



Public Summary of FOIA Policy and Procedure

It is the public policy of this state that all persons (except those persons incarcerated in state or local correctional facilities) 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. Consistent with the Michigan Freedom of Information Act ("FOIA"), Public Act 442 of 1976, the following is the Written Public Summary of Montcalm Care Network's (MCN's) FOIA Policy and Procedure, relevant to the general public.

This is only a summary of MCN's FOIA Policy and Procedure. For more details and information, copies of MCN's FOIA Policy and FOIA Procedure are available at no charge at any MCN office and on MCN's website: <http://www.montcalmcare.net>.

(At MCN's Home Page, click on **About Us** and then click on **Freedom of Information Act – FOIA**).

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

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by MCN may be submitted in any form of writing (letter, fax, email, etc.), or by verbal request. A request must sufficiently describe a public record so as to enable MCN to find it. Please include the words "FOIA" or "FOIA Request" in the request to assist MCN in providing a prompt response.

- Written request may be delivered to MCN in person or by mail at:
Montcalm Care Network
Attn: FOIA Coordinator
611 N. State St.
Stanton, Michigan 48888
- Request may be faxed to (989) 831-7578 (Attn: FOIA Coordinator).
- Request may be emailed to: info@montcalmcare.net.

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

With 5 business days after receiving a FOIA request, MCN will issue a response. MCN will respond to your request in one of the following ways:

- Granting your request,
- Issuing a written notice denying your request,
- Granting the request in part and denying in part the request,
- Issuing a notice extending the time for response an additional 10 business days to respond, or
- Issuing a written notice indicating that the public record requested is available at no charge on Montcalm Care Network's website.

3. Will there be any charges for MCN's response?

If the request is granted, or granted in part, MCN may ask that payment be made for the allowable fees associated with responding to the request before the public record is made available to the requestor. If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, MCN may require a deposit of up to 50% of the total expected costs before processing the request.

MCN's Fee Itemization Schedule is available on MCN's website.

Labor Cost

FOIA statute permits MCN to charge for the following cost associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to MCN.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to MCN.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. MCN shall add 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits. In no case will MCN benefits costs exceed the actual cost of fringe benefits.

- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on MCN's website if you ask for MCN to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on MCN's website if you ask MCN to make copies.
- The cost to mail or send public record to a requestor.

All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15-minutes, there will be no charge. Labor costs will be charged at the hourly wage of the lowest-paid MCN employee capable of doing the work in the specific fee category, regardless of who actually performs the work. Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime cost will not be used to calculate the fringe benefit cost.

Duplication Cost

MCN shall use the most economical method for making copies of public records, whether paper or non-paper copies, if cost-saving are available.

Mailing Cost

The cost to mail public records will use a reasonably economical and justified means. MCN may charge for the least expensive form of postal delivery confirmation unless otherwise directed by the requestor.

Waiver and Reductions of Fees

The cost of the search for and copying of a public record may be waived or reduced if, in the sole judgment of MCN, a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public.

MCN will discount the first \$20.00 of fees for a request if you submit an affidavit stating that you are indigent and/or receiving specific public assistance or stating facts demonstrating an inability to pay because of indigence. For your convenience, MCN has provided an Affidavit of Indigence form, which is available on MCN's website. A requestor is **not** eligible to receive the \$20.00 discount if you have previously received discounted copies of public records from MCN twice during the calendar year; or are requesting information on behalf of other persons who are offering or providing payment to your to make the request.

A non-profit organization advocating for developmentally disabled or mentally ill individuals that is formally designated by the state to carry out activities under subtitle C of the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the protection and advocacy for individuals with Mental Illness ACT, Public Law 99-319, may receive a \$20.00 discount if the request meets all the following FOIA requirements:

- Is made directly on behalf of the organization of its clients.
- Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
- Is accompanied by documentation of its designation by the state, if requested by the public body.

4. How may I challenge the denial of a public record or an excessive fee?

If you believe that all or a portion of a public record has not been properly disclosed, or has been improperly exempted from disclosure, you may appeal to MCN's Executive Director ("Director") by filing a written appeal of the denial from the MCN's FOIA Coordinator. The appeal must be in writing, specifically state the word "appeal", and identify the reason or reasons you are seeking a reversal of the denial.

Whether or not you submitted an appeal of a denial to MCN's Director, you may file a civil action in Montcalm County Circuit Court with 180 days after you receive MCN's final determination to deny your request. If you prevail in the civil action the court will award you reasonable attorneys' fees, costs, and disbursements. If the court determines that MCN acted arbitrarily and capriciously refused to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.

If you believe that the fee charged by MCN to process your FOIA request exceeds the amount permitted by state law, you must first appeal to MCN's Director by filing a written appeal of the denial with MCN's FOIA Coordinator. The appeal must specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. Within 45 days after receiving notice of MCN's final determination of the processing fee appeal, you may commence a civil action in Montcalm County Circuit Court for a fee reduction. If you prevail in civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorney's fees, costs and disbursements. If the court determines that MCN acted arbitrarily and capriciously by charging an excessive fee, the court may also award you punitive damages in the amount of \$500.