

## Introduction

A person desiring to inspect or receive a copy of a public record must give written request for the public record to the FOIA coordinator of a public body. MCL 15.231 *et seq.*

A written request may be made by facsimile, electronic mail, or other electronic transmission but it is not considered to have been received by a public body's FOIA coordinator until one business day after the electronic transmission is made.

## When and how to respond:

Unless otherwise agreed to in writing by the person making the request, a public body by its FOIA coordinator shall respond to a request for a public record within five business days after the public body receives the request by doing one of the following:

- **Granting the request.**
- **Denying the request by written notice (A failure to respond is considered a denial).**
- **Granting the request in part and issuing a written notice to the requesting person denying the request in part.**
- **Issuing a notice extending for not more than ten business days the period during which the public body shall respond to the request. Only one extension may be made per request.**

A written notice denying a request for a public record in whole or in part must be signed by the FOIA coordinator and shall contain:

- **An explanation of the basis under this act or other statute for an exemption.**
- **A certificate that the public record does not exist.**
- **A description of a public record or information on a public record that is separated or deleted if a separation or deletion is made.**
- **A full explanation of the requesting person's rights to submit a written appeal to the public body; to seek judicial review of the denial; and to receive attorneys' fees and damages if the circuit court determines that the public body has not complied with the Act.**

## Cost of response:

A public body may charge a fee for providing a copy of a public record. The fee is limited to actual mailing costs and actual incremental costs of duplication and labor. The labor is based on the hourly wage of the lowest paid employee of the public body capable of retrieving the information for the response. Fees may be waived. If the fee exceeds \$50.00, a deposit of not more than one-half of the total fee may be requested.



# REQUEST FOR PUBLIC RECORD

CITY OF BATTLE CREEK

FOIA # \_\_\_\_\_

Department \_\_\_\_\_

Name \_\_\_\_\_

Request: Written: \_\_\_\_\_

Address \_\_\_\_\_

Electronic: \_\_\_\_\_

Phone \_\_\_\_\_

Date Filed: \_\_\_\_\_

I request to have the public record(s) supplied to me in the following form:      Inspection \_\_\_\_\_      Copies \_\_\_\_\_

Name and brief description identifying public record desired:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PAYMENT MUST BE RECEIVED PRIOR TO DELIVERY OF PUBLIC RECORDS.**

I understand a public body must respond to my request within five (5) business days after it is received. The public body must grant or deny all or a portion of my request, or issue a notice extending for ten (10) business days, the period in which the public body must respond to my request. In place of these deadlines, I agree to allow the public body a reasonable time to process my request.

\_\_\_\_\_  
Signature

**Office Use Only**

**Costs:**      In advance (over \$50.00)  
  
Estimate      \_\_\_\_\_  
(-) 50%      \_\_\_\_\_

**Amount Due**    \$ \_\_\_\_\_

**FOIA Charges**

	<u>Police</u>	<u>Clerk</u>
Mailing (actual)	_____	_____
Labor	_____	_____
_____ copies @ \$ _____	_____	_____
Other _____	_____	_____
Other _____	_____	_____
Sub Total	_____	_____
(-) Deposit	_____	_____
<b>Total Amount Due</b>		\$ _____

Date Available: \_\_\_\_\_

October 24, 2007

Police FOIA 03-585

Ms. Rebecca Leach  
13205 A Drive South  
Ceresco, MI 49033

Dear Ms. Leach:

This communication is in response to your Freedom of Information request filed on October 3, 2007, with a ten-day extension granted to October 24, 2007, regarding the following Police Complaints:

Complaint 91-07234  
Complaint 02-10218  
Complaint 96-41577  
Complaint 00-03097  
Complaint 02-08037  
Complaint 02-26116  
Complaint 85-40713  
Complaint 86-15369

The Police Department along with my Office has reviewed the request and has determined that the estimated cost to comply with your entire request would be \$239.22. This estimate is based on the time for the review, pulling of information and duplication. The following is a breakdown on how the costs were determined:

Police Costs:	Labor ½ hour @\$7.90	\$ 7.90
	Copies 472 @\$.10	47.20
Clerk Costs:	Labor 12 hours @15.36	<u>\$184.32</u>
		\$239.42

Pursuant to Section 4 (2), of the Freedom of Information Act, if the fee exceeds \$50, the public body may require a good faith deposit on an amount not to exceed ½ of the total fee. Because the estimate exceeds \$50, we would require a deposit of \$119.71 before compliance with the request. Please let me know your desire on proceeding with this request.

Sincerely,

Deborah G. Owens, CMC  
dgo/sg  
cc: BCPD Records Division

Freedom of Information Coordinator

*(Name of Coordinator)*, Freedom of Information Coordinator

**FREEDOM OF INFORMATION ACT  
NOTICE OF 10-DAY EXTENSION**

**City of Battle Creek, Michigan**

According to the Freedom of Information Act, P.A. 1976, No. 442, a public body must respond to requests for public records within five (5) business days of the date the request is received. That statute also provides that under unusual circumstances, the public body may give notice of the need for additional time, not exceeding ten (10) additional business days in which to respond to a request for public records. This public body, therefore, does hereby give notice of a need for additional time to act upon your request.

**Reason for Extension:** (Insert reason for extension)

**This public body shall, therefore, on or before:** (Insert date that you will comply)

- (1) Grant the request;
- (2) Issue a written notice denying the request; or
- (3) Grant the request in part and issue a written notice denying the request in part.

**Dated:** (Insert date mailed)

**RE:** Freedom of Information Request of (Insert name of requestor)

(Insert date of original request)

Request for (insert short description of request)

Department: City Clerk/Freedom of Information Coordinator

**DENIAL OF REQUEST FOR PUBLIC RECORD**  
**City of Battle Creek, Michigan**

**I**      **NAME:**            *(Insert name, company, agency, etc.)*  
          **ADDRESS:**        *(Insert address)*  
          **CITY:**            *(Insert City, State)*  
          **PHONE:**          *(Insert telephone)*  
          **Date Request Received:**    *(Insert date)*

Public Record Requested:    *(Insert description of records requested)*

**II**      **Your request is being denied because it:**

\_\_\_\_\_ Is not in the possession of the City  
\_\_\_\_\_ Does not exist under information  
\_\_\_\_\_ Is exempt from disclosure under:

**III**      The request, although granted in part, has had the following deleted: *(Insert generally what is not being provided/deleted)*

This information has been exempted under:    *(Cite section of Statute that allows for exemption)*

*(In this area, spell out the exemption as it appears in the Statute)*

Denial Approved:

\_\_\_\_\_  
Freedom of Information Coordinator  
Date:    *(Insert date of denial)*

**NOTICE:** This correspondence constitutes a certification that the public records, as indicated, do not exist. You have the right to appeal this denial to the City Commission in writing that specifically states the word "APPEAL" and indicates the reason or reasons for reversal of the denial, or seek judicial review in the Circuit Court within 180 days of a final determination to deny a request. If the Court determines a public record is not exempt from disclosure, it shall order its release or production. The burden of proof in Court is on the public body. If the Court determines that the public body has been arbitrary and capricious in not disclosing a public record, it may award, in addition to actual and compensatory damages, punitive damages not exceeding \$500.00