

CHARTER TOWNSHIP OF BRIGHTON
FREEDOM OF INFORMATION ACT (FOIA)
WRITTEN PUBLIC SUMMARY OF FOIA PROCEDURES AND GUIDELINES

This document is a summary of the Freedom of Information Act (FOIA) Procedures and Guidelines for Brighton Charter Township (the "Township") pursuant to the requirements of Section 4(4) of the Michigan Freedom of Information Act, 1976 PA 442 ("FOIA"). A complete copy of the Procedures and Guidelines is available at the Township Hall located at 4363 Buno Road, Brighton, MI 48114 or on the website at www.brightontwp.com.

A. How Can I Request a Public Record?

- A person (except those persons incarcerated in state, county or federal correctional facilities), may request public records.
- The requestor must send a written request for the public record to the Township. A request can be made through a letter, in person, or sent by electronic transmission. The requests should be directed to the FOIA Coordinator. The contact information is as follows:

Mailing address: 4363 Buno Road Brighton MI 48114

Fax: 810.229.1778

Email: clerk@brightontwp.com

Please be sure to add FOIA to the subject line

- A request form is available on our website at <http://brightontwp.com/files/forms/FOIA.pdf> and at Township Hall. You are not required to use this specific form but requests must identify the public record sufficiently enough to allow the Township to find the requested record.
- The Township may, but is not required to, provide public records in response to a verbal request, unless such verbal request is for information that the Township believes is available on its website. In such case, an employee, where practicable and to the best of his or her knowledge, shall inform the requestor about the pertinent website where the information is available.

B. When Can I Expect a Response?

- Unless otherwise agreed to in writing, the Township will respond or seek a deposit within 5 business days after it receives the request. However, the Township may extend that time period by 10 business days.
- A request sent by e-mail or other electronic means is not considered received until 1 business day after it is transmitted. If the request is sent to a spam or junk mail folder, it is not considered received until 1 day after it is discovered.

C. How Can I Understand the Response? What Kind of Response Can I Expect?

- Granted – You will receive a written notice indicating your request has been granted (fulfilled) including any applicable fees. Upon receipt of payment, the documents will be provided to you as requested.
- Denied - If the request is denied or denied in part, you will receive a written notice indicating your request has been denied or denied in part. The written notice from the

Township shall provide any or all the following information, depending upon the reason for the denial:

- An explanation of the basis that the public record, or portion of that public record, is exempt from disclosure, including a description of the information that is separated or deleted.
- A certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to the Township.
- A full explanation of the requesting person's right to (1) submit a written appeal; or (2) seek judicial review of the denial under Section 10 of the FOIA. (See below for more details on appeal and court procedures).
- Notice of the right to receive attorneys' fees and damages if a court determines that the Township has not complied and orders disclosure of all or a portion of a public record.

D. What if I Request Documents that are Available on the Website?

- If documents are available on the website, to the degree practicable, the response will include a specific webpage address where the requested information is available.
- If the Applicant would like to obtain copies of said records, the Township will inform the applicant of the charges associated with the duplication or copying of the record(s) requested.

E. Is There a Fee Associated with my Request?

- Fees will be charged in accordance with the Freedom of Information Act and may include labor charges for the search, location and examination of records; the separating and deleting of exempt from non-exempt information including redaction; duplication and copying costs; and direct costs for copying or preparing non-paper media and mailing.
- A detailed itemization form will be provided with the Township's response explaining the charges including a breakdown of the labor charges and direct costs as applicable and allowed under the Act. Labor charges will be calculated based on the applicable hourly wage in time increments of 15 minutes with all partial time rounded down. Costs associated with the duplication, copying or transferring of media, or mailing of documents, will be based on the actual costs for those materials except letter or legal size copies which will be charged at .10 per page.

More detailed information on the how the charges will be calculated can be found in the Charter Township of Brighton FOIA Procedures and Guidelines available on our website at <http://brightontwp.com/files/forms/FOIAProceduresandGuidelines.pdf> or at Township Hall.

F. Will a Deposit be Required?

- The Township may require a good-faith deposit of ½ of the estimated fee if the entire fee estimate or charge authorized under the FOIA exceeds \$50.00, based on a good-faith calculation of the total estimated fee.

- The Township will also provide a best efforts, nonbinding estimate of the time frame it will take the Township to provide the public records to the requestor once the deposit is received.
- If the Township has granted a prior request but has not been paid in full, the Township may require a deposit of up to 100% of the estimated fee if certain conditions apply. See Charter Township of Brighton FOIA Procedures and Guidelines for details.

G. Am I Entitled to a Wavier or Reduction of Fees?

- A reduction of the fee by \$20.00 is available to certain individuals who submit an affidavit stating they are indigent and receiving public assistance, or if not receiving public assistance, stating facts showing inability to pay because of indigency. For this reduction to apply the individual may not have received discounted fees twice during that calendar year and the person may not be requesting on behalf of parties who are paying to make the request.
- A reduction of the fee by \$20.00 is also available to certain non-profit organizations formally carrying out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, and The Protection and Advocacy for Individuals with Mental Illness Act, provided that the request is made on behalf of the organization or its clients, is made for a reason consistent with the laws under Section 931 of the Mental Health Code and is accompanied by documentation of its designation by the state.
- The FOIA Coordinator may reduce or waive the imposition of fees if the FOIA Coordinator determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.
- If the Township does not respond to a written request in a timely manner as required by the FOIA, the Township shall reduce the charges for labor costs by 5% for each day the Township exceeds the time permitted, with a maximum 50% reduction, if the late response was willful and intentional or the written request included specific language as set forth more fully in the Procedures and Guidelines.

H. How Can I Appeal a Decision to Deny All or Part of My Request?

- If a requestor desires to appeal all or part of a decision to deny a request, the requestor must submit to the head of the public body being the Supervisor, as designated by the Charter Township of Brighton Board of Trustees, a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
- The Township will respond within 10 business days by reversing the disclosure denial, upholding the denial, revising in part and upholding in part the denial or issuing a 10 business day extension.

I. How Can I Appeal a Determination of the Fee or Deposit Amount?

- The requestor may submit to the Township Supervisor a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the Procedures and Guidelines or Section 4 of the FOIA.

- The Township will respond within 10 business days by waiving the fee, reducing the fee and explaining the basis for the remaining fee, upholding the fee, or issuing a 10 business day extension.

J. Can I File a Lawsuit Regarding the Denial of a FOIA Request?

- If the Township fails to respond to a written appeal or if the Township Supervisor upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requestor may seek judicial review of the nondisclosure by commencing a civil action within 180 days after the Township's final determination to deny a request. A requestor may also commence a civil action in the circuit court to compel the Township's disclosure of the public records within 180 days after the Township's final determination to deny a request. The requestor is not required to appeal the denial to the Township Supervisor before commencing the civil action.
- If a person prevails in an action regarding the denial of a request, the court shall award reasonable attorneys' fees, costs and disbursements. If the person prevails in part, the court may award all or a portion of the attorneys' fees, costs and disbursements. If the court determines the FOIA was arbitrarily or capriciously violated, the court shall order a civil fine of \$1,000.00 to be paid to the state treasury. The court may also award actual, compensatory or punitive damages.

K Can I File a Lawsuit Regarding the Fee Charged For a FOIA Request?

- A requestor may commence a civil action in the circuit court for a fee reduction if the Township (1) failed to respond to a written appeal or (2) issued a determination of a written appeal. This action must be filed within 45 days after receiving notice of the determination of an appeal. The requestor must file an appeal for a fee reduction before commencing a circuit court action.
- If a person prevails in an action by receiving a reduction of 50% or more of the total fee, the court may award all or a portion of total fee including the reasonable attorneys' fees. If the court determines FOIA was arbitrarily or capriciously violated, the court shall order a civil fine of \$500.00 to be paid to the state treasury. The court may also award actual, compensatory or punitive damages.