

Category: 100

Number: 112

Subject: **FREEDOM OF INFORMATION ACT (FOIA) REQUEST POLICY**

1. **PURPOSE:** The purpose of this policy is to:
  - 1.1 Assure compliance with the Freedom of Information Act (Act) by all Saginaw County Departments and Offices as required by statute(s).
  - 1.2 Formulate a comprehensive written County policy regarding the dissemination of information pursuant to the Freedom of Information Act, MCL 15.231 et seq., Public Act 442 of 1976 as amended.
  - 1.3 Assure consistency that all persons except those incarcerated in state or local correctional facilities are entitled to full and complete information regarding governmental decision making.
  - 1.4 Designate the Chairperson of the Saginaw County Board of Commissioners as the FOIA Coordinator and authorize the Board Chairperson to designate a staff member of the Board to act on the Chair's behalf.
  - 1.5 Communicate to County Elected Officials, Department Heads, Employees, and the Public the formal County Policy on Freedom of Information Act requests.
2. **AUTHORITY:** Saginaw County Board of Commissioners.
3. **APPLICATION:** This policy applies to all County Elected Officials, Department Heads, Employees and Agencies of Saginaw County.
4. **RESPONSIBILITY:** The Board Chairperson shall have responsibility for implementing this policy and the Board Coordinator shall be responsible for administering this policy.
5. **DEFINITIONS:** The words and phrases contained in this policy shall have the meaning given to them, if any, by the Act.
6. **RECEIVING AND RESPONDING TO FOIA REQUESTS:** (See Attachment A)
  - 6.1 In accordance with the Act, the Chairperson of the Saginaw County Board of Commissioners is the County FOIA Coordinator. The FOIA Coordinator shall be responsible for accepting and processing requests for records covered under the Act and shall be responsible for approving a denial in accordance with the Act. If a FOIA request is received by a department or employee, said department or employee shall promptly forward that request to the FOIA Coordinator (Board Chair).
  - 6.2 The FOIA Coordinator may designate a staff member of the Board Office to act on the FOIA Coordinator's behalf in accepting and processing requests for the County's Public Records and in approving denial of same.

- 6.2.1 Where appropriate, the FOIA Coordinator may designate a staff member in another department to act on the FOIA Coordinator's behalf in accepting and processing FOIA requests and in approving denial of same. (See Attachments A and C.)
- 6.2.2 When a FOIA request is submitted requiring records from multiple departments, the FOIA Coordinator shall designate a staff member in each department to assemble and redact the responsive records and draft a partial response to the request. Such materials will then be transmitted to the FOIA Coordinator who, working with Civil Counsel, will prepare a final, coordinated response. (See Attachments L and M.)
- 6.3 All FOIA requests must be submitted in writing. This includes requests received by facsimile, electronic mail or through other electronic means. Requests received by facsimile, electronic mail, or other electronic transmission are not considered received until one (1) business day after the electronic transmission is made.
  - 6.3.1 An electronic mail request that is transmitted to a spam or junk mail folder is not considered received until one (1) business day after the County becomes aware of the request.
  - 6.3.2 The FOIA Coordinator or designee shall check his or her spam or junk mail folder on a weekly basis for FOIA requests and shall keep a log of when such requests are first delivered and received.
- 6.4 A request from a person, other than an individual who qualifies as indigent as set forth below, must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address.
- 6.5 A request must describe the public record sufficiently to enable the County to find the public record. A request that is overly vague or that does not give reasonable time parameters will be denied.
- 6.6 Within five (5) business days after receiving a request for public records the FOIA Coordinator or designee will:
  - 6.6.1 Grant the request. (See Attachment D)
  - 6.6.2 Grant the request in part and deny the request in part. (See Attachment E)
  - 6.6.3 Deny the request. (See Attachment F)
  - 6.6.4 Request an extension of ten (10) business days for additional response time. (See Attachment G)
  - 6.6.5 Request a deposit in accordance with Section 8, below. (See Attachment H)
- 6.7 Failure to respond to a request constitutes a denial if:
  - 6.7.1 The failure to respond was willful and intentional; or
  - 6.7.2 The request included language that would allow it to be identified as a request for public records or a FOIA request.

- 6.8 If any of the requested documents are on the County's website, the requestor shall be informed and no fee shall apply to the request unless the requestor subsequently requests copies of those public records.
- 6.9 A specific request can be properly denied only if it falls within one of the enumerated exemptions listed in the FOIA.
- 6.10 Notice to deny a request in whole, or in part, by the FOIA Coordinator or designee shall contain an explanation for the grounds under FOIA or other statute for the determination that the public record or portion of the public record is exempt from disclosure.  
If an exemption is used to deny a request, the specific statutory citation for and verbiage of the exemption will be included in the denial. All denials must be signed by the FOIA Coordinator or designee. All denials will also include a description of the denied record, an explanation of the requestor's right to appeal, and/or a certificate verifying that the requested record does not exist under the name given by the requestor or by another name reasonably known to the County. Any questions relating to whether a statutory exemption applies to a requested record shall be immediately forwarded to Civil Counsel for review.
- 6.11 The FOIA Coordinator or designee will keep on file a time stamped copy of all requests and responses, inclusive of a copy of the responsive documents and redactions made, if any, for a period of one (1) year following their receipt or issuance.

7. FEES:

- 7.1 In accordance with the FOIA, the County will charge fees for:
  - 7.1.1 The actual labor costs for searching for, locating, and examining records;
    - 7.1.1.1 This is the cost of labor directly associated with the necessary searching for, locating, and examining a public record in conjunction with receiving and fulfilling a granted written request;
  - 7.1.2 The actual labor costs for redacting records;
    - 7.1.2.1 The County will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession;
  - 7.1.3 Non-paper physical media;
  - 7.1.4 Paper copies;
    - 7.1.4.1 Copying costs may be charged if a copy of a public record is requested or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection);

- 7.1.5 The actual labor costs for duplication or publication of records;
  - 7.1.5.1 This is the cost of labor directly associated with duplication or publication, including making paper or digital copies or transferring digital records on non-paper physical media, through the Internet, or other electronic means as stipulated by the requestor;
- 7.1.6 Mailing;
  - 7.1.6.1 The County will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner;
  - 7.1.6.2 The County cannot charge more for expedited shipping, insurance, or other special delivery accommodations unless specifically requested by the requestor.

The attached Cost Worksheet shall be utilized to determine the fee charged by the County (See Attachment I)

- 7.2 Actual labor costs will be charged in 15-minute increments, rounded down. In calculating the cost of labor incurred in searching for, locating, and examining records, redacting records, and duplication or publication, the County may not charge more than the hourly wage of the lowest paid County employee capable of retrieving the information necessary to comply with the request. The County may also add up to 50% to the multiplier used to account for benefits. Subject to the 50% limitation, the County shall not charge more than the actual cost of fringe benefits.
- 7.3 If no County employee is capable of redacting the records, the County may forward such records to Civil Counsel for redaction. Charges for such contracted labor may not exceed six (6) times the State minimum wage and must be itemized on the calculation worksheet.
- 7.4 A fee shall not be charged for the cost of search, examination, review, and the deletion and separation of exempt from non-exempt information when such labor takes no more than fifteen (15) minutes to complete. If such labor requires more than 15 minutes to complete, such a fee will be charged because failure to do so would result in unreasonably high costs to the County that are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests.
- 7.5 The first \$20.00 of the fee shall be waived for each request of an individual who is entitled to information under the Act and who submits an "Affidavit of Indigency" stating they are indigent and receiving public assistance or, if not receiving public assistance, stating facts showing their inability to pay the full fee. (See attachment J)
  - 7.5.1 An indigent individual may only receive two (2) such fee waivers per calendar year.
- 7.6 The first \$20.00 of the fee shall be waived for each request of a nonprofit organization that is formally designated by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act.

- 7.7 If the County fails to timely respond to a request, it must reduce its labor costs by 5% per day a response is late up to a maximum 50% reduction if:
  - 7.7.1 The late response was willful and intentional; or
  - 7.7.2 The request included language that would allow it to be identified as a request for public records or a FOIA request.
- 7.8 The County Controller/CAO shall provide for the calculation of a fee for reproducing documents. This calculation will include paper, copy machine, and supplies cost. The County Controller/CAO shall also determine the fee to be charged for envelopes. These fees shall be calculated periodically and be communicated to all Elected Offices and Departments of the County.
- 7.9 If the total cost for the non-paper physical media, paper copies, and/or mailing of a response is less than \$10.00, the fee shall be waived.
- 7.10 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 the County determines that a waiver or reduction of the fee is in the public interest, because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

This section does not apply to public records prepared by County departments or offices under a separate law authorizing the sale of those public records to the public.

- 8. DEPOSITS: The County may charge a deposit if:
  - 8.1 The anticipated cost of granting the request is expected to exceed \$50.00.
    - 8.1.1 In such cases, a notice to provide a good faith deposit of 50% of the cost prior to granting the request will be sent. (See Attachment H)
    - 8.1.2 The request for a good faith deposit must also include a “best efforts estimate” as to the amount of time it will take the County to fulfill the request upon receipt of the deposit.
  - 8.2 The County may require a 100% deposit from an individual who has not paid a previous FOIA fee in full. Such a deposit may only be required if:
    - 8.2.1 The final fee for the prior written request was not more than 105% of the estimate fee.
    - 8.2.2 The public records made available contained the information being sought in the prior written request and are still in the public body’s possession.
    - 8.2.3 The public records were made available to the individual, subject to payment, within the time frame provided by law.
    - 8.2.4 No fewer than 90 days but no more than 365 days have passed since the County notified the individual in writing the records were available for pick up or mailing.
    - 8.2.5 The individual is unable to show proof of prior payment to the County.
    - 8.2.6 The County calculates a detailed itemization that is the basis for the current written request’s increased estimate fee deposit.

- 8.3 The County can no longer require an increased estimated fee deposit (i.e. 100% deposit) from an individual if any of the following apply:
    - 8.3.1 The individual is able to show proof of prior payment in full to the County;
    - 8.3.2 The County is subsequently paid in full for the applicable prior written request; or
    - 8.3.3 365 days have passed since the individual made the written request for which full payment was not remitted to the County.
  - 8.4 If a deposit that is required is not received by the County within 45 days from receipt by the requesting person of the notice that a deposit is required, and if the requesting person has not filed an appeal of the deposit amount, the request shall be considered abandoned by the requesting person and the County is no longer required to fulfill the request. Notice of a deposit requirement is considered received 3 days after it is sent, regardless of the means of transmission. Notice of a deposit requirement will include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent. (Attachment H)
9. APPEAL: Any department that receives notification of the appeal of a full or partial denial of a FOIA request, or fee associated with preparing the response to same, shall immediately forward said appeal to the Board Office. The Board Coordinator shall forward a copy of said appeal to Saginaw County legal counsel. The Board of Commissioners shall respond to such appeals within ten (10) business days from their receipt of same. The Board of Commissioners is not considered to have received an appeal until the first regularly scheduled Board meeting following submission of the appeal.
- 9.1 The Board may deliberate and take one of the following actions in response to the filing of an appeal:
    - 9.1.1 Reverse the disclosure denial.
    - 9.1.2 Affirm the disclosure denial or fee charged.
    - 9.1.3 Reverse the disclosure denial in part and affirm the disclosure denial in part.
    - 9.1.4 Modify the fee charged.
    - 9.1.5 Under unusual circumstances, issue a notice extending for not more than 10 business days the period for issuing a response. The County can only issue one 10-day extension.
  - 9.2 If the Board fails to respond to a written appeal or upholds all or a portion of the disclosure denial/fee charged that is the subject of the appeal, the requestor may seek judicial review of the decision by commencing an action in the Saginaw County Circuit Court.
10. PUBLIC SUMMARY: The County shall create a written public summary of the specific procedures and guidelines relevant to the general public regarding how to submit a FOIA request to the County and explaining how to understand its responses, deposit requirements, fee calculations, and avenues for challenge and appeal. (Attachment K)

11. PUBLICATION: The County shall post and maintain this policy, as well as the public summary, on its website, as well as provide free copies of same upon request by visitors at the County's Board office. Either a copy of both this policy and the public summary or the website link to such documents shall be provided with any response to a FOIA request.
12. ATTACHMENTS: The attachments to this policy may be revised, in a manner consistent with this policy, by the County Controller/CAO as needed due to changes in the law.
13. ADMINISTRATIVE PROCEDURES: NONE
14. CONTROLLER/CAO LEGAL COUNSEL REVIEW: The Controller/CAO has determined that this policy as submitted to the Board of Commissioners contains the necessary substance in order to carry out the purpose of the policy. County Civil Counsel has determined that this policy, as submitted, contains content that appears to be legal activities of the Saginaw County Board of Commissioners.
15. EFFECTIVE DATE: This amended policy shall become effective on November 16, 2016, and shall supersede all prior policies relating to the same subject.

Approved as to Substance:

Approved as to Legal Content:

\_\_\_\_\_  
Saginaw County Controller/CAO

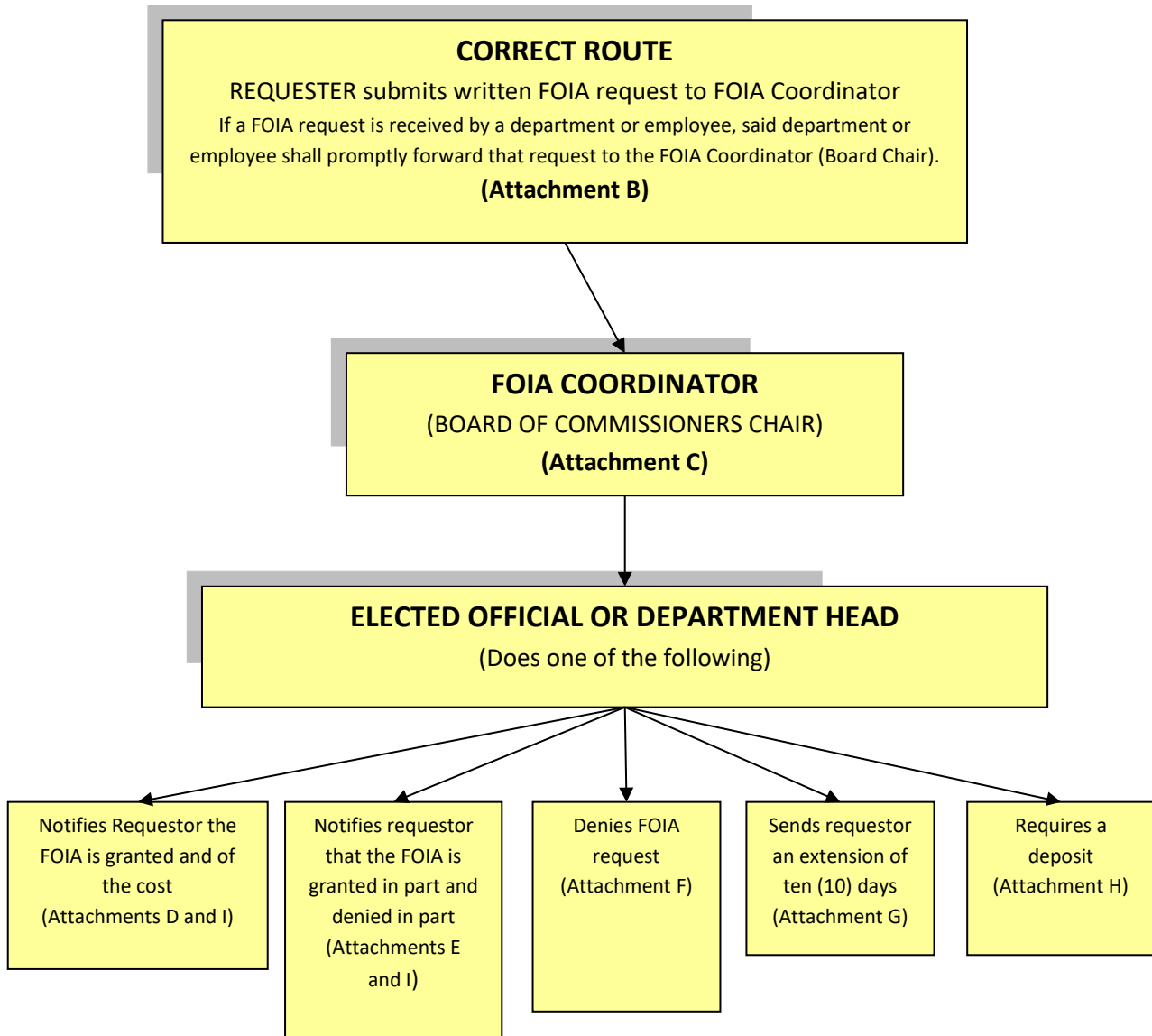
\_\_\_\_\_  
Saginaw County Civil Counsel

ADOPTED: November 23, 1999

AMENDED: September 23, 2008; December 14, 2010; August 19, 2014; October 21, 2014; June 16, 2015; August 18, 2015; November 15, 2016; and April 16, 2019

# ATTACHMENT A

## FREEDOM OF INFORMATION ACT (FOIA) FLOWCHART





**ATTACHMENT B**

**SAGINAW COUNTY  
FREEDOM OF INFORMATION REQUEST FORM**

*(To be completed by the requester)*

FOIA Coordinator  
Chair  
Saginaw County Board of Commissioners  
111 S. Michigan Avenue  
Saginaw, MI 48602

Phone: (989) 790-5267  
Fax: (989) 790-5569  
Email: [boc@saginawcounty.com](mailto:boc@saginawcounty.com)

Dear F.O.I.A. Coordinator:

In accordance with the Freedom of Information Act (MCL 15.231 et seq, Public Act 553 of 1997), as amended, and the *Saginaw County Freedom of Information Request Policy*, I am asking for the following information:

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I understand the Act allows a public body to charge a fee and that I will be notified of same.

**(Please print clearly)**

Full Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**Submittal Instructions**  
Be as detailed as possible. Print, sign and date request. Send by mail to the address above, email [boc@saginawcounty.com](mailto:boc@saginawcounty.com), or fax to (989) 790-5569. Please call (989) 790-5267 with any questions.

\_\_\_\_\_  
*Requester's Signature*

\_\_\_\_\_  
*Date*

**ATTACHMENT C**

*(Sample letter to elected official/department head)*

Date: \_\_\_\_\_

Elected Official / Department Head

Dear \_\_\_\_\_:

Attached is a request dated \_\_\_\_\_ which we received from \_\_\_\_\_ on \_\_\_\_\_ asking for information under the Freedom of Information Act. As the FOIA Coordinator, I am designating you to respond on the County's behalf.

Please process in accordance with the Freedom of Information Act and the Saginaw County Freedom of Information Act Request Policy.

Please send me a copy of your responding cover letter as the Saginaw County Board of Commissioners by law must keep the request/response on file for a one (1) year period.

Do not hesitate to contact me should you have any questions.

Respectfully,

FOIA Coordinator/Chair  
Saginaw County Board of Commissioners

**ATTACHMENT D**

*(Sample response granting request)*

Date: \_\_\_\_\_

Requestor  
Address

Dear \_\_\_\_\_:

Pursuant to your Freedom of Information Act request dated \_\_\_\_\_, received by the Saginaw County Board of Commissioners Chairperson on \_\_\_\_\_, your request for \_\_\_\_\_ has been granted. The total cost associated with responding to your request is \_\_\_\_\_. A detailed itemization is attached.

Please remit a check payable to the County of Saginaw and mail it to my attention.

If you should have any questions, please feel free to contact me. You may also find a copy of Saginaw County's FOIA policy and public summary on its website at [http://www.saginawcounty.com/Docs/Commissioners/Compiled\\_County\\_Policies.pdf](http://www.saginawcounty.com/Docs/Commissioners/Compiled_County_Policies.pdf).

Respectfully,

Elected Official/Department Head

c: Board Chair and FOIA Coordinator

**ATTACHMENT E**

*(Sample letter granting, in part, and denying, in part)*

Date: \_\_\_\_\_

Requestor  
Address

Dear \_\_\_\_\_:

Pursuant to your Freedom of Information Act request dated \_\_\_\_\_, received by the Saginaw County Board of Commissioners Chairperson on \_\_\_\_\_, your request for \_\_\_\_\_ has been granted in part. The total cost associated with responding to your request is \_\_\_\_\_. A detailed itemization is attached.

Please remit a check payable to the County of Saginaw and mail it to my attention.

However, a decision has been made to deny a certain portion of your request because such information (check appropriate line) \_\_\_\_\_ does not exist / \_\_\_\_\_ is exempt from disclosure pursuant to \_\_\_\_\_, which states:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In accordance with the Freedom of Information Act, after notification of a denial of a FOIA request, you have the right to undertake either of the following actions to appeal the decision:

1. Submit to the Chairperson of the Saginaw County Board of Commissioners a written appeal that specifically states the word "appeal" and identifies the reasons reversal of the disclosure denial is appropriate.
2. Seek judicial review in the Saginaw County Circuit Court.

You also have the right to receive attorney fees and damages as provided in the Act if, after judicial review, the Circuit Court determines that the County has not complied with the Act and orders disclosure of all or portions of the public record.

You may find a copy of Saginaw County's FOIA policy and public summary on its website at [http://www.saginawcounty.com/Docs/Commissioners/Compiled\\_County\\_Policies.pdf](http://www.saginawcounty.com/Docs/Commissioners/Compiled_County_Policies.pdf).

Respectfully,

Elected Official/Department Head  
c: Board Chair and FOIA Coordinator  
County Civil Counsel

**ATTACHMENT F**

*(Sample letter denying entire request)*

Date: \_\_\_\_\_

Requestor  
Address

Dear \_\_\_\_\_:

After review of your Freedom of Information Act request dated \_\_\_\_\_, received by the Saginaw County Board of Commissioners Chairperson on \_\_\_\_\_, a decision has been made to deny your request because such information (check appropriate line) \_\_\_\_\_ does not exist / \_\_\_\_\_ is exempt from disclosure pursuant to \_\_\_\_\_, which states:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In accordance with the Freedom of Information Act, after notification of a denial of a FOIA request, you have the right to undertake either of the following actions to appeal the decision:

1. Submit to the Chairperson of the Saginaw County Board of Commissioners a written appeal that specifically states the word "appeal" and identifies the reasons reversal of the disclosure denial is appropriate.
2. Seek judicial review in the Saginaw County Circuit Court.

You also have the right to receive attorney fees and damages as provided in the Act if, after judicial review, the Circuit Court determines that the County has not complied with the Act and orders disclosure of all or portions of the public record.

You may find a copy of Saginaw County's FOIA policy and public summary on its website at [http://www.saginawcounty.com/Docs/Commissioners/Compiled\\_County\\_Policies.pdf](http://www.saginawcounty.com/Docs/Commissioners/Compiled_County_Policies.pdf).

Respectfully,

Elected Official/Department Head  
c: Board Chair and FOIA Coordinator  
County Civil Counsel

**ATTACHMENT G**

*(Sample letter for ten (10) business day extension)*

Date: \_\_\_\_\_

Requestor  
Address

Dear \_\_\_\_\_:

This letter is in response to your Freedom of Information Act Request dated \_\_\_\_\_, and received by the Saginaw County Board of Commissioners Chairperson on \_\_\_\_\_.

Pursuant to the Freedom of Information Act “a public body shall respond to a request for a public record within 5 business days after the public body receives the request by doing 1 of the following . . . issuing a notice extending for not more than 10 business days the period during which the public body shall respond to the request.” MCL 15.235(2)(d).

Please be advised that due to the nature of your request and the need to search, collect, appropriately examine, and review a voluminous amount of separate and distinct public records pursuant to your request, the County will be extending the response to your FOIA request for ten (10) business days beyond the date of this letter or \_\_\_\_\_. At that time, the County will:

- 1. Grant your request;
- 2. Issue a written notice denying your request;
- 3. Grant your request in part and issue a written notice denying your request in part;  
or
- 4. Request a deposit in accordance with its FOIA policy.

You may find a copy of Saginaw County’s FOIA policy and public summary on its website at [http://www.saginawcounty.com/Docs/Commissioners/Compiled\\_County\\_Policies.pdf](http://www.saginawcounty.com/Docs/Commissioners/Compiled_County_Policies.pdf).

Respectfully,

Elected Official/Department Head

c: Board Chair and FOIA Coordinator  
County Civil Counsel

**ATTACHMENT H**

*(Sample letter for good faith deposit)*

Date: \_\_\_\_\_

Requestor  
Address

Dear \_\_\_\_\_:

This letter is in response to your Freedom of Information Act Request dated \_\_\_\_\_ and received by the Saginaw County Board of Commissioners Chairperson on \_\_\_\_\_.

The estimated costs of locating and copying the requested records are \_\_\_\_\_. An estimated, detailed itemization is attached.

In accordance with the Freedom of Information Act, I am requesting a good faith deposit in the amount of one-half of the cost for providing the information you are requesting in order for the County to process your request. The check should be made payable to the County of Saginaw and mailed to my attention.

Upon receipt of the deposit, the County will use its best efforts to fulfill your request by \_\_\_\_\_.

If the deposit is not received by \_\_\_\_\_ your request for public records shall be deemed withdrawn.

You may find a copy of Saginaw County's FOIA policy and public summary on its website at [http://www.saginawcounty.com/Docs/Commissioners/Compiled\\_County\\_Policies.pdf](http://www.saginawcounty.com/Docs/Commissioners/Compiled_County_Policies.pdf).

Respectfully,

Elected Official/Department Head

c: Board Chair and FOIA Coordinator  
County Civil Counsel

**ATTACHMENT I**

**Freedom of Information Act Request Cost Worksheet**

Pursuant to the Michigan Freedom of Information Act, the following costs will be charged for responses to FOIA requests.			
<b>Paper Copies (Cost Per Copy):</b> Letter (single-sided): ___ cents per page Letter (double-sided): ___ cents per page Legal (single-sided): ___ cents per page Legal (double-sided): ___ cents per page Other: _____ Cost per page: _____		<b>Number of Pages:</b> x _____ = x _____ = x _____ = x _____ = x _____ =	<b>Total Cost</b> \$ _____ \$ _____ \$ _____ \$ _____ \$ _____
<b>Non-Paper Physical Media:</b> Other Media (tape/disk/drive): _____ Cost: _____		<b>Number:</b> x _____ =	<b>Total Cost</b> \$ _____
<b>Labor Cost for Searching For, Locating, and Examining Records</b> (15 minute increments rounded down) Hourly Rate Charged: _____		<b>Minutes Spent:</b> x _____ =	<b>Total Cost</b> \$ _____
<b>Labor Cost for Searching For Redacting Records</b> (15 minute increments rounded down) Hourly Rate Charged: _____ Name of firm/individual if contracted labor used: _____		<b>Minutes Spent:</b> x _____ =	<b>Total Cost</b> \$ _____
<b>Labor Cost for Duplication/Publication of Records</b> (15 minute increments rounded down) Hourly Rate Charged: _____		<b>Minutes Spent:</b> x _____ =	<b>Total Cost</b> \$ _____
<b>Mailing:</b> No. 10 Business Envelope: ___ cents 9 x 12 Envelope: ___ cents 10 x 13 Envelope: ___ cents Other: ___ cents Postage (select method): \$ ___ per stamp \$ ___ per pound \$ ___ per package		<b>Number of Envelopes:</b> x _____ = x _____ = x _____ = x _____ = <b>Actual Postage:</b> x _____ = x _____ = x _____ =	<b>Total Cost</b> \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____
		<b>Subtotal</b>	\$ _____
<b>Indigent or Designated Non-Profit Credit</b>		<b>Subtract up to \$20.00</b>	\$ _____
		<b>Estimated Cost</b>	\$ _____
<b>Note:</b> Estimated Cost exceeds \$50.00 Good Faith Deposit of 50% required <u>before</u> request will be processed		<b>Date Paid:</b> _____	<b>Deposit:</b> \$ _____
		<b>Date Paid:</b> _____	<b>Balance:</b> \$ _____

If you believe the fee charged is excessive, you have the right to undertake either of the following actions to appeal it: 1) submit to the Chairperson of the Saginaw County Board of Commissioners a written appeal that specifically states the word "appeal" and identifies the reasons the fee is excessive; or 2) seek judicial review in the Saginaw County Circuit Court. You may also have the right to receive attorney fees and damages as provided in the Freedom of Information Act if, after judicial review, the Circuit Court determines that the public body has acted arbitrarily and capriciously.



**ATTACHMENT J**

AFFIDAVIT OF INDIGENCY FOR COPIES OF PUBLIC RECORDS UNDER THE FREEDOM OF INFORMATION ACT

State of Michigan     )  
  )ss  
County of Saginaw    )

The undersigned requests a copy of the following record(s) from the \_\_\_\_\_ Office of Saginaw County, Michigan:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Pursuant to the Freedom of Information Act, the undersigned being first duly sworn deposes and says: (Fill out either A or B)

- A.    ( )    On this date I am indigent and receiving public assistance as referred to in the Freedom of Information Act.
  
- B.    ( )    I am not receiving public assistance as referred to in the Freedom of Information Act, but I am indigent and unable to pay the cost of the copies of records which I have requested and in support of my assertion I show and swear the following facts are true:
  - 1.    That I have no funds with which to pay for the copies except \$\_\_\_\_\_.
  - 2.    That I own no property, real or personal, which could be sold to raise funds with which to pay for the copies, except \_\_\_\_\_.
  - 3.    That I **do** ( ), **do not** ( ), have a spouse who is dependent upon me for support.
  - 4.    That I **do** ( ), **do not** ( ), have minor children dependent upon me for their support.  
(Insert number \_\_\_\_\_)
  - 5.    That I owe child support payments in the amount of \$\_\_\_\_\_ per week to the Friend of the Court and an arrearage of \$\_\_\_\_\_.
  - 6.    All of my assets **do** ( ), **do not** ( ), exceed my liabilities. If liabilities exceed assets, they do so by \$\_\_\_\_\_.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public - \_\_\_\_\_ County, Michigan  
Acting in Saginaw County, Michigan  
My Commission Expires: \_\_\_\_\_

## **ATTACHMENT K**

### **PUBLIC SUMMARY**

This is only a summary of the County of Saginaw's FOIA Policy. For more details and information, a copy of the County's FOIA Policy is available at no charge at the Board and Controller's offices and on the County website at [http://www.saginawcounty.com/Docs/Commissioners/Compiled\\_County\\_Policies.pdf](http://www.saginawcounty.com/Docs/Commissioners/Compiled_County_Policies.pdf).

#### **Right to Request Public Records**

All Freedom of Information Act requests must be submitted in writing to the County's FOIA Coordinator. This includes requests received by facsimile, electronic mail or through other electronic means. Requests received by facsimile, electronic mail, or other electronic transmission are not considered received until one (1) business day after the electronic transmission is made.

#### **County's Duty to Respond**

Within five (5) business days after receiving a request for public records the FOIA Coordinator or designee will:

- Grant the request and provide records requested;
- Grant the request in part and deny the request in part;
- Deny the request because the records do not exist or are not subject to disclosure;
- Request an extension of ten (10) business days for additional response time;
- Issue a written notice indicating that the requested public record is available at no charge on the County's website;
- Request a deposit.

#### **Fees**

In accordance with the FOIA, the County will charge fees for:

- The actual labor costs for searching for, locating, and examining records;
- The actual labor costs for redacting records;
- Non-paper physical media;
- Paper copies;
- The actual labor costs for duplication or publication of records; and
- Mailing.

The County may charge a deposit if the anticipated cost of granting the request is expected to exceed \$50.00. In such cases, a notice to provide a good faith deposit of 50% of the cost prior to granting the request will be sent. Under limited circumstances, the County may charge a 100% deposit from an individual who has not paid a previous FOIA fee in full.

Indigent individuals and certain non-profit organizations may receive a \$20.00 discount or credit for fees.

#### **Right to Appeal**

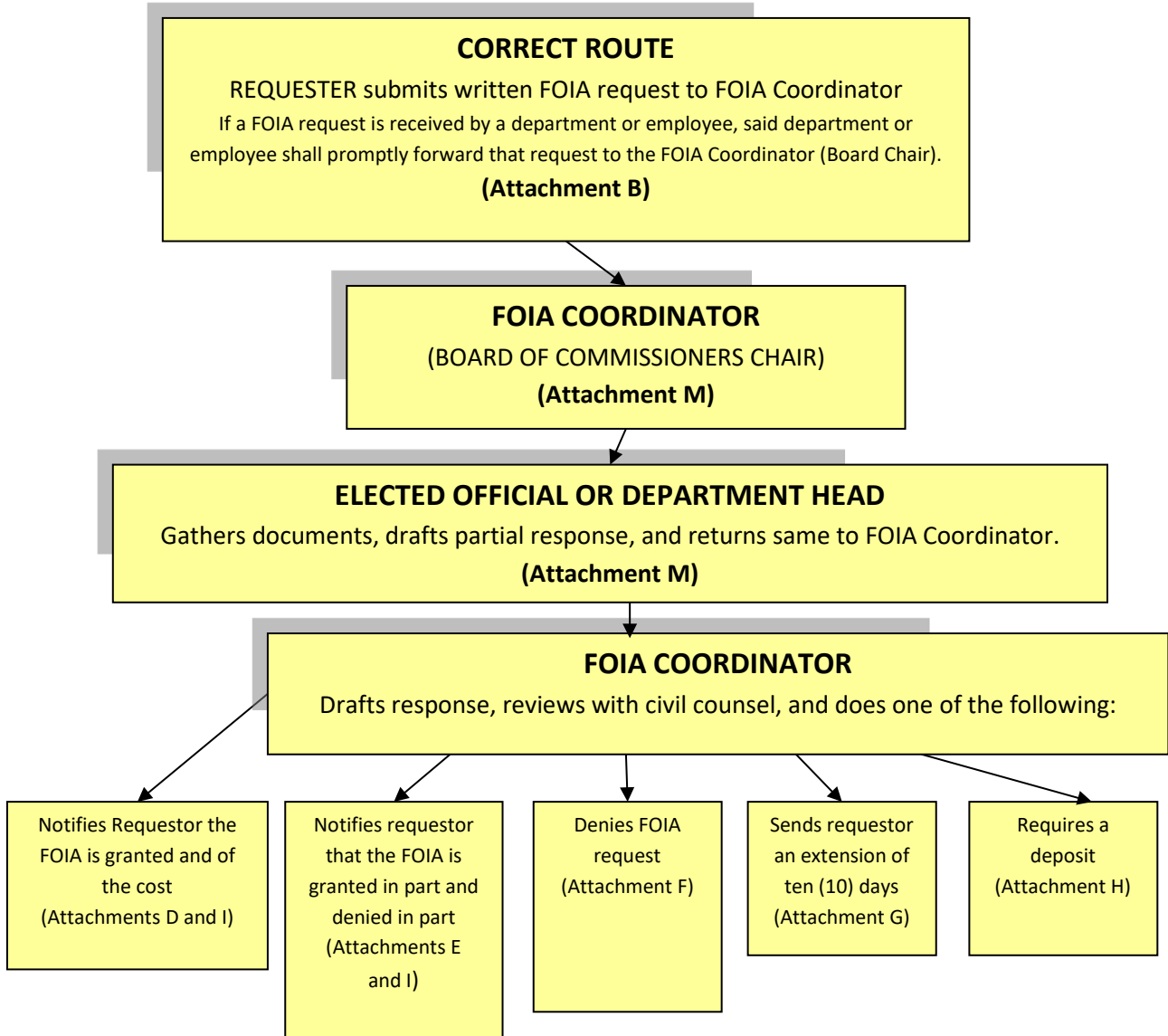
An individual has the right to undertake either of the following actions to appeal a denial of a request or fee charged in association with a request:

1. Submit to the Chairperson of the Saginaw County Board of Commissioners a written appeal that specifically states the word "appeal" and identifies the reasons reversal of the disclosure denial or fee charged is appropriate.
2. Seek judicial review in the Saginaw County Circuit Court.

The Board of Commissioners is not considered to have received an appeal until the first regularly scheduled Board meeting following submission of the appeal.

**ATTACHMENT L**

**FREEDOM OF INFORMATION ACT (FOIA) FLOWCHART  
(Multiple Department Records Request)**



**ATTACHMENT M**

*(Sample letter to elected official/department head – multiple department record request)*

Date: \_\_\_\_\_

Elected Official / Department Head

Dear \_\_\_\_\_:

Attached is a request dated \_\_\_\_\_ which we received from \_\_\_\_\_ on \_\_\_\_\_ asking for information under the Freedom of Information Act. As the FOIA Coordinator, I am designating you to assemble and redact the records responsive to the request that are housed by your department.

Please return the responsive documents, a copy of your cost worksheet, and a copy of the form below to me by the following date: \_\_\_\_\_.

Do not hesitate to contact me should you have any questions.

Respectfully,

FOIA Coordinator/Chair  
Saginaw County Board of Commissioners

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The following information was redacted/removed from the responsive documents for the reasons cited below:

The following information was redacted/removed from the responsive documents for the reasons cited below:  <b>Information Redacted/Removed</b>	<b>Reason/FOIA Exemption</b>	<b>Does Not Exist</b>