOA’s Written Public Summary must be publicly available by providing free copies both in ACCOA’s response to a written request and upon request by visitors at ACCOA’s office.

This Procedures and Guidelines document and ACCOA’s Written Public Summary will be maintained on ACCOA’s website at: www.alconaseniors.org, so a link to those documents will be provided in lieu of providing paper copies of those documents.

Section 2: Requesting a Public Record

No specific form to submit a request for a public record is required. However, the FOIA Coordinator may make available a FOIA Request Form for use by the public.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by ACCOA may be submitted on ACCOA’s FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.

Verbal requests for records may be documented by ACCOA on ACCOA’s FOIA Request Form.

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

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

A request from a person, other than an individual who qualifies as indigent under MCL 15.234(2)(a), must include the requesting person’s complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person’s agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards:

JANE SMITH (or ABC MOVERS)
1500 E MAIN AVE STE 201
SPRINGFIELD VA 22162-1010
Contact information must include a valid telephone number or electronic mail address.

Written requests for public records may be submitted in person or by mail to the ACCOA office. Requests may also be submitted electronically by fax and email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person making a request may stipulate that the public body’s response be electronically mailed (email), delivered by facsimile (fax), or delivered by first-class mail, and ACCOA will comply unless ACCOA lacks the technological capability to provide an electronically mailed or facsimile response.

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. ACCOA 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 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, ACCOA 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.

ACCOA 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 ACCOA 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 ACCOA’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 these Procedures and Guidelines 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 these Procedures and Guidelines, and the Written Public Summary are maintained on ACCOA’s website at: www.alconaseniors.org, 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, ACCOA will 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 ACCOA to process the request and also provide a best efforts estimate of a time frame it will take ACCOA to provide the records to the requestor. The best efforts estimate shall be nonbinding on ACCOA, 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 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 ACCOA; 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 ACCOA office (ATTN: ACCOA Executive Director) or seek judicial review in the Alcona 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.

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:
ACCOA 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 ACCOA records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal ACCOA operations.

Upon receiving a written or verbal request to inspect ACCOA records, ACCOA shall furnish the requesting person with a reasonable opportunity and reasonable facilities for inspection and examination of its public records.

A person shall be allowed to inspect public records during usual business hours, not less than four hours per day. The public does not have unlimited access to ACCOA offices or facilities, and a person may be required to inspect records at a specified counter or table, and in view of ACCOA personnel.

ACCOA officials, appointees, staff or consultants/contractors assisting with inspection of public records shall inform any person inspecting records that only pencils, and no pens or ink, may be used to take notes.

In coordination with the official responsible for the records, the FOIA coordinator shall determine on a case-by-case basis when ACCOA will provide copies of original records, 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
The FOIA Coordinator is responsible for identifying if records or information requested by the public is stored in digital files or e-mail, even if the public does not specifically request a digital file or e-mail.

A person cannot remove books, records or files from the place ACCOA has provided for the inspection.

No documents shall be removed from the office of the custodian of those documents without permission of that custodian, except by court order, subpoena or for audit purposes. The official shall be given a receipt listing the records being removed. Documents may be removed from the office of the custodian of those documents with permission of that custodian to accommodate public inspection of those documents.

In coordination with the official responsible for the records, the FOIA coordinator will determine on a case-by-case basis when ACCOA will provide copies of original records, 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.

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 will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not paid ACCOA in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- The final fee for the prior written request is not more than 105% of the estimated fee;
- The public records made available contained the information sought in the prior written request and remain in ACCOA's possession;
- The public records were made available to the individual, subject to payment, within the time frame estimated by ACCOA to provide the records;
- Ninety (90) days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
- The individual is unable to show proof of prior payment to ACCOA; and
- The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to ACCOA;
- ACCOA is subsequently paid in full for the applicable prior written request; or
- Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to ACCOA.

If a deposit is not received by ACCOA within 48 days from the date that the notice of deposit requirement is sent, and if the requesting person has not filed an appeal of the deposit amount, the request shall be considered
abandoned by the requesting person and ACCOA is no longer required to fulfill the request. Notice of a deposit requirement must include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent.

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 ACCOA because of the nature of the request in the particular instance, and ACCOA 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 (Attorney General Opinion 7083 of 2001) compared to the costs of ACCOA’s usual FOIA requests, not compared to ACCOA’s operating budget. (Bloch v. Davison Community Schools, Michigan Court of Appeals, Unpublished, April 26, 2011.)

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

- Volume of the public record requested.
- Amount of time spent 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 ACCOA department or whether various ACCOA offices are necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The Michigan FOIA statute permits ACCOA 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 ACCOA.
- 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 ACCOA.
- 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 ACCOA’s website if the requester asks for ACCOA to make copies.
- The actual and most reasonably economical cost of non-paper physical media when the requester asks for records in any form of non-paper physical media. This may include the cost for copies of records already on ACCOA’s website if the requester asks for ACCOA 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 ACCOA employee capable of doing the work in the specific fee category, regardless of who actually performs work. 
• Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. 
• ACCOA 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.

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

• Any form of non-paper physical media (for example, USB drives, 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 ACCOA has the technological capability necessary to provide the public record in the requested non-paper physical media format. 
• ACCOA will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of ACCOA’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 1/2 x 11) or legal (8 1/2 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. 
• ACCOA 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. 
• ACCOA 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, ACCOA must:

• Reduce the labor costs by 5% for each day ACCOA exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:
  o ACCOA’s late response was willful and intentional, 
  o 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
  o 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 ACCOA Board of Directors 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 waiver if:

- The requestor has previously received discounted copies of public records from the Township 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. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

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 appeal to the ACCOA Board of Directors by filing an appeal of the denial with the office of the ACCOA FOIA Coordinator.

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. The ACCOA Appeal Form (To Appeal a Denial of Records), may be used. The ACCOA Board of Directors is not considered to have received a written appeal until the first regularly scheduled Board of Directors meeting following submission of the written appeal.
Within 10 business days of receiving the appeal the ACCOA Board of Directors 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; or
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the ACCOA Board of Directors shall respond to the written appeal. The ACCOA Board of Directors shall not issue more than 1 notice of extension for a particular written appeal.

If the ACCOA Board of Directors fails to respond to a written appeal, or if the ACCOA Board of Directors 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 the Alcona County Circuit Court.

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

If a court determines that a public record is not exempt from disclosure, it shall order ACCOA to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or ACCOA prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that ACCOA has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order ACCOA to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

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 FOIA, including any deposit.

If a requestor believes that the fee charged by ACCOA to process a FOIA request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the ACCOA Board of Directors by submitting a written appeal for a fee reduction to the office of the ACCOA FOIA Coordinator.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The ACCOA FOIA Appeal Form (To Appeal an Excess Fee) may be used.

The ACCOA Board of Directors is not considered to have received a written appeal until the first regularly scheduled ACCOA Board of Directors meeting following submission of the written appeal.

Within 10 business days after receiving the appeal, the ACCOA Board of Directors 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 ACCOA Board of Directors will respond to the written appeal. The ACCOA Board of Directors shall not issue more than 1 notice of extension for a particular written appeal.

Where the ACCOA Board of Directors reduces or upholds the fee, the determination must include a certification from the ACCOA Board of Directors that the statements in the determination are accurate and that the fee amount complies with its publicly available procedures and guidelines and Section 4 of FOIA.

Within 45 days after receiving notice of the ACCOA Board of Director’s determination of an appeal, the requesting person may commence a civil action in the Alcona County Circuit Court for a fee reduction.

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

An action shall not be filed in circuit court unless one of the following applies:

• ACCOA does not provide for appeals of fees,
• The ACCOA Board of Directors failed to respond to a written appeal as required, or
• The ACCOA Board of Directors issued a determination to a written appeal.

If a court determines that ACCOA required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.

If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys’ fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the court determines that ACCOA has arbitrarily and capriciously violated FOIA by charging an excessive fee, the court shall order ACCOA to pay a civil fine of $500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of $500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

Section 10: Conflict with Prior FOIA Policies and Procedures; Effective Date

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by ACCOA, these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of these Procedures and Guidelines is found to be in conflict with any previous policy promulgated by ACCOA, the administrative rule promulgated by the FOIA Coordinator is controlling.
To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by ACCOA, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statutes, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the ACCOA Board of Directors of any change to these Policies and Guidelines.

These FOIA Policies and Guidelines become effective September 12, 2022.

Section 11: Appendix of ACCOA FOIA Forms

- Request for Public Records Form
- Notice to Extend Response Time Form
- Notice of Denial Form
- Detailed Cost Itemization Form
- Appeal of Denial of Records Form
- Appeal of Excess Fee Form
FOIA Request for Public Records

Request No.: ______  Date Received: ______  Check if received via:  □ Email  □ Fax  □ Other Electronic Method
(Please Print or Type)

Date delivered to junk/spam folder: ______  Date discovered in junk/spam folder: ______

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<th>Name</th>
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<td>Firm/Organization</td>
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Request for:  □ Copy  □ Certified copy  □ Record inspection  □ Subscription to record issued on regular basis

Delivery Method:  □ Will pick up  □ Will make own copies onsite  □ Mail to address above  □ Email to address above
□ Deliver on digital media provided by ACCOA: _______________________________________________________________________

Note: ACCOA is not required to provide records in a digital format or on digital media if ACCOA does not already have the technological capability to do so.

Describe the public record(s) as specifically as possible. You may use this form or attach additional sheets:

________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________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Information.

If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, ACCOA must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, ACCOA must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If ACCOA 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 other format, including digital media, ACCOA must provide the public records in the specified format (if ACCOA has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

Request for Copies/Duplication of Records on ACCOA Website
I hereby stipulate that, even if some or all of the records are located on an ACCOA website, I am requesting that ACCOA make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

Requestor's Signature

<table>
<thead>
<tr>
<th>Overtime Labor Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.</td>
</tr>
</tbody>
</table>

Consent to Overtime Labor Costs
I hereby agree and stipulate to ACCOA using overtime wages in calculating the following labor costs as itemized in the following categories:

1. ☐ Labor to copy/duplicate
2. ☐ Labor to locate
3a. ☐ Labor to redact
6b. ☐ Labor to copy/duplicate records already on ACCOA’s website

Requestor’s Signature

<table>
<thead>
<tr>
<th>Request for Discount: Indigence</th>
</tr>
</thead>
</table>
| A public record search **must** be made and a copy of a public record **must** be furnished **without charge** for the first $20.00 of the fee for each request by an individual who is entitled to information under this act and who:
| 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR
| 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

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 ANY of the following apply:

(i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year,
(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.

Office Use: ☐ Affidavit Received ☐ No. of Previous Discounted Requests During _____ Calendar Year
☐ Eligible for Discount ☐ Ineligible for Discount

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:

Requestor’s Signature

<table>
<thead>
<tr>
<th>Request for Discount: Nonprofit Organization</th>
</tr>
</thead>
</table>
| A public record search **must** be made and a copy of a public record **must** be furnished **without charge** for the first $20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:
| (i) is made directly on behalf of the organization or its clients,
| (ii) 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,
| (iii) is accompanied by documentation of its designation by the state, if requested by ACCOA.

Office Use: ☐ Documentation of State Designation Received ☐ Eligible for Discount ☐ Ineligible for Discount

I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and 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:

Requestor’s Signature
Notice to Extend Response Time for FOIA Request

Request No.: __________ Date Received: __________ Check if received via: [ ] Email [ ] Fax [ ] Other Electronic Method
Date of This Notice: __________
(Date of junk/spam folder:
(Please Print or Type)

Name

Firm/Organization

Fax

Street

Email

City

State

Zip

Request for: [ ] Copy [ ] Certified copy [ ] Record inspection [ ] Subscription to record issued on regular basis
Delivery Method: [ ] Will pick up [ ] Will make own copies onsite [ ] Mail to address above [ ] Email to address above
[ ] Deliver on digital media provided by ACCOA:

Record(s) You Requested: (Listed here or see attached copy of original request)

We are extending the date to respond to your FOIA request for no more than 10 business days, until __________ (month, day, year). Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact at

Estimated Time Frame to Respond: __________ (days or date)
The time frame estimate is nonbinding upon ACCOA, but ACCOA is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

Reason for Extension:

[ ] 1. ACCOA needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, ACCOA must:

[ ] 2. ACCOA needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the ACCOA office. Specifically, ACCOA must coordinate documents from the following locations:

[ ] 3. Other (describe):

Signature of FOIA Coordinator: __________________________ Date: __________________________
Notice of Denial of FOIA Request

Request No.: Date Received: Check if received via: □ Email □ Fax □ Other Electronic Method
Date of This Notice: (Please Print or Type) Date delivered to junk/spam folder:
Date discovered in junk/spam folder:
Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Name
Firm/Organization
Street
City
State Zip

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above
☐ Deliver on digital media provided by the township:

Record(s) You Requested: (Listed here or see attached copy of original request)

☐ All OR ☐ Part of your request for records has been denied. Please refer to this form for an explanation. If you have any
questions regarding this denial, contact ____________________________ at ____________________________
Partial Denial: Estimated Time Frame to Respond: ____________________________ (days or date). The time frame estimate is
nonbinding upon ACCOA, but ACCOA is providing the estimate in good faith. Providing an estimated time frame does not relieve a
public body from any of the other requirements of this act.

Reason for Denial:
☐ 1. Exempt from Disclosure: This item is exempt from disclosure under FOIA Section 13, Subsection ____________ (insert number),
because: ____________________________

☐ 2. Record Does Not Exist: This item does not exist under the name provided in your request or by another name reasonably
known to ACCOA. If you believe this record does exist, provide a description that will enable us to locate the record:

__________________________________________________________

☐ 3. Redaction: A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13,
Subsection ____________ (insert number), because:

A brief description of the information that had to be separated or deleted:

__________________________________________________________

__________________________________________________________

Notice of Requestor's Right to Seek Judicial Review
You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the ACCOA Board of Directors
or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from
disclosure. If, after judicial review, the court determines that ACCOA has not complied with MCL 15.235 in making this denial and orders disclosure
of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See the following page
for additional information on your rights.)

Signature of FOIA Coordinator: Date:
FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240 Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.
(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:
   (a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
   (b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:
   (a) Reverse the disclosure denial.
   (b) Issue a written notice to the requesting person upholding the disclosure denial.
   (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
   (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body 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 under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the manner de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

# Freedom of Information Act Request Detailed Cost Itemization

**Date:** __________  |  **Prepared for Request No.:** __________  |  **Date Request Received:** __________

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

## 1. Labor Cost for Copying / Duplication

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.

This shall not be more than the hourly wage of ACCOA’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 as set by the ACCOA board (for example: 15-minutes or more); all partial time increments must be rounded down. If the number of minutes is less than one increment, there is no charge.

<table>
<thead>
<tr>
<th>Hourly Wage Charged: $ ________</th>
<th>Charge per increment: $ ________</th>
</tr>
</thead>
<tbody>
<tr>
<td>OR</td>
<td>OR</td>
</tr>
<tr>
<td>Hourly Wage with Fringe Benefit Cost: $ ________</td>
<td>Charge per increment: $ ________</td>
</tr>
</tbody>
</table>

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.

☐ Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

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

<table>
<thead>
<tr>
<th>Number of increments</th>
<th>1. Labor Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>x ________ = $ ________</td>
<td></td>
</tr>
</tbody>
</table>

## 2. Labor Cost to Locate:

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. This fee is being charged because failure to do so will result in unreasonably high costs to ACCOA that are excessive and beyond the normal or usual amount for those services compared to ACCOA’s usual FOIA requests, because of the nature of the request in this particular instance, specifically:

__________________________________________________________________________

ACCOA 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.

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.

<table>
<thead>
<tr>
<th>Hourly Wage Charged: $ ________</th>
<th>Charge per increment: $ ________</th>
</tr>
</thead>
<tbody>
<tr>
<td>OR</td>
<td>OR</td>
</tr>
<tr>
<td>Hourly Wage with Fringe Benefit Cost: $ ________</td>
<td>Charge per increment: $ ________</td>
</tr>
</tbody>
</table>

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.

☐ Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

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

<table>
<thead>
<tr>
<th>Number of increments</th>
<th>2. Labor Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>x ________ = $ ________</td>
<td></td>
</tr>
</tbody>
</table>
3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using an ACCOA employee. If contracted, use No. 3b instead).

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

This is the cost of labor of an ACCOA employee, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of ACCOA's lowest-paid employee 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.

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 Wage Charged: $________
Charge per increment: $________

OR

Hourly Wage with Fringe Benefit Cost: $________
Charge per increment: $________

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.

☐ Overtime rate charged as stipulated by Requestor (overtime is not used to calculate the fringe benefit cost)

Number of increments x _______ = _______

3a. Labor Cost

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.)

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

As ACCOA 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 from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate.

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. 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 ½ x 11-inch, single and double-sided): 10 cents per sheet
- **Legal** (8 ½ x 14-inch, single and double-sided): 10 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. An agency must utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

<table>
<thead>
<tr>
<th>Number of Sheets</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>x _______ = $</td>
<td></td>
</tr>
<tr>
<td>x _______ = $</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No. of Items</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>x _______ = $</td>
<td></td>
</tr>
</tbody>
</table>

4. **Total Copy Cost**  
$_______

5. **Mailing Cost:**

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

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

<table>
<thead>
<tr>
<th>Number of Envelopes or Packages</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>x _______ = $</td>
<td></td>
</tr>
<tr>
<td>x _______ = $</td>
<td></td>
</tr>
<tr>
<td>x _______ = $</td>
<td></td>
</tr>
<tr>
<td>x _______ = $</td>
<td></td>
</tr>
</tbody>
</table>

**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

| 5. Total Mailing Cost | $_______ |
6a. Copying/Duplicating Cost for Records Already on ACCOA’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, ACCOA 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): 10 cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): 10 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 ACCOA’s website be provided in a paper or non-paper physical digital medium.

<table>
<thead>
<tr>
<th>Number of Sheets:</th>
<th>Costs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>x ______ =</td>
<td>$ ______</td>
</tr>
<tr>
<td>x ______ =</td>
<td>$ ______</td>
</tr>
</tbody>
</table>

| No. of Items: | $ ______ |

6a. Web Copy Cost $ ______

6b. Labor Cost for Copying/Duplicating Records Already on ACCOA’s Website:

This shall not be more than the hourly wage of ACCOA’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: $ ______

Charge per increment: $ ______

Multiply the hourly wage by the percentage multiplier: ______%

and add to the hourly wage for a total per hour rate.

ACCOA 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:

<table>
<thead>
<tr>
<th>Number of increments</th>
<th>6b. Web Labor Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>x ______ =</td>
<td>$ ______</td>
</tr>
</tbody>
</table>

6c. Mailing Cost for Records Already on ACCOA’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

<table>
<thead>
<tr>
<th>Number:</th>
<th>Costs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>x ______ =</td>
<td>$ ______</td>
</tr>
<tr>
<td>x ______ =</td>
<td>$ ______</td>
</tr>
</tbody>
</table>

6c. Web Mailing Cost $ ______
### Subtotal Fees Before Waivers, Discounts or Deposits:

<table>
<thead>
<tr>
<th>Cost estimate</th>
<th>1. Labor Cost for Copying: $</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Labor Cost to Locate: $</td>
</tr>
<tr>
<td></td>
<td>3a. Labor Cost to Redact: $</td>
</tr>
<tr>
<td></td>
<td>3b. Contract Labor Cost to Redact: $</td>
</tr>
<tr>
<td></td>
<td>4. Copying/Duplication Cost: $</td>
</tr>
<tr>
<td></td>
<td>5. Mailing Cost: $</td>
</tr>
<tr>
<td></td>
<td>6a. Copying/Duplication of Records on Website: $</td>
</tr>
<tr>
<td></td>
<td>6b. Labor Cost for Copying Records on Website: $</td>
</tr>
<tr>
<td></td>
<td>6c. Mailing Costs for Records on Website: $</td>
</tr>
<tr>
<td></td>
<td>Subtotal Fees: $</td>
</tr>
</tbody>
</table>

### Estimated Time Frame to Provide Records:

________________________ (days or date)

The time frame estimate is nonbinding upon ACCOA, but ACCOA is providing the estimate in good faith. Providing an estimated time frame does not relieve ACCOA from any of the other requirements of this act.

### Waiver: Public Interest

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 ACCOA 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.

☐ All fees are waived OR ☐ All fees are reduced by: ________%

### Subtotal Fees After Waiver: $______

### Discount: Indigence

A public record search must be made and a copy of a public record must be furnished without charge for the first $20.00 of the fee for each request by an individual who is entitled to information under this act and who:

1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR

2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

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 ANY of the following apply:

(i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, OR

(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.

☐ Eligible for Indigence Discount

### Subtotal Fees After Discount (subtract $20): $______

### Discount: Nonprofit Organization

A public record search must be made and a copy of a public record must be furnished without charge for the first $20.00 of the fee 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 ALL of the following requirements:

(i) Is made directly on behalf of the organization or its clients.


(iii) Is accompanied by documentation of its designation by the state, if requested by the township.

☐ Eligible for Nonprofit Discount

### Subtotal Fees After Discount (subtract $20): $______

---

**FOIA Detailed Cost Itemization Form (MTA, March 2021)**
## Deposit: Good Faith

ACCQA may require a good-faith deposit in either its initial response or a subsequent response before providing the public records to the requestor 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.

<table>
<thead>
<tr>
<th>Date Paid:</th>
<th>Deposit Amount Required:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

**Percent of Deposit:** _______%

**Date by Which Deposit Must be Received:** _______ (48 days after this notice was sent)

## Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full

After an agency has granted and fulfilled a written request from an individual under this act, if the agency has not been paid in full the total amount of fees for the copies of public records that the agency made available to the individual as a result of that written request, **the agency 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 if ALL of the following apply:

(a) The final fee for the prior written request was not more than 105% of the estimated fee.
(b) The public records made available contained the information being sought in the prior written request and are still in the agency's possession.
(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.
(d) Ninety (90) days have passed since the agency notified the individual in writing that the public records were available for pickup or mailing.
(e) The individual is unable to show proof of prior payment to the agency.
(f) The agency calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.

An agency **can no longer require an increased estimated fee deposit** from an individual if ANY of the following apply:

(a) The individual is able to show proof of prior payment in full to the agency, **OR**
(b) The agency is subsequently paid in full for the applicable prior written request, **OR**
(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 agency.

<table>
<thead>
<tr>
<th>Date Paid:</th>
<th>Deposit Amount Required:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

**Percent of Deposit Required:** _______%

**Deposit Required:** _______ $________

**Date by Which Deposit Must be Received:** _______ (48 days after this notice is sent)

## Late Response Labor Costs Reduction

If ACCQA does not respond to a written request in a timely manner as required under MCL 15.235(2), ACCQA must do the following:

(a) **Reduce the charges for labor costs** otherwise permitted by 5% for each day ACCQA exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies:

(i) The late response was willful and intentional, **OR**

(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," "FOIA," or "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.

<table>
<thead>
<tr>
<th>Number of Days Over Required Response Time:</th>
<th>Total Labor Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minus Reduction:</th>
<th>= Reduced Total Labor Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>$________</td>
<td>$________</td>
</tr>
</tbody>
</table>

The Public Summary of ACCQA's FOIA Procedures and Guidelines is available free of charge from:

Website: www.alconaseniors.org  Email: averyl@alconaseniors.org
Phone: (989) 334-3484  Address: 207 Church St., Lincoln, MI 48742

Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed

<table>
<thead>
<tr>
<th>Date Paid:</th>
<th>Total Balance Due:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$________</td>
</tr>
</tbody>
</table>
FOIA Appeal Form—To Appeal a Denial of Records

Request No.: ___________ Date Received: ___________ Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method
Date of This Notice: ________________________ Date delivered to junk/spam folder: ___________
(Please Print or Type)
Date discovered in junk/spam folder: ___________

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Name ____________________________ Phone ____________________________
Firm/Organization ____________________________ Fax ____________________________
Street ____________________________ Email ____________________________
City ____________________________ State ____________________________ Zip ____________________________

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above
☐ Deliver on digital media provided by ACCOA: ____________________________

Record(s) You Requested: (Listed here or see attached copy of original request) ____________________________

Reason(s) for Appeal:
The appeal must identify the reason(s) for reversing the denial. You may use this form or attach additional sheets:

__________________________________________
__________________________________________
__________________________________________

Requestor's Signature: ____________________________ Date: ____________________________

ACCOA’s Response:
ACCOA must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-business day extension.

ACCOA Extension: We are extending the date to respond to your FOIA denial appeal for no more than 10 business days, until ____________ (month, day, year). Only one extension may be taken per FOIA appeal.
Unused circumstances warranting extension: ____________________________
If you have any questions regarding this extension, contact: ____________________________

ACCOA Determination:
☐ Denial Reversed ☐ Denial Upheld ☐ Denial Reversed in Part and Upheld in Part
The following previously denied records will be released: ____________________________

__________________________________________
__________________________________________
__________________________________________

Notice of Requestor’s Right to Seek Judicial Review
You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the ACCOA Board of Directors or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that ACCOA has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: ____________________________ Date: ____________________________

(Michigan Townships Association, rev. March 2019)
15.240 Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.
(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body 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 under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys’ fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

FOIA Appeal Form—To Appeal an Excess Fee

Request No.: ___________ Date Received: ___________ Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method
Date of This Notice: ____________________________ Date delivered to junk/spam folder: ___________
(Please Print or Type) Date discovered in junk/spam folder: ___________
Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis
Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above

Name _______ Phone _______
Firm/Organization ____________________________ Fax ___________
Street ____________________________ Email ____________________________
City ____________________________ State ____________ Zip ____________
☐ Deliver on digital media provided by ACCOA:

Record(s) You Requested: (Listed here or see attached copy of original request)
________________________________________________________________________
________________________________________________________________________

Reason(s) for Appeal:
The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:
________________________________________________________________________
________________________________________________________________________

Requestor’s Signature: ____________________________ Date: ____________

ACCOA’s Response:
ACCOA must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-business day extension.

ACCOA Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until ____________ (month, day, year). Only one extension may be taken per FOIA appeal.
Unusual circumstances warranting extension: ______________________________________________________________________

If you have any questions regarding this extension, contact: ____________________________

ACCOA Determination: ☐ Fee Waived ☐ Fee Reduced ☐ Fee Upheld

Written basis for ACCOA determination: ______________________________________________________________________

Notice of Requestor’s Right to Seek Judicial Review
You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under ACCOA’s written Procedures and Guidelines to the ACCOA Board of Directors or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the ACCOA Board of Directors. If a civil action is commenced in court, ACCOA is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that ACCOA required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount. (See the following page for additional information on your rights.)

Signature of FOIA Coordinator: ____________________________ Date: ____________
15.240a Fee in excess of amount permitted under procedures and guidelines or MCL 15.234.
Sec. 10a.

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body 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.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of $500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of $500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.