

Freedom of Information Act (FOIA) Summary:

A. How to submit written requests.

You may send a FOIA request to the Department of Agriculture and Rural Development by [email](#) or mail to:

Michigan Department of Agriculture and Rural Development
Attn. FOIA Coordinator
Constitution Hall 6th Floor North
525 West Allegan Street
P.O. Box 30017
Lansing, MI 48909

By statute, requests **must** include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address.

B. How to understand the Department's written responses to FOIA requests.

The Department 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. If the Department requires additional time to process the request and takes the 10-business day extension, it must then respond with one of the three other options.

If the request is either granted or granted in part and denied in part, the Department can also charge a fee to process the request. There is no fee for requests that do not require the Department to incur costs above the threshold set in its Procedures and Guidelines, which are available on our website. Fees are calculated using its procedures and guidelines and you will receive a detailed itemization of the fee. The Department may require you to pay a good-faith deposit before it processes your request. After you pay the deposit, the Department will process the request and notify you of the total cost and final balance due. The final balance is required before release of the records. If the requested records are available for free on the Department's website, you will be provided that information.

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

1. You did not describe the record(s) you have requested well enough, and the Department cannot determine what record(s) you are seeking;

2. The Department has determined that it does not have record(s) that respond to your request in its possession; or
3. The record(s) you have requested are exempt from public disclosure.

If all or part of your request is denied, the Department will inform you of your right to appeal its denial to the head of the Department and to file a lawsuit against the Department in its written response.

C. Deposit requirements.

If the Department estimates a fee to process a FOIA request greater than \$50.00, the Department will require a good-faith deposit from you before providing the public records. The deposit shall not exceed 1/2 of the total estimated fee. Any written notice containing a notice of a deposit shall also contain a best efforts estimate by the Department regarding the time frame after a deposit is received that it will take the Department to provide the public records. The time frame estimate is not binding upon the Department, but the Department 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.

D. Fee calculations.

The FOIA permits the Department to charge a fee to process requests. The Department may charge for the following costs:

1. the costs of labor for the search, location, and examination of public records;
2. the costs of labor for the review of public records and separation and deletion of exempt from nonexempt material;
3. the cost of nonpaper physical media;
4. the cost of duplication and publication of public records;
5. the costs of labor for the duplication or publication of public records;
6. the actual cost of mailing public records.

Please be advised that annually, around 95% of FOIA requests received by the Department are processed at no cost to the requester.

E. Avenues for challenge and appeal.

If the Department charges a fee or denies all or part of a request, you may submit to the head of the Department a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced, or the disclosure determination should be reversed. Written appeals may be sent to the email address or mailing address listed above and will be forwarded to the Department's Director for response.