

CITY OF LUDINGTON
FOIA POLICY

1. This policy is adopted pursuant to the Freedom of Information Act, MCL 15.231, et seq, as amended (Act).
2. Definitions.
 - a. FOIA coordinator means the City Manager or his designee. Unless otherwise indicated, any reference in this policy to the "FOIA coordinator" shall include any designee. All written FOIA requests shall be retained for a period of not less than one (1) year.
 - b. Person means an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity. Person does not include an individual serving a sentence of imprisonment in a state or county correctional facility in this state or any other state, or in a federal correctional facility.
 - c. Public record means a writing prepared, owned, used, in the possession of, or retained by the City in the performance of an official function, from the time it is created. Public record does not include computer software.
 - d. Writing means handwriting, typewriting, printing, photostating, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content.
 - e. Written request means a writing that asks for information, and includes a writing transmitted by facsimile, electronic mail, or other electronic means. All requests, in whatever form, received from the same person within a 24-hour period shall be considered a single request, requiring only a single response from the FOIA coordinator.
3. FOIA Request. All requests for inspection or copies of public records shall be in writing, except where waived by the FOIA coordinator, and shall describe the public record(s) sufficiently to enable the FOIA coordinator to find the public record(s). Nothing in this policy shall be construed to prohibit the FOIA coordinator from communicating with the requesting person to seek clarification of an ambiguous, obscure or doubtful request. If clarified by the requesting person, the FOIA request shall be deemed amended to include the clarification. The FOIA coordinator will document all verbal clarifications. If, in the reasonable opinion of the FOIA coordinator, multiple or duplicative requests from one or more persons who appear to be acting in concert in an effort to evade the cost reimbursement or circumvent other material provisions of this policy or the Act are received, the FOIA coordinator may treat such requests as a single request or take other action as the FOIA coordinator deems reasonable in the circumstances to prevent excessive and unreasonable interference with the discharge of the City's functions or the functioning of its departments, or to protect its public records from loss, unauthorized alteration, mutilation or destruction.

4. Conditions for Inspection. The FOIA coordinator may impose such reasonable restrictions and conditions as may be necessary to protect the public records and to prevent excessive or unreasonable interference with the conduct of the affairs of the City or employee functions. In order to preserve or protect original written records, or to preserve the integrity of records on microfilm, microfiche or computers, the FOIA coordinator may require that copies of the records be made available for inspection, rather than the originals, and may charge the requesting person standard rates for the copies. The City shall not be required to make a compilation, summary or report of information, nor shall the City be required to create any new public record.
5. Charges. Subject to any limitations in the Freedom of Information Act, the FOIA coordinator shall impose the following charges:
 - a. For uncomplicated searches, involving a limited number of copies, the FOIA coordinator may charge 25 cents per copy, plus the cost of envelopes, labels and postage.
 - b. For other than simple searches, the FOIA coordinator shall charge the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information based upon the hourly wage of the lowest paid employee capable of retrieving the information necessary to comply with the FOIA request, together with a charge of 25 cents per copy, plus the cost of envelopes, labels and postage. The fee shall not include the cost of the search, examination, review, and deletion and separation of exempt from nonexempt information unless failure to charge such a fee would result in an unreasonably high cost to the City because of the nature of the particular request, and the FOIA coordinator specifically identifies the nature of these unreasonably high costs. The City experiences unreasonably high costs for searching, examining, reviewing and deleting and separating exempt and nonexempt public records whenever the costs, including wages and benefits of the lowest paid employee capable of performing the task (as determined by the FOIA coordinator), exceeds the amount that the Act establishes for authorizing the City to charge a good faith deposit, currently \$50. If the City experiences unreasonably high costs, the FOIA coordinator shall request a good faith deposit equal to one-half of the total estimated costs and shall specify the nature of the unreasonably high costs.
 - c. The FOIA coordinator may require, at the time of a request, a good faith deposit from the person requesting the public record, if it is estimated that the cost would exceed \$50.00. The deposit shall not exceed one-half of the total estimated fee. The FOIA coordinator may refuse to process a FOIA request if the requestor fails to pay the good faith deposit. The FOIA coordinator may refuse to deliver copies of public records or permit their inspection until the fees have been paid in full.
 - d. The charges under this policy shall not apply where a statute specifically authorizes a different charge.
 - e. The FOIA coordinator may waive the above fees for requests by governmental entities or agencies or, in the case of indigency, as required by the Act.

6. Time for Response. A written request made by fax, e-mail or other electronic transmission shall not be deemed received until one (1) business day after the electronic transmission is made. Unless otherwise agreed in writing, the FOIA coordinator shall respond to a request utilizing the attached response form within five (5) business days after the City receives the request by doing one of the following:
 - a. Granting the request.
 - b. Issuing a written notice to the requesting party denying the request.
 - c. Granting the request in part and issuing a written notice to the requesting party denying the request in part.
 - d. Issuing a notice extending for not more than ten (10) business days the period during which the City shall respond to the request.
7. Denial. A written notice denying a request in whole or in part shall contain the following:
 - a. An explanation of the basis of the denial.
 - b. The statement that the public record does not exist.
 - c. A statement that the written request does not describe a public record sufficiently to enable the City to find it.
 - d. A brief description of public records not provided because of a claimed exemption.
 - e. An explanation of the requesting person's right to make an appeal to the City Councilor to seek judicial review and other rights available to such person pursuant to Section 10 of the Freedom of Information Act.

The FOIA coordinator shall sign such denial.

8. Exempt Public Records. All records identified in Section 13 of the Freedom of Information Act, a copy of which Section is attached, shall be exempt from disclosure.

The foregoing policy was adopted by Resolution this 20th day of December, 2010.

FEES

Parking Citation Fine:	\$30.00 (if paid on time)
	\$40.00 (if paid after Late Notice)

Traffic Crash Report (UD-10):	\$5.00
	\$.05 / page (if over 20 pages)

The following information is available under the Freedom of Information Act (FOIA), and must be requested in writing, with the requestor's signature attached. Requests under FOIA are subject to preparation charges.

Crime Report	\$.50 / page
Photographs –Digital	\$2.00 / sheet
Videos	\$25.00
Postage (if mailed)	Actual Cost

(*Fees must be paid in full prior to the actual delivery of the requested information.)