

Midland Central Dispatch Authority
2727 Rodd St.
Midland, MI 48640

Summary of FOIA Procedures and Guidelines

This is a summary of our FOIA Procedures and Guidelines. For more details and information, a copy of our FOIA Procedures and Guidelines and forms are available at no charge at our office or website: <http://midland911.org>.

The Request

A FOIA request must be in writing and sufficiently describe a public record so that it can be located. It is helpful, but not necessary that your request be on the FOIA form available on the www.midland911.org website or at our office and should use the words "FOIA." You can deliver the request in person or by facsimile at: (989) 839-6476, mail at the address above or e-mail at: foia@midland911.org to our FOIA Coordinator. Within 5 business days following receipt of a FOIA request (6 days for fax or e-mails) Midland County Central Dispatch Authority (MCCDA) will issue one of the following responses:

- Grant the request,
- Issue a written notice denying the request,
- Grant the request in part and issue a written notice denying in part the request,
- Issue a notice indicating that due to the nature of the request, we need an additional 10 business days to respond, or
- Issue a written notice indicating that the public record requested is available at no charge on the www.midland911.org website

The Charges

MCCDA is allowed to charge you the costs incurred to process your FOIA request, including labor, duplication and the costs of any tape or disc. You may be relieved of the first \$20 in charges if you submit an affidavit establishing that you are indigent. MCCDA may request that you pay the FOIA costs before copies are delivered. If the public record is available on the website, MCCDA will if practical, refer you to the website so you can access the material on your own without cost. If you would like to receive hard copies, note this in the request. In certain instances where the charge is likely to be over \$50 MCCDA may request a 50% deposit prior to the request being processed. MCCDA may request a 100% deposit if you have previously made a FOIA request and not paid the charges. MCCDA will not charge a labor cost unless there is an unreasonably high cost associated with response. MCCDA will break the charges down by the rate, time associated and with any benefit costs associated with the rate. MCCDA will use the employee with the lowest rate possible and will cap our labor rates at 6 times the minimum wage. Duplication cost is 10 cents per copy which reflects the incremental costs of the paper and ink and use of the machine and MCCDA will use the lowest mailing rate unless you request otherwise. MCCDA will itemize your costs, if

applicable, according to: (1) mailing; (2) labor rate; (3) labor hours; (4) benefit rates; (5) duplication and (6) costs of media recording device.

An Appeal

If you believe that access to all or a portion of a public record has improperly denied or if you feel that the charges are inappropriate, you may appeal to the MCCDA Administrative Board by filing a written statement using the word “appeal”, describing the reasons why you feel the action was inappropriate, and submitting it to our FOIA Coordinator. For convenience, you may use one of the FOIA Appeal Forms available at our website or at the MCCDA office. Depending on the nature of your appeal, within 10 business days after the next regularly scheduled meeting following receipt of your request, the board or its designee will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part.
- Waiving the fee;
- Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which our board or its designee will respond to the written appeal.

Whether or not you submitted an appeal of a records denial, you may file a civil action in the local Michigan county circuit court within 180 days after the final determination to deny your records request in whole or in part. Within 45 days after receiving notice of the board’s or designee’s determination of a fee appeal, you may commence a civil action in the Michigan county circuit court for a fee reduction. If you prevail in the civil action the court will award you reasonable attorneys’ fees, costs and disbursements. If the court determines that MCCDA acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000. If the court determines that we acted arbitrarily and capriciously by charging an excessive fee, the court may also award you punitive damages in the amount of \$500.