

FOIA Procedures & Guidelines

This document provides comprehensive procedures and guidelines for requesting public records from the Ottawa Area ISD (OAISD) under the Michigan Freedom of Information Act (MCL 15.231 et seq.).

I. General Policy and Definitions

Policy Statement: All persons, except those incarcerated in state or local correctional facilities, are entitled to full and complete information regarding the affairs of government and the official acts of those who represent the institution as public officials and public employees pursuant to the Michigan Freedom of Information Act (the "FOIA" or the "Act").

Public Record: A writing prepared, owned, used, in the possession of, or retained by OAISD in the performance of an official function, from the time it is created. It does not include computer software, and the Act does not require OAISD to create a compilation, summary, or report of information or create a new public record.

FOIA Coordinator: The OAISD Superintendent has the ability to designate a FOIA Coordinator "Designee" to act on the Superintendent's behalf with authority to accept and process written requests and approve denials under Section 5 of the Act. Contact information for OAISD's FOIA Coordinator Designee can be found in the table below.

Employee Duty: All officers, employees, and agents of the OAISD shall protect public records from loss, unauthorized alteration, mutilation, or destruction.

Exclusions: These procedures and guidelines do not apply to public records prepared for, or disclosed pursuant to, another act or statute (e.g., Public Health Code, Public Employment Relations Act, or Bullard-Plawecki Employee Right to Know Act).

II. Submitting a Written Request

The OAISD requires FOIA requests be submitted in writing via one of the following:

Method	Contact Information
Mail	Ottawa Area ISD Emily Taylor, FOIA Coordinator 13663 Port Sheldon Street Holland, MI 49424
In-Person	OAISD Interim Central Office (same as mailing address), Door #7
Email	etaylor@oaisd.org
Fax	(616) 796-1700

Request Checklist (for Timely Response)

1. Address the correspondence to the "FOIA Coordinator" and include the proper address, email address, and/or fax number.
2. Clearly state a request is being made for a public record(s) pursuant to the "Freedom of Information Act" or the "FOIA."
3. Describe the public record(s) requested in sufficient detail so the record(s) can be easily identified and located.
4. Describe the subject matter of the public record(s) and, if possible, the approximate date of creation.
5. Provide your name, address, and contact information.
6. Clearly state the preferred manner for the record to be provided (e.g., paper copies, non-paper physical media, email). **Requests must be within the technological capabilities of the OAISD.**

Inspection/Examination Only: If a request is made for inspection or examination of a public record, instead of a copy, OAISD will provide reasonable opportunity during normal business hours and shall provide reasonable facilities for making memoranda or abstracts from the public record.

FOIA Subscription: A person 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, and can be renewed by the subscriber.

Date of Receipt: A written request made in-person or via mail is deemed received by OAISD on the date it was delivered to an OAISD employee. A written request made by facsimile, electronic mail, or other electronic transmission is not received until **one business day after** the electronic submission is made. If a request is delivered to a spam or junk mail folder, it is not received until one business day after it is discovered.

III. OAISD Response and Processing

Initial Response Timeframe

The FOIA Coordinator, or designee, shall respond to the written request **not more than five (5) business days** after the OAISD receives the request by:

1. Granting the request and providing the requested record(s),
2. Issuing a written notice denying the request,
3. Granting the request in part and issuing a written notice denying the request in part, or
4. Issuing a written notice extending, for **not more than ten (10) business days**, the time period during which OAISD must respond to the request.

Failure to Respond: Any failure to respond within the required timeframe constitutes the OAISD's determination to deny the request.

Denial Requirements

Any written response denying a request, in whole or in part, is a final determination to deny. A denial response must contain the following:

- An explanation of the basis for the exemption from disclosure.
- A statement that the record(s) do not exist under the name/description given or by another name reasonably known to the OAISD (if applicable).
- A description of any record(s) or information separated or deleted (redacted).
- A full explanation of the requestor's right to file an appeal with the Superintendent or seek judicial review of the denial pursuant to MCL 15.240.
- Notice that a requestor may receive attorneys' fees and damages if the Court determines the OAISD has not complied with Section 5 of the Act and orders disclosure.

IV. Deposits and Fee Calculation

Fees for responding to any request shall include duplication (copying) costs and mailing costs (if applicable), and may include labor costs.

Deposits

- **Good Faith Deposit:** If the total estimated fee exceeds **\$50.00**, the OAISD may require a good faith deposit of **up to 50%** of the total labor and duplication costs before the request is processed.
- **100% Deposit:** The OAISD may require a 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.
- **Balance Payment:** The balance of the cost must be paid before copies may be picked up, mailed, or delivered.

Labor Costs

Labor costs may be charged if the failure to do so results in unreasonably high costs (generally defined as estimated calculated labor costs exceeding \$50.00).

- **Wage Calculation:** Labor costs shall not be more than the hourly wage of the OAISD's **lowest-paid employee capable of performing the labor** (search, examination, review, separation, deletion) in the particular instance.
- **Time Increments:** Labor costs will be estimated and charged in **15-minute time increments**, with all partial time increments rounded down. No charge will apply if the time is less than 15 minutes.
- **Fringe Benefits:** The OAISD may add up to a **50% multiplier** to the applicable labor charge to cover or partially cover fringe benefits.
- **Overtime:** Overtime will not be charged unless the requestor requests an expedited response and provides written approval of overtime costs.

- **Redaction:** The OAISD 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.
- **Contracted Labor (Separation/Deletion):** If the OAISD does not employ an in-house person capable of separating exempt from non-exempt information, it may use an outside contractor. The cost of contractor labor shall not exceed an amount equal to **6 times the state minimum hourly wage rate**.
- **Website Availability:** If a requested public record is available on the OAISD's website, and the FOIA Coordinator has notified the requestor in writing and provided a direct internet address or link and the requestor still requests a copy in any format, the OAISD shall process the request but may impose additional labor costs, including **100% of fringe benefit costs** added to the applicable labor charge.

Copying and Mailing Costs

- **Duplication (Copying):** Duplication costs shall not exceed **10 cents per page** (8½ x 11 or 8½ x 14). The OAISD shall use the most economical method (e.g., double-sided copying).
- **Digital Media:** The actual and most reasonably economical cost of non-paper physical digital media may be charged, if applicable.
- **Mailing:** The actual cost of mailing will be charged for mailing records in the most reasonably economical manner, including the least expensive form of postal delivery confirmation. Expedited shipping or insurance will only be charged if specifically requested.

Discounts and Waivers

- **Indigent/Non-Profit Discount:** The OAISD shall furnish a copy of a public record without charge for the first **\$20.00** of the fee for requests made by:
 1. **An individual who is indigent** and receiving specific public assistance, or who submits an affidavit showing an inability to pay the cost because of indigence, unless the individual has received discounted copies twice during the calendar year, or the individual is requesting the information in conjunction with outside parties who are offering/providing payment or other remuneration to the indigent party to make the request.
 2. **A qualified non-profit organization** formally state-designated to provide assistance to individuals with developmental disabilities or protections for individuals with mental illness (MCL 15.234(2)(b)) if: 1) the request is made directly on behalf of the organization or its clients, 2) made for a reason wholly consistent with their mission, and 3) accompanied by documentation of the organization's designation by the State.
- **De Minimis Waiver:** The OAISD may waive any charges if the FOIA Coordinator determines the cost is *de minimis* (estimated to be less than \$10.00, inclusive of labor, duplication, and mailing).

V. Appeals

How to Appeal a FOIA Request Denial

- Submit a **written appeal to the Superintendent** that specifically states the word "**appeal**" and identifies the reason(s) why requestor believes reversal of the FOIA denial is appropriate.

Superintendent's Response for Appeal of Denial: Within **10 business days** of receiving the appeal, the Superintendent shall do one of the following:

- Reverse the denial,
- Issue a written notice upholding the denial,
- Reverse the denial in part and issue written notice upholding the denial in part, or
- Under unusual circumstances, issue a notice extending the period by **not more than 10 business days** (only one extension allowed).

How to Appeal a Fee in Excess of Permitted Amount

- Submit a **written appeal to the Superintendent** that specifically states the word "**appeal**" and identifies the reason(s) why requestor believes reversal or reduction of the fee is appropriate:

Superintendent's Response for Appeal of a Fee Reduction: Within **10 business days** of receiving the appeal, the Superintendent shall:

- Waive the fee,
- Reduce the fee and issue a written determination supporting the remaining fee,
- Uphold the fee and issue a written determination supporting the required fee, or
- Issue a notice extending the period by **not more than 10 business days** (only one extension is allowed).

Judicial Review

In addition to appealing to the Superintendent, a requestor also has the **right to commence a civil action in the Circuit Court** where the OAISD is located (Ottawa County Circuit Court) under Sec. 10 of the Act.

If the requestor disagrees with the Superintendent's final determination of a FOIA request denial or appeal response, within 180 days, the requestor may commence an action in Circuit Court, and if the requestor prevails, the Court shall award reasonable attorney's fees and damages.

If the requestor disagrees with the Superintendent's appeal response regarding a fee in excess, the requestor may, within 45 days, commence a civil action in **Circuit Court** where the OAISD is located, and if the requestor prevails in a reduction of 50% or more, the court may, in its discretion, award reasonable attorney's fees and damages.

VI. Fee Itemization Summary

The table below summarizes how costs are calculated pursuant to MCL 15.234(1).

Itemization Sections

Section	Description	Calculation Detail
Labor Cost to Locate	Cost of labor directly associated with necessary searching for and locating public records.	Hourly Wage Charged (+ OT Wages only if stipulated by Requestor) / Hourly Wage with 50% Fringe Benefit Cost. Charged in 15-minute increments (partial time is rounded down).
Labor Cost to Copy	Cost of labor directly associated with duplication, including making paper copies, digital copies, or transferring digital public records.	Same calculation detail as Labor Cost to Locate.
Labor Cost to Separate Exempt Information	Cost of labor directly associated with necessary review, separation, and deletion of exempt from nonexempt information. May be performed by contracted labor if no employee capable of separating and redacting exempt information.	Same calculation detail as Labor Cost to Locate. Note: If contracted labor is used, the cost cannot exceed an amount equal to 6 times the State minimum hourly wage rate.
Copying (Duplication or Printing) Cost	Cost for paper copies and non-paper physical digital media.	Paper Copies: No more than 10 cents per sheet. For non-paper digital media: Most economical cost per item.
Mailing Cost	Actual cost of mailing in a reasonably economical and justifiable manner.	Cost of Package/Postage (per stamp/pound) + Postal Delivery Confirmation. Cost of Expedited Shipping or Insurance (only if requested).

Fee Adjustments

Adjustment	Calculation	Note
Affidavit of Indigency or Non-Profit Organization	Subtract \$20.00	Applies if requestor establishes indigence or is a qualified non-profit organization.
50% Deposit	Required if Total Estimated Fee exceeds \$50.00.	Must be paid before request is processed.
Balance Due	Total Estimated Fee minus Deposit/Discount.	Must be paid before copies are picked up, delivered, or mailed.

OAISD's *FOIA Fee Itemization Form* can be found on our [FOIA webpage](#).