

Section 11 – Freedom of Information Act Policy and Guidelines

11.01 Freedom of Information Act

Consistent with Public Act 563 of 2014, which amended the Michigan Freedom of Information Act (FOIA), the following is the Written Policy and Guidelines for the City of Wyoming.

Appointment of FOIA Coordinator

In accordance with Section 6 of the Freedom of Information Act (FOIA), MCL 15.236, the City has appointed a FOIA Coordinator, as well as designees. The names of the FOIA Coordinator and designees are available from the City Clerk's Office.

Submission of FOIA Request

FOIA requests to the City of Wyoming may be submitted by email or mail to:

Email: clerk_info@wyomingmi.gov

Mail: City of Wyoming
Attn: FOIA Coordinator
1155 28th Street SW
Wyoming, MI 49509

Requests can also be faxed to (616)530-7200.

FOIA requests specifically directed to the Department of Public Safety may be submitted by email or mail to:

Email: pd_info@wyomingmi.gov

Mail: Wyoming Department of Public Safety
Attn: FOIA Coordinator
2300 DeHoop Ave SW
Wyoming, MI 49509

FOIA requests specifically directed to the Public Safety Department can also be faxed to (616)261-3527.

All FOIA requests should include the name, telephone number and mailing address of the requestor. An email address should also be included if applicable.

Immediately Forward FOIA Request

Any employee of the City of Wyoming who receives a written request for a public record must immediately forward that request to the Freedom of Information Coordinator at clerk_info@wyomingmi.gov or appropriate Public Safety designee at pd_info@wyomingmi.gov

If a City employee receives an electronic written request for a public record that is delivered to a spam or junk-mail folder the employee must record the date and time the written request was delivered to the spam or junk-mail folder and date and time the employee first became aware of the written request. The employee must forward those dates and times to the FOIA Coordinator (or designee) with the written request.

Request Response Time

The City may extend the time for responding by an additional ten (10) business days by notifying the requestor in writing of the reason for the extension and the new due date (MCL 15.235(2)(d) and (6)). Due to the short statutory time period within which the City must issue a written response to the FOIA request, it is imperative that there be no delay in complying with the City's procedures and guidelines.

Response to a FOIA Request

Only the City's FOIA Coordinator or designee(s) will respond to FOIA requests. The City will provide copies of these procedures and guidelines with each written response or provide a link to an online version of these documents. If a request is denied, in full or in part, the City will provide the requestor with an explanation of the basis of the denial under the FOIA, and give notice to the requestor of his or her remedial rights (MCL 15.235(4)).

Notification of FOIA Request

Upon receipt of a FOIA request, the FOIA Coordinator or designee will contact the appropriate department(s) that might possess records responsive to the FOIA request by email or interdepartmental memorandum. This correspondence will include a date the documents are due to the FOIA Coordinator or designee.

Departmental Response to FOIA Coordinator

As soon as possible, but not later than the due date provided by the FOIA Coordinator or designee, the department(s) will provide a response to the FOIA Coordinator or designee. If no documents responsive to the request exist, the department(s) must notify the FOIA Coordinator or designee that no records will be sent.

Assessment of Fees

FOIA permits the City 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 City because of the nature of the request in the particular instance, and the City identifies these unreasonably high costs (MCL 15.243(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(3):

1. Fees will be uniform and not dependent upon the identity of the requesting person.
2. Fees will be itemized using the attached form and will include:
 - a. Labor costs for the search, location and examination of public records which will be calculated using the hourly wage of the City'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 City's Office Specialist I classification (or equivalent), at A-step of the pay scale for the applicable fiscal year. Labor costs shall 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 which will be calculated using the hourly wage of the City's lowest paid employee capable of conducting the review and separation and deletion of exempt and 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 City's Office Specialist I classification (or equivalent), at A-step of the pay scale for the applicable fiscal year. Labor costs shall 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. Non-paper 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 available to the City.
 - d. Duplication and publication costs for paper copies will be calculated using the actual total incremental cost of necessary duplication and publication of a public record, not including labor. The actual and incremental cost, calculated per sheet, shall be charged and will not exceed ten cents (\$0.10) per sheet of paper for letter or legal-size paper. The City shall use the most economical means available for making copies, including the use of double-sided printing, if cost savings is 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 non-paper physical media or through electronic means, will be calculated using the hourly wage of the 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 charged in increments of one minute, with all partial increments rounded down. The hourly wage will be based on the City's Office Specialist I classification (or equivalent), at A-step of the pay scale for the applicable fiscal year. Labor costs shall 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.
3. No City employee shall stipulate to work overtime or include overtime wages in the labor costs described in these procedures and guidelines.
 4. If a requestor submits an affidavit of indigence, 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. Other than \$20.00 for cases of indigence, no City employee shall waive a fee or part of a fee without authorization from the FOIA Coordinator or designee.

5. Labor costs for monitoring an inspection of original records will be calculated using the hourly wage of the City's Office Specialist I classification (or equivalent), at A-step of the pay scale 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 City will charge the statutory fee in lieu of a fee calculated using the guidelines set forth above.

Deposit Requirements

If the City estimates a fee to process a FOIA request greater than \$50.00, the City will require a good-faith deposit from the requestor before processing the request. The deposit shall not exceed half of the total estimated fee. Any written notice containing a request for the deposit shall also contain a best effort estimate by the City regarding the time frame after a deposit is received that it will take the City to provide the public records to the requestor. The time frame estimate is not binding upon the City, but the City 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 FOIA, MCL 15.231, and the nature of the request in the particular instance.

Appeals of Fees and Disclosure Determinations

If the City charges a fee or denies all or part of a request, the requestor may submit to the City Manager 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.

Effective Date

This policy shall be effective on July 1, 2015.