

FRUITLAND TOWNSHIP FREEDOM OF INFORMATION ACT (“FOIA”) PROCEDURES AND GUIDELINES SUMMARY

This summary of procedures and guidelines was promulgated pursuant to PA 563 2014 (“Act”), and adopted by the Fruitland Township Board of Trustees on April 20, 2015 and has an effective date of July 1, 2015. A complete copy of the Fruitland Township’s procedures and guidelines are publicly available free of charge at www.fruitlandmi.gov

1. HOW TO SUBMIT WRITTEN REQUESTS TO THE PUBLIC BODY

A request must be made in writing and provided to the FOIA coordinator or his/her designee. Such request should be addressed as follows:

Fruitland Township FOIA Coordinator
4545 Nestrom Road
Whitehall, MI 49461

Requests may also be made via the Fruitland township website at www.fruitlandmi.gov

A request must describe the public record sufficiently to enable the Township to find the public record. Exempt matters do not have to be produced and are described in Section 13 of the Act, MCL §15.243. A written request may be made by letter, facsimile, or email. All requests for a public record should conspicuously note that the request is being made pursuant to the Freedom of Information Act or “FOIA.”

2. UNDERSTANDING A PUBLIC BODY’S WRITTEN RESPONSES

The FOIA does not require the Township to make a compilation, summary, or report of information, nor does it require the Township to create a new public record.

All FOIA requests received by the Township will be promptly forwarded to the FOIA coordinator. The Township will furnish the requestor a reasonable opportunity for inspection and examination and will furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours if requested. The Township has implemented reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions. These rules may be found at www.fruitlandmi.gov.

Unless otherwise agreed to in writing by the requestor the Township will respond in writing to a FOIA request within 5 business days after the public body receives the request by either, granting the request, denying the request or by granting the request in part and denying the request in part, or issuing a notice extending for not more than 10 business days the period during which the public body shall respond to the request.

Electronic FOIA requests are deemed received 1 business day after the electronic transmission is made. If an email request is delivered to the Township’s spam or junk-mail

folder, the request is not received until 1 day after the Township first becomes aware of the email.

Certain public records may be exempt from disclosure pursuant to section 13 of the Act, MCL 15.243. Such exemptions include information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy, certain investigating records compiled for law enforcement purposes, and information submitted upon a promise of confidentiality by the Township. A complete list of exemptions can be found at the Township's website at www.fruitlandmi.gov

3. DEPOSIT REQUIREMENTS

The Township may require a good-faith deposit from a requestor before providing the public records if the entire fee estimate or charge authorized exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. If a deposit is requested a detailed written itemization will be provided.

4. FEE CALCULATIONS

You will find on the Township website, www.fruitlandmi.gov the Township's itemization form for fees and costs that may be charged in response to written FOIA requests which include the following:

- a. Labor costs associated with searching for, locating and examining public records in conjunction with receiving and fulfilling a granted written request;
- b. Labor costs associated with the review of records necessary to separating and deleting exempt from nonexempt information;
- c. Labor costs associated with duplication, including making paper and digital copies, Section 4(1)(e);
- d. Costs for duplication not including labor, Section 4(1)(d);
- e. Costs for copies provided on "nonpaper physical media" such as CDs or flash drives, Section 4(1)(c); and
- f. Cost of mailing, Section 4(1) (f).

5. HOW TO CHALLENGE A FOIA RESPONSE AND HOW TO APPEAL

If the Township makes a final determination to deny in whole or in part a request to inspect or receive a copy of a public record or portion of that public record, the requestor may:

- a. Appeal the denial to the Township Board. The appeal must be submitted in writing to the Fruitland Township Board of Trustees, attention Township Clerk. The submission must specifically state the word “appeal” and identify the reason or reasons for reversal of the denial.
- b. Commence a civil action in the Muskegon County Circuit Court to compel disclosure.