

**DICKINSON COUNTY ROAD COMMISSION
PUBLIC SUMMARY OF FOIA PROCEDURES AND GUIDELINES**

**It is the public policy of this state that all persons
(except those people incarcerated in the 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 them as public officials and public employees.**

The people shall be informed so that they may fully participate in the democratic process.

Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the following is the Written Public Summary of the Dickinson County Road Commission's (DCRC) FOIA Procedures and Guidelines relevant to the general public.

This is only a summary of the DCRC's FOIA Procedures and Guidelines. For more detailed information, copies of the DCRC's FOIA Procedures and Guidelines are available at no charge at the DCRC office and website: www.dickinsoncrc.com.

How to submit a FOIA request to the DCRC

- A request must sufficiently describe a public record so as to enable the DCRC to find it.
- Please include the words "FOIA" or "FOIA Request" in the request to assist in providing a prompt response.
- Request to inspect or obtain copies of public records, owned, used, possessed or retained by the DCRC's FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.
 - Any verbal request will be documented by the DCRC's FOIA Request Form.
 - No specific form to submit a written request is required. However a FOIA Request Form and other FOIA-related forms are available for your use and convenience on the DCRC website at www.dickinsoncrc.com and office located at 1107 S. Milwaukee Ave, Iron Mountain, MI 49801.
- Written requests may be delivered to the DCRC in person or by mail at P.O. Box 519, Iron Mountain, MI 49801.
- Requests may be faxed to (906) 774-7227. To ensure a prompt response, faxed requests should contain the term "FOIA" or "FOIA Request" on the first/cover page.
- Requests may be emailed to: mberger@dickinsoncrc.com. To ensure a prompt response, email should contain the term "FOIA" or "FOIA Request" in the subject line.

The kind of response expected to a request

- Within 5 business days after receiving a FOIA request the DCRC will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. The DCRC will respond in one of the following ways:
 - Grant the request;
 - Issue a written notice denying the request;
 - Grant the request in part and issue a notice denying in part the request;
 - Issue a notice indicating that due to the nature of the request the DCRC needs an additional 10 business days to respond; or
 - Issue a written notice indicating that the public record requested is available at no charge on the DCRC website.
- If the request is granted, or granted in part, the DCRC will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available.
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DCRC's deposit requirement

- If the DCRC has made a good faith calculation that the total fee for processing the request will exceed \$50, the DCRC will require that you provide a deposit in the amount of 50% of the total estimated fee. When the DCRC requests the deposit, it will provide you a non-binding best total estimated fee. When the DCRC requests the deposit, it will provide you a non-binding best efforts of how long it will take to process the request after you have paid your deposit.
- If the DCRC receives a request from a person who has not paid the DCRC for copies of public records made in fulfillment of a previously granted written request, the DCRC will require a deposit of 100% of the estimated processing fee before it begins to search for the public records for any subsequent written request when **all** of the following conditions exists:
 - The final fee for the prior written request is not more than 105% of the estimated fee;
 - The public records made available contained the information sought in the prior written request and remain in the DCRC's possession;
 - The public records were made available to the individual, subject to payment, within the best effort time frame estimated by the DCRC to provide the records;
 - Ninety (90) days have passes since the DCRC notified the individual in writing that the public records were available for pickup or mailing;
 - The individual is unable to provide proof of payment to the DCRC;
 - The DCRC has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- The DCRC will not require the 100% estimated fee deposit if any of the following apply:
 - The person making the request is able to show proof of prior payment in full to the DCRC;
 - The DCRC is subsequently paid in full for all applicable prior written requests; or
 - Three hundred sixty five (365) days have passed since the person made the request for which full payment was made to the DCRC.

DCRC's FOIA processing fees

- Labor costs associated with copying or duplicating, which includes making paper copies, digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonable high costs to the DCRC.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the DCRC.
- The cost of coping, duplication, not including labor, of paper copies of public records. This may include the cost for copies already on the DCRC's website if you ask for the DCRC to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requestor asks for records in non-paper media. This may include the cost for copies of records already on the DCRC's website if you ask for the DCRC to make copies.
- The cost to mail or send a public record to a requestor.

Labor Costs

- All labor costs will be estimated and charges in 15 minute increments, with all partial time increments being rounded down. If less than 15 minutes there will be no fee.

- Labor costs will be charged at the hourly wage of the lowest paid DCRC employee capable of doing the work in the specific fee category, regardless of who actually does the work.
- DCRC may add up to 50% of applicable labor amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs unless agreed to by the requestor; and will not be used to calculate fringe benefit cost.
- Contracted labor will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage)

A labor cost will not be charged for search, examination, review and the deletion and separation of exempt from nonexempt information **unless** failure to charge a fee would result in unreasonably high costs to the DCRC. Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the DCRC's usual FOIA requests, because of the nature of the request in the particular instance. The DCRC must specially identify the nature of the unreasonably high costs in writing.

Copying, Duplication & Mailing

The DCRC must use the most economical method for making copies of public records, including using double-sided printing, if cost saving and available.

- The cost for records provided on non-paper physical media, such as computer discs and tapes or other digital or similar media will be at the actual and most economical and only if the DCRC has the technological capability of doing.
- Paper copies will be \$.10 per copy for standard and legal size paper. Non-standard paper will be actual costs of paper.
- Mailing of public records will be done by most economical and justifiable means.
- No cost will be made for expedited shipping or insurance unless requested.

Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgement of the FOIA Coordinator it is in the public interest and can be considered as primarily benefiting the general public. The DCRC Board may identify specific records or types of records it deems should be made available for not charge or at a reduced cost.

- The DCRC will discount the first \$20 of fees for a request if you submit an affidavit stating you are indigent and receiving public assistance or if not receiving public assistance stated facts demonstrating an inability to pay because of indigence. An affidavit is a sworn statement.
- You are **not** eligible to receive the \$20 discount if you have previously received a discounted copies of public records twice during a calendar year, or are requesting information on behalf of other persons who are offering or providing payment to you to make the request.
- Non-profit organizations who represents the mentally ill or disabled may receive a reduced fee if conditions as described in Section 6 of the DCRC's FOIA Procedures & Guidelines are met.

Appeal of a Denial of Public Record

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may an appeal with the DCRC's Board by filing a written appeal of denial. The appeal must be in writing, specially state the word "appeal", and identify the reason you are seeking a reversal of the denial.

Within 10 business days of receiving the appeal the DCRC Board will respond in writing by reversing the disclosure denial, upholding the denial disclosure or reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of denial to the DCRC Board, you may file a civil action in Dickinson County Circuit Court within 180 days after the DCRC Board's final determination to deny your request. Details can be found in the DCRC's FOIA Procedures & Guidelines Section 8.

Appeal of an Excess FOIA Processing Fee

If you believe that the fee charged by the DCRC to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the DCRC Board by filing a written appeal for a fee reduction. The appeal must state specifically the word "appeal" and identify how the required fee exceeds the amount permitted.

Within 10 business days after receiving the appeal the DCRC Board will respond in writing by waiving the fee, reducing the fee and issue a written determination stating the specific basis that supports the remaining fee, uphold the fee and issue a written determination stating the specific basis that supports the required fee or issue a notice detailing the reason(s) for extending not more than 10 business days the period during which the DCRC Board will respond to the written appeal.

Within 45 days of receiving notice the DCRC Board's determination of the processing fee appeal, you may file a civil action in Dickinson County Circuit Court for a fee reduction. Details can be found in the DCRC's FOIA Procedures & Guideline Section 9.