

# FOIA PROCEDURE

## RECEIPT OF REQUEST

ALL REQUESTS FOR INFORMATION SHOULD BE TREATED AS FOIA REQUESTS

REQUESTS MAY BE RECEIVED IN PERSON, FROM THE WEBSITE, VIA E-MAIL, FAX , US MAIL OR VIA TELEPHONE

REQUESTS RECEIVED VIA E-MAIL, FAX OR THE WEBSITE ARE NOT CONSIDERED RECEIVED UNTIL THE NEXT BUSINESS DAY AFTER THE ELECTRONIC TRANSMISSION WAS MADE

## RESPONSE

### **TIME**

YOU HAVE 5 BUSINESS DAYS FROM RECEIPT OF THE REQUEST TO PROVIDE A RESPONSE

IF YOU ARE UNABLE TO RESPOND WITHIN 5 BUSINESS DAYS YOU MUST CONTACT THE REQUESTING PARTY AND ASK FOR AN EXTENSION

YOU MAY REQUEST AN EXTENSION OF UP TO 10 BUSINESS DAYS

DOCUMENT THE CONTACT AND AGREEMENT

IF THE REQUESTING PARTY DOES NOT VOLUNTARILY AGREE TO AN EXTENSION, CONTACT THE FOIA COORDINATOR FOR ASSISTANCE

### **CONTENT**

ALL RESPONSES SHALL CONTAIN A LINK TO THE COUNTY FOIA SUMMARY DOCUMENT

IF THE REQUESTED RECORD DOES NOT EXIST, CONTACT THE FOIA COORDINATOR WHO WILL PREPARE AN AFFIDAVIT OF NON-EXISTENCE

IF THE RECORDS ARE AVAILABLE ON THE COUNTY WEBSITE, RESPOND WITH THE LINK TO THE DOCUMENTS AND A LINK TO THE FOIA SUMMARY

IF THE DOCUMENT IS A PUBLIC DOCUMENT, COPY THE DOCUMENT AND PROVIDE THE COMPLETE DOCUMENT

SOME DOCUMENTS MUST BE SEPARATED AND/OR REDACTED

DOCUMENTS WHICH CONTAIN THE FOLLOWING MUST BE REDACTED AND/OR SEPARATED:

NON-PUBLIC RECORDS

MEDICAL RECORDS

DATES OF BIRTH

HOME ADDRESSES

HOME AND/OR CELL PHONE NUMBERS

SOCIAL SECURITY NUMBERS

POLYGRAPH TEST RESULTS

PHOTOGRAPHS OF CRIME VICTIMS

CREDIT CARD ACCOUNT INFORMATION

BANK ACCOUNT INFORMATION

IDENTITIES OF JUVENILE CSC CRIME VICTIMS

INFORMATION THAT WOULD BE CONSIDERED PERSONAL OR PRIVATE

PROPRIETARY INFORMATION

INFORMATION WHICH WOULD IMPEDE LAW ENFORCEMENT ACTIVITIES

IF THE DOCUMENT CONTAINS ANY OF THE ABOVE REFERENCED ITEMS OR IF YOU ARE UNSURE WHETHER IT NEEDS TO BE REDACTED OR SEPARATED, CONTACT THE FOIA COORDINATOR FOR ASSISTANCE

ANY RESPONSES THAT ARE REDACTED AND/OR SEPARATED SHALL CONTAIN A DETAILED EXPLANATION AS PART OF THE FOIA RESPONSE

**FEE CALCULATION**

IF THE DOCUMENTS ARE AVAILABLE ON THE WEBSITE, THE LINK INFORMATION IS FREE OF CHARGE

IF THE REQUESTING PARTY WISHES TO RECEIVE A PRINTED COPY OF THE AVAILABLE WEBSITE DOCUMENTS, STANDARD BILLING CHARGES WILL APPLY

IF THE RESPONSIVE DOCUMENT IS 10 STANDARD SIZED DOUBLE SIDED PAGES OR LESS, THE RESPONSE IS FREE OF CHARGE

THERE WILL NOT BE ANY CHARGE FOR RETRIEVAL, SEPARATION AND/OR COPYING LABOR UNLESS THE TIME TO PERFORM THE TASK IS 20 MINUTES OR MORE

THESE TASKS WILL EACH BE CHARGED SEPARATELY AND ITEMIZED ON THE BILLING FORM IN 20 MINUTES INCREMENTS, ROUNDED DOWN

ALL LABOR WILL BE CHARGED AT THE RATE OF THE LOWEST PAID EMPLOYEE ABLE TO PERFORM THE TASK, WHETHER OR NOT THEY ACTUALLY PERFORM THE TASK

LABOR CHARGES SHALL INCLUDE FRINGE BENEFITS UP TO 50% OF THE WAGE

PROOF OF INDIGENT STATUS VIA AN AFFIDAVIT AFFORDS A \$20 DISCOUNT FOR 2 REQUESTS PER CALENDAR YEAR

PROOF OF QUALIFYING NON-PROFIT AS PROVIDED BY THE FOIA STATUTE PROVIDES A \$20 DISCOUNT ON ALL REQUESTS

THE COUNTY BILLING WORKSHEET SHALL BE UTILIZED TO CALCULATE ALL FEES

ACTUAL MAILING FEES SHALL BE CHARGED

STANDARD COPIES SHALL BE CHARGED AT 10 CENTS PER SHEET

OVERSIZED COPIES SHALL BE CHARGED AT ACTUAL COST

DIGITAL MEDIA SHALL BE CHARGED AT ACTUAL REPLACEMENT COST

RESPONSES WILL BE PROVIDED UPON RECEIPT OF PAYMENT IN FULL

### **DEPOSITS**

IF THE COST OF A RESPONSE EXCEEDS \$50, A 50% DEPOSIT IS REQUIRED BEFORE A RESPONSE IS PREPARED

IF A REQUESTING PARTY HAS FAILED TO PAY FOR A PREVIOUSLY GRANTED REQUEST WITHIN THE PAST YEAR, A 100% DEPOSIT IS REQUIRED

### **APPEALS**

IF A RESPONSE IS SEPARATED OR REDACTED AN APPEAL MAY BE FILED

IF A FEE IS BELIEVED TO BE EXCESSIVE AND NOT IN COMPLIANCE WITH COUNTY BILLING PROCEDURES, THE FEES CAN BE APPEALED

### **CONTENT BASED APPEAL-**

IF A RESPONSE IS AN AFFIDAVIT OF NON-EXISTENCE, A REDACTED RESPONSE, OR A SEPARATED RESPONSE, AN APPEAL MAY BE FILED

A LETTER ENTITLED "APPEAL" SHALL BE SENT TO THE HEAD OF THE PUBLIC BODY AT THE ADDRESS PROVIDED IN THE RESPONSE

A REQUESTOR MAY ALSO FILE AN ACTION IN THE CIRCUIT COURT OF KALAMAZOO COUNTY TO COMPEL DISCLOSURE WITHOUT FIRST FILING AN APPEAL WITH THE PUBLIC BODY

AN ACTION IN CIRCUIT COURT MUST BE FILED WITHIN 180 DAYS OF RECEIPT OF THE RESPONSE

**FEE APPEAL-**

IF THE FOIA FEE EXCEEDS THE AMOUNT PERMITTED BY LAW OR THE COUNTY PROCEDURE, AN APPEAL OF FEES MAY BE FILED WITH THE HEAD OF THE PUBLIC BODY

THIS APPEAL MUST BE IN WRITING AND STATE APPEAL OF FEES

THE HEAD OF THE PUBLIC BODY SHALL RESPOND TO THE FEE APPEAL WITHIN 10 DAYS

THE RESPONSE SHALL DO ONE OF THE FOLLOWING:

UPHOLD THE FEE, OR

WAIVE THE FEE

IF THE HEAD OF THE PUBLIC BODY FAILS TO RESPOND TO THE FEE APPEAL OR ISSUES A RESPONSE TO THE APPEAL, AN ACTION MAY BE COMMENCED IN KALAMAZOO COUNTY CIRCUIT COURT AGAINST THE PUBLIC BODY FOR A FEE REDUCTION

THIS ACTION MUST BE FILED WITHIN 45 DAYS OF THE DETERMINATION OF THE APPEAL

**KALAMAZOO COUNTY FOIA FORMS:**

FOIA REQUEST FORM

ITEMIZED BILLING FORM

FOIA SUMMARY

AFFIDAVIT OF INDIGENCY

