

PUBLIC SUMMARY OF FOIA POLICIES

East Shore Leadership Academy

The following information is intended as a public summary of the procedures and guidelines instituted by East Shore Leadership Academy to comply with the Michigan Freedom of Information Act (FOIA), MCL 15.231 *et seq.* The Academy's FOIA Policies are available in their entirety at East Shore Leadership Academy, 1403 7th Street, Port Huron, MI 48060.

What is required in a FOIA request?

To submit a request to inspect, copy, or receive copies of a public record under the FOIA, a person must submit a written request with a sufficient description of the public record. A special form is not required.

What can I request?

- Public records prepared by the Academy or within the Academy's possession that are not exempt from disclosure under Section 13 of the Michigan Freedom of Information Act (MCL 15.243).
- A subscription to future issuances of public records that are created, issued, or disseminated on a regular basis. A person can request a subscription for up to 6 months, and subscriptions are renewable.
- A certified copy of a public record.
- A public records sent to you by email or provided in another nonpaper form, as long as the Academy is technologically capable of doing so.

Who should the request be made to?

You should direct your FOIA requests to East Shore Leadership Academy's FOIA Coordinator. FOIA requests can be mailed, emailed, faxed, or delivered by hand. The contact information for East Shore Leadership Academy's FOIA Coordinator is: Deanna Keller, School Leader, East Shore Leadership Academy, 1403 7th Street, Port Huron, MI 48060.

How long does the Academy have to respond to my FOIA request?

The Academy has 5 business days to respond to your FOIA request, unless you give the Academy a longer time to respond in your written FOIA request.

What kinds of responses are possible?

In response to your FOIA request, the Academy may:

1. Grant the request and provide you with access to the requested records or with copies of the requested records.
2. Deny your request.
3. Grant the request in part and deny the request in part.
 - If part of your request is denied because it is exempt from disclosure under Section 13 of the FOIA, you will receive a written notice describing the part of the record that was determined exempt and excluded.
4. Give you written notice extending for no more than 10 business days the time it has to respond to the request.
5. Tell you that the information you requested is available for free on the Academy's website, and give you the specific webpage address where the information can be found. You will not be charged a fee for records available to the public on the Academy's website unless you want the records provided in another format, like paper copies.

What must the Academy tell me if it denies my FOIA request?

If the Academy denies your FOIA request, the Academy must provide you with a written notice containing the following information:

- If applicable, an explanation that the requested record, or part of the record, is exempt from disclosure under Section 13 of the FOIA, or under another statute.
- If applicable, a certificate that the public record does not exist.
- An explanation of your right to appeal the decision. The appeals process is discussed further below.
- The signature of the individual responsible for denying your request, whether it be the Academy President or another Academy employee that the President has designated to respond to and process FOIA requests on his or her behalf.

How do I appeal the Academy's decision to deny my FOIA request?

You have the right under FOIA to file an action in court to require the Academy to disclose the public records. You have 180 days from the day your FOIA request was denied to file a civil action in St. Clair County Circuit Court to require the Academy to disclose the public records.

Is there a fee for the public records?

As permitted by the FOIA, MCL 15.234(1), the Academy charges a fee to cover the cost of responding to a FOIA request, except in some circumstances discussed further below.

How is the fee calculated?

The Academy's Standard Itemized Fee Form will be used to calculate the fees owed for each FOIA request. You can preview the form at EastShoreLeaders.com.

The fee is calculated by adding together:

1. Labor costs of searching for, locating, and examining public records in order to fulfill a granted written request.
 - This cost is determined using the number of 15 minute increments required to perform the task.
 - If you are charged, the Academy will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in the particular instance, regardless of whether that person is available or who actually performs the labor.
 - The Academy will not charge you for this particular cost unless the failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the FOIA request.
 - If the Academy does charge for you for this particular labor cost, it will specifically identify the nature of these unreasonably high costs.
2. Labor costs of separating and deleting information exempt from disclosure.
 - The Academy will not charge you for this particular cost unless the failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the FOIA request.
 - If the Academy does charge for you for this particular labor cost, it will specifically identify the nature of these unreasonably high costs.
 - If you are charged, the Academy will not charge more than the hourly wage of its lowest-paid employee capable of separating and deleting the information exempt from disclosure in the particular instance, regardless of whether that person is available or who actually performs the labor.
 - This cost is determined using the number of 15 minute increments required to perform the task.
3. If requestor asked for records in nonpaper form, the actual and most reasonably economic cost of the nonpaper physical media, whether it be computer discs, computer tapes, or other digital media.
4. For paper copies, \$0.10 per page.
5. Labor costs of making paper or digital copies, or other types of duplication or publication.
 - This cost is determined using the number of 15 minute increments required to perform the task and the hourly wage of the Academy's lowest-paid employee capable of necessary duplication or publication in the particular instance, regardless of whether that person is available or who actually performs the labor.
6. Actual cost of mailing.

- If you requested that copies of records be mailed to you, the least expensive form of mailing with postal delivery confirmation will be used unless you have requested another form of mailing, like certified mailing or insurance.

Are there any fee waivers or reductions available?

Fee waivers/reductions are available for certain individuals and organizations. Such waivers/reductions will be noted on the Academy's Standard Itemized Fee Form when calculating the fees owed for each FOIA request.

Indigency

The Academy will waive the first \$20.00 in fees for a FOIA request made by an individual who **receives public assistance or can prove indigency**, for up to 2 separate FOIA requests each calendar year.

To be eligible, an individual should submit an affidavit with his or her FOIA request. In the affidavit, the individual must state:

1. That he or she is indigent and receiving public assistance,
or
facts showing inability to pay the cost because of indigency;
2. He or she is not making the FOIA request for an outside party in exchange for payment or other compensation; and
3. He or she has not already received more than one waiver in that calendar year.

Michigan Protection and Advocacy Service, Inc.

The Academy shall comply with MCL 15.234(2)(b) and waive the first \$20.00 of the fee for each FOIA request made by the **Michigan Protection and Advocacy Service, Inc, or any successor organization** formally designated by the state to carry out activities under subtitle C of the developmental disabilities 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, if the request meets all of the following requirements:

1. It is made directly on behalf of the organization or its clients.
2. It is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, MCL 330.1931.
3. It is accompanied by documentation of its designation by the state, if requested by the public body.

When do I have to pay?

Generally, you do not have to pay the fees discussed above until the Academy has processed your request and the public records are ready to be mailed, picked up, or otherwise distributed to you.

However, if the estimated cost for processing your FOIA request is more than \$50.00, then you will be required to pay 50% of the estimated cost before the Academy will begin processing your request. The estimated cost will be determined using the Academy's Standard Itemized Fee Form. You will be provided a copy of this form when you are asked to pay your deposit.

The Academy will also require you to pay a deposit if you previously made a FOIA request but did not pay the total amount due for processing the request. In that case, you will be required to pay a deposit of 100% of the estimated fee before the Academy will begin processing your request.

What if I do not agree with the amount the Academy says I have to pay?

If you disagree with the fee amount you are instructed to pay, you can file a civil action in St. Clair County Circuit Court requesting a fee reduction. You have 45 days from the date your request for a fee reduction was denied to file the action.

Where can I find more information?

The Academy's FOIA policies are available at www.EastShoreLeaders.com or East Shore Leadership Academy, 1403 7th Street, Port Huron, MI 48060.