

Owendale-Gagetown Area Schools
Michigan Freedom of Information Act
Procedures and Guidelines Summary

The Michigan Freedom of Information Act (FOIA), MCL 15.231-15.246, provides for public access to certain public records, permits the charging of prescribed fees and deposits, and provides remedies and penalties for non-compliance. A person has a right to inspect, copy or receive copies of certain requested public records. Some public records are permitted or required not to be disclosed. The School District is a public body that must comply with the FOIA. The School District has established the following Procedures and Guidelines to implement the FOIA effective July 1, 2015. These Procedures and Guidelines are available on the School District's website at: owengage.org. Paper copies of these Procedures and Guidelines are available upon request by a visitor at the School District's Central Office, located at 7166 Main St., Owendale, MI 48454.

How to Submit Written Requests

A written request to inspect, copy, or review a public record should be submitted to the School District's FOIA Coordinator.

FOIA requests can be sent via U.S. Mail to:

FOIA Coordinator
Attn: Admin Assistant
7166 Main St.
Owendale, MI 48474

FOIA requests sent via email should be sent to: minklerm@owengage.org

FOIA requests sent via fax should be faxed to: (989) 678-4284

A request must describe the public record in sufficient detail to enable the School District to find the requested record. Requests should also include a contact telephone number to allow a District employee to make contact to resolve issues, clarify the scope of the request or help identify a specific document containing the information.

In lieu of paper copies, the requestor may stipulate that the School District provide non-exempt public records on non-paper physical media, electronically mailed, or otherwise electronically provided. The School District is not required to produce non-exempt public records on non-paper physical media if the School District lacks the technological capability necessary to provide the requested records on the particular non-paper physical media stipulated in the particular instance. The School District is not required to use non-paper physical media *provided by the requestor* and, to safeguard the School District's information technology infrastructure, shall not do so.

A person may request a certified copy of a public record.

Written Responses to FOIA Requests

The School District will respond to a written request under the FOIA within 5 business days (excluding weekends and legal holidays) after the School District receives the written request, unless otherwise agreed to in writing by the requestor. The FOIA defines the date of receipt by the School District differently depending on how the request was delivered to the School District. (e.g. hand-delivery, U.S. mail, e-mail, facsimile).

The School District will respond to a request by doing one of the following: (a) granting the request; (b) issuing a written notice denying the request; (c) granting the request in part and issuing a written notice denying the request in part; or (d) issuing a notice extending for not more than 10 business days the period during which the School District will respond to the request. The School District shall not issue more than 1 notice of extension for a particular request.

If a requestor asks for information that is available on the School District's website, the School District will notify the requestor in its response where the records may be found on its website. Paper copies of public records available on the School District's website will be made available upon request, but a fee may be charged.

The School District will provide reasonable facilities for a requestor to inspect non-exempt public records. The facilities will be available during the School District's normal business hours. The FOIA Coordinator will establish rules regulating the manner in which records may be inspected to protect the School District's records from loss, alteration, mutilation, or destruction, or to prevent undue interference with the School District's normal operations.

If a request is denied in whole or in part, the School District will include in the written notice of denial an explanation of the basis for the denial and, if applicable, a certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to the School District. If a public record or information is separated and exempt from disclosure, the School District will describe generally the material exempted unless the description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

Deposit Requirements

Where the School District estimates that the fee authorized under the FOIA and these FOIA Procedures and Guidelines for responding to a request will exceed Fifty Dollars (\$50.00), the School District may require a good-faith deposit from the requestor before providing the requested records. A good-faith deposit shall not exceed one-half (1/2) of the total estimated fee and shall include a detailed itemization of estimated fee amounts. The FOIA Coordinator will provide the requestor with a detailed itemization of the allowable fees estimated to be incurred by the School District to process the request. The School District will include with its request for good-faith deposit a best efforts estimate of the time frame within which the School District will provide the requested public records. The timeframe estimate is not binding on the School District but will be made in good faith and the School District will strive to be reasonably accurate.

If the requestor previously requested public records from the School District, and if the School District made the requested public records available on a timely basis but was not paid in full the total estimated fee for that previous request, the School District may, to the extent permitted by the FOIA, require a deposit of up to 100% of the estimated fee for the subsequent request(s).

Fee Calculations

The FOIA permits the School District to charge six fee components: (a) labor costs of searching for, locating, and examining public records; (b) labor costs of separating or deleting (redacting) exempt information from non-exempt information; (c) labor costs to duplicate or publish requested public records; (d) actual costs of paper copies (not to exceed 10 cents per sheet); (e) actual costs of non-paper physical media (e.g. flash drive, CD) if requested and if the School District has the technological capability to comply; and (f) actual costs of postal delivery.

Avenues for Challenge and Appeal

If the District charges a fee that an individual thinks is too high, denies all or part of a public records request, the requestor may submit to the District Board of Education a written appeal that specifically states the work “appeal” and identifies the basis for which the fee should be reduced or the nondisclosure determination should be reversed. Written appeals may be sent to the email minklerm@owengage.org or by postal mail at 7166 Main St., Owendale, MI 48474.