

Suttons Bay Bingham District Library Freedom of Information Act Procedures and Guidelines: summary

Library documents and records shall be available to the public in accordance with the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, (“FOIA”). Costs associated with responding to a request will be charged to the requester. With the exception of personnel files and patron registration and circulation data, all library records are considered public. The complete text of the library’s FOIA procedures and guidelines is available at the library.

A. How to submit written requests.

FOIA requests to the Library can be sent by email or mail to:

Email: librarian@suttonsbaylibrary.org

Suttons Bay Bingham District Library
416 Front St.
PO Box 340
Suttons Bay, MI 49682

Requests should include a name, phone number and mailing address.

B. How to understand the Library’s written responses to FOIA requests.

The Library has several options when responding to written requests for public records. It can grant the FOIA request, deny the request, grant it in part and deny it in part, or take one 10 business day extension. After 10 business days pass, the Library has to respond with one of the other options. If the request is granted or granted in part and denied in part, the Library can also charge a fee to process the request. There is no fee for requests that do not require the Library to incur costs above the threshold set in its Procedures and Guidelines.

Fees are calculated using its procedures and guidelines, and you will receive a detailed itemization of the fee. The Library may require you to pay a good-faith deposit before it processes your request. After you pay any deposit and final balance due, the Library will produce records in its possession that fall within the scope of your request and that legally may be disclosed to the public. The Library may also notify you that some of the records you have requested are available on its website.

If the request is denied, the Library will inform you of the basis for its denial in a written notice. Reasons the Library may deny a request include:

1. You did not describe the records you have requested well enough and the Library cannot determine what you are asking for;
2. The Library has determined that it does not have records that respond to your request in its possession;
3. The records do not exist (the Library is not required to create new public records to satisfy a request, nor make a summary or compilation of information); or
4. The records you have requested are exempt from public disclosure under FOIA or another state or federal statute or regulation, for example, the Michigan Library Privacy Act, MCL 397.601 *et seq.*

If all or part of your request is denied, the Library will inform you of your right to appeal its denial to the Suttons Bay Bingham District Library Board and/or to file a lawsuit against the Library in its written response.

C. Deposit requirements.

If the Library estimates a fee to process a FOIA request greater than \$50.00, the Library will require a good-faith deposit from you before providing the public records. The deposit shall not exceed one half of the total estimated fee. Any written notice containing a notice of a deposit shall also contain a best efforts estimate by the Library regarding the time frame after a deposit is received that it will take the Library to provide the public records. The time frame estimate is not binding upon the Library, but the Library shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this State's public policy under section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.

If the total amount charged in a previous records request has not been paid in full, the Library may require a deposit of up to 100% of the estimated fee before a full search of records for any subsequent request.

D. Fee calculations.

The FOIA permits the Library to charge a fee to process FOIA requests using a form to give you a detailed itemization of the costs involved. The Library may charge for the following costs:

- A. the costs of labor for the search, location, and examination of public records;
- B. the costs of labor for the review of public records and separation and deletion of exempt from nonexempt material;
- C. the cost of non-paper physical media;
- D. the cost of duplication and publication of public records;
- E. the costs of labor for the duplication or publication of public records;
- F. the actual cost of mailing public records.

The first \$20.00 of a fee will be waived if a requester submits an affidavit of indigence. The requester must include a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

E. Avenues for challenge and appeal.

If the Library charges a fee that you feel is too high, or denies all or part of a request, you may submit to the Library Board a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced or the nondisclosure determination should be reversed. Written appeals may be sent to the email address or mailing address listed above and will be forwarded to the Library Board or the person designated by the Library Board to respond to written appeals.