

Office of Administration



PO Box 885
1087 Newell
White Cloud, Michigan 49349
Phone: (231) 689-7234
Fax: (231) 689-7205

Summary of FOIA Procedures and Guidelines

This is a summary of our FOIA Procedures and Guidelines. For more details and information, a copy of our FOIA Procedures and Guidelines and forms are available at no charge at our office or website: www.countyofnewaygo.com.

The Request

A FOIA request must be in writing and sufficiently describe a public record so that we can find it. It is helpful, but not necessary that your request be on our FOIA form available on our website or at our office and should use the words "FOIA." You can deliver the request in person or by facsimile 231.689.7205, mail or e-mail adminsec@co.newaygo.mi.us to our FOIA Coordinator. Within five (5) business days following receipt of a FOIA request (6 days for fax or e-mails) we will issue one of the following responses:

- 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 the County needs an additional ten (10) business days to respond, or
- Issue a written notice indicating that the public record requested is available at no charge on the County's website

The Charges

We are allowed to charge you the costs we incur to process your FOIA request, including labor, duplication and the costs of any tape or disc. You may be relieved of the first \$20.00 in charges if you submit an affidavit establishing that you are indigent. We may request that you pay the FOIA costs before we deliver the copies. If the public record is available on our website, we will if practical, refer you to the website so you can access the material on your own without cost. If you would still prefer to receive hard copies, let us know and we will process the request. In certain instances where the charge is likely to be over \$50.00 we may request a 50% deposit before we even start to process the request or we may request a 100% deposit if you have previously made a FOIA request and not paid the charges leaving us with the cost. We will not charge a labor cost unless there is an unreasonably high cost associated with response and will break the charges down by the rate, time associated and with any benefit costs associated with the rate. We will use the employee with the lowest rate possible and will cap our labor rates at six (6) times the minimum wage. Our duplication cost is \$.10 cents per black & white 8 ½" x 11" copy which we believe reflects the incremental costs of the paper and ink and use of the machine and we will use the lowest mailing rate unless you request otherwise. We will itemize your costs, if applicable, according to: (1) mailing; (2) labor rate; (3) labor hours; (4) benefit rates; (5) duplication and (6) costs of media recording device.

An Appeal

If you believe that access to all or a portion of a public record has improperly denied or if you feel that the charges are inappropriate, you may appeal to the Board of Commissioners by filing a written statement uses the word “appeal”, describing the reasons why you feel our action was inappropriate, and submitting it to our FOIA Coordinator. For convenience, you may use our FOIA Appeal Form. Depending on the nature of your appeal, within ten (10) business days after the next regularly scheduled meeting following receipt of your request, our board 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.
- Waiving the fee;
- Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the County Board of Commissioners will respond to the written appeal.

Whether or not you submitted an appeal of a denial, you may file a civil action in the County Circuit Court within 180 days after the County's final determination to deny your request. Within 45 days after receiving notice of the County Board of Commissioner’s determination of the processing fee appeal, you may commence a civil action in the County Circuit Court for a fee reduction. If you prevail in the civil action the court will award you reasonable attorneys’ fees, costs and disbursements. If the court determines that the County acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.00. If the court determines that the County acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.00.