

Freedom of Information Act Policy

Eaton Township

Eaton County, Michigan

The Michigan Freedom of Information Act (FOIA) provides that most Township records are public information, and that each Township shall have a written Freedom of Information Act policy. The following policy is to comply with the Michigan Freedom of Information Act.

I. INTRODUCTION

The Freedom of Information Act, being 1976 PA 442 (MCL 15.231 to 15.246) (“FOIA”) mandates disclosure of most public records. To fulfill this mandate the Township has established procedures and policies for handling Freedom of Information Act requests. The Township’s policy is formulated to meet the state legislature’s intent which provides that the FOIA is based on the premise that all residents are entitled to full and complete information regarding the affairs of government.

II. FOIA COORDINATOR

The Township, by resolution, has designated the Township Clerk to serve as the FOIA Coordinator. Any questions regarding compliance with FOIA should be directed to the Coordinator.

III. FOIA REQUESTS

A. Written Requests. In the event a written FOIA request is received by any employee of the Township or member of the Board of Trustees or any commission, a copy of this should be provided to the FOIA Coordinator the same day it is received. All written requests for production of records shall be processed by the FOIA coordinator.

B. Oral Requests. All FOIA requests shall be presented in writing. Oral requests will not be honored.

C. Requests to Review Records. If a request is received to review records, facilities should be made available to inspect records during township business hours and when the records can be reasonably made available. The person who wishes to inspect records shall submit a request form describing the requested documents prior to allowing the inspection of the records.

D. Requests Made by Fax, E-Mail or other Electronic Means. These requests shall be deemed received by the FOIA Coordinator one business day after the date the electronic transmission is made and shall be handled in the same manner as a written request in subparagraph A above.

E. Inspection of Assessing Records. This Policy allows for the public viewing of assessing records during normal township office hours or by special appointment between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday at the Eaton Township Hall located at 3981 E. Clinton Trail, Charlotte MI 48813.

IV. PROCESSING FOIA REQUESTS

The FOIA Coordinator shall maintain a log of all written requests received showing the nature and date of the request, determination of disposition, date of disposition, and manner of final response to the FOIA request. Requests shall sufficiently describe the record to enable the FOIA

Coordinator to identify and locate the record. Forms for utilization of FOIA procedures under this policy are available in the Township Clerk's office.

A. Time for Response. The FOIA Coordinator shall, no more than five business days after the request has been made, unless a single extension of not more than ten business days has been issued, or where the time limits have been agreed to upon in writing by the requesting person, provide one of the following responses:

1. **Grant the Request.** A copy of the request for a public record along with all of the requested documents shall be sent to the person who requested the records on a response for public records form.

2. **Deny the Request.** The FOIA Coordinator shall sign and state the reasons for denial including an explanation of the requesting person's right to seek a non-mandatory appeal from the FOIA Coordinator's decision to the Township Board or a judicial review of the decision with the Eaton County Circuit Court. Failure to timely respond to the request constitutes denial. Denial may be made because, among other reasons, the record does not exist, it cannot be sufficiently identified from the description contained in the request; or the record is exempt.

3. **Grant the request and issue a written notice to the requesting person denying such a request in part.** Material which is partially exempt and partially subject to disclosure shall be separated or deleted and the non-exempt material offered for inspection. A general description of the separated or deleted information shall be provided to the requesting person.

**** Note **** The FOIA does not require the township to make a compilation, summary or report of information.

***** Please Note, this does not include requests for copies of the tax or assessing database, refer to Database Copy Policy.**

B. Miscellaneous general requirements for FOIA requests. FOIA requests shall be handled in one or more of the following ways:

1. Provide a reasonable opportunity and facilities for inspecting and taking notes from the records for the requesting person. Original records shall not be removed from the area provided for inspection and note taking.

2. Provide copies of records if so requested. If a fee is charged, a copy of the record shall not be released until a fee has been received or the person making the request demonstrates an inability to pay or is a recipient of public assistance as provided in Article V. below.

3. On a request for records which are issued on a subscription basis, e.g., board meeting minutes, on six-month renewal subscription basis, a listing of the requestor's name, address, records subscribed to, charge, and expiration date of subscription shall be maintained by the FOIA Coordinator or his designee.

4. If the information requested is available on the Township web page, the FOIA response will direct the requestor to the web page.

V. SCHEDULE OF FEES

1. If a fee is charged, the person completing the request shall compute the charges and refer the completed charge slip for providing records to the Treasurer's Office. If you anticipate a charge will surpass Fifty and 00/100 (\$50.00) Dollars, you may require a good faith deposit from the requestor, but the deposit cannot exceed one-half of the total anticipated fee.

2. The Treasurer's office shall accept the payment for services rendered and issue a receipt for the same, or, in the few instances where deferred payment is indicated, prepare an invoice and forward it to the requesting person. *If an individual requesting documents previously failed to pick-up documents or pay the costs charged, the township will require a deposit of 100% of the estimated fee for later requests before starting the search for records.*

Schedule of Fees:

Service	Cost
Labor cost of searching, reviewing, and preparing information.	Charged in 15 minute increment if less than an hour.
Labor cost of monitoring public review of original files	Charged in 15 minute increment if less than an hour
Mailing costs	Actual Postage Cost
Photocopying	\$0.10 per page, 8 ½ x 14" (Maximum)
Digital Copy	Cost of materials plus labor
Deposits	½ the cost of estimates over \$50.00
Hourly Wage charged	Shall be the lowest hourly rate of township employees currently \$13.00/hour.

3. The Township Clerk shall have the ability to reduce or waive the fees if the reduction or waiver is found to be in the public interest because the request will primarily benefit the public.

VI. RECORD RETENTION

The FOIA Coordinator shall maintain all FOIA requests on file for no less than one year.

VII. EXEMPTIONS TO FOIA REQUEST

The FOIA includes twenty categories of documents that are exempt. The following list does not contain all statutory exemption, only the most relevant to Township matters are set forth:

- A. Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy (related to the individual's private life, not to his or her public one);
- B. Records or information specifically exempted from disclosure by statute;
- C. A public record which is exempt based upon one of the approved exemptions remains exempt as long as the original considerations still apply, when that record is provided to an employee or commission in connection with the performance of the duties of that employee or commission;
- D. Information or record subject to attorney-client privilege or other privileges recognized by statute or court rule;

- E. A bid or proposal by a person is exempt from disclosure until the time of the public opening bids or proposals;
- F. Test questions and answers, scoring keys and other examination instruments or data used to administer public employment tests;
- G. Testing data developed by the Township to determine whether bidders' products meet Township specifications for purchasing those products are exempt, only if disclosure would reveal that only one bidder met the specifications;
- H. Appraisals of real property to be acquired by the Township are exempt from disclosure until an agreement is entered into or three years have elapsed after making the appraisal;
- I. Trade secrets or commercial or financial information voluntarily provided for use in developing governmental policy;
- J. Communications and notes within or between public bodies may be exempt from disclosure if communications are advisory in nature and meet the following conditions:
 - (i) cover other than purely factual materials;
 - (ii) are preliminary to final determinations of policy or action by the Township and;
 - (iii) the public interest in frank communication outweighs the public interest in disclosure;
- K. Records of any campaign committee, including committees that receive state money from state campaign fund are exempt from disclosure;
- L. Records of Township security measures;
- M. Documents concerning a civil action between a requesting party and the Township;
- N. Records disclosing the social security number of any person;
- O. Deprive a person of the right to a fair trial or important administrative adjudication; and
- P. The information is submitted upon a promise of confidentiality by the public body.

VIII. APPEALS

Within ten (10) days after receiving a written appeal, the Township Board shall:

- a. Reverse the denial;
- b. Issue a written notice upholding the appeal;
- c. Reverse the denial in part and issue a written notice upholding the denial in part. The ten (10) day time period shall commence on the date of the next regularly schedule Township Board meeting following receipt of the request.

Decision of the Township Board may be appealed to Eaton County Circuit Court.

IX. A COPY OF THIS POLICY SHALL BE AVAILABLE AT THE TOWNSHIP OFFICE AND ON THE TOWNSHIP WEBSITE.

X. THE EFFECTIVE DATE OF THIS POLICY IS JANUARY 8, 2015. THIS POLICY REPLACES PREVIOUS ANY PREVIOUSLY APPROVED FOIA POLICIES.

The foregoing FOIA Policy offered by Trustee Bankhead.

Supported by Treasurer Dolman.

Upon a roll call vote:

Ayes: 5

Nays: 0

The Supervisor declared the policy adopted effective immediately.

Charamy Cleary, Clerk
Eaton Township

I, Charamy Cleary, Clerk of Eaton Township, hereby certify that foregoing policy was adopted by the Township Board of said township at the regular meeting of the said board held on January 8, 2015 at which meeting a quorum was present by a roll call vote of said members as hereinbefore set forth; that said policy will take effect immediately.

Charamy Cleary, Clerk
Eaton Township

EATON TOWNSHIP
FOIA REQUEST FORM

Name:

Street Address:

City, State, Zip:

Phone:

Email:

Information requested (be as specific as you can):

For office use:

Date Received:

Granted €

Denied €

Extended€

Fees:

Copying:

Pages: * .10/page_____

Labor: \$13/hr * hours_____

Misc:

Total: _____