



Policy Title: Freedom of Information Act Requests

Policy #: 01-002-0025

Effective Date: 04/2/2025

Approved by: Telly Delor, Chief Operating Officer

Functional Area: Administration

Responsible Leader: Telly Delor, Chief Operating Officer

Policy Owner: Joy Vittone, Corporate Compliance Supervisor

Applies to: SCCCMH Staff, Direct Operated Programs, Contracted Network Providers, Community Agency Contractors

Purpose: To outline St. Clair County Community Mental Health's responsibilities under the Michigan Freedom of Information Act (FOIA), MCL 15.231 et seq.

I. Policy Statement

Consistent with the Michigan Freedom of Information Act (FOIA), it is the policy of St. Clair County Community Mental Health (SCCCMH) that all persons, except those who are incarcerated, 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.

II. Standards

- A. The Chief Operating Officer (COO) appoints a designated staff person as the SCCCMH *FOIA Coordinator*.
- B. The SCCCMH FOIA Coordinator shall provide guidance, as needed, to all staff and shall be the only person, other than the Chief Executive Officer (CEO) and/or COO, authorized to release information, or not, based on an exemption provided by law.
- C. If the SCCCMH FOIA Coordinator needs legal consultation/advice on a FOIA request, they shall use COO or designee.
- D. Any appeals will be handled by the COO and/or CEO.
- E. A person requesting to inspect, copy, or obtain copies of a *public record* prepared, owned, used, possessed, or retained by SCCCMH must do so in writing. The request must sufficiently describe a public record so as to enable SCCCMH personnel to identify and find the requested public record.

- F.** *Written requests* for public records may be submitted in person or by mail to the FOIA Coordinator at SCCCMH. Requests may also be submitted electronically by facsimile or e-mail. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing. 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.
- G.** Junk or Spam Filters: If a written request is sent by electronic mail and delivered to the *public body's* spam or junk-mail folder, the request is not received until one (1) day after SCCCMH first becomes aware of the written request. SCCCMH shall note in its records both the time a written request is delivered to its spam or junk-mail folder and the time it first becomes aware of that request
- H.** A request from a person, other than an indigent, must include the requesting person's complete name, address, and contact information. For corporations or similar entities, a personal agent's same contact information must be provided. Additionally, the request must contain a valid phone number and e-mail address. Finally, the requestor's mailing address must conform with the US Postal Service requirements.
- I.** A person making a request for a public record to stipulate that SCCCMH's response be electronically mailed, if SCCCMH has the technological capability to do so, or delivered by facsimile or first-class mail.
- J.** Fees: SCCCMH may charge a fee for providing a copy of a public record in accordance with the act. However, copies of public records may be furnished without charge or at a reduced charge if SCCCMH determines that a waiver or reduction of fees is in the public interest (see Exhibit A).

For an *Indigent Individual*, the first \$20.00 of the fee will be waived.

At the time the request is made, SCCCMH may request a good faith deposit, if the estimated fee will exceed \$50.00. The deposit shall be for one-half the total estimated fee. If the deposit is not received the request will not be processed.

- K.** SCCCMH may charge for the following costs:

 - 1. Duplication costs: The charge will be per page and must not exceed 10 cents per sheet of paper for copies of public records made on 8-1/2 by 11-inch paper or 8-1/2 by 14- inch paper. SCCCMH shall utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.
 - 2. Non-paper physical media costs will be calculated using the actual and most reasonably economical cost of computer discs, flash drives, and other digital and similar media provided.

3. Labor costs for copying, searching, examining, reviewing and the separation and deletion of exempt from non-exempt information will be charged at a per hour basis.
4. Mailing costs shall be based on the U.S. Postal rates for the actual size and weight of the material sent.

When information is stored in a computer, costs shall be calculated as follows:

5. If a program already exists to retrieve the information, non-staff time costs are limited to the incremental costs that filling the requests generates. Thus, in addition to incremental consumable costs (paper, cards, etc.), machine time may only be charged if the costs of the services of a particular computer are paid by the agency based on an incremental charge to the agency for additional computer usage.
 6. If a program does not already exist to retrieve the information, the request shall be denied under FOIA since the agency is not required to create or compile new documents. However, in denying the request because the information does not exist, the SCCCMH FOIA Contact shall inform the requestor that the agency policy is to create and compile the information from currently stored data if the requestor pays the full actual cost of creating the document information.
- L.** The cost of labor associated with duplication or publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor. Labor costs under this section may be estimated and charged in increments of SCCCMH's choosing but all partial increments shall be rounded down.
- M.** The Public Summary of FOIA Policy and Procedures is available on the SCCCMH website and copies are available free of charge at any SCCCMH location. Additional information available on the SCCCMH website include this policy and all SCCCMH FOIA-related forms for those who wish to make a FOIA request and/or FOIA-related appeal in regard to request response(s) and/or request-related fees.

III. Procedures, Definitions, and Other Resources

A. Procedures

Responsibilities

Position	Responsibilities
SCCCMH Staff	Refer inquiries about FOIA to FOIA Coordinator
FOIA Coordinator	Administer FOIA process with attention to timely responses

Actions

Action Number	Responsible Stakeholder	Details
1.0	Any SCCCMH Staff	<ol style="list-style-type: none"> 1. Receive written FOIA request and immediately forward to the SCCCMH FOIA Coordinator. <p>Note: Requests can be made in person, by form submission on the SCCCMH website, or in writing (See Exhibit B, form #0229 FOIA – Request for Disclosure of Public Records).</p>
2.0	SCCCMH FOIA Coordinator	<ol style="list-style-type: none"> 2. Review the request for completeness and sufficiency. 3. Follow-up on deficient requests by contacting the requestor and requesting additional information. 4. Respond to form #0230 FOIA – Response to Request for Public Records (Exhibit C) within five business days after receiving the request, or within 15 business days if the statutorily permitted 10-business day extension is taken, by doing one of the following: <ul style="list-style-type: none"> • Grant the request. • Issue a written notice denying the request. • Issue a written notice granting the request in part and denying the request in part. • Issue a notice requesting an additional 10 business days in which to respond to the request. 5. Provide a detailed itemization of the allowable costs incurred to process the request to the person making the request. The FOIA Coordinator will use the SCCCMH's Cost Itemization Form (Exhibit A). Require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available. 6. Forward all materials to requestor once invoice has been paid in full, when applicable, or within the required or agreed upon timeframes when no cost is involved. FOIA Coordinator must include free written copies of SCCCMH's FOIA procedures and guidelines and the written summary with the written response. This requirement may be satisfied by providing the exact website location to SCCCMH's FOIA procedures and guidelines and the written summary. 7. Cite a specific statutory basis for the denial of any requests by checking the appropriate box(es) on Response Form (Exhibit C) and inform the requesting party of their rights of appeal. 8. Maintain FOIA request file by year for the agency (e.g.,

Action Number	Responsible Stakeholder	Details
		FY22-001). 9. Keep a record of all written FOIA records for at least one (1) year.

B. Related Policies

N/A

C. Definitions

1. *FOIA Coordinator*: Pursuant to the authority at MCL 15.236, an individual designated by a public body to accept and process requests for public records under FOIA Act 442.
2. *Indigent Individual*: For the purpose of this policy, is an individual who furnishes a notarized statement attesting that they are receiving public assistance, or, if not receiving public assistance, stating facts showing an inability to pay costs related to a request under FOIA Act 442 because of indigence. The statement must include that the request is not being made in conjunction with outside parties in exchange for payment or other compensation.
3. *Public body*: A body that is created by state or local authority or is primarily funded by or through state or local authority. SCCCMH is a public body.
4. *Public record*: A writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created.
5. *Written Request*: A writing that asks for information, and includes a writing transmitted by facsimile, electronic mail, or other electronic means.

D. Forms

[#0229 FOIA – Request for Disclosure of Public Records](#)

[#0230 FOIA – Response to Request for Public Records](#)

[#0230A FOIA – Detailed Cost Itemization](#)

[#0230B FOIA – Appeal Form – Appeal of Denial](#)

[#0230C FOIA – Appeal Form – Excess Fee](#)

E. Other Resources (i.e., training, secondary contact information, exhibits, etc.)

[Exhibit A: FOIA Detailed Cost Itemization \(Admin Form: #01-0230A\)](#)

[Exhibit B: FOIA Request \(Admin Form: #01-0229\)](#)

[Exhibit C: FOIA Response to Request for Public Record \(Admin Form: #01-0230\)](#)

[Exhibit D: FOIA Appeal Form – Appeal of Denial \(Admin Form: #01-0230B\)](#)

[Exhibit E: FOIA Appeal Form – Excess Fees \(Admin Form: #01-0230C\)](#)

F. References

1. Freedom of Information Act (FOIA), 1976 PA, MCL 15.231 through 15.246.

IV. History

- Initial Approval Date: 05/1985
- Last Revision Date: 03/2024 BY: Joy Vittone
- Last Reviewed Date: 02/2025 BY: Joy Vittone
- Non-Substantive Revisions: N/A
- Key Words: FOIA, public record,