

Gogebic County Freedom of Information Act (FOIA) Policy

Policy

Gogebic County will ensure that all persons are granted full and complete information regarding the affairs of the County as provided by the Michigan Freedom of Information Act (FOIA).

Principles

1. **Statutory Reference**

Gogebic County will establish a policy for implementation of the FOIA pursuant to MCLA 15.231 et seq. (Public Act 442 of 1976) and in accordance with its general power under MCLA 46.11(m) (Public Act 156 of 1851) to establish rules and regulations in reference to the management of the interest and business concerns of Gogebic County.

2. **Operational Guidelines – General**

- a. **Coordinator:** In accordance with the FOIA, the County Clerk shall be designated the Gogebic County Coordinator. In accordance with the FOIA, the Clerk may designate County Clerk Office employees or any other he deems appropriate, to be trained and to serve as FOIA Coordinators.
- b. **Procedures:** The FOIA Coordinator designated by the Clerk shall act in accordance with the Freedom of Information Act and the procedures adopted pursuant to this Policy and shall use FOIA response forms and amendments thereto provided by the Clerk.

3. **Fees**

The Clerk shall charge fees for public records in accordance with MCLA 15.234 and the procedures adopted pursuant to this Policy.

4. **Periodic Review**

The Clerk will review this Policy at least every two years or following amendments to the FOIA, whichever occurs first, and will make recommendations for changes for Gogebic County.

Gogebic County

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Summary

Receive a Request for Public Record:

Request may be submitted in person, U.S. mail, e-mail or FAX. All Requests must be in writing; no verbal Requests will be accepted.

Faxed or e-mailed Requests are not considered received until the next business day after the electronic transmission was made.

All requests for information should be treated as FOIA requests (unless specifically designated otherwise, i.e. requests for discovery).

Response Time:

You have 5 business days from receipt of the Request to provide a response.

If you are unable to respond within 5 business days, you must contact the requesting party and ask for an extension.

You may request an extension for up to 10 business days.

Document the contact and agreement.

If the requesting party does not voluntarily agree to an extension, contact the Prosecutor for assistance.

Response Content:

All responses shall contain a link to the Office of the County Clerk FOIA Summary document, www.gogebic.org.

If the requested record does not exist, contact the FOIA Coordinator who will prepare an Affidavit of Non-Existence.

If the records are available on the County website, respond with the link to the documents and a link to the FOIA Summary.

If the document is a public document, copy the document and provide the complete document.

Documents and/or information otherwise deemed exempt by Statute must be separated and/or redacted; these include, but are not limited to:

- Non-public records
- Recorded confessions (prior to conviction or acquittal)
- Medical marijuana registry information
- Presentence Reports
- LEIN criminal history
- Medical records
- Dates of birth
- Home addresses
- Home and/or cell phone numbers
- Social Security numbers
- Polygraph test results
- Photographs of crime victims
- Credit card account information
- Bank account information
- Identities of juvenile criminal sexual conduct crime victims
- Information that would be considered personal or private
- Proprietary information
- Information which would impede law enforcement activities

If the document contains any of the above referenced items or if you are unsure whether it needs to be redacted or separated, contact the FOIA Coordinator for assistance.

Any responses that are redacted and/or separated shall contain a detailed explanation as part of the FOIA response.

Fee Calculation:

If the documents are available on the website, the link information is free of charge.

If the requesting party wishes to receive a printed copy of the available website documents, standard billing charges will apply.

If the responsive document is 10 standard size double sided pages or less, the response is free of charge.

There will not be any charge for retrieval, separation and/or copying labor unless the time to perform the task is 15 minutes or more.

These tasks will each be charged separately and itemized on the Itemized Cost Worksheet in 15 minute increments, rounded down.

All labor will be charged at the rate of the lowest paid employee able to perform the task, whether or not they actually perform the task.

Labor charges shall include fringe benefits up to 50% of the wage.

Proof of indigent status via an Affidavit of Indigency affords a \$20.00 discount for 2 requests per calendar year.

The Gogebic County Itemized Cost Worksheet shall be utilized to calculate all fees.

Actual mailing fees shall be charged.

Standard single sided copies shall be charged at 3.5¢ per sheet. Standard double sided copies shall be charged at 7¢ per sheet.

Oversized copies shall be charged at actual cost.

Digital media shall be charged at actual replacement cost.

Actual cost of retrieving and delivering of a file from off-site storage shall be charged.

Responses will be provided upon receipt of payment in full.

Deposits:

If the cost of a response exceeds \$50.00, a 50% Good Faith Deposit is required before a response is prepared.

If a requesting party has failed to pay for a previously granted Request within the past 365 days, a 100% deposit is required.

Appeals:

If a response is separated or redacted an appeal may be filed.

If a fee is believed to be excessive or not in compliance with Gogebic County billing procedures, the fee can be appealed.

Content Based Appeal:

If a response is an Affidavit of Non-Existence, a redacted response or a separated response, an appeal may be filed.

A letter entitled "FOIA Appeal" shall be sent to the County Clerk at 200 N Moore St, Bessemer, MI 49911.

A requestor may also file an action in the Circuit Court of Gogebic County to compel disclosure without first filing an appeal with the Clerk.

An action in Circuit Court must be filed within 180 days of receipt of the response.

Fee Appeal:

If the FOIA fee exceeds the amount permitted by law or Gogebic County procedure, an appeal of fees may be filed with the Clerk.

This appeal must be in writing and state appeal of fees.

The Clerk shall respond to the fee appeal within 10 days.

The response shall do one of the following:

- Uphold the fee or
- Waive the fee

If the Clerk fails to respond to the fee appeal or issues a response to the appeal, an action may be commenced in Gogebic County Circuit Court against the County Clerk for a fee reduction.

This action must be filed within 45 days of the determination of the appeal.

Gogebic County forms:

Affidavit of Indigency
Request for Public Record

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Procedure

How do I submit a FOIA request?

Requests for public documents may be submitted by:

1. Filing out the FOIA Request for Public Record form available on the Gogebic County website at www.gogebic.org and following the instruction thereon.
2. Sending a request in writing via mail or email to: FOIA Coordinator, Gogebic County Clerk, 200 N Moore Street, Bessemer MI 49911, or
3. Filing out a FOIA Request for Public Record form in person at the Gogebic County Clerk's Office, 200 N Moore Street, Bessemer, MI 49911, or
4. Filing out a FOIA Request for Public Record form and faxing it to (906) 663-4660.
5. Filing out a FOIA Request for Public Record form and emailing it to: gpelissero@gogebic.org Subject: FOIA

Once your FOIA Request for Public Record form is received, the Gogebic County Clerk will determine whether public documents which are responsive to the request exist.

We do not accept verbal requests. All FOIA request must be made in writing.

When will I receive a response?

You will receive a response to your request within 5 business days.

What will the cost be?

If the requested documents are available on the Gogebic County website, a link will be provided to you free of charge.

If the responsive documents are less than 10 double sided pages or take less than 15 minutes to prepare, the documents will be provided free of charge to your attention.

If the requested documents are more than 10 double sided pages or take more than 15 minutes to prepare, the Gogebic County Clerk will charge for the response. The

charges will include copy costs, copy labor costs, retrieval costs, redaction and/or separation costs and mailing costs.

All labor will be charged at the hourly wage of the lowest paid employee who is able to prepare the response plus fringe benefits up to 50% of their wage. The labor will be charged in 15 minute increments, which will be rounded down.

A detailed itemized bill will be provided to your attention. Upon payment of the itemized bill, a copy of the FOIA response will be provided to you.

Reduced fees for Indigence and qualifying nonprofit organizations will be provided as required by law.

Does my request require a deposit?

If the estimated cost of a response exceeds \$50.00, a 50% deposit is required prior to a response being prepared.

You will receive a cost estimate prepared by the Gogebic County Clerk in response to your request.

If the Gogebic County Clerk receives a request from an individual that has not paid for a previously granted request, the Gogebic County Clerk will require a 100% deposit as provided by law.

What will the response contain?

If no responsive public documents exist, the Gogebic County Clerk will provide an affidavit of non-existence.

Large files cannot be e-mailed.

The response will contain a complete copy of all public records that are responsive to the request.

All non-public records will be removed from all responses.

Documents will be redacted to remove personal information including home addresses, phone numbers, dates of births and social security numbers. FOIA responses that are redacted or separated will include a detailed explanation of the reasons for the redaction and/or separation with the response.

Other items will be redacted from responses as provided by law.

FOIA responses that are redacted or separated will include a detailed explanation of the reasons for the redaction and/or separation with the response.

If you are requesting photographs and/or videos, they will be provided in a digital format unless otherwise requested.

Can I appeal the response?

Response Content-

If you receive an affidavit of non-existence or redacted records in response to your request, you may file an appeal by sending a letter entitled "FOIA Appeal" to the Gogebic County Clerk at 200 N Moore Street, Bessemer, MI 49911.

You also have the right to file an action in the Circuit Court of Gogebic County to compel disclosure without first filing an appeal with the public body. You must file the action in the Circuit Court within 180 days of the date of the response.

Response Fee-

If the FOIA fee exceeds the amount permitted by law or Gogebic County procedures, you may file an appeal of fees with the Clerk. Within 10 days of receipt of a notice of appeal of fees, the Clerk will uphold the fee, reduce the fee or waive the fee. If the Clerk fails to respond to the appeal or issues a response to the appeal, an action may be filed in Gogebic County Circuit Court against the Gogebic County Clerk for a fee reduction. This action must be filed within 45 days of receiving the determination of the appeal.

A detailed explanation of the FOIA Procedures can be found at www.gogebic.org

A copy of the FOIA Request Form can be found at www.gogebic.org

A copy of the FOIA Policy can be found at www.gogebic.org

A copy of an Affidavit of Indigence can be found at www.gogebic.org