WAYNE COUNTY
SUMMARY OF FOIA PROCEDURES & GUIDELINES

Consistent with Public Act 442 of 1976, as amended, the following is Wayne County's Written Public Summary of its FOIA Procedures and Guidelines.

1. How do I submit a FOIA request to Wayne County?

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by Wayne County must be submitted in writing.
- A request must sufficiently describe a public record so as to enable the County to find it.
- No specific form to submit a written request is required. However you may submit a request through the County's website at the following address: http://waynecounty.com/county/foia.htm
- 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).
- A request may also be submitted by e-mail. To ensure a prompt response, e-mail requests should contain the term "FOIA" or "FOIA Request" in the subject line and be sent to FOIArequests@waynecounty.com
- *Note: If you are serving a sentence of imprisonment in a local, state or federal correctional facility you are not entitled to submit a request for a public record.*

2. What kind of response can I expect to my request?

- Within 5 business days of receipt of a FOIA request the County will issue a response. If a request is received by facsimile or e-mail the request is deemed to have been received on the following business day. The County will respond to your request, in writing, in one of the following ways:
  - Granting the request; or,
  - Denying the request; or,
  - Granting the request in part and denying the request in part; or,

- Issuing a written notice indicating that the public record requested is available at no charge on the County's website; or,
- Issuing a notice indicating that due to the nature of the request Wayne County needs an additional 10 business days to respond after which time the County will respond in one of the four ways described above.

- If the request is granted, or granted in part, the County may ask that payment be made for the allowable fees associated with responding to the request before the public record is made available. If the cost of processing the request is expected to exceed $50, or if you have not paid for a previously granted request, the County may require a deposit before processing the request.

3. What are the County's fee deposit requirements?

- If the County has made a good faith calculation that the total fee for processing the request exceeds $50.00, the County may require that you provide a deposit in the amount of 50% of the total estimated fee. When the County requests the deposit, it will provide you a non-binding best efforts estimate of how long it will take to process the request following receipt by the County of your deposit.

- If the County receives a request from a person who has not paid the County for copies of public records made in fulfillment of a previously granted written request, the County may require a deposit of 100% of the estimated processing fee before it begins to search for a public record for any subsequent written request 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 the County's possession; and,
  - the public records were made available to the individual, subject to payment, within the time frame estimated by the County to provide the records; and,
  - 90 days have passed since the County notified the individual in writing that the public records were available for pickup or mailing; and,
  - the individual is unable to show proof of prior payment to the County; and,
  - the County has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.

- The County 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 County;
  - the County is subsequently paid in full for all applicable prior written requests; or
  - 365 days have passed since the person made the request for which full payment was not remitted to the County.

4. How does the County calculate FOIA processing fees?

- 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 the County because of the nature of the request in the particular instance, and the County specifically identifies the nature of the unreasonably high costs.
- The Michigan FOIA statute permits the County to assess and collect a fee for six designated processing components, and we may charge a fee for any of the following:
  - Labor costs associated with searching for, locating and examining a requested public record.
  - Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
  - The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media.
  - The cost of duplication or publication, not including labor, of paper copies of public records.
  - Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
  - The cost to mail or send a public record to a requestor.

- Labor Costs
  - Labor costs for searching, locating, and examining a requested public record, and labor costs for the review of a record to separate and delete information exempt from disclosure from information which is disclosed, is estimated and charged in 15 minute increments with all partial time increments rounded down.
  - Labor costs for 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 requestor, 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 County employee capable of doing the work in the specific fee category, regardless who actually performs work.
  - Labor costs will also include a charge to cover or partially cover the cost of fringe benefits, but will not include charges for overtime unless specifically agreed to by the requester.
- Non-paper 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 only be assessed if the County 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.
  - The County may provide records using double-sided printing, if cost-saving and available.

- Mailing Costs
  - The cost to mail public records will use a reasonably economical and justified means.
  - The County may charge for the least expensive form of postal delivery confirmation.
  - No charge will be made for expedited shipping or insurance unless requested.

5. How do I qualify for a reduction of the processing fees?

- The County may waive or reduce the fee associated with a request when County determines that to do so is in the public interest because release of the information is considered as primarily benefitting the general public.
- The County will waive the first $20.00 of the processing fee for a request if you submit an affidavit stating that you are:
  - indigent and receiving specific public assistance; or
  - if not receiving public assistance, stating facts demonstrating an inability to pay because of indigency.
- You are not eligible to receive the $20.00 waiver if you:
  - have previously received discounted copies of public records from the County twice during the calendar year; or
  - are requesting information on behalf of other persons who are offering or providing payment to you to make the request.
- The County will waive the first $20.00 of the processing fee for an nonprofit organization that meets all of the following conditions:
  - the organization is designated by the State under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act; and,
  - the request is made directly on behalf of the organization or its clients; and,
  - the request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code; and,
  - the request is accompanied by documentation of the organization's designation by the State.

6. How may I challenge the denial of a public record or an excessive fee?

- Appeal of a Denial of a 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 file an appeal of the denial with the Wayne County FOIA Appellate Officer. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons you are seeking a reversal of the denial.

  Within 10 business days of receiving the appeal the Wayne County 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,
  - extending the time to respond by 10 business days, after which time the Wayne County FOIA Appellate Officer will respond in writing in one of the three ways described above.

  Whether or not you submitted an appeal of a denial to the Wayne County FOIA Appellate Officer, you may file a civil action in Wayne County Circuit Court within 180 days after the County's final determination to deny your request. Should you prevail in the civil action, the court will award you reasonable attorneys' fees, costs and disbursements. If the court determines that the County acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of $1000.00

- Appeal of an Excessive FOIA Processing Fee

  If you believe that the fee charged by the County to process your FOIA request exceeds the amount permitted by state law, you must first submit a written appeal for a fee reduction to the Wayne County FOIA Appellate Officer. 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 Wayne County FOIA Appellate Officer will respond in writing by:

  - waiving the fee; or,
  - reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee; or,

- upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or,
- extending the time to respond by 10 business days, after which time the Wayne County FOIA Appellate Officer will respond in writing in one of the three ways described above.

Within 45 days after receiving notice of the Wayne County FOIA Appellate Officer's determination of the processing fee appeal, you may commence a civil action in Wayne County Circuit Court for a fee reduction. If you prevail in the civil action 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 the County acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of $500.00.

Need more details or information?

This is only a summary of the Wayne County's FOIA Procedures and Guidelines. For more details and information, copies of the Wayne County's FOIA Procedures and Guidelines are available at no charge at any County office and on the Wayne County website at this web address: http://waynecounty.com/county/foia.htm