

MONROE COUNTY COMMUNITY COLLEGE
PUBLIC ACCESS TO RECORDS UNDER THE
FREEDOM OF INFORMATION ACT PROCEDURES

The following procedures have been established to facilitate the implementation of Policy 6.24, Public Access to Records Under the Freedom of Information Act Policy.

FOIA COORDINATOR: The FOIA Coordinator of the College shall be the President. The President may designate another individual to act on his or her behalf in accepting and processing requests for the College's records, and in approval/denial of requests pursuant to Sections 5(4) and (5) of the Act.

REQUESTS: A person desiring to inspect or receive a copy of College records shall make a written request to the FOIA Coordinator. The request should describe the public record(s) desired sufficiently to enable the College to find the public record.

RESPONSES TO REQUESTS: Unless otherwise agreed to in writing by the person making the request, the College shall respond to the request within five business days after it receives the request by doing one of the following:

- Grant the request;
- Issue a written notice denying the request;
- Grant the request in part and issuing a written notice to the requesting person denying the request in part;
- Issue a notice extending for not more than 10 business days the period during which the College will respond to the request;
- Issue a notice requesting clarification of a request;
- Request a good-faith deposit if the cost of processing a request is expected to exceed \$50.00 and provide a written estimate of the costs;
- Issue a written notice indicating that the public record requested is available at no charge on the college's website.

If a request is made by facsimile, electronic mail, or other electronic transmission, then for the purpose of the above, the request will be deemed to have been received on the following business day. If a written request is sent by electronic mail and delivered to the college's spam or junk-mail folder, the request is not received until one day after the college first become aware of the written request.

A notice denying a request in whole or in part shall comply with Section 5(5) of the Act.

FEES: The Michigan FOIA statute permits Monroe County Community College to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making 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 unreasonably high costs to Monroe County Community College.
- 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 Monroe County Community College.

- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on Monroe County Community College's website if the requestor asks for Monroe County Community College 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 physical media. This may include the cost for copies of records already on Monroe County Community College's website if the requestor asks for Monroe County Community College to make copies.
- The cost to mail or send a public record to a requestor.

Labor Costs

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid College employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The college may add up to 50 percent to the applicable labor charge 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; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs 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 the 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 Monroe County Community College. Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to Monroe County Community College's usual FOIA requests, because of the nature of the request in the particular instance. Monroe County Community College must specifically identify the nature of the unreasonably high costs in writing.

Copying and Duplication

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

Non-paper Copies on Physical Media

- The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will be charged only if Monroe County Community College has the technological capability necessary to provide the public record in the requested non-paper physical media format.

Paper Copies

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper.
- Copies for non-standard sized sheets will paper will reflect the actual cost of reproduction.

Mailing Costs

- Monroe County Community College will use a reasonably economical and justified means to mail the public records.
- Monroe County Community College may charge for the least expensive form of postal delivery confirmation.
- Monroe County Community College will not charge for expedited shipping or insurance unless specifically stipulated by the requestor.

Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The Monroe County Community College Board of Trustees may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

OPPORTUNITY TO INSPECT: The requesting party may be given the opportunity to inspect documents being disclosed before having them copied or electing to not have them copied. The College will provide suitable facilities for such inspections during its normal business hours. The College may make reasonable rules to protect its records and to prevent unreasonable interference with the discharge of its functions. The College shall also protect public records from loss, unauthorized alteration, mutilation or destruction. In some instances where original documents contain exempt information, the exempt material may be removed and copies made for inspection.

RECORDS: The FOIA Coordinator shall keep a copy of all written requests for public records on file for no less than one year.