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FREEDOM OF INFORMATION ACT
POLICY, PROCEDURES, GUIDELINES, & FEES

Policy

It is the public policy of the State of Michigan, the Michigan Department of Labor and Economic Opportunity (LEO), and all subsidiary agencies of LEO that all persons, except those persons incarcerated in a state or local correctional facility, are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with the Freedom of Information Act (FOIA). Citizens shall be informed so that they may fully participate in the democratic process.

General Information

- "Public record" is defined by the FOIA as "a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record does not include computer software." The FOIA separates public records into two classes: Those that are exempt from public disclosure under section 13(1) of the act; and those that are not exempt from public disclosure under section 13(1) and are subject to disclosure under the act.

- "Writing" is defined by the FOIA as "handwriting, typewriting, printing, photo stating, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content." LEO regards e-mail to be a means of recording or retaining meaningful content.

- "Written request" is defined by the FOIA as "a writing that asks for information, and includes a writing transmitted by facsimile, electronic mail, or other electronic means."

- "FOIA coordinator" is defined by the FOIA as an individual designated by a public body to accept and process requests for public records under the act. The FOIA Coordinator may appoint Assistant FOIA Coordinators to accept and process FOIA requests. Within LEO's agencies, there are several FOIA Coordinators that are responsible for directly receiving and responding to FOIA requests.

    - The Michigan Department Labor and Economic Opportunity is the department that contains the agencies of Michigan State Housing Development Authority, State Land Bank Authority, Michigan Occupational Safety and Health Administration, Unemployment Insurance Agency, Bureau of Employment Relations, Workers' Disability Compensation Agency, Employment and Training Division and Prosperity Division. Each of these bodies of government have their own FOIA Coordinator to which requests may be submitted.

        - **Department of Labor and Economic Opportunity**
            - Includes administrative services, communications, legislative affairs and human resources.
            - FOIA requests can be sent by email or mail to:
                Department of Labor and Economic Opportunity
                Attn: FOIA Coordinator – Sherry Anderson
                2501 Woodlake Circle
                Okemos, Michigan 48864
                Email: **LEO-FOIA@michigan.gov**

- **Workers' Disability Compensation Agency**
  - Includes Workers' Compensation Board of Magistrates and Workers' Disability Compensation Appeals Commission
  - FOIA requests can be sent by email or mail to:

    Workers' Disability Compensation Agency
    Attn: FOIA Coordinator – Cindy Hamblin
    P.O. Box 30016
    Lansing, Michigan 48933
    Phone: 517-284-8914
    Email: **WCAFOIAINFO@michigan.gov**

- **Michigan Occupational Safety and Health Administration**
  - FOIA requests can be sent by email or mail to:

    Michigan Occupational Safety and Health Administration
    Attn: FOIA Coordinator – Toscha Klopp
    530 W. Allegan St.
    P.O. Box 30649
    Lansing, Michigan 48909
    Phone: 517-284-7740
    Email: **MIOSHAFOIARequest@michigan.gov**

- **Bureau of Employment Relations**
  - Includes Wage and Hour Division and Michigan Employment Relations Commission
  - FOIA requests can be sent by email or mail to:

    Bureau of Employment Relations
    Attn: FOIA Coordinator - Kim Wierenga
    P.O. Box 30476
    Lansing, Michigan 48909
    Phone: 855-464-9243
    Email: **LARA-WHDClaimRecord@michigan.gov**

- **State Land Bank Authority**
  - FOIA requests can be sent by email or mail to:

    State Land Bank Authority
    Attn: FOIA Coordinator - Patrick Ennis
    P.O. Box 30766
    Lansing, Michigan 48909
    Phone: 517-614-5294
    Email: **MLBFOIA@michigan.gov**

- **Michigan State Housing Development Authority**
  - FOIA requests can be sent by email or mail to:

    Michigan State Housing Development Authority
    Attn: FOIA Coordinator - Corrie Schmidt-Parker
    735 E. Michigan Ave.
    Lansing, Michigan 48909
    Phone: 517-241-1879
    Email: **MSHDA-FOIA@michigan.gov**

- **Michigan Unemployment Insurance Agency**
  - Includes Unemployment Insurance Appeals Commission
  - FOIA requests can be sent by email or mail to:

    Michigan Unemployment Insurance Agency
    Attn: FOIA Coordinator - Ivory Bennett
    3024 W. Grand Blvd., Suite 12-100
    Detroit, MI 48202
    Phone: 313-456-3435
    Email: **TIA-FOIA-UI@michigan.gov**

- **Employment and Training Division**
  - Includes Bureau of Services for Blind Persons, Michigan Rehabilitation Services, Workforce Development and State Workforce Board
  - FOIA requests can be sent by email or mail to:

    Employment and Training
    Attn: FOIA Coordinator – Christina Rea
    320 S. Walnut St. Ste. 1N
    Lansing, MI 48909
    Phone: 517-247-9553
    Email: **LEO-Employment-and-Training-FOIA@michigan.gov**

- **Prosperity Division**
  - Includes Michigan Community Service Commission, Michigan Poverty Task Force, Sixty by 30, MiSTEM, and Office of Global Michigan
  - FOIA requests can be sent by email or mail to:

    Prosperity Division
    Attn: FOIA Coordinator – Sherry Anderson
    2501 Woodlake Circle
    Okemos, Michigan 48864
    Email: **LEO-FOIA@michigan.gov**

Requirements

- All LEO employees must always work through the assigned Freedom of Information Act Coordinator in responding to such requests to ensure that consistent and correct responses are provided to the public.

- Any request for information may be considered a FOIA request and within the request, includes words such as “freedom of information”, “information”, “FOIA”, “copy”, or a recognizable misspelling of such within the first 250 words of the request.

- •All FOIA requests must be received in writing and submitted to the attention of the appropriate FOIA Coordinator as listed above.

Procedures

Responsibility	Action
Requester	1. A person desiring to inspect or receive a copy of a public record must make a written request for the public record. The request must describe the record sufficiently to enable the FOIA Coordinator to find the public record. A written request may be made by U.S. Postal Service, facsimile, electronic mail, or other electronic transmission. Requesters must provide their name, address, telephone number and/or email address, and date of request so that LEO can document that a request has been made, properly processed, and assist LEO in determining excessive requests for the same information. It is the responsibility of the requestor to seek information from the appropriate Department/FOIA Coordinator.
Employee	2. A request for a public record received by any LEO employee immediately shall be delivered to the appropriate FOIA Coordinator.
FOIA Coordinator	3. The FOIA Coordinator must issue a written notice in response to a FOIA request within five (5) business days after receiving the request. The written notice issued in response may extend for not more than ten (10)business days the period during which the FOIA Coordinator shall issue a second written notice that grants the requests, or denies the request in full or in part, with an explanation for the denial, and of the person's remedial rights under the FOIA. The notice extending the period for a response to the request shall specify the reasons for the extension, and the date by which the FOIA Coordinator will issue the second written notice. Failure to respond within the above specified time periods can lead to a reduction in fees of 5% per day up to a total reduction of 50% if the late response was willful and intentional.
Employee	4. To ensure that the statutory time limits are met, the employee immediately shall provide the FOIA Coordinator all original records, or copies as directed by the FOIA Coordinator, contained in local files.
FOIA Coordinator	5. The FOIA Coordinator is responsible for determining whether a FOIA request is denied in full or in part and shall sign the written notice of denial. By way of example, and not limitation, the FOIA Coordinator may deny a request for the following reasons: (a) the information is of personal nature, where the public disclosure would constitute a clearly unwarranted invasion of an individual's privacy; (b) information or records are subject to the attorney-client privilege; or (c) communication within a public body of between public bodies of an advisory nature to the extent that it covers other than purely factual materials and is preliminary to a final agency action or policy and that the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure. Departments may give their recommendation for full or partial disclosure denial of any public record. The final authority, however, rests with the FOIA Coordinator or with the Director upon appeal.

FOIA Coordinator	6. Subject to Section 4 of the FOIA, the FOIA Coordinator shall determine the fees for search, examination, review and the deletion and separation of exempt from nonexempt information, and the costs of copying and mailing. The FOIA Coordinator will work with staff to determine the fees that may be charged. Individuals who submit an affidavit stating that they are receiving public assistance or showing inability to pay costs because of indigency shall not be charged for the first $20.00 of the fee for each request. Persons representing public interest groups may have the entire fee waived. Determination of eligibility for fee waivers shall be made by the Director. At the time that a FOIA request is made, the FOIA Coordinator may request a good faith deposit not to exceed one-half of the total fees and costs from the person requesting the public record(s), if the total fees and costs exceed $50.00. The FOIA Coordinator will notify employees when payment is received. In addition, the FOIA Coordinator will send instructions regarding the request to employees via email which will include, instructions as to when to provide the public records; request that employees address special circumstances related to requests (i.e., responses that will have a large number of documents, etc.). Upon receiving notice, employees must provide the public records to the FOIA Coordinator by the date requested of them by the FOIA Coordinator or sooner when possible.
	7. Pursuant to Section 10a of the FOIA, the requester who has a good faith belief that a fee for public records is unreasonable may (a) submit a written appeal to the head of LEO that specifically states the word “appeal” and identifies how the fee exceeds the amount permitted by the policies and procedures of Section 4 of the FOIA, or (b) bring a court action within 45 days after receiving the notice of the required fee. If a civil action is commenced against LEO, LEO is not obligated to complete the processing of a written request for the public record at issue until the court resolves the fee dispute.
	8. Where a requesting person elects to inspect public records, the FOIA Coordinator shall determine what constitutes a reasonable opportunity for inspection and examination of existing, nonexempt public records, and shall furnish reasonable facilities for inspection during usual business hours. LEO employees shall protect public records from loss, unauthorized alteration, mutilation, or destruction. Where original public records are involved in the inspection, the employee shall supervise the inspection of the original public records. Requestors who inspect public records onsite shall: (1) be provided designated space including a table and chair; (2) review the documents in the presence of a LEO employee;(3)not be allowed to remove documents from files or from the premises unless those documents are copied specifically for the requester by LEO staff; and (4) LEO may charge a reasonable fee for an employee assisting and overseeing the process of the requester’s record search, necessary copying and examination of the public records.

Employees	9. Employees are advised that records in LEO files from other agencies, public or private, generally constitute public records of LEO subject to the FOIA. In order to assist the FOIA Coordinator in determining whether the records might be subject to confidentiality under federal or state law, rounder another basis for exemption from public disclosure, employees shall segregate or otherwise identify records that originated from another agency. Likewise, LEO records possessed by other public agencies might be subject to disclosure pursuant to FOIA requests made to those agencies.
Requester	10. If the FOIA Coordinator makes a final determination to deny all or a portion of a request, the requesting person has the option to submit a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial; or, within 180 days after the FOIA Coordinator's final determination to deny a request, commence an action in the appropriate to compel the public body's disclosure of the public records.
Director	11. The Director of LEO has delegated authority to the Deputy Directors and Agency Directors to respond to written appeals of FOIA Coordinator's determinations that deny requests for disclosure under the FOIA. Within ten (10) business days after receiving a written appeal, the Deputy Director or Agency Director must do one of the following:
	a) Reverse the disclosure denial.
	b) Issue a written notice to the requesting person upholding the disclosure denial.
	c) Reverse the disclosure denial in part and issue a written notice upholding the disclosure denial in part.
	d) Under unusual circumstances, issue a notice extending for not more than ten (10) business days the period during which a written notice shall issue under subsections a, b or c. Appeals for all agencies within the Department of Labor and Economic Opportunity can be sent via US Mail or Email to: Department of Labor and Economic Opportunity Attn: FOIA Appeals Unit 105 W. Allegan St. 3rd Floor Lansing, Michigan 48933 Email: LEO-FOIA-Appeals-Unit@michigan.gov
Transparency Liaison	12. A Transparency Liaison for a department or agency shall do the following: a) Assist members of the public seeking a public record from the department or agency in navigating the requirements of the Freedom of Information Act or other law applicable to public records, including by providing educational materials on the website of the department or agency. b) Assist members of the public seeking to participate in a public meeting held by a board or commission within the department or agency in a

Transparency Liaison	manner that complies with the Open Meetings Act, including by providing educational materials on the website. c) Make recommendations to the department and agency for compliance with this directive, to reduce costs relating to public records requests, and to encourage greater transparency. d) Advocate for the disclosure of public records quickly and in a cost-efficient manner. e) Advocate for transparency and procedures that encourage public participation in public meetings. f) Consult with the department or agency's Freedom of Information Act coordinator regarding compliance with this directive and the Freedom of Information Act. g) Recommend changes to the department's or agency's procedures and guidelines and written public summary of the procedures and guidelines for the department under section 4 of the Freedom of Information Act, MCL 15.234. h) Our department is committed to helping members of the public seeking a public record from the department or agency in navigating the requirements of the Freedom of Information Act or other law applicable to public records. The Transparency liaison will advocate for the disclosure of public records in a quick and cost-efficient manner. • For assistance with Labor and Economic Opportunity, State Land Bank Authority, Michigan Occupational Safety and Health Administration, Unemployment Insurance Agency, Bureau of Employment Relations, Workers' Disability Compensation Agency, Employment and Training Division, or Prosperity Division, Contact: ○ Transparency Liaison - Erica Quealy Phone: 517-241-1162 Email: QuealyE@michigan.gov • For assistance with Michigan State Housing Development Authority, Contact: ○ Transparency Liaison - Kara Hart-Negrich Phone: 517-335-2273 Email: HartNegrichK@michigan.gov

Record Retention

All written FOIA requests and responses for public records shall be kept on file no less than one (1) year.

Subscriptions

A requester has the right to subscribe to future issuance of public records which are created, issued or disseminated on a regular basis, i.e., monthly meeting minutes, news periodicals and regularly produced documents that provide status updates. A subscription is valid up to six (6) months, at the request of the subscriber, and is renewable.

a. Subscription requests shall be processed following normal procedures for processing FOIA requests.

b. Requesters shall be placed on a mailing list, to receive regular updates of materials relative to the respective FOIA request. Non-exempt information will be released, as it becomes available.

Fee Schedule

The LEO fee schedule specifies the rates that will be charged for labor, copying, and other necessary expenses permitted under the FOIA. The fee schedule is available from the FOIA Coordinator and is updated periodically.

MCL 15.234 Section 4, Freedom of Information Act 442 of 1976, as amended, permits LEO to charge a fee for public record search, necessary copying of public record for inspection, or for providing a copy of the public record.

Table 1 – LABOR RATES	
Labor Rate – when a LEO employee is required to search, review, examine, prepare, inspect, delete and separate exempt from non-exempt material, and make the non-exempt material available for release.	Hourly wage + 50% (See Itemization of Fees Form)

A fee shall not be charged for the cost of search, examination, review and the deletion and separation of exempt from non-exempt information as provided in the Freedom of Information Act, Act No. 442 of P.A. of 1976, Section 15.234, Sec. 4(3), unless failure to charge a fee would result in unreasonably high costs to LEO, because of the nature of the request in this particular instance, and LEO identifies the nature of the unreasonably high costs.

It is LEO policy that the cost of labor and other labor-related costs will be charged for the search, examination, review, deletion and the separation of exempt from non-exempt information when a request requires more than a total of one (1) hour of an employee's time in filling such a request.

Table 2 – PHOTOCOPYING/FACSIMILE	
1. Photocopying performed by a LEO employee – shall be at a per page (LEO will utilize the most economical means available for making copies including double-sided printing, if cost saving is available) rate, plus labor costs for employee's time at copier.	$.10 per page
2. Facsimile performed by a LEO employee – shall be at a per page rate, plus labor costs for employee's time at the fax machine.	$2.00 per page
3. Photocopying and/or Facsimile performed by an outside copy service including large documents.	$ Actual Costs
Table 3 – ELECTRONIC AND MAILING	
1. Electronic Copies – Actual retrieval and printing time based upon the labor rates as established above, plus the per electronic device rate. CD ROM or any other electronic medium used as a vehicle to provide the information. Machine time may only be charged if the costs of the services of a particular computer are paid by LEO based upon an incremental charge to LEO for additional computer usage.	$10.00 per Electronic device plus actual staff time to reproduce (See Itemization of Fees Form)
2. Mailing or Shipping – Mailing costs can include actual costs, insurance or other charges related to the mailing and shipping of the material to the requester. It shall be based on the current U.S. Postal rates for the actual size and weight of the material sent.	$ Actual Costs

Pursuant to Section 4(3) of the Freedom of Information Act P.A. 442 of 1976, Section 15.234, fees shall be uniform and not dependent upon the identity of the requesting person.

Reference

P.A. 442 of 1976, MCL 15.231 et seq.

Contact/Update Responsibility

Any questions or concerns regarding this policy should be directed to the LEO FOIA Coordinator:

LEO FOIA Coordinator
Sherry Anderson
LEO-FOIA@Michigan.gov