

# **Sheriffs' Coordinating and Training Council General Freedom of Information Act Procedures and Guidelines**

## **A. Appointment of FOIA Coordinator.**

In accordance with section 6 of the FOIA, MCL 15.236, the Agency has appointed a FOIA Coordinator, as well as an alternate FOIA Coordinator. The names of the FOIA Coordinator and alternate FOIA Coordinator are available from the Agency.

## **B. Submission of a FOIA Request.**

FOIA requests to the Sheriffs' Coordinating and Training Council (Agency) can be sent by email or mail to:

Email: [rnoordhoek@msctc.org](mailto:rnoordhoek@msctc.org)

Michigan Sheriffs' Coordinating and Training Council  
c/o FOIA Coordinator  
620 S. Capitol Avenue, Suite 320B  
Lansing, MI 48933

Requests should include a name, phone number, and mailing address.

## **C. Immediately Forward FOIA Request.**

Any employee of the Agency who receives a written request for a public record must immediately forward that request to the FOIA Coordinator. MCL 15.233(3). If an Agency employee receives a written request for a public record that is delivered to a spam or junk-mail folder, the employee must record the date and time that the written request was delivered to the spam or junk-mail folder and date and time the employee first becomes aware of the written request. MCL 15.235(1). The employee must forward those dates and times to the FOIA Coordinator with the written request.

## **D. Request Response Time.**

The Agency may extend the time for responding by an additional 10 business days by notifying the requesting person in writing of the reason for the extension and the new due date. MCL 15.235(2)(d) and (7) Due to the short statutory time period within which the Agency must issue a written notice in response to the FOIA request, it is imperative that there be no delay in complying with the Agency's procedures and guidelines.

### **E. Response to a FOIA Request.**

Only the Agency's FOIA Coordinator or Alternate FOIA Coordinator will respond to FOIA requests. The Agency will provide copies of these procedures and guidelines and a summary of these procedures and guidelines with each written response or provide a link to an on line version of these documents. If a request is denied, in full or in part, the Agency will provide the requester an explanation of the basis of the denial under the FOIA, and give notice to the requester of his or her remedial rights. MCL 15.235(5) and MCL 15.240

### **F. Assessment of Fees for a FOIA Request.**

The FOIA permits the Agency to charge a fee for the search, retrieval, examination, review, and separation and deletion of exempt from nonexempt material, but only if the failure to charge a fee would result in unreasonably high costs to the Agency because of the nature of the request in the particular instance, and the Agency specifically identifies the nature of these unreasonably high costs. MCL 15.234(1) and (3).

The following fee guidelines for calculating labor and material costs incurred in processing FOIA requests are established pursuant to MCL 15.234(1) and (2):

1. Fees will be uniform and not dependent upon the identity of the requesting person.
2. Fees will be itemized using the attached detailed itemization of fees and will include:
  - a. Labor costs for the search, location, and examination of public records will be calculated using the hourly wage of the Agency's lowest paid employee capable of conducting the search, location, and examination, whether or not they are available or actually perform the labor. Such

labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. The hourly wage will be based on the Agency's payroll records for the applicable fiscal year. Labor costs may also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.

- b. Labor costs for the review of public records and separation and deletion of exempt from nonexempt material will be calculated using the hourly wage of the Agency's lowest paid employee capable of conducting the review and separation and deletion of exempt from nonexempt material, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of 15 minutes with all partial increments rounded down. The hourly wage will be based on the Agency's payroll records for the applicable fiscal year. Labor costs may also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
- c. Nonpaper physical media costs will be calculated using the actual and most reasonably economical cost of computer discs, computer tapes, and other digital and similar media provided by the Agency.
- d. Duplication and publication costs will be calculated using the actual total incremental cost of necessary duplication or publication of a public record, not including labor. The actual and incremental cost, calculated per sheet, shall be charged and will not exceed 10 cents per sheet of paper for letter or legal size paper. The Agency shall use the most economical means available for making copies, including the use of double-sided printing, if cost-saving and available.
- e. Labor costs for the duplication or publication of public records, including making paper copies, making digital copies, or transferring digital public records to be produced on nonpaper physical media or through electronic means, will be calculated using the hourly wage of the lowest paid employee capable of duplicating or publishing the public records, whether or not they are available or actually perform the labor. Such labor costs

shall be estimated and charge in increments of 15 minutes with all partial increments rounded down. The hourly wage will be based on the Agency's payroll records for the applicable fiscal year. Labor costs may also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.

- f. Actual costs of mailing using a reasonably economical and justifiable manner.
3. No Agency employee shall stipulate to work overtime or include overtime wages in the labor costs described in these procedures and guidelines. MCL 15.234(2)
4. If a requestor submits an affidavit of indigency, the first \$20.00 of a fee will be waived. A requesting person must include a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration. MCL 15.234(2)
5. Labor costs for monitoring an inspection of original records will be calculated using the hourly wage of the Agency's lowest paid employee capable of monitoring the inspection. Labor costs for monitoring an inspection will not be charged for the first hour. The hourly wage will be based on the Agency's payroll records for the applicable fiscal year. Note: Section 3(3) of the FOIA, MCL 15.233(3), provides, in pertinent part, that "[a] public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction."
6. If a statute authorizes the sale or production of public records to the public for a specified fee or if a fee for production of public records is otherwise set by statute, the Agency will charge the statutory fee in lieu of a fee calculated using the guidelines set forth above. MCL 15.234(10).

## **G. Deposit Requirements.**

If the Agency estimates a fee to process a FOIA request greater than \$50.00, the Agency will require a good-faith deposit from the requestor before providing the public records to the requestor. The deposit shall not exceed ½ of the total estimated fee. Any written notice containing a notice of a deposit shall also contain a best efforts estimate by the Agency regarding the time frame after a deposit is received that it will take the Agency to provide the public records to the requestor. The time frame estimate is not binding upon the Agency, but the Agency shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this State's public policy under section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance. MCL 15.234(8).

## **H. Appeals of Fees and Disclosure Determinations.**

If the Agency charges a fee or denies all or part of a request, the requestor may submit to the head of the Agency a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced or the disclosure determination should be reversed. Written appeals may be sent to the email address or mailing address listed above and will be forwarded to the Sheriffs' Coordinating and Training Council or the person designated by the Agency to respond to written appeals. MCL 15.240