

Freedom of Information Act Procedures and Guidelines Public Summary



Washtenaw County Road Commission
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Consistent with Public Act 563 of 2014 amending the Michigan Freedom of Information Act (FOIA), the following is the Written Public Summary of WCRC's FOIA procedures and guidelines relevant to the public.

For more details and information, WCRC's FOIA procedures and guidelines are available on WCRC's website, wcroads.org/about/foia-requests/ and paper copies will be provided by request, free of charge. Questions can also be directed to WCRC's FOIA coordinator, (734) 327-6645 or foia@wcroads.org.

1. How do I submit a FOIA request to WCRC?

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by WCRC must be submitted in writing.
- A request must sufficiently describe a public record to enable WCRC to find it.
- No specific form to submit a written request is required. However, a FOIA Request form for your use and convenience is available on WCRC's website at wcroads.org/about/foia-requests/.
- Written paper requests can be made by delivery to WCRC in person or by mail.
- A written electronic 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 foia@wcroads.org.

Email: foia@wcroads.org

Phone: (734) 327-6645

Note: Per PA 442 of 1976, 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 public record.

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

- Within 5 business days of receipt of a FOIA request, WCRC will issue a response. If a request is received electronically, the request is deemed to have been received on the following business day.
- WCRC will respond to your request in one of the following ways:
 - Grant the request.
 - Issue a written notice denying the request.
 - Grant the request in-part and issue a written notice denying in-part the request.
 - Issue a notice indicating that due to the nature of the request, WCRC needs an additional 10 business days to respond.
 - Issue a written notice indicating that the public record requested is available at no charge on WCRC's website.
- If the request is granted, or granted in part, WCRC will 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, WCRC will require a deposit before processing the request.

3. How does WCRC 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 WCRC because of the nature of the request in the instance, and WCRC specifically identifies the nature of the unreasonably high costs.
- If WCRC has determined that a FOIA request meets at least one of the factors outlined above, WCRC may charge for the following costs associated with processing a FOIA request:
 - Labor costs
 - Directly associated with searching for, locating and examining a requested public record.
 - Directly associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
 - Directly associated with 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.
 - The cost of USB drives or other file sharing mechanisms used to provide the requested records to the requestor.
 - The material cost of duplication or printing of paper copies of public records.
 - The actual cost of mailing a public record.

4. What are WCRC's fee deposit requirements?

- WCRC will require a 50% deposit prior to processing a request, if:
 - The cost of processing a FOIA request is expected to exceed \$50, or
 - The requestor has not fully paid for a previously granted request.
- When WCRC requests the deposit, it will provide the requestor a non-binding best-efforts estimate of how long it will take to process the request.
- If WCRC receives a request for public records from a person who has an unpaid invoice for a previously granted request, the FOIA coordinator will, in most circumstances, require a deposit of 100% of the estimated fees before beginning to search for a public record for any future request by that person.

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

- There are limited cases where the FOIA coordinator can decide to waive or reduce the cost of processing a FOIA request, including:
 - A matter benefitting the general public.
 - The requestor has demonstrated an inability to pay.
 - The request is coming from a non-profit agency helping people with specific disabilities.

6. How may I challenge the 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 WCRC.
- Whether or not you submitted an appeal to the WCRC Board, you may file a civil action in Washtenaw County Circuit Court within 180 days after the WCRC's final determination to deny your request.

7. How may I challenge an excessive FOIA processing fee?

- If you believe that the fee charged by WCRC 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 WCRC Board.
- Within 45 days after receiving notice of the WCRC Board determination of the processing fee appeal, you may commence a civil action in Washtenaw County Circuit Court for a fee reduction.

8. How do I find more information about WCRC's FOIA Procedure?

- This is only a summary of WCRC's FOIA procedures and guidelines. For more details and information, WCRC's FOIA procedures and guidelines are available on WCRC's website, wcroads.org/about/foia-requests/ and paper copies will be provided by request, free of charge.