

TOWNSHIP AMBULANCE AUTHORITY
POLICY FOR FREEDOM OF INFORMATION ACT REQUESTS

Section 1. Designation of FOIA Coordinator; Duties.

The Secretary, Administrative Assistant or TAA Director is hereby designated the FOIA Coordinator for the Township Ambulance Authority. If the Secretary, Administrative Assistant or TAA Director is not available, then the President of the Authority Board shall perform the duties of the FOIA Coordinator. The FOIA Coordinator shall be responsible for accepting and processing requests for public records under the FOIA and shall be responsible for approving denials under the FOIA. The FOIA Coordinator shall keep a copy of all written requests for public records on file for no less than one (1) year.

Section 2. Requests for Public Records.

- (a) All requests for public records shall be in writing. Requests transmitted by facsimile, electronic mail, and other electronic means shall be considered written requests. If an individual makes an oral request for a public record, the FOIA Coordinator shall deliver or mail to the person making the request a written form on which the individual can submit his or her request.
- (b) All requests for a public record shall describe the public record in sufficient detail to enable the FOIA Coordinator to find the public record.
- (c) A person may subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. Such a subscription shall be valid for six (6) months, unless renewed. When a public record covered by a subscription is created, the FOIA Coordinator shall deliver or mail a copy of the public record to the person holding the subscription at the address provided for that purpose.

Section 3. Time Limitations in which to Respond to Request.

Unless the person making the request agrees in writing to a different time period, the FOIA Coordinator shall respond to the request for a public record within five (5) business days after receiving the request. For written requests made by facsimile, electronic mail, or other electronic transmission, the date of receipt of the request is the day after the electronic transmission is made. The FOIA Coordinator shall respond to the request for a public record by doing one (1) of the following:

- (a) Granting the request.
- (b) Issuing a written notice to the requesting person denying the request.
- (c) Granting the request in part and issuing a written notice to the requesting person denying the request in part.
- (d) Issuing a notice extending for not more than ten (10) business days the period during which he or she will respond to the request. The FOIA Coordinator shall not issue more than one (1) notice of extension for a particular request. Any such notice of extension shall specify the reasons for the extension and the date by which the FOIA Coordinator shall respond to the request in the manner provided in (a) - (c) above.

Section 4. Denial of Requests for Public Records.

Before denying, in whole or in part, a request for a public record, the FOIA Coordinator shall consult with the attorney for the Authority Board. The FOIA Coordinator shall provide the attorney for the Authority Board with whatever information (including a copy of the requested public record) he or she deems necessary to determine whether legal grounds exist to deny, in whole or in part, the request for that public record. If the FOIA Coordinator desires to deny the request, in whole or in part, and the attorney for the Authority Board concludes that legal grounds exist to support that denial, then the FOIA Coordinator shall issue a written notice denying the request for the public record. The written denial notice shall contain the following:

- (a) An explanation of the basis under the FOIA or any other statute for the determination that the public record, or a portion of the public record, is exempt from disclosure, if that is the reason for the denial.
- (b) A certificate that the public record does not exist under the name given by or as described by the person making the request or by any other name or description reasonably known to the FOIA Coordinator, if that is the reason for the denial.
- (c) If a separation or deletion is made, a description of the public record or information on the public record that is exempt from disclosure and separated or deleted from the disclosed public record as required by the FOIA, unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.
- (d) A full explanation of the requesting person's right to do either of the following:
 - (1) File a written appeal with the Authority Board, which appeal shall include the word "appeal" in a prominent place on the front page and shall identify the reason or reasons the FOIA Coordinator's denial decision should be reversed.
 - (2) File a lawsuit in circuit court within 180 days after the final decision denying the request which seeks to compel the FOIA Coordinator to disclose the public record requested.
- (e) A notice of the right to receive in a circuit court lawsuit reasonable attorneys' fees, costs, and disbursements if the circuit court determines that the Authority has not complied with the FOIA and orders disclosure of all or a portion of the public record requested and of the right to receive compensatory damages and \$500.00 in punitive damages if the circuit court determines that the Authority has arbitrarily and capriciously violated the FOIA.

Section 5. Administrative Appeals.

- (a) The Authority Board is hereby designated the body vested with authority to hear and decide appeals from decisions by the FOIA Coordinator denying requests for public records under the FOIA. Any appeal of the FOIA Coordinator's decision denying a request for a public record must be filed in writing with the Secretary of the Authority Board, must state the word "appeal" in a prominent place on the first page of the documents filed, and must identify the reason or reasons the FOIA Coordinator's denial decision should be reversed. Pursuant to the FOIA, the Authority Board is not deemed to have received the appeal until the first regularly scheduled meeting of the Authority Board following submission of the written appeal.

- (b) Within ten (10) days after receiving a written appeal, the Authority Board shall do one (1) of the following:
- (1) Reverse the disclosure denial.
 - (2) Issue a written notice to the person making the disclosure request upholding the disclosure denial.
 - (3) Reverse the disclosure denial in part and issue a written notice to the person making the disclosure request upholding the disclosure denial in part.
 - (4) Under unusual circumstances, issue a notice extending for not more than ten (10) business days the period during which the Authority Board will respond to the written appeal. The FOIA defines "unusual circumstances" as related to the necessity of searching for, collecting, or reviewing a voluminous amount of separate and distinct public records pursuant to a single request and/or the need to collect the requested public records from numerous locations apart from the office receiving or processing the request. The Authority Board shall not issue more than one (1) notice of extension for a particular written appeal.
- (c) In deciding an appeal the Authority Board shall consider the disclosure request without regard to the FOIA Coordinator's decision and shall determine whether the requested public record should be disclosed, in whole or in part, or whether the public record, in whole or in part, is exempt from disclosure under the FOIA.

Section 6. Fees.

- (a) The Authority Board shall adopt by separate resolution a schedule of fees to be charged for the necessary copying and mailing of a public record pursuant to a request for that public record under the FOIA. This fee shall be limited to actual mailing costs and to the actual incremental cost of duplication, including the cost of labor. The cost of labor incurred in duplication and mailing shall be based on the hourly wage of the lowest paid department employee capable of copying and mailing the public record. In addition to the fees for duplication and mailing, the Authority may charge a fee for the cost of labor incurred in searching for, examining, and reviewing a requested public record and for the deletion and separation of exempt from nonexempt information as required by the FOIA, if the FOIA Coordinator determines that the failure to charge a fee would result in unreasonably high costs to the Authority because of the nature of the request in the particular instance and the FOIA Coordinator identifies the nature of these unreasonably high costs. For purposes of this subsection, the Authority Board finds that unreasonably high costs will result to the Authority if the time spent by the FOIA Coordinator searching for, examining, reviewing, and/or deleting and separating exempt from nonexempt information as required by the FOIA exceeds four (4) hours. The cost of labor incurred in searching for, examining, and reviewing a requested public record and for the deletion and separation of exempt from nonexempt information as required by the FOIA shall be based on the hourly wage of the lowest paid department employee capable of retrieving the information necessary to comply with the request.

- (b) For each request made by an individual entitled to the information, a public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee, if the individual files with the FOIA Coordinator an affidavit stating that he or she is then receiving public assistance or, if not receiving public assistance, stating facts that show an inability to pay the fees because of indigence. For purposes of this subsection, the criteria for indigence shall be the same as that used by the Antrim County Family Independent Agency (formerly known as the Department of Social Services) for determining eligibility for the program entitled Family Independent Program (FIP), formerly known as Aid for Families with Dependent Children (ADC).
- (c) The FOIA Coordinator may require at the time the request for a public record is made a good faith deposit from the person making the request if the fee to receive the public record or series of public records exceeds \$50.00. However, the good faith deposit shall in no event exceed one-half (1/2) of the total fee.

Section 7. Severability.

If any section, clause, or provision of this policy be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the policy. The Authority Board hereby declares that it would have passed this policy and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 8. Effective Date.

This policy shall become effective the day after it is adopted by the Authority Board.

Approved by Authority Board:

Date: _____

Secretary

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