

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, the College will issue a response within 5 business days of receipt of a FOIA request. If a request is received by mail or other electronic transmission, the request is deemed to have been received on the following business day.

The College will respond to a request in one of the following ways:

- x Grant the request.
- x Issue a written notice denying the request.
- x Grant the request in part and issue a written notice denying in part the request.
- x Issue a notice indicating that due to the nature of the request, the College needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.
- x Issue a written notice indicating that the public record requested is available at no charge on the College'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 provide the public record.

the requestor. The best efforts estimate shall be nonbinding on the College 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 the 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:

- x An explanation as to why a requested public record is exempt from disclosure; or
- x A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the College or
- x

- x Amount of time spent to search for, examine, review and separate exempt from exempt information in the record requested;
- x Whether the public records are from more than one College department or whether various College offices are needed

- x The College 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.
- x 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.
- x Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage).

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

- x 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.
- x This cost will only be assessed if the College has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- x The College will procure any non-paper media and will not accept media from the requestor in order to ensure integrity of the College's technology infrastructure.

The cost to provide paper copies of records will be based on the following requirements:

- x Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$0.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- x The College 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:

- x v

legal code reference to MCL 15. 231 seq or 1976 Public Act 442 on the front of an envelope or in the subject line of an email or facsimile cover page.

- x Fully note the charge reduction in the Data 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 requestor may identify specific records or

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 head of the public body, in this case the President of the College, by filing an appeal of the denial with the office of the College President.

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 College FOIA Appeal Form (To Appeal a Denial of Records), may be used.

Within 10 business days of receiving the appeal, the College President, will respond in writing by:

- x Reversing the disclosure denial;
- x Upholding the disclosure denial; or
- x Reverse the disclosure denial in part and uphold the disclosure denial in part; or
- x Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the College President shall respond to the written appeal. The College President shall not issue more than 1 notice of extension for a particular written appeal.

If the College President fails to respond to a written appeal, or the College President 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 Circuit Court.

Whether or not a requestor submitted an appeal of a denial, the College President or she may file a civil action in Grand Traverse County Circuit Court within 180 days of the College's final determination to deny the request.

If a court that determines a public record is not exempt from disclosure, it shall order the College 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 the College 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 the College 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 College to pay a civil fine of \$1,000.00, which shall be deposited to 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 be assessed against an individual, but shall be assessed against the next succeeding public body that is not

Section 9: Appeal of an Excessive FOIA Request (b)(7)(D) - 10(F)11(O)-2e 1 1 Tf -0.004 Tc 0.004 Tw 121

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 the College has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall order the College 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. 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.