

Freedom of Information Act policies

The Blue Water Conservation District (BWCD) will ensure that all persons are granted full and complete information regarding the affairs of as provided by the Michigan Freedom of Information Act (FOIA).

In accordance with FOIA (MCLA 15.236), the BWCD Board Chairman is the BWCD FOIA Coordinator, and hereby designates the District Manager as the person responsible for accepting and processing FOIA requests, and approving any denials of such requests, on behalf of the BWCD. The District Manager shall act in accordance with FOIA. Fees shall be charged in accordance with MCLA 15.234, and are laid out in the following procedure.

Michigan Freedom of Information Act (FOIA) requests are to be made in writing. Requests may be submitted in person, through mail, fax, or email. Requests received by electronic submission (fax, email) are considered received one business day after the electronic transmission is made.

All staff must promptly forward FOIA requests to the District Manager upon receipt. The District Manager is responsible for coordinating FOIA request processing.

A FOIA request must include all the following:

- Individual (other than one who claims indigency)
 - Complete Name
 - Address – Must be written in compliance with the United States Postal Service addressing standards.
 - Contact information – Must include a valid telephone number or electronic mail address.

- Person (other than individual)
 - Complete name of person's agent
 - Address of person's agent – Must be written in compliance with United States Postal Service addressing standards.
 - Contact information of person's agent – Must include a valid telephone number or electronic mail address.

FEES

The District Manager will calculate anticipated fees. Once the request is processed, the requestor will be notified that the records are available after receipt of the applicable fee.

Fees are as follows:

Copies - \$0.10

Labor Cost for Searching the Requested Record - \$30.00 per hour

Mailing Cost – Actual cost of postage or express service, if requested

Material Cost – If electronic files are requested and provided, the actual cost of items like CD ROMS, flash drives, etc. will be charged

Once the fee is received, the record will be sent to the requestor when complete, according to the timelines below.

If the fee is anticipated to be less than \$100.00, the requestor will be notified that the record will be available in accord with the timelines below, and once the applicable payment is received.

If the fee is anticipated to be more than \$100.00, the requestor will be notified that the request will be processed once a down payment equal to 50% of the anticipated fee is received.

A good faith deposit, if required must be paid within 45 days, or the request is considered abandoned.

TIMELINES

Responses shall be made to FOIA requests within 5 business days, per MCLA 15.235. The response shall be in the form of:

- Granting the request, and making the record available
- Issuing a written notice to the requesting person denying the request
- Granting the request in part and issuing a written notice to the requesting person denying the request in part
- Or, issuing a notice extending the response period to no more than 10 business days.

Only one extension is allowed per request.

If all or part of a request is denied, the requestor may take action as laid out in the state law.

RECORDS

The Blue Water Conservation District will not create new public records, except as required by state law, when responding to FOIA requests.

The BWCD must keep all FOIA requests for a minimum of one (1) year from receipt.

APPEAL OF DENIAL

A requestor whose request has been denied in full or in part may appeal the denial to the Blue Water Conservation District Board Chairman. The appeal shall state the word "appeal" and identify the reason or reasons for the reversal of the denial. The District Chairman may reverse or uphold the initial decision, or a combination thereof.

To learn more, visit the following URL: <http://legislature.mi.gov/doc.aspx?mcl-act-442-of-1976>.