

RESOLUTION

To: The Honorable Board of Commissioners
Huron County
Michigan

WE, the LEGISLATIVE COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, pursuant to the Michigan Freedom of Information Act, MCL 15.234, there is a need to establish a written policy for the processing of Freedom of Information Act (FOIA) requests; and

WHEREAS, Corporation Counsel has prepared the attached Huron County Freedom of Information Act Written Summary, Procedures and Guidelines, and Fee Itemization Form; and

WHEREAS, the attached policies and procedures need to be incorporated in the *Huron County Employee Handbook*, which was adopted pursuant to Resolution No. 12-141 with an effective date of January 1, 2013; now

THEREFORE, BE IT RESOLVED that the Huron County Board of Commissioners hereby adopts the attached Huron County Freedom of Information Act Written Summary, Procedures and Guidelines, and Fee Itemization Form; and

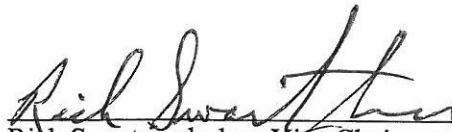
BE IT FURTHER RESOLVED that the attached policy will be incorporated in the *Huron County Employee Handbook* as Appendix E; and

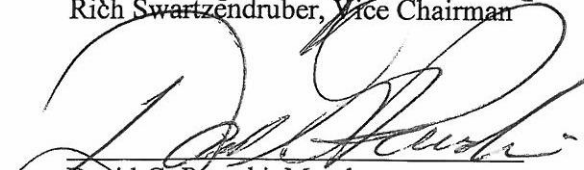
BE IT FURTHER RESOLVED that the attached policy be effective July 1, 2015.

Respectfully submitted,

LEGISLATIVE COMMITTEE


Clark Elftman, Chairman


Rich Swartzendruber, Vice Chairman


David G. Peruski, Member

Dated: June 23, 2015

VOICE-~~ROLL CALL~~ VOTE:

COMMISSIONER	YES	NO	ABSENT	COMMISSIONER	YES	NO	ABSENT
SAMI KHOURY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JOHN L. BODIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DAVID G. PERUSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RON WRUBLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CLARK ELFTMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JOHN A. NUGENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RICH SWARTZENDRUBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

RESOLUTION: ADOPTED DEFEATED TABLED

THE COUNTY OF HURON
FREEDOM OF INFORMATION ACT
WRITTEN SUMMARY

Pursuant to Section 4 of the Michigan Freedom of Information Act, MCL 15.234, (the “FOIA” or the “Act”) the County of Huron, (the “public body”), issues this written public summary of the following:

How to Submit Written Requests to the Public Body

The public body requires individuals or entities to submit FOIA requests in writing. FOIA requests may be mailed to the following address:

FOIA Coordinator
Huron County Board of Commissioners
250 E. Huron Avenue
Bad Axe, Michigan 48413

An individual or entity may also make a request in person at the [designate an office of the public body], or email a request to boc@co.huron.mi.us or fax a request to (989) 269-6152.

Please review the following checklist to ensure a timely and accurate response to a request:

- a. Make sure the correspondence is addressed to the “FOIA Coordinator” and includes the proper address and/or fax number.
- b. Clearly state that the request is being made for a public record(s) pursuant to the “Freedom of Information Act” or the “FOIA.”
- c. Describe the public record(s) requested in sufficient detail so that it can be more-easily identified and located.
- d. Describe the subject matter of the public record(s) requested and, if possible, the approximate date that the public record(s) was created.
- e. Clearly state the manner in which you prefer the public body to provide the public records, such as: paper copies, non-paper physical media, email, etc. (please note, all requests must be within the technological capabilities of the public body).
- f. You can stipulate that public records be provided on nonpaper, physical media, electronically mailed, or otherwise electronically provided in lieu of paper copies. If the requested public records are available on the County of Huron’s website and the response includes the website address, then any request for paper format or other form, such as electronic form, may result in additional charges.

How to Understand the Public Body's Written Responses

When the FOIA Coordinator receives a written request for a public record, the FOIA Coordinator, or his or her designee, shall, in not more than five (5) business days after the public body receives the request, respond to the request in one of the following ways:

- a. Grant the request.
- b. Issue a written notice to the requestor denying the request.
- c. Grant the request in part and issue a written notice to the requestor denying the request in part.
- d. Issue a written notice extending, for not more than ten (10) business days, the period during which the public body shall respond to the request.

Deposit Requirements

If the estimated cost of responding to a request exceeds \$50.00, the public body may require a good faith deposit of 50% to be submitted before the request is processed. Once the good faith deposit is submitted, the public body will process the request. The balance of the cost of the request must be paid before copies may be picked up, mailed, or delivered. Good faith deposits and fees charged for responding to FOIA requests may be mailed to the following address:

FOIA Coordinator
Huron County Board of Commissioners
250 East Huron Avenue
Bad Axe, Michigan, 48413

Fee Calculations

Please review the attached Fee Itemization Form, which provides a line-by-line summary and explanation of the fees that the public body may charge in response to a request, pursuant to Section 4 of the Act (MCL 15.234(1)).

Avenues for Challenge and Appeal

If the requestor believes the fee estimated or charged for the request exceeds the amount permitted under the public body's procedures and guidelines or Section 4 of the Act, the requestor must:

- a. Submit to the Huron County Board of Commissioners a written appeal for a fee reduction that specifically states the word "appeal" and identifies why the requestor believes the required fee exceeds the amount permitted under the public body's procedures and guidelines or Section 4 of the Act. If the requestor disagrees with the public body's final determination, the requestor may, after exhausting internal administrative remedies, commence a civil action in Circuit

Court where the County of Huron is located for a fee reduction. The civil action must be filed within 45 days of the public body's final determination to deny a request pursuant to Section 10(1)(b) of the Act.

Any written response denying a request for a public record, in whole or in part, is a final determination to deny the request or portion of that request. A requestor may file an appeal with the Huron County Board of Commissioners or may seek judicial review of the denial, pursuant to Section 10 of the Act (MCL 15.240). A requestor may receive attorneys' fees and damages pursuant to the Act if the Court determines that the public body has not complied with Section 5 (MCL 15.235) of the Act and orders the disclosure of all or a portion of a public record.

THE COUNTY OF HURON

FREEDOM OF INFORMATION ACT

PROCEDURES & GUIDELINES

It is the policy of the County of Huron (the “public body”) that all persons are entitled to full and complete information regarding governmental decision-making, consistent with the Michigan Freedom of Information Act (the “FOIA” or the “Act”).

For the purpose of these procedures and guidelines, a “public record” means: a writing prepared, owned, used, in the possession of, or retained by the County of Huron in the performance of an official function, from the time it is created. Public record does not include computer software.

Procedures & Guidelines:

I. GENERAL INFORMATION

1. All officers, employees, and agents of the public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction.
2. The chairperson of the Huron County Board of Commissioners is hereby designated the “FOIA Coordinator” (or his/her designee) with the authority and responsibilities stated in the Act and these procedures and guidelines.
3. The FOIA Coordinator shall be responsible to accept and process all written requests for public records under the Act and shall be responsible for approving a denial under Section 5 of the Act (MCL 15.235).
4. These procedures and guidelines regarding time frames, appeals, and fees do not apply to public records prepared for, or disclosed pursuant to another act or statute (i.e., requests for medical records made pursuant to the Public Health Code, or requests made pursuant to the Public Employment Relations Act or the Bullard-Plawecki Employee Right to Know Act, etc.).

II. WRITTEN REQUESTS

1. All individuals desiring to inspect or receive a copy of a public record shall make a written request to the FOIA Coordinator that describes the public record sufficiently to enable the FOIA Coordinator, or his/her designee, to identify and locate the public record.
2. The FOIA Coordinator, or any other designee, is not required to respond to oral requests for public records, but may do so for routine requests that can be granted immediately.
3. If a written request is received directly by a public body employee other than the FOIA Coordinator, the original shall be promptly forwarded to the FOIA

Coordinator. The date the public body employee receives the request shall be considered the date the request is validly received by the public body, for the purpose of determining when a response is due.

4. A written request made by facsimile, electronic mail, or other electronic transmission is not received by the FOIA Coordinator until one business day after the electronic submission is made. If a request is delivered to a spam or junk mail folder, the request is not received by the FOIA Coordinator until one business day after it is discovered.
5. Upon receiving a written request for a public record pursuant to these procedures and guidelines, a person or entity has the right to inspect, copy, or receive copies of the requested public record(s), unless the requested public record is exempt from disclosure pursuant to Section 13 of the Act (MCL 15.243), as amended. If the exempt status of any request is questioned, legal counsel should be consulted. New public records, compilations, summaries, and/or reports of information shall not be created in response to a FOIA request.
6. Upon request for public inspection, the FOIA Coordinator, or any other designee, shall furnish a requestor a reasonable opportunity for inspection and examination of the requested public records, subject to applicable exemptions, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during regular business hours.
7. A requestor may stipulate that the public records be provided on non-paper physical media, electronically mailed, or otherwise electronically provided to him or her in lieu of paper copies. Notwithstanding the foregoing, such stipulation must be within the technological capabilities of the public body.
8. A person or entity may subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to six months, at the request of the subscriber, and shall be renewable.
9. If a requested public record may be obtained on the public body's website or webpage, the FOIA Coordinator shall notify the requestor in writing of such availability and provide the direct internet address or link to obtain such public record. If, after receiving such written notification from the FOIA Coordinator, the requestor notifies the public body that he or she continues to want the public body to provide a copy of the available public record, in any format, the public body shall process such request and may impose additional labor costs as specified within Article IV below.

III. REQUEST PROCESSING

1. When the County of Huron receives a written request for a public record, the FOIA Coordinator, or any other designee, shall, in not more than five (5) business

days after the public body receives the request, respond to the request by one of the following:

- a. Grant the request.
 - b. Issue a written notice to the requestor denying the request.
 - c. Grant the request in part and issue a written notice to the requestor denying the request in part.
 - d. Issue a written notice extending, for not more than ten (10) business days, the period during which the public body shall respond to the request.
2. Any failure to respond to a written request as provided for above constitutes the public body's determination to deny the request.
3. Any written response denying a request for a public record, in whole or in part, is a final determination to deny the request or portion of that request. A denial response should contain the following:
- a. An explanation of the basis under the Act or other statute for the determination that a public record(s), or portion(s) thereof, is exempt from disclosure, if that is the reason for denying all or part of a request.
 - b. A statement that the public record(s) do not exist under the name/description given by the requestor or by another name reasonably known to the public body.
 - c. A description of a public record(s) or information on a public record that is separated or deleted if such separation or deletion is made.
 - d. A full explanation of the requestor's right to either file an appeal with the Huron County Board of Commissioners (i.e., Board, Commission, etc.)] or seek judicial review of the denial pursuant to Section 10 of the Act (MCL 15.240).
 - e. Notice that a requestor may receive attorneys' fees and damages pursuant to the Act if the Court determines that the public body has not complied with Section 5 (MCL 15.235) of the Act and orders disclosure of all or a portion of a public record.

IV. DEPOSIT & FEES

1. Fees for responding to any request shall include duplication (copying) costs and mailing costs. Duplication (copying) costs shall be set from time to time by resolution of the Huron County Board of Commissioners in an amount that does not exceed 10 cents per page (8½ x 11 and 8½ x 14). The public body shall use the most economical method of duplication (*i.e.*, double-siding, etc.) and the least

expensive form of postal delivery, unless a more expensive method is specifically requested by the FOIA requestor.

2. The cost of hourly labor may also be charged if the failure to do so will result in unreasonably high costs to the public body because of the nature of the request in a particular instance. If such is the case, the public body shall specifically identify the nature of these unreasonably high costs. For purposes of these procedures and guidelines, "unreasonably high costs" shall generally mean calculated labor costs that are estimated to exceed \$50.00, inclusive of salary or wage and fringe benefits.
3. Labor costs shall include the cost of the search, examination, review, separation, and/or deletion of exempt information from non-exempt information in order to fulfill a request.
4. Labor costs will be calculated using the wage of the lowest paid public body employee capable of searching for, locating, and examining the public record(s), regardless of whether that person is available or actually performs the labor. Labor costs shall be charged in increments of at least 15 minutes or more with all partial time increments rounded down. The public body may also add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits. If it does so, it will clearly note the percentage multiplier used to account for benefits in the detailed itemization form. Subject to the 50% limitation, the public body shall not charge more than the actual cost of fringe benefits, and overtime wages shall not be used in calculating the cost of fringe benefits. Notwithstanding the foregoing, 100% of fringe benefit costs may be added to the applicable labor charge if a requestor is notified in writing that public records are available on the public body's website or webpage and the requestor continues to request that the public body provide a copy, in any format, of the available public record.
5. Overtime wages shall not be included in the calculation of labor costs unless the requestor specifically approves the use of overtime in writing, and overtime wages are clearly noted in the detailed itemization form.
6. If the public body does not employ a person in-house who is capable of separating exempt from non-exempt information in a particular instance, as determined by the FOIA Coordinator, it may utilize an outside contractor. In those instances, the public body shall clearly note the name of the contractor or firm on the detailed itemization form. The cost of the contractor's labor, including necessary review directly associated with separating and deleting exempt information from non-exempt information, shall not exceed an amount equal to 6 times the state minimum hourly wage rate.
7. The public body 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.

8. The public body may require a good faith deposit (not to exceed 50% of the total labor and duplication costs) from the requestor, if the total estimated fee exceeds fifty dollars (\$50.00). A request for a good faith deposit shall include a detailed itemization of the fee the public body estimates or charges pursuant to the Act. Additionally, a request for a good faith deposit shall include a best efforts estimate regarding the time frame it will take to comply with the Act in providing the public records to the requestor. The public body may require a one-hundred percent (100%) deposit from a requestor who has not previously paid a fulfilled FOIA request, provided the requirements in Section 5 of the Act are met.
9. All fees and deposits calculated under these procedures and guidelines shall be listed within a detailed itemization form that shall be provided to the requestor. A copy of such form is attached hereto and incorporated by reference.
10. Pursuant to Section 4(2) of the Act, the public body shall search for and furnish a copy of a public record without charge for the first \$20.00 of the fee for each request made by either of the following:
 - a. An individual who is entitled to information under the Act and who submits an affidavit stating that the individual is indigent and receiving specific public assistance or, if not receiving public assistance, stating facts showing an inability to pay the cost because of indigence. If an individual is ineligible for a discount, then the public body will inform the individual of the specific reason for the ineligibility in its written response. The right to financial assistance for indigent individuals shall not apply where:
 - (i) an individual has received discounted copies of public records from public body twice during the calendar year; or
 - (ii) an individual requests information in conjunction with outside parties who are offering or providing payment, or other remuneration to the individual to make the request.
 - b. A non-profit organization formally designated by the state to carry out activities under Subtitle C of The Developmental Disabilities Assistance And Bill Of Rights Act of 2000, Public Law 106-402, and The Protection And Advocacy For Individuals With Mental Illness Act, Public Law 99-319, or their successors provided the following requirements are satisfied:
 - (i) The request is made directly on behalf of the organization or its clients;
 - (ii) the request is made for a reason wholly consistent with the mission and provisions of those laws under Section 931 of the Mental Health Code, MCL 330.1931; and

- (iii) the request is accompanied by documentation of its designation by the State, if requested by public body.
11. The public body may waive any charges if the FOIA Coordinator determines the cost is de minimis. For purposes of these procedures and guidelines, “de minimis” shall mean a calculated fee that is estimated to be less than \$10.00, inclusive of labor costs, duplication and mailing.

V. FEE DISPUTE APPEAL

1. If the requestor believes the fee estimated or charged for the request exceeds the amount permitted under these procedures and guidelines or Section 4 of the Act, the requestor is required to submit to the Huron County Board of Commissioners a written appeal for a fee reduction that specifically states the word “appeal” and identifies how the required fee exceeds the amount permitted under these procedures and guidelines or Section 4 of the Act.
2. Within 10 business days after receiving a written appeal, the Huron County Board of Commissioners shall do one of the following:
 - a. Waive the fee.
 - b. Reduce the fee and issue a written determination to the requestor indicating the specific basis under Section 4 of the Act that supports the remaining fee. The determination shall include a certification from the Huron County Board of Commissioners that the statements in the determination are accurate and that the reduced fee complies with these procedures and guidelines and Section 4 of the Act.
 - c. Uphold the fee and issue a written determination to the requestor indicating the specific basis under Section 4 of the Act that supports the required fee. The determination shall include a certification from the Huron County Board of Commissioners that the statements in the determination are accurate and that the fee complies with these procedures and guidelines and Section 4 of the Act.
 - d. Issue a notice extending, for not more than 10 business days, the period during which the Huron County Board of Commissioners shall respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The Huron County Board of Commissioners shall not issue more than one notice of extension for a particular written appeal.
3. If a requestor disagrees with the public body’s determination, the requestor may commence an action in Circuit Court in the County in which public body is located, within 45 days of the public body’s determination, to seek a fee reduction.

VI. RIGHT TO APPEAL A DENIAL OF A PUBLIC RECORD REQUEST

1. If a requestor desires to appeal a denial of a request for a public record, in whole or in part, the requestor may submit a written appeal to the Huron County Board of Commissioners or may seek judicial review of the denial, pursuant to Section 10 of the Act (MCL 15.240). A written appeal to the Huron County Board of Commissioners shall specifically state the word “appeal” and identify the reason(s) for reversal of the denial.
2. Within 10 business days after receiving a written appeal, the Huron County Board of Commissioners shall do one of the following:
 - a. Reverse the disclosure denial.
 - b. Issue a written notice to the appellant upholding the denial.
 - c. Reverse the denial in part and issue a written notice to the appellant upholding the denial in part.
 - d. Under unusual circumstances, issue a notice extending, for not more than 10 business days, the period during which the Huron County Board of Commissioners shall respond to the written appeal. The Huron County Board of Commissioners shall not issue more than 1 notice of extension for a particular written appeal.
3. The Huron County Board of Commissioners is not considered to have received a written appeal until its next regularly scheduled meeting after the appeal is submitted.
4. Any failure to respond to an appeal shall be considered a decision to uphold the denial. If an appeal is denied in whole or in part by the Huron County Board of Commissioners, the appellant may seek judicial review of the nondisclosure by commencing an action in Circuit Court in the County in which public body is located.

Adopted: _____, 2015

THE COUNTY OF HURON

FREEDOM OF INFORMATION ACT

FEE ITEMIZATION FORM

Pursuant to Section 4 of the Michigan Freedom of Information Act, MCL 15.234 (the "FOIA" or the "Act"), the following costs will be charged for responses to FOIA requests, pursuant to the FOIA Fee Schedule adopted and periodically revised by the public body.ⁱ

Y / N (circle one): A fee for labor cost is being charged because the failure to do so will result in unreasonably high costs to the public body because of the nature of the request in this particular instance. Specifically, identify the nature of this unreasonably high cost(s).

Labor costs shall not be more than the hourly wage of the public body's lowest-paid employee capable of performing the labor in the particular instance, regardless of whether that person is available or actually performs the labor. Labor costs will be estimated and charged in [# must be 15-minutes or more]-minute time increments. All partial time increments will be rounded down. No overtime will be charged unless the person making the request provides written approval. If the number of minutes is less than 15, there will be no charge. If the public body charges to cover or partially cover the cost of fringe benefits, it will use a [# cannot exceed 50]-percent multiplier to account for those benefits.ⁱⁱ

1. LABOR COST TO LOCATE ⁱⁱⁱ		
Hourly Wage Charged = \$ _____.	It is estimated to take [] minutes to perform this task ÷ [] minute increments = ____ increment(s).	Subtotal Cost = \$ _____
OT Wages (as Stipulated by the Requestor) = \$ _____		
Charge per increment = \$ _____.		
or		
Hourly Wage with Fringe Benefit Cost = \$ _____.		
Charge per increment = \$ _____.		

2. LABOR COST TO COPY ^{iv}		
Hourly Wage Charged = \$ _____.	It is estimated to take [] minutes to perform this task ÷ [] minute increments = ____ increment(s).	Subtotal Cost = \$ _____
OT Wages (as Stipulated by the Requestor) = \$ _____		
Charge per increment = \$ _____.		
or		
Hourly Wage with Fringe Benefit Cost = \$ _____.		
Charge per increment = \$ _____.		

3. EMPLOYEE LABOR COST TO SEPARATE EXEMPT FROM NON-EXEMPT MATERIAL ^v		
Hourly Wage Charged = \$ _____.	It is estimated to take [] minutes to perform this task ÷ [] minute increments = ____ increment(s).	Subtotal Cost = \$ _____
Charge per increment = \$ _____.		
or		
Hourly Wage with Fringe Benefit Cost = \$ _____.		
Charge per increment = \$ _____.		

4. CONTRACTED LABOR COST TO SEPARATE EXEMPT FROM NON-EXEMPT MATERIAL ^{vi}		
Name of contracted person or firm = _____		
Hourly Wage Charged = \$ _____ Charge per increment = \$ _____	It is estimated to take [] minutes to perform this task ÷ [] minute increments = ____ increment(s).	Subtotal Cost^{vii} = \$ _____
or Hourly Wage with Fringe Benefit Cost = \$ _____ Charge per increment = \$ _____		

5. COPYING (DUPLICATION OR PRINTING) COST ^{viii}		
Letter (8 1/2 x 11-inch, single- or double-sided): ____ cents per sheet	Number of sheets = ____	Cost = \$ ____
Legal (8 1/2 x 14-inch, single- or double-sided): ____ cents per sheet	Number of sheets = ____	Cost = \$ ____
Other paper sizes (single- or double-sided): ____ cents per sheet	Number of sheets = ____	Cost = \$ ____
Actual and most reasonably economical cost of non-paper physical digital media (or being provided to the requestor in such format as stipulated) = \$ ____ <i>Circle applicable: Disc / Tape / Drive / Other Digital Medium Cost per Item:</i>	Number of items = ____	Cost = \$ ____
		Subtotal Cost = \$ ____

6. MAILING COST ^{ix}		
	Number of envelope(s), package(s), stamp(s), etc.	
Cost of Envelope or Package = \$ _____	_____	Cost = \$ ____
Postage = \$ _____ per stamp.	_____	Cost = \$ ____
Postage = \$ _____ per pound.	_____	Cost = \$ ____
Postage = \$ _____ per package.	_____	Cost = \$ ____
Postal Delivery Confirmation = \$ _____.	_____	Cost = \$ ____
Expedited Shipping or Insurance, if requested = \$ _____.	_____	Cost = \$ ____
		Subtotal Cost = \$ ____

Affidavit of Indigency Submitted? <u>Y / N</u> ^x Qualified Non-Profit Organization per Section 4(2)(f)(2)(b) of the FOIA? <u>Y / N</u>	If Yes, subtract \$20.00	(\$ ____)
TOTAL ESTIMATED FEE = \$ _____		
If the estimated cost exceeds \$50.00, a good faith deposit of 50% is required before the request will be processed.	50% Deposit = \$ _____.	Date Paid = ____/____/____.
The request will be processed, but the balance of the cost must be paid before copies may be picked up, delivered, or mailed.	Balance Due = \$ _____.	Date Paid = ____/____/____.

-
- ⁱ The public body may require a one-hundred percent (100%) deposit from a requestor who has not previously paid a fulfilled FOIA request, provided the requirements in Section 5 of the Act are met.
- ⁱⁱ Please note, 100% of fringe benefit costs will be added to the applicable labor charge if a requestor is notified in writing that public records are available on the public body's website or webpage and the requestor continues to request that the public body provide a copy, in any format, of the available public record.
- ⁱⁱⁱ This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request.
- ^{iv} This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.
- ^v This is the cost of labor of an in-house, public body employee, including necessary review, directly associated with separating and deleting exempt from nonexempt information.
- ^{vi} As this public body does not employ a person in-house who is capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a contractor (i.e., outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. The public body 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.
- ^{vii} This amount shall not exceed six (6) times the State minimum hourly wage rate.
- ^{viii} Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (i.e., to redact exempt information, to protect old or delicate original public records, or because the original public record is a digital file or database not available for public inspection). No more than the actual cost of a sheet of paper will be charged, up to maximum 10 cents per sheet. Whenever feasible double-sided printing will be utilized.
- ^{ix} The public body will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. The public body will not charge more for expedited shipping or insurance unless specifically requested by the requestor. The public body may charge for the least expensive form of postal delivery confirmation.
- ^x Persons establishing indigence (i.e. affidavit that the individual is receiving specific public assistance, or if not stating facts showing an inability to pay) and nonprofit organizations formally designated by the State of Michigan to carry out activities under Developmental Disabilities Assistance and Bill of Rights Act, Public Law 106-402 or the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-139, are entitled to a discount. If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in its written response.