PURPOSE

To establish procedures and guidelines governing the release of public records, pursuant to Public Act 442 of 1976, as amended, hereafter referred to as the "FOIA statute."

SCOPE

This policy establishes a process and procedures for the release of public documents, establishes a policy to recover costs associated with requests, and establishes a procedure for appeals.

POLICY

It is the public policy of the State of Michigan that all persons, except those persons 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 them as public officials and public employees, consistent with the FOIA statute. Wayne County has prepared these procedures and guidelines to comply with Michigan law and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

Wayne County acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. Wayne County further acknowledges that it is sometimes necessary to invoke the exemptions identified under FOIA statute in order to ensure the effective operation of government and to protect the privacy of individuals.

Wayne County will protect the public's interest in disclosure while balancing the need to withhold or redact portions of certain records. Wayne County's policy is to disclose public records consistent with and in compliance with State law.

Section 1: General Policies

The Wayne County Executive, acting pursuant to the authority at MCL 15.236, has designated a member of the Wayne County Executive's office to act as the FOIA Coordinator. The FOIA Coordinator is to be the central contact for FOIA requests and responses. He or she may authorize other County staff to act as FOIA Officers to accept and process written requests for the County's public records and to approve denials.

The Wayne County Executive, through the Department of Corporation Counsel, may develop internal policies that are consistent with State law and these procedures and guidelines to administer the acceptance and processing of FOIA requests.

If a request for a public record is received by facsimile or e-mail, the request is deemed to have been received on the following business day. If a request is sent by e-mail and delivered to a County spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator or FOIA Officer first becomes aware of the request. The FOIA Coordinator and FOIA Officers shall note both the date the request was delivered to the

spam or junk-mail folder and he or she became aware of the request. Spam and junk mail folders should be regularly reviewed by the FOIA Coordinator and the FOIA Officers.

Wayne County is not obligated to create a new public record or make a compilation or summary of information that does not already exist. The FOIA Coordinator and FOIA Officers are not obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

A copy of all written requests for public records received by Wayne County will be maintained for a period of at least one year as required by State law and the applicable department record retention schedule.

The Wayne County Executive is responsible for deciding appeals. The Wayne County Executive may authorize other County employees who are licensed attorneys but who are not employed in the Department of Corporation Counsel to respond to appeals of a denial of all or portion of a public record and appeals of processing fees.

Any subpoena from any court, attorney, or any other person that requests the production of any Wayne County record falls outside of the scope of these Procedures and Guidelines.

Section 2: Requesting a Public Record – Verbal and Written Requests

Wayne County may provide requested information available in County records in response to a verbal request. In the event that the public record sought by a verbal request will not be released its entirety, the requesting party will be advised to file a written request.

A person who makes a verbal request for information believed to be available on Wayne County's website will be provided with the pertinent website address, where practicable and to the best ability of the employee receiving the request. Wayne County employees are not required to provide non-County web addresses or perform internet research to locate non-County materials.

A person wanting to inspect or obtain copies of public records prepared, owned, used, possessed or retained by Wayne County may also do so in writing. The request must sufficiently describe a public record so as to enable Wayne County personnel to identify and find the requested public record.

No specific form to submit a request for a public record is required. However the FOIA Coordinator may make a FOIA request form available for use by the public. Written requests for public records may be submitted in person or by U.S. mail addressed to: Wayne County FOIA Coordinator, Guardian Building, 500 Griswold – 31st Floor, Detroit, MI 48226. Requests may also be submitted electronically by facsimile (313/224-8458), by e-mail sent to FOIArequests@waynecounty.com, or through the County's website at the following address: http://waynecounty.com/county/foia.htm Requests for public records that are received by someone other than the FOIA Coordinator must be promptly forwarded to the FOIA Coordinator for processing upon receipt by the public employee who received the request.

A person may request that public records be provided on non-paper physical media, electronically mailed, or other otherwise provided in a form other than paper copies. Wayne

County will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued, or disseminated by Wayne County on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

Any request to review and/or receive copies of any portion of a personnel file maintained or possessed by Wayne County must be made in writing. This policy does not affect the right of current or former Wayne County employees to review or receive copies of documents from their own personnel files.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. All such requests will be denied.

Section 3: Processing a Request

Unless otherwise agreed to in writing by the person making the FOIA request, Wayne County will issue a response to the request within 5 business days of receipt of the request. If a request is received by facsimile, e-mail or other electronic transmission, the request is deemed to have been received on the following business day. Wayne County will respond to the request in writing in at least one of the following ways:

- Granting the request; or,
- Denying the request; or,
- Granting and denying the request in part; or,
- Issuing a notice indicating that due to the nature of the request, Wayne County needs an additional 10 business days to respond (only one such extension is permitted); or,
- Issuing a written notice indicating that the public record requested is available at no charge on the Wayne County website.

If the request is granted entirely, or granted in part, and fees are required in connection with the request, payment must be made in full for the allowable fees associated with responding to the request before the public record is made available. A detailed itemization of the allowable costs incurred to process the request will be provided to the person making the request. A copy of these Procedures and Guidelines, which include a blank Detailed Cost Itemization form, along with Wayne County's Written Public Summary will be provided to the requester with the response to a written request for public records, provided however, that if these Procedures and Guidelines, and Wayne County's Written Public Summary are maintained on Wayne County's website, then a website link to those documents will be provided in lieu of providing paper copies.

If the cost of processing a FOIA request is $50 or less, the requester will be notified of the amount due and how to obtain the requested documents. If, based on a good faith calculation, the cost of processing a FOIA request is expected to exceed $50, or if the

requester has not fully paid for a previously granted request, Wayne County may require a good-faith deposit before processing the request.

In making the request for a good-faith deposit, Wayne County will provide the requester with a detailed itemization of the allowable costs estimated to be incurred by Wayne County to process the request and will also provide a best efforts estimate of a time frame it will take to provide the records to the requester. The best efforts estimate is nonbinding on Wayne County, but it will be made in good faith and the FOIA Coordinator and FOIA Officers will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner consistent with the public policy of the State of Michigan.

If the request is denied in whole or in part, the FOIA Officer will issue a denial letter that may provide the requester with one or more of the following, depending on the circumstances:

- An explanation as to why a requested public record is exempt from disclosure; or,
- A determination and certification that the requested record does not exist under the name or description provided by the requester, or another name reasonably known by Wayne County; or,
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and,
- An explanation of the person's right to submit an appeal of the denial to either the Wayne County FOIA Appellate Officer or seek judicial review in the Wayne County Circuit Court; and,
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of $1,000, should the requester prevail in Wayne County Circuit Court.
- The letter will be signed by the FOIA Officer or his or her designee and in most cases will also be countersigned by an attorney from the Department of Corporation Counsel after review.

Requests that do not describe a public record sufficiently to enable the County to locate the record will be denied on that basis. FOIA Officers may seek clarification of a request from the person making the request but they are not required to do so. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

Wayne County will provide reasonable facilities and opportunity for persons to examine and inspect public records during normal business hours. The FOIA Coordinator, in conjunction with the Department of Corporation Counsel, is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect Wayne County records from

loss, alteration, mutilation or destruction and to prevent excessive interference with normal Wayne County operations.

The FOIA Officer shall, upon written request, furnish a certification of a public record at no additional cost to the person requesting the public record.

Section 4: Fee Deposits

If the fee estimate to provide the requested public records is expected to exceed $50.00 based on a good-faith calculation by Wayne County, the requester will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not fully paid Wayne County for copies of public records made in connection with a previously granted written request, the FOIA Officer may require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- the final fee for the prior written request was not more than 105% of the estimated fee; and,
- the public records made available contained the information sought in the prior written request and remain in Wayne County's possession; and,
- the public records were made available to the requester, subject to payment, within the time frame estimated by Wayne County to provide the records; and,
- 90 days have passed since the requester was notified in writing that the public records were available for pickup or mailing; and,
- the requester is unable to show proof of prior payment to Wayne County; and,
- the FOIA Officer has calculated a detailed cost itemization that is the basis for the increased estimated fee deposit in connection with the current written request.

An increased estimated fee deposit will not be required if any of the following apply:

- the requester is able to show proof of prior payment in full to Wayne County; or,
- Wayne County is subsequently paid in full for the applicable prior written request; or,
- 365 days have passed since the person made the request for which full payment was not remitted to Wayne County.

Section 5: Calculation of Fees

Consistent with the authority granted by statute, it is the intent of Wayne County to charge a fee for a public record search, for the necessary copying of a public record for inspection, or for providing a copy of a public record so that its general fund and departmental budgets are not unduly burdened by the costs associated with processing FOIA requests.

A fee will not be charged for the cost of 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 Wayne County because of the nature of the request in the particular instance, and Wayne County specifically identifies the nature of the unreasonably high costs.

The following factors are among those that will be considered in determining what an unreasonably high cost to Wayne County is in a specific instance:

- The particular request incurs costs greater than incurred from the typical or usual FOIA request received by Wayne County; or,
- Volume or size of the public record requested; or,
- Whether the amount of time spent to search for, examine, review or separate exempt from non-exempt information in the record requested exceeds 15 minutes; or,
- Whether public records from more than one Wayne County department or various Wayne County offices is necessary to respond to the request; or,
- The available staffing to respond to the request; or,
- Any other similar factors identified by the FOIA Coordinator or FOIA Officer in responding to the particular request.

Wayne County may charge for any or all of the following costs associated with processing a FOIA request:

- Labor costs directly associated with searching for, locating and examining a requested public record, if the failure to charge a fee results in unreasonably high costs to Wayne County.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed, if the failure to charge a fee results in unreasonably high costs to Wayne County.
- The actual cost of computer discs, computer tapes or other digital or similar media.

- The actual cost of duplication or publication, not including labor, of paper copies of public records, which will be charged at the rate of $.10 per page.
- The cost of labor associated with duplication or publication, including making paper copies, making digital copies or transferring digital public records to non-paper physical media or through the Internet or other electronic means when asked for by the requester.
- The actual cost of mailing or sending a public record, including the least expensive form of postal delivery confirmation; as well as the cost of expedited shipping or insurance when such is asked for by the requester.

Labor costs will be calculated based on the following requirements:

- Labor costs directly associated with searching for, locating and examining a requested public record and labor costs associated with a review of a record to separate and delete information exempt from disclosure from information that is disclosed will be estimated and charged in 15 minute increments, with all partial time increments rounded down.
- Labor costs associated with duplication or publication, including making paper copies, making digital copies or transferring digital public records to non-paper physical media or through the Internet or other electronic means when asked for by the requester, will be charged in one minute increments, with all partial time increments rounded down.
- Labor costs will be charged at the hourly wage of the lowest-paid Wayne County 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. Wayne County may add up to 50% 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. Wayne County may add more than 50% in fringe benefit cost to the applicable labor charge in the event that a requester asks the County to provide materials that are available on the County website at no charge and the County has provided the website link to the documents in response to a written request for information.
- Overtime wages will not be included in labor costs unless agreed to by the requester; overtime costs will also not be used to calculate the fringe benefit cost.

The cost to provide records on non-paper physical media when requested will be based on the following requirements:

- Computer disks, 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 only be assessed if Wayne County has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- In order to ensure the integrity and security of Wayne County's technological infrastructure, Wayne County will procure any requested non-paper media and will not accept non-paper media from the requester.

The cost to provide paper copies of records will be based on the following requirements:

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will be charged at the rate of $.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- Wayne County may provide records using double-sided printing, if cost-saving and available. The County will provide only single-sided pages on written request, but we will charge $.10 per single-sided page.

The cost to mail records to a requester will be based on the following requirements:

- The actual cost to mail public records using a reasonably economical and justified means.
- Wayne County may charge for the least expensive form of postal delivery confirmation.
- No charge will be made for expedited shipping or insurance unless the requester asks for it.

If the FOIA Coordinator or FOIA Officer does not respond to a written request in a timely manner, the following shall be required:

- Reduce the labor costs by 5% for each day Wayne County exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:
    - The late response was willful and intentional; or,

- The written request, within the first 250 words of the body of a letter facsimile, e-mail or e-mail attachment conveyed a request for information; or,
- The written request included the words, characters, or abbreviations for "freedom of information", "information", "FOIA," "copy," or a recognizable misspelling of such, or legal code reference to MCL 15. 231 *et seq* or 1976 Public Act 442 on the front of an envelope or in the subject line of an e-mail, letter or facsimile cover page.

- Fully note the charge reduction on the Detailed Itemization of Costs form

Section 6: Waiver of Fees

Absent a waiver by the FOIA Coordinator or FOIA Officer in whole or in part, all charges associated with processing a FOIA request must be paid in full before the release of any public records. 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 or FOIA Officer a waiver or reduced fee is in the public interest because such can be considered as primarily benefitting the general public.

In determining whether the general public is primarily benefited, the FOIA Coordinator or FOIA Officer may consider the following factors, none of which will be determinative:

- whether the public record being disclosed serves the public policy purposes of the FOIA; or,
- whether the release primarily serves a private or commercial purpose; or,
- whether the release implicates the rights of third persons; or,
- whether waiver of the fee is in the best interest of Wayne County; or,
- the manner in which similar requests have been treated.

Wayne County will waive the first $20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- indigent and receiving specific public assistance; or
- if not receiving public assistance stating facts demonstrating an inability to pay because of indigency.

An indigent individual is not eligible to receive the waiver if:

- the indigent requester has previously received discounted copies of public records from Wayne County twice during the calendar year; or
- the indigent requester requests information in connection with other persons who are offering or providing payment to make the request.

The affidavit shall be a sworn statement made under the penalty of perjury. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

Wayne County will waive the first $20.00 of the processing fee for a request from a nonprofit organization designated to by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 200 and the Protection and Advocacy for Individuals with Mental Illness Act, or their successors, if the request meets all of the following requirements:

- is made directly on behalf of the organization or its clients; and,
- 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,
- is accompanied by documentation of its designation by the State of Michigan.

Section 7: Appeal of a Denial of a Public Record

When a requester believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may file an appeal of the denial directed to the Wayne County FOIA Appellate Officer, Guardian Building, 500 Griswold – 31st Floor, Detroit, MI 48226. Requests may also be submitted electronically by facsimile (313/224-8458) and e-mail (FOIArequests@waynecounty.com). The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requester is seeking a reversal of the denial.

Within 10 business days of receiving the appeal the FOIA Appellate Officer will respond in writing by:

- reversing the disclosure denial; or,
- upholding the disclosure denial; or,
- reversing the disclosure denial in part and upholding the disclosure denial in part; or,

- Under unusual circumstances, such as the need to examine or review a voluminous amount of separate and distinct public records or the need to collect the requested records from numerous facilities located apart from the office receiving or processing the request, the FOIA Appellate Officer may issue not more than 1 notice of extension for not more than 10 business days to respond to the appeal.

All exemptions must be narrowly construed and the burden shall be upon the FOIA Coordinator or FOIA Officer, with the assistance of the Department of Corporation Counsel, to demonstrate that the denial of information is justified and should be upheld.

A requester may file a civil action in Wayne County Circuit Court within 180 days after Wayne County's final determination to deny the request and is not required to appeal the denial decision before filing a civil action.

If the court determines that the public record is not exempt from disclosure, the court will award the appellant reasonable attorneys' fees, cost and disbursements. If the court determines that the appellant has prevailed only in part, the court in its discretion may award all or an appropriate portion of reasonable attorneys' fees, costs and disbursements.

If the court determines that Wayne County arbitrarily and capriciously violated the FOIA by refusing or delaying the disclosure of copies of a public record, it shall award the appellant punitive damages in the $1,000.

Section 8: Appeal of a FOIA Fee

If a requester believes that the fee or the good faith deposit charged by Wayne County to process a FOIA request exceeds the amount permitted by state law, he or she must first submit a written appeal for a fee reduction directed to the Wayne County FOIA Appellate Officer, Guardian Building, 500 Griswold – 31st Floor, Detroit, MI 48226. Requests may also be submitted electronically by facsimile (313/224-8458) or by e-mail sent to FOIArequests@waynecounty.com. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Within 10 business days after receiving the appeal, the FOIA Appellate Officer will respond in writing by:

- waiving the fee; or,
- reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee, accompanied by a certification by the FOIA Appellate Officer that the statements in the determination are accurate and the reduced fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA statute; or,

- upholding the fee and issuing a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee, accompanied by a certification by the FOIA Appellate Officer that the statements in the determination are accurate and the fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA; or,

- issuing not more than one notice detailing the reason or reasons for extending for not more than 10 business days the period during which the FOIA Coordinator will respond to the written appeal.

Within 45 days after receiving notice of the FOIA Appellate Officer's determination of a fee appeal, a requester may commence a civil action in the Wayne County Circuit Court to request a fee reduction. If a civil action is filed appealing the fee, Wayne County is not obligated to process the request for the public record until the court resolves the fee dispute.

If the court determines that Wayne County required a fee that exceeds the amount permitted, it shall reduce the fee to a permissible amount. If the appellant in the civil action prevails by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements.

If the court determines that Wayne County has acted arbitrarily and capriciously by charging an excessive fee, the court shall also award the appellant punitive damages in the amount of $500.

Section 9: Conflict with State Law; Effective Date

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify these procedures and guidelines, with the assistance of the Department of Corporation Counsel, and to adopt any additional internal procedures as he or she may deem necessary to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute without the necessity of an additional executive order, provided that such modifications and procedures are consistent with State law as interpreted by the Michigan courts.

These FOIA Policies and Guidelines become effective on July 1, 2015.

Wayne County
Detailed Cost Itemization for FOIA Request

This is a(n): ☐ **Estimate of costs** ☐ **Bill showing amount due**

Date: _____ Requester Name/Request No.: _____ Date Request Received: _____

1. IF ALL OR A PORTION OF THE REQUESTED INFORMATION IS AVAILABLE ON THE COUNTY'S WEBSITE, the County is required to tell you it is available on the website and, where practicable, include a specific webpage address where the information is available. In this case, ☐ None ☐ Some ☐ All of the requested material can be found at the following webpage(s): _____, _____, _____ Information on the County website is available to you at no charge. If you would prefer to pay the County to retrieve these materials for you, we will charge the hourly rate provided in Item #2 below and will add a 100% fringe benefit rate to the hourly rate. (FOIA Officer – if item #1 applies, please go on and complete item #2 as well)	1. No charge
2. LABOR COST FOR COPYING OR DUPLICATING RECORDS THAT ARE AVAILABLE TO YOU AT NO CHARGE ON THE COUNTY'S WEBSITE. This is the cost of labor directly associated with duplication of material located on the County's public web site. This rate is to be charged for the cost of making paper copies, digital copies, transferring materials onto non-paper physical media, or transferring materials through the Internet or other electronic means as you request, provided the County has the capability to do so. This rate shall not be more than the hourly wage of the County's lowest-paid employee capable of necessary retrieval and duplication in this particular instance, whether or not that person is available or who actually performs the labor. A full (100%) fringe benefit rate will be applied to the hourly rate. These costs will be estimated and/or charged in one minute time increments, and all partial time increments will be rounded down. If the task takes less than one minute to perform, there will be no charge. Base Hourly Wage Charged: $_____ Charge per minute: $_____ (Hourly wage with full fringe benefit cost divided by 60) Hourly Wage with Full Fringe Benefit Cost: $_____ (FOIA Officer – please contact Payroll for this rate) Number of whole minutes = _____ ☐ Overtime rate charged if authorized by you (overtime is not used to calculate the fringe benefit cost)	2. Total labor cost if the County retrieves materials for you that you could obtain at no charge from the County's website $_____ (Charge per minute X number of whole minutes)

Wayne County
Detailed Cost Itemization for FOIA Request

3. LABOR COST TO LOCATE RECORDS THAT ARE NOT AVAILABLE ON THE COUNTY'S WEBSITE. This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in connection with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to the County due to the nature of the request in this particular instance, specifically:

(check all that apply):

☐ The request does not seek an easily identifiable document consisting of a few standard size pages with minimal redactions

☐ The request will require more than 15 minutes of labor to search for, locate, and examine the records

☐ The request seeks "any and all" documents on a particular subject

☐ The request requires that many boxes of documents be searched

☐ The request requires numerous hours of examination

☐ The request seeks a large volume of records

☐ The request seeks records from more than one County department

☐ The request incurs costs greater than incurred from the typical or usual FOIA request received by Wayne County for searching, locating, and examining public records

☐ Other reason: _____

_____

_____

_____

_____

The County will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, whether or not that person is available or actually performs the work. These costs will be estimated and charged in 15 minute time increments with all partial time increments rounded down. If the total number of minutes is less than 15, there will be no charge for searching for, locating, and examining the requested records.

Base Hourly Wage Charged: $_____

Charge per ¼ hour: $_____
(Hourly wage with fringe benefit costs divided by 4)

Hourly Wage with Fringe Benefit Cost: $_____
Multiply the hourly wage by 1.5 (50% fringe rate) for the total hourly rate

Number of increments = _____
(Divide the number of minutes by 15 and round down)

☐ Overtime rate charged if authorized by you (overtime is not used to calculate the fringe benefit cost)

3. Total labor cost for locating records

$_____

(Charge per ¼ hour X number of increments)

Wayne County
Detailed Cost Itemization for FOIA Request

4. LABOR COST TO SEPARATE (REDACT) EXEMPT FROM NONEXEMPT MATERIAL THAT IS NOT LOCATED ON THE COUNTY'S WEBSITE. The County will not charge you to redact information if we know or have reason to know that the materials have already been redacted and the redacted version is still in the County's possession. This fee is being charged because failure to do so will result in unreasonably high costs to the County due to the nature of the request in this particular instance, specifically:

(check all that apply):

☐ The request does not seek an easily identifiable document consisting of a few standard size pages with minimal redactions

☐ The request will require more than 15 minutes of labor to separate exempt from nonexempt material

☐ The request requires that many boxes of documents be reviewed to separate exempt from nonexempt material

☐ The request requires numerous hours to separate exempt from nonexempt material

☐ The request incurs costs greater than incurred from the typical or usual FOIA request received by Wayne County for separating exempt from nonexempt material

☐ Other reason: _____

_____

_____

_____

The County will not charge more than the hourly wage of its lowest-paid employee capable of separating the exempt from the non-exempt material contained with the public records in this particular instance, whether or not that person is available or actually performs the work, unless the County does not employ a person capable of separating and deleting the exempt from non-exempt information in which case a contractor may be used. These costs will be estimated and charged in 15 minute time increments with all partial time increments rounded down. If the total number of minutes is less than 15, there is no charge for searching for, locating, and examining the requested records.

Charges for County employee labor to separate exempt from non-exempt materials:

Base Hourly Wage Charged: $_____

Charge per ¼ hour: $_____
(Hourly wage with fringe benefit costs divided by 4)

Hourly Wage with Fringe Benefit Cost: $_____
Multiply the hourly wage by 1.5 (50% fringe rate) for the total hourly rate

Number of increments = _____
(Divide the number of minutes by 15 and round down)

☐ Overtime rate charged if authorized by you (overtime is not used to calculate the fringe benefit cost)

Charges for contract (non-County) labor to separate exempt from non-exempt materials:

Base Hourly Wage Charged: $_____

Charge per ¼ hour: $_____
(Hourly wage divided by 4)

Name of contracted individual or firm:

_____

_____

_____

_____

Number of increments = _____
(Divide the number of minutes by 15 and round down)

The County will not use contract labor to separate exempt from non-exempt materials unless there is no County employee capable of performing the work; the use of contract labor is approved by the FOIA Coordinator on a case-by-case basis; and the labor costs do not exceed six times the state minimum hourly wage (MCL 408.411 *et seq.*)

4. Total labor cost for separating exempt from non-exempt material

$_____

(Charge per ¼ hour X number of increments)

Wayne County
Detailed Cost Itemization for FOIA Request

5. LABOR COST TO COPY OR DUPLICATE RECORDS THAT ARE NOT LOCATED ON THE COUNTY'S WEBSITE. This is the cost of labor directly associated with duplication of publications, including making paper copies, making digital copies, or transferring digital public records to be given to you on non-paper physical media or through the Internet or other electronic means as you request, provided the County has the capability to do so. This rate shall not be more than the hourly wage of the County's lowest-paid employee capable of necessary retrieval and duplication in this particular instance, whether or not that person is available or actually performs the work. These costs will be estimated and/or charged in one minute time increments, and all partial time increments will be rounded down. If the task takes less than one minute to perform, there will be no charge.

Base Hourly Wage Charged: $_____

Charge per minute: $_____
(Hourly wage with fringe benefit costs divided by 60)

Hourly Wage with Fringe Benefit Cost: $_____
Multiply the hourly wage by 1.5 (50% fringe rate) for the total hourly rate

Number of whole minutes = _____

☐ Overtime rate charged if authorized by you (overtime is not used to calculate the fringe benefit cost)

5. Total labor cost copy or duplicate records that are not located on the County's website

$_____

(Charge per minute X number of whole minutes)

6. COST OF COPIES (EXCLUDING LABOR). Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).

Paper cost:

- Letter (8 ½ x 11-inch, single or double-sided): $.10 cents per sheet of paper
- Legal (8 ½ x 14-inch, single or double-sided): $.10 cents per sheet of paper
  Total number of pages (8 ½ x 11 or 8 ½ x 14 paper): _____

No more than the actual cost of a sheet of paper for other paper sizes:

- Total number of other paper sizes (size): _____ (actual cost each $_____)
- Total number of other paper sizes (size): _____ (actual cost each $_____)

THE COUNTY WILL PROVIDE TWO-SIDED COPIES TO YOU WHEN PROVIDING HARD COPIES IF IT'S POSSIBLE TO DO SO. IF YOU PREFER SINGLE-SIDED COPIES, YOU MUST TELL US IN WRITING AND WE WILL CHARGE YOU $.10 PER PAGE.

☐ Requester has authorized the County to provide single-sided copies at $.10 per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- Circle applicable: CD-Rom* / Tape / Drive / Other Digital Medium (_____)

  Total number of CD-Rom* discs: ____ X cost* (actual cost of CD's $_____)
  Total number of tapes: _____ (actual cost of tapes $_____)
  Total number of drives: _____ (actual cost of drives $ _____)
  Total number of other digital media (name): _____ (actual cost each $_____)
  Total number of other digital media (name): _____ (actual cost each $_____)

*The actual cost for a CD-Rom with a protective case is $.50. The actual cost for a CD-Rom without a protective case is $.15. There is no charge if the County is capable of emailing the records and you have provided us with an email address.

****
LEAVE THIS BLANK IF THIS RESPONSE IS AN ESTIMATE OF COSTS
****

6. Cost for copies

Paper cost:

$_____
(Number of pages X cost per page)

Other non-paper physical digital media cost:

$_____
(Number of CDs, tapes, drives, or other digital media X actual cost added together and totaled)

Total cost for copies:

$_____

Wayne County
Detailed Cost Itemization for FOIA Request

7. MAILING COSTS. The County will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. The County may charge for the least expensive form of postal delivery confirmation, but the County may not charge more for expedited shipping or insurance unless you specifically request it. Actual cost of postage: $_____ per stamp $_____ per pound $_____ per package Actual cost (least expensive) postal delivery confirmation: $_____ *Expedited shipping if requested: $_____ **Insurance if requested: _____ ☐ * You have asked the County for expedited shipping ☐ * * You have asked the County for insurance	********** LEAVE THIS BLANK IF THIS RESPONSE IS AN ESTIMATE OF COSTS ********** 7. Total mailing cost $_____ (total of all mailing charges)
8. SUBTOTAL OF FEES, BEFORE WAIVERS, DISCOUNTS, OR DEPOSITS ARE APPLIED: Records on County Website (#1): Labor to retrieve records from the County's website (#2): Labor costs to locate records not on the County's website (#3): Labor cost to separate exempt from non-exempt material (#4): Labor cost for copying (#5): Copy/duplication cost (#6): Mailing cost (#7): Estimated Time Frame to Provide Records: _____ (date or number of days) The time frame estimate is nonbinding upon the County, but the County is providing the estimate in good faith. **8. SUBTOTAL OF ALLOWABLE FEES:** (Total of items #2-#5 if this is an estimate of costs) (Total of items #1-#7 if this is a final response)	No Charge $_____ $_____ $_____ $_____ $_____ $_____ $_____

Wayne County
Detailed Cost Itemization for FOIA Request

FEE DISCOUNTS (ONLY IF APPLICABLE)	
9. Waiver of fees in the public interest (at the County's option) A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the County determines, upon request, that a waiver or reduction of the amount on line 8 above is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public. There is no requirement that the County reduce fees on this basis. ☐ All fees are waived OR ☐ All fees are reduced by: _____% ☐ You are eligible for an indigence discount	Discount amount applied: $_____ ☐ No discount applied
10. Discount for indigence. A public record search must be made and a copy of a public record must be furnished without charge for the first $20.00 of the fee for each request if you are entitled to information and also: 1) if you submit an affidavit stating that you are indigent and receiving specific public assistance, or 2) if you are not receiving public assistance, you state facts showing inability to pay the cost because of indigence. You are ineligible for this fee reduction if either of the following apply: ☐ (i) You previously received discounted copies of public records from the County twice during this calendar year, or ☐ (ii) You are requesting the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. The County may require you to state in an affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration. ☐ You are eligible for an indigence discount	Discount amount applied: $_____ ☐ No discount applied
11. Discount for certain nonprofit organizations. A public record search must be made and a copy of a public record must be furnished without charge for the first $20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets all of the following requirements: (i) it is made directly on behalf of the organization or its clients; and, (ii) it is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931. (iii) it is accompanied by documentation of its designation by the state, if requested by the County. ☐ You are eligible for nonprofit discount	Discount amount applied: $_____ ☐ No discount applied
12. SUBTOTAL OF DISCOUNTS (add lines 9, 10, and 11)	Subtotal of discounts: $_____

Wayne County
Detailed Cost Itemization for FOIA Request

13. REDUCTION IN LABOR COSTS FOR LATE RESPONSE. If the County does not respond to a written request in a timely manner as required under MCL 15.235(2), the County must reduce the charges for labor costs otherwise permitted by 5% for each day the County exceeds the time permitted for a response to the request, up to a maximum 50% reduction. **Labor costs are those charges in Lines 2-5 only.**	Reduction for late response, if any: $_____
14. SUBTOTAL OF FEES MINUS DISCOUNTS & REDUCTIONS (Line 8) – (Line 12) – (Line 13)	$_____
15. GOOD FAITH DEPOSITS, IF APPLICABLE (50% OR 100% of Line 14). **If there is an amount on this line, noted in either 15a or in 15b, this is the good faith deposit that you must pay before the County will begin processing your request.** 50% deposit: If the estimated cost of responding to this request exceeds $50.00, the County may collect up to 50% of that estimate (i.e., 50% of the amount on line 14) before responding. 100% deposit (due to previous FOIA fees not paid in full): If you have not paid the County in full for the total amount of fees and copies relating to a previously granted and fulfilled written request, the County may require you pay an increased deposit of up to 100% of the estimated fees before we begin a full public record search for any subsequent written request from you if all of the following apply: (a) The final fee for the prior written request was not more than 105% of the estimated fee; (b) The public records made available contained the information being sought in the prior written request and are still in the County's possession; (c) The public records were made available to you, subject to payment, within the best effort estimated time frame given by the County for the previous request; (d) Ninety (90) days have passed since the County notified you in writing that the public records were available for pickup or mailing; (e) You are unable to show proof of prior payment to the County; and, (f) The County calculates a detailed itemization, as required under MCL 15.234, that is the basis for the increased estimated fee deposit relating to this request. The County can no longer require an increased estimated fee deposit of up to 100% if any of the following apply: (a) You are able to show proof of prior payment in full to the County; (b) The County is subsequently paid in full for the applicable prior written request; or, (c) Three hundred sixty-five (365) days have passed since you made the written request for which full payment was not remitted to the County. Even if the increased deposit requirements are not applicable, the County is still permitted to ask for up to a 50% deposit. (STOP HERE IF THIS IS AN ESTIMATE OF FEES AND A DEPOSIT IS REQUIRED)	15a. 50% good faith deposit required in the following amount: $_____ 15b. 100% good faith deposit required in the following amount: $_____
16. TOTAL AMOUNT DUE (LESS ANY DEPOSIT PAID) The total amount due must be paid before copies can be picked up, delivered, mailed, or emailed.	Total amount due: $_____

The County's procedures and guidelines, and the summary of the procedures and guidelines, are available at the following web address: http://waynecounty.com/county/foia.htm. We will also provide copies of them free of charge on request.