GLEN OAKS COMMUNITY COLLEGE
FREEDOM OF INFORMATION ACT
GUIDELINES AND PROCEDURES

I. PURPOSE

The Freedom of Information Act (FOIA) requires Glen Oaks Community College (the "College") to produce certain public records upon request. FOIA also permits the College to exempt certain records from disclosure.

The guidelines and procedures contained in this document are intended to provide consistency of practice for responding to requests to inspect and/or obtain copies of the records of the College and in the fees charged for the cost of processing a request for public records.

II. PROCEDURE

A. FOIA COORDINATOR

The FOIA Coordinator of the College shall be the Executive Associate to the President. The Executive Associate to the President and/or his or her designee shall be responsible for accepting and processing requests for the public body's public records under FOIA and shall be responsible for approving a denial under FOIA Section 5(5) and (6).

B. REQUESTS

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

C. RESPONSES TO REQUESTS

In accordance with Section 5(2) of FOIA, and unless otherwise agreed to in writing by the person making the request, the College will respond to requests within five (5) business days after the public body receives the request by doing one of the following:

1. Granting the request;

2. Issuing a written notice to the requesting person denying the request;

3. Granting the request in part and issuing a written notice to the requesting person denying the request in part; or

4. Issuing a notice extending for not more than ten (10) business days the period during which the College shall respond to the request.

A written request made by facsimile, electronic mail, or other electronic transmission is not received by the College's FOIA coordinator until one (1) business day after the electronic transmission is made. However, 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 (1) day after the College first becomes aware of the written request. The College shall note in its records both the time a written request is delivered to its spam or junk-mail folder and the time the College first becomes aware of that request.

A notice denying a request in whole or in part shall comply with Sections 5(5) and (6) of FOIA.

D. FEES

Pursuant to Section 4 of FOIA, the College may 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. The fee may include, but is not necessarily limited to, that portion of labor costs, including necessary review, if any, directly associated with the necessary searching for, locating, and examining of public records in conjunction with receiving and fulfilling a granted written request, or with the separating and deleting of exempt information from nonexempt information as provided in Section 14 at a charge not to exceed the hourly wage of the lowest paid College employee capable of doing the required work necessary to comply with a request under FOIA. Section 4(1).

A fee shall not be charged for the cost of search, examination, review and deletion and separation of exempt and nonexempt information as allowed by FOIA unless the failure to charge a fee would result in unreasonably high costs to the College because of the nature of the request in the particular instance, and the College specifically identifies the nature of these unreasonably high costs.

Labor costs shall be estimated and charged in increments of fifteen (15) minutes or more, with all partial time increments rounded down. The College may also add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier used to account for benefits in the detailed itemization described in FOIA Section 4(4). Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed itemization described in FOIA Section 4(4).

If the College does not respond in a timely manner as required under FOIA Section 5(2), the College may reduce the charges for labor costs otherwise permitted under this section by 5% for each day the College exceeds the time permitted under section 5(2) for a response to the request, with a maximum 50% reduction, but only if either of the following applies:

1. The late response was willful and intentional (Section 4(9)(a)); or

2. The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of

information," "information," "FOIA," "copy," or a recognizable misspelling of such, or appropriate legal code reference for this Act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.

If a charge reduction is required under FOIA Section 4(9)(a), the College shall fully note the charge reduction on the detailed itemization described under FOIA Section 4(4).

Pursuant to Section 4(1)(d) of FOIA, the College may charge for the actual cost of paper copies of public records as determined by the Business Office from time-to-time, but which rate shall be no more than $0.10 per sheet of paper. The rate will be provided to the FOIA Coordinator, in writing, and will be disclosed to the requesting party at the time the request is granted or a deposit is sought.

The College may require a good faith deposit from the person requesting information before providing the public records to the requestor if the entire fee estimate or charge authorized under FOIA Section 4 exceeds $50.00, based on a good-faith calculation of the total fee described in FOIA Section 4(4). Subject to FOIA Section 4(10), the deposit must not exceed 1/2 of the total estimated fee, and the College's request for a deposit must include a detailed itemization as required under FOIA Section 4(4).

The first $20 of the fee shall be waived by the College if the requesting person submits an affidavit stating that the individual is indigent and receiving specific public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency. Section 4(2)(a).

The fees as set forth above may also be reduced or waived if the College determines that searching for or furnishing the copies of the public record can be considered as primarily benefiting the general public.

For those documents available on the College website, no charge will be issued. The FOIA Coordinator, or designee, will notify the requestor in writing referencing the website where the documents can be found. Section 4(5).

E. <u>OPPORTUNITY TO INSPECT</u>

Pursuant to FOIA Section 3(3), the College shall furnish a requesting person a reasonable opportunity for inspection and examination of its public records, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. The College may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions. A public body shall 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.

F. <u>APPEALS</u>

Pursuant to FOIA Section 10(1), if the College makes a final determination to deny all or a portion of a request, the requesting person may do one (1) of the following at his or her option:

1. Submit to the office of the College President a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial; or

2. Commence a civil action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

G. RECORDS

Pursuant to FOIA Section 3(2), the FOIA Coordinator shall keep a copy of all written requests for public records no less than one (1) year.

H. EXEMPTIONS UNDER FOIA

Records specifically described in Section 13 of FOIA may be exempt from disclosure. Such records include, but are not limited to:

1. Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy. Section 13(1)(a).

2. Records or information specifically described and exempted from disclosure by statute. Section 13(1)(d).

   Note: Such records or information include, but are not limited to, (i) minutes of closed sessions of the Board; and (ii) records covered by the Confidential Research Information Act.

3. A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the deadline for submission of bids or proposals has expired. Section 13(1)(i).

4. Appraisals of real property to be acquired by the College until either (i) an agreement is entered into; or (ii) three (3) years have elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated. Section 13(1)(j).

5. Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment, or academic examination, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure. Section 13(1)(k).

6. Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation, including protected health information, as defined in 45 CFR 160.103. Section 13(1)(l).

7. Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. Instances where this exemption shall not apply are specifically described in Section 13(1)(m) of FOIA. Section 13(1)(m).

8. Information or records that would disclose the Social Security number of an individual. Section 13(1)(w).

9. Information the release of which would prevent the public body from complying with 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974. Section 13(2).

10. Information or records subject to the attorney-client privilege, the physician-patient privilege, the psychologist-patient privilege, or other privilege recognized by statute or court rule. Section 13(1)(g), (h).

11. Records or information of measures designed to protect the security or safety of persons or property, or the confidentiality, integrity, or availability of information systems, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency response plans, risk planning documents, threat assessments, domestic preparedness strategies, and cybersecurity plans, assessments, or vulnerabilities, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance. Section 13(1)(y).