JPEC

Michigan Freedom of Information Act Procedures and Guidelines

Written Public Summary and Supporting Forms

FOIA Coordinator | 2111 Emmons Road | Jackson, MI 49201

517.705.5732 | foia.requests@jacksonpec.org

The Michigan Freedom of Information Act (FOIA), MCL 15.231-15.246, provides for public access to certain public records, permits the charging of prescribed fees and deposits, and provides remedies and penalties for non-compliance. A person has a right to inspect, copy, or receive copies of certain requested public records. Some public records are permitted or required not to be disclosed. JPEC is a public body that must comply with the FOIA. The following Procedures and Guidelines describe JPEC's process for compliance with state law. For purposes of these Procedures and Guidelines, terms have the same meaning as defined in the FOIA. A complete copy of the FOIA is available on the Michigan Legislature's website at www.legislature.mi.gov.

These Procedures and Guidelines include a Public Summary and an Itemized Fee Form and are to be maintained on JPEC's FOIA webpage at www.jacksonpec.org/about/school-operations/freedom-of-information-act-foia/. This link or a physical copy of these Procedures and Guidelines will be included in each of JPEC's FOIA responses. Paper copies of these Procedures and Guidelines are available upon request by a visitor at JPEC's school office, located at 2111 Emmons Road, Jackson, MI 49201.

I. WRITTEN PUBLIC SUMMARY

A. How to Submit Written Requests

A written request to inspect, copy, or review a public record should be submitted to JPEC's FOIA Coordinator:

• FOIA requests can be sent via U.S. Mail to: FOIA Coordinator 2111 Emmons Road, Jackson, MI 49201

• FOIA requests sent via email should be sent to: foia.requests@jacksonpec.org. Questions: 517.705.5732. Telephone calls do not replace a written request.

A request must describe the public record in sufficient detail to enable JPEC to find the requested record. A sample Request Form is appended to these Procedures and Guidelines as Attachment A.

A request must include the requestor's (1) complete name (e.g., first and last), (2) mailing address, and (3) either phone number or email address. A valid mailing address must be written in compliance with United States Postal Service addressing standards. A request made by an organization, business, or other entity must include the above-listed contact information of an agent or representative. A person who qualifies as indigent under FOIA is not required to provide contact information.

A person may subscribe to future issuances of public records created, issued, or disseminated by JPEC on a regular basis, such as notices of school board meetings. A subscription is valid for up to 6 months and may be

renewed by the subscriber.

In lieu of paper copies, the requestor may stipulate that JPEC provide non-exempt public records on non-paper physical media, electronically mailed, or otherwise electronically provided. JPEC is not required to produce non-exempt public records on non-paper physical media if JPEC lacks the technological capability necessary to provide the requested records on the particular non-paper physical media stipulated in the particular instance. JPEC is not required to use non-paper physical media provided by the requestor and, to safeguard JPEC's information technology infrastructure, shall not do so.

A person may request a certified copy of a public record.

B. Explanation of Written Responses

JPEC will respond to a written request under the FOIA within 5 business days (excluding weekends and legal holidays) after JPEC receives the written request, unless otherwise agreed to in writing by the requestor. The FOIA defines the date of receipt by JPEC differently depending upon how the request was delivered to JPEC (e.g., hand-delivery, regular mail, e-mail, facsimile).

JPEC will respond to a request by doing one of the following: (a) granting the request; (b) issuing a written notice denying the request; (c) granting the request in part and issuing a written notice denying the request in part; or (d) issuing a notice extending for not more than 10 business days the period during which JPEC will respond to the request. JPEC shall not issue more than 1 notice of extension for a particular request.

If a requestor asks for information that is available on JPEC's website, JPEC will notify the requestor in its response where the records may be found on its website. Paper copies of public records available on JPEC's website will be made available upon request, but a fee may be charged as explained in Section II and on the detailed fee itemization form.

JPEC will provide reasonable facilities for a requestor to inspect non-exempt public records. The facilities will be available during JPEC's normal business hours. The FOIA Coordinator will establish rules regulating the manner in which records may be inspected to protect JPEC's records from loss, alteration, mutilation, or destruction, or to prevent undue interference with JPEC's normal operations.

If a request is denied in whole or in part, JPEC will include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to JPEC. A sample Certificate of Non-Existence of Public Record is appended as Attachment B. If a public record or information is separated and exempt from disclosure (redacted), JPEC will describe generally the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

C. Deposit Requirements

Where JPEC estimates that the fee authorized under the FOIA and these FOIA Procedures and Guidelines for responding to a request will exceed Fifty Dollars ($50.00), JPEC may require a good-faith deposit from the requestor before providing the requested records. A good-faith deposit shall not exceed one-half (½) of the total estimated fee and shall include a detailed itemization of estimated fee amounts. The FOIA Coordinator will provide the requestor with a detailed itemization of the allowable fees estimated to be incurred by JPEC to process the request, along with a notice that the requestor must pay the deposit within 48 calendar days after the date of the notice. JPEC will include with its request for good-faith deposit a best efforts estimate of the time frame within which JPEC will provide the requested public records. The timeframe estimate is not binding on JPEC but will be made in good faith and JPEC will strive to be reasonably accurate.

If a requestor previously requested public records from JPEC, and if JPEC made the requested public records available on a timely basis but was not paid in full the total estimated fee for that previous request, JPEC may, to

the extent permitted by the FOIA, require a deposit of up to 100% of the estimated fee for the subsequent request(s).

If the requestor fails to pay the good-faith deposit within 48 calendar days after the date of the deposit notice, and if the requestor has not appealed the deposit amount, the request will be considered abandoned and JPEC will no longer be required to fulfill the request.

D. Fee Calculations

The FOIA permits JPEC to charge six fee components: (a) labor costs of searching for, locating, and examining public records; (b) labor costs of separating or deleting (redacting) exempt information from non-exempt information; (c) labor costs to duplicate or publish requested public records; (d) actual costs of paper copies (not to exceed 10 cents per sheet for standard 8-1/2 by 11 or 8-1/2 by 14 sheets of paper); (e) actual costs of non-paper physical media (e.g., flash drive, CD) if requested and if JPEC has the technological capability to comply; and (f) actual costs of postal delivery. For more detailed information about JPEC's fee calculations, including fee reductions for untimely responses, see Section II.D of the Procedures and Guidelines and Attachment C, Detailed Itemization of Fee Amounts Form. The FOIA Coordinator will require that payment be made in full for the allowable fees before the requested records are made available.

1. Fee Waivers. 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 JPEC determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.

2. Discounts. Under the following circumstances, a public record search shall be made by JPEC and a copy of a non-exempt public record shall be furnished without charge for the first $20.00 of the fee:

a. If an individual who is entitled to information under the FOIA:

• submits an affidavit stating that the individual is receiving specific public assistance or is unable to pay the fee because of indigence and stating that the individual is not making the request in conjunction with outside parties in exchange for payment or other remuneration; and

• that individual has not previously received discounted copies of public records from JPEC twice during the same calendar year.

b. If a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the 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, submits a request that 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; and

• Is accompanied by documentation of its designation by the state, if requested by JPEC.

E. Avenues for Challenge and Appeal

1. Challenge to Record Denial. If JPEC fails to respond to a FOIA request or makes a final determination to deny all or a portion of a request, the requesting person may submit an appeal to JPEC's Board of Governors or may commence an action in the circuit court for the county in which the public record or one of JPEC's offices is located. See Section II.E of these FOIA Procedures and Guidelines for a more detailed explanation of the procedures and timelines for appealing a record denial.

2. Challenge to Fee. A requestor who believes a fee or deposit exceeds the amount permitted by law or these procedures may submit a written fee appeal to JPEC's Board of Governors. The appeal must state the word "appeal" and identify how the fee is excessive. Section II.E explains the Board response process and judicial review.

II. PROCEDURES & GUIDELINES

A. Requests

1. All “persons,” except those persons incarcerated in state or local correctional facilities, are entitled to submit a FOIA request to JPEC. A “person” is defined for purposes of the FOIA to mean “an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity.”

2. A FOIA request is a written request to inspect, copy, or receive copies of a public record. A request must describe the public record in sufficient detail to enable JPEC to find the requested record. JPEC suggests that requestors use the sample Request Form appended as Attachment A.

3. FOIA requests must be in writing. If, however, a person makes an oral request for information that is available on JPEC’s website, and if the employee to whom the request is directed knows that the information is available on JPEC’s website, that employee must inform the requesting person that the information is available on JPEC’s website.

4. JPEC’s FOIA Coordinator is responsible to process requests to inspect, copy, or receive copies of public records. FOIA requests should be sent to JPEC’s FOIA Coordinator.

• FOIA requests can be sent via U.S. Mail to: FOIA Coordinator 2111 Emmons Road, Jackson, MI 49201

• FOIA requests sent via email should be sent to: foia.requests@jacksonpec.org

If an employee of JPEC receives a written request to inspect, copy, or receive copies of a public record, the employee should promptly forward the request to JPEC’s FOIA Coordinator. A requestor is not required to use JPEC’s sample Request Form, or to include the word “FOIA” in the request. Therefore, all written requests to inspect, copy, or receive copies of records should be promptly forwarded to the FOIA Coordinator for review.

5. The FOIA Coordinator shall keep a copy of all written requests for public records received by JPEC on file for a period of at least one year.

6. A person may subscribe to future issuances of public records created, issued or disseminated on a regular basis, such as notices or agendas of school board meetings. In all other respects, if the requested public record does not exist as of the date requested, JPEC has no obligation under the FOIA to create the requested record or to provide a copy if created at a later date. A subscription is valid for up to 6 months and may be renewed by the subscriber.

7. The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record to the requestor.

B. Responses.

1. Unless otherwise agreed to in writing by the person making the request, JPEC must respond to a written request under the FOIA within 5 business days (excluding weekends and legal holidays) after JPEC receives the request by doing one of the following:

a. Granting the request;

b. Sending written notice denying the request;

c. Granting the request in part and issuing a written notice denying the request in part; or

d. Issuing a notice extending for not more than 10 business days the period during which JPEC will respond to the request. JPEC shall not issue more than 1 notice of extension for a particular request.

2. If a request is denied in whole or in part, JPEC must include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to JPEC. A sample Certificate of Non-Existence of Public Record is appended as Attachment B.

a. Exemptions to disclosure are set forth in Section 13 of the FOIA, MCL 15.243, which is available on the Michigan Legislature's website at www.legislature.mi.gov.

b. If a public record or information is separated and exempt from disclosure (redacted), JPEC will describe generally the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

3. The trigger date for responding to a FOIA request depends upon the manner in which the request was delivered. A request sent by mail or delivered by hand is received for purposes of the FOIA on the day it arrives at JPEC. A request sent by e-mail, fax, or other electronic means is received for purposes of the FOIA 1 business day after the date on which it was electronically transmitted. If a request is sent by email and is diverted to JPEC spam or junk mail folder, the request is not received until 1 day after the date it is discovered in the spam or junk mail folder. The FOIA Coordinator shall include in JPEC's records both the time that a written request was delivered to its spam or junk-mail folder and the time that JPEC first became aware of that request. JPEC shall review the FOIA Coordinator's spam or junk mail folder at least once every 30 days.

4. If a request is fully granted, JPEC will provide copies of, or an opportunity to inspect, all the public records that were requested, upon payment of the appropriate fee (if any). No pages will be left out, and nothing will be redacted.

5. JPEC will provide reasonable facilities for a requestor to inspect non-exempt public records. The facilities will be available during JPEC's normal business hours. The FOIA Coordinator will establish rules regulating the manner in which records may be inspected to protect JPEC's records from loss, alteration, mutilation, or destruction, or to prevent undue interference with JPEC's normal operations.

6. The FOIA identifies numerous specific exemptions to disclosure. If a request includes information that is exempt from disclosure, JPEC will provide a written response and list the reason(s) why the record(s) or portions of records will not be disclosed. JPEC will include a link to, or a copy of, these Written Procedures and Guidelines (including the Public Summary and Attachments) with each denial.

7. If a request is partially denied, it means that some records or parts of records will be disclosed, but some records or parts of records will not be disclosed. JPEC will provide copies of, or an opportunity to inspect, the non-exempt records, but exempt information (which may consist of entire documents, pages, or information on a page) may be withheld or redacted. JPEC will include in the written notice of denial-in-part an explanation of the basis for the denial-in-part and, if applicable, a certificate that one or more of the public records does not exist under the name given by the requestor or by another name reasonably known to JPEC. JPEC will include a link to, or copy of, these Written Procedures and Guidelines (including the Public Summary and Attachments) with each denial.

8. Failure of JPEC to respond within the prescribed timelines constitutes a final denial when the conditions in MCL 15.235(3) are met. The labor charges that JPEC is permitted to charge will be reduced by 5% per day, up to a 50% reduction, if the failure to timely respond was willful and intentional, or if the request included language described in the FOIA as readily conveying a FOIA request. (See Section II.D, Fees).

9. The FOIA does not require JPEC to create any records, or to make compilations, summaries, or reports of existing records. If a request seeks records that do not exist, JPEC will certify that no records responsive to the request exist under the name or description provided in the request or another name known to JPEC. (See sample

Certificate of Non-Existence of Public Record appended as Attachment B).

10. If a request asks for information that is available on JPEC's website, JPEC will notify the requestor in its response where the records may be found. If a requestor seeks paper copies of information available on the website, JPEC may charge the fees noted below and on the detailed fee itemization form, except that there will be no charge for separating exempt from nonexempt material.

11. In lieu of paper copies, the requestor may stipulate that JPEC provide non-exempt public records on non-paper physical media, by electronic mail, or other electronic means. JPEC is not required to produce non-exempt public records on non-paper physical media if JPEC lacks the technological capability necessary to provide the requested records on the particular non-paper physical media stipulated in the particular instance. JPEC is not required to use non-paper physical media provided by the requestor and, to safeguard JPEC's information technology infrastructure, shall not do so.

C. Deposit Requirements

1. Where JPEC estimates that the fee authorized under the FOIA and these FOIA Procedures and Guidelines for responding to a request will exceed Fifty Dollars ($50.00), JPEC may require a good-faith deposit from the requestor before providing the requested records. A good-faith deposit shall not exceed one-half (½) of the total estimated fee and shall include a detailed itemization of estimated fee amounts. The FOIA Coordinator shall provide the requestor with a detailed itemization of allowable fees estimated to be incurred by JPEC to process the request. JPEC shall include with its request for good-faith deposit a best efforts estimate of the time frame within which JPEC will provide the requested public records. The timeframe estimate is not binding on JPEC, but the estimate will be made in good faith and JPEC will strive to be reasonably accurate.

2. If a requestor previously requested public records from JPEC, and if JPEC made the requested public records available on a timely basis but was not paid in full the total estimated fee for that previous request, JPEC may, to the extent permitted by the FOIA, require a deposit of up to 100% of the estimated fee for the subsequent request(s).

D. Fees

1. A fee shall not be charged for the cost to search, examine, review, and delete/separate/redact exempt from non-exempt information unless failure to charge a fee would result in unreasonably high costs to JPEC. In determining whether such costs are "unreasonably high," JPEC will consider, on a case-by-case basis, the estimated costs given the volume and complexity of the request relative to the usual or typical costs incurred by JPEC in responding to FOIA requests.

2. Fees are calculated using the detailed fee itemization form appended to these Guidelines and Procedures as Attachment C. JPEC charges the following fees:

a. Labor costs incurred for searching for, locating, and examining public records. Labor costs are calculated in 15-minute increments (rounded down) and will not exceed the hourly rate of the lowest-paid employee capable of searching for, locating, and examining the public records. No overtime will be charged unless requested by the requestor, approved by JPEC, and included on the fee itemization form. The hourly rate of the lowest-paid employee capable of searching for, locating, and examining particular records may vary depending upon the nature of the records sought and the corresponding qualifications or authorizations required to search for, locate, or examine the requested record. All charges will be noted on the fee itemization form.

b. Labor costs for separating and deleting exempt information from non-exempt information. Labor costs are calculated in 15-minute increments (rounded down) and will not exceed the hourly rate of the lowest-paid employee capable of separating and deleting material that is exempt from disclosure from information that is non-exempt from disclosure. No overtime will be charged unless requested by the requestor, approved by JPEC,

and included on the fee itemization form. The hourly rate of the lowest-paid employee capable of separating and deleting exempt information from non-exempt information may vary depending upon the nature of the records sought and the corresponding qualifications or authorizations required to separate and redact exempt information from non-exempt information. If JPEC FOIA Coordinator determines on a case-by-case basis that no employee of JPEC is capable of separating and deleting exempt from nonexempt material, JPEC may engage a contracted services provider and charge labor costs. Such labor costs shall be calculated in 15-minute increments (rounded down) and the hourly rate shall not exceed 6 times the state minimum wage. All charges will be noted on the fee itemization form.

JPEC will identify any contracted redaction provider on the fee itemization. JPEC will not charge for redaction of a previously redacted record still in its possession. Search and redaction fees will specifically identify the nature of unreasonably high costs in the particular request.

c. Costs for non-paper physical media. A requestor may stipulate that records be produced on non- paper physical media (e.g., on a flash drive or CD). If JPEC has the technological capabilities to comply with the request for production on non-paper physical media, JPEC may charge the actual and most reasonably economical cost of the requested non-paper physical media and the cost of non-paper physical media shall be included on the fee itemization form.

d. Actual cost of duplication for paper records. JPEC will charge the actual cost of duplication (not to exceed 10 cents per sheet) for 8-1/2 by 11-inch sheets of paper or 8-1/2 by 14-inch sheets of paper. The actual cost of duplication will be charged for non-standard-sized sheets of paper and may exceed 10 cents per sheet. JPEC shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

e. Actual labor costs for duplication or publication. JPEC’s charges for duplication or publication will not exceed the hourly rate of the lowest-paid employee capable of duplicating or publishing the records. The hourly rate of the lowest-paid employee capable of duplicating or publishing records may vary depending on the nature of the records sought. Duplication or publication fees are calculated in fifteen minute increments (rounded down). All charges will be noted on the fee itemization form.

f. Postal delivery charges. JPEC may charge the costs of the least expensive form of postal delivery. If a requestor asks for expedited mailing, and if JPEC agrees to provide expedited mailing, the actual costs of the expedited mailing may be charged and must be included on the fee itemization form.

g. Fringe benefits. JPEC may add to the labor charges described above the actual cost of the public employee’s fringe benefits, up to 50% of the labor costs. Fringe benefits must be noted on the fee itemization form.

h. Overtime wages. No overtime will be charged unless requested by the requestor, approved by JPEC, and included on the fee itemization form.

3. Each of the fee components described above must be specifically listed on the fee itemization form. A completed copy of the fee itemization form will be included with the response to the request. A copy of the fee itemization form is appended to these Written Procedures and Guidelines as Attachment C.

4. Fee Reductions. If the FOIA Coordinator does not respond to a written request within the timeframes required by the FOIA, JPEC will reduce the charges for labor costs otherwise permitted under the FOIA and these Procedure and Guidelines by 5% for each day JPEC exceeds the time permitted for a response to the request, up to a maximum 50% reduction, if either of the following applies:

• The late response was willful and intentional.

• 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,” “information,” “FOIA,” “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.

If a fee reduction is required, JPEC will fully note the fee reduction on the detailed itemization of fees (Attachment C).

5. Payment. The FOIA Coordinator will require that payment be made in full for the allowable fees before the requested records are made available.

6. Fee Waivers. 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 JPEC determines, in its discretion, that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.

7. Discounts. Under the following circumstances, a public record search shall be made by JPEC and a copy of a non-exempt public record shall be furnished without charge for the first $20.00 of the fee:

a. If an individual who is entitled to information under the FOIA:

• submits an affidavit stating that the individual is receiving specific public assistance or is unable to pay the fee because of indigence and stating that the individual is not making the request in conjunction with outside parties in exchange for payment or other remuneration; and

• that individual has not previously received discounted copies of public records from JPEC twice during the same calendar year.

b. If a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the 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, submits a request that 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; and

• Is accompanied by documentation of its designation by the state, if requested by JPEC.

E. Appeals

1. Challenge to Record Denial. A requestor may submit a written appeal to JPEC's Board of Governors or commence a civil action in the circuit court for the county in which a public record or a JPEC office is located, including Jackson County Circuit Court. A civil action must be filed within 180 days after the final determination denying the request. A Board appeal is not a prerequisite to a disclosure-denial lawsuit.

The written Board appeal must specifically state the word "appeal" and identify the reasons for reversing the denial. Send it to JPEC, Attn: Board of Governors / FOIA Appeal, 2111 Emmons Road, Jackson, MI 49201, or foia.requests@jacksonpec.org. The Coordinator will forward it to the Board.

The Board is considered to receive an appeal at its first regularly scheduled meeting after submission. Within 10 business days after receipt, the Board will reverse the denial, uphold it in writing, reverse it in part and uphold it in part in writing, or, under unusual circumstances, issue one written extension of no more than 10 business days. If the Board does not timely respond or upholds all or part of the denial, the requestor may seek judicial review as provided in MCL 15.240.

A court that finds records were wrongfully withheld will order disclosure. A prevailing requestor is entitled to reasonable attorneys' fees, costs, and disbursements; a partial victory may support a discretionary award

assessed against the public body as provided by MCL 15.240(6). Fines and damages may also apply under MCL 15.240 and 15.240b.

2. Challenge to Fee. A requestor who believes a fee, including a deposit, exceeds the amount permitted by law or these procedures may submit a written appeal to JPEC's Board of Governors using the mailing or email address above. The appeal must specifically state the word "appeal" and identify how the required fee is excessive.

The Board is considered to receive the appeal at its first regularly scheduled meeting after submission. Within 10 business days after receipt, the Board will waive the fee; reduce it and provide a written determination explaining the statutory basis for the remaining fee; uphold it and provide a written determination explaining the statutory basis for the required fee; or issue one extension of no more than 10 business days, with detailed reasons. A determination reducing or upholding a fee will include the Board's certification that its statements are accurate and the fee complies with these procedures and MCL 15.234.

After the Board issues its determination, or fails to respond as required, the requestor may commence a civil action for a fee reduction under MCL 15.240a in the circuit court for the county in which a public record or a JPEC office is located, including Jackson County Circuit Court. The statutory filing period is 45 days after receipt of the fee notice or appeal determination, as applicable. Because these procedures provide a Board fee appeal, the conditions in MCL 15.240a(1)(b) must be met before filing suit. JPEC need not complete processing the disputed request while the court resolves the fee dispute.

If the court finds a fee excessive, it will reduce it to a permissible amount. A requestor receiving a reduction of 50% or more may receive reasonable attorneys' fees, costs, and disbursements at the court's discretion. Statutory fines and damages may also apply under MCL 15.240a and 15.240b.

F. Questions

Any questions about these Written Procedures and Guidelines should be directed to JPEC’s FOIA Coordinator.

G. Attachments

1. Sample FOIA Request Form (Attachment A).

2. Certificate of Non-Existence of Public Record (Attachment B).

3. Detailed Fee Itemization Form (Attachment C).

Attachment A | Sample FOIA Request Form

Date: _____

FOIA COORDINATOR, JPEC 2111 Emmons Road, Jackson, MI 49201 foia.requests@jacksonpec.org

Re: Freedom of Information Act Request

Dear FOIA Coordinator:

I am writing to request, pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., [to inspect][to copy][to obtain copies of] the following public records:

[INSERT DESCRIPTION OF RECORDS SOUGHT]

OPTIONAL: Please provide a copy of the requested public records on [INSERT DESCRIPTION OF DESIRED NON- PAPER PHYSICAL MEDIUM, SUCH AS CD, FLASHDRIVE].

OPTIONAL: Please waive or reduce the fee to search for or furnish copies of the requested public records on grounds that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.

OPTIONAL: Please furnish the requested records without charge for the first $20.00 of the fee because (A) I am receiving public assistance [INSERT SPECIFIC DESCRIPTION] or am unable to pay the fee because of indigence; (B) I am not making this request in conjunction with outside parties in exchange for payment or other remuneration; and (C) I have not previously received discounted copies of public records from JPEC twice during this same calendar year.

OPTIONAL: Please furnish the requested records without charge for the first $20.00 of the fee because (A) this request is made directly on behalf of a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the 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, or on behalf of its clients; (B) this request 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; and(C) this request is accompanied by documentation of designation by the state.

OPTIONAL: I am writing to request, pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq. to subscribe for up to six months to the following future issuances of public records created, issued, or disseminated by JPEC on a regular basis: [INSERT SPECIFIC DESCRIPTION]. Please contact me if you have any questions.

Sincerely,

[REQUESTOR COMPLETE NAME]

[REQUESTOR ADDRESS]

[REQUESTOR EMAIL]

[REQUESTOR PHONE NUMBER]

Attachment B | Certificate of Non-Existence of Public Record

For JPEC use. Attach to the signed denial or partial-denial notice, which must separately include all required appeal and judicial-review information.

Request number: _____ Date: _____

Requestor: _____

Request received: _____

Records requested (attach additional pages if needed):

_____

_____

Search conducted / locations and names searched:

_____

_____

I certify that the public record described above does not exist under the name given by the requestor or under another name reasonably known to JPEC. This certification applies only to the records or portion of the request identified above.

FOIA Coordinator / authorized designee: _____

Signature: _____ Date: _____

JPEC | 2111 Emmons Road, Jackson, MI 49201

517.705.5732 | foia.requests@jacksonpec.org

Attachment C | Detailed Fee Itemization

Complete for each estimate or final charge. Use an additional copy for each labor rate or provider and separate schedules for website-available records and other records.

Request no.: _____ Requestor: _____

Date: _____ Estimate / Final: _____ Website / Other: _____

Allowable fee component	Calculation / explanation	Amount
1. Search, location and examination	Hourly wage $____ x hours ____ = $____ | Fringe ____% = $____; total $____	$_____
2. Separation / redaction	Hourly wage $____ x hours ____ = $____ | Fringe ____% = $____; total $____ | Contractor / firm (if used): _____ | 6 x state minimum wage cap: $____ / hour	$_____
3. Nonpaper physical media	Type / quantity: _____ | Actual economical unit cost $____ x ____	$_____
4. Paper copies	Letter / legal: ____ sheets x $____ (max. $0.10) | Other sizes: ____ sheets x actual cost $____ | Double-sided used if economical: Yes / No	$_____
5. Duplication / publication labor	Hourly wage $____ x hours ____ = $____ | Fringe ____% = $____; total $____	$_____
6. Actual mailing costs	Method: _____ Actual cost: $____ | Requested expedited service: _____	$_____

Subtotal: $_____ Late-response labor reduction: ____% / $_____

Eligible $20 discount: $_____ Public-interest waiver / reduction: $_____

Total: $_____ Deposit: $_____ Prior payments: $_____ Balance: $_____

Deposit deadline (48 days after notice sent): _____ Estimated completion: _____

Prepared by: _____ Date: _____

Attachment C | Fee Calculation Notes

Use 15-minute labor increments, rounding partial increments down. Charge no more than the wage of the lowest-paid capable employee, regardless of who performs the work. Explain each labor task and attach additional calculations when needed.

Nature of unreasonably high search / review / redaction costs for this request:

_____

_____

Fringe benefits must reflect actual costs, ordinarily capped at 50% of applicable labor charges. Do not include overtime in the fringe calculation. Contracted redaction must satisfy MCL 15.234(1)(b); identify the provider and applicable hourly cap.

Overtime specifically requested by requestor: Yes / No. Written stipulation / rate / hours:

_____

Do not charge again for previously redacted records still held by JPEC. Do not charge redaction labor for records already publicly available on the website. Provide the specific webpage address and separately identify any cost to receive copies of website records: _____

Late-response reduction: ____ days x 5% (maximum 50%) x otherwise allowable labor charges $_____ = reduction $_____. Explain eligibility / calculation:

_____

Discount / waiver decision and reason, including reason if an indigency discount is denied:

_____

Ordinary good-faith deposits are limited to 50% when the total estimate exceeds $50. A deposit up to 100% for a previous unpaid request requires all conditions of MCL 15.234(11)-(12). Explain any increased deposit:

_____

Include the fee-appeal instructions in Section II.E with the fee notice. A deposit notice must include the due date and a good-faith, nonbinding estimate of time to provide records. Charge only actual lawful costs; reconcile estimates against the final charge.

Statutory references

MCL 15.234 - Michigan Legislature

MCL 15.235 - Michigan Legislature

MCL 15.240 - Michigan Legislature

MCL 15.240a - Michigan Legislature

MCL 15.240b - Michigan Legislature