

Michigan Civil Service Commission Internal Operating Procedure	PAGE 1 of 2
	EFFECTIVE DATE: Revised 8/5/2022
SUBJECT: <p style="text-align: center;">FREEDOM OF INFORMATION ACT (FOIA) POLICY</p>	

PURPOSE

This policy sets forth standards for responding to Freedom of Information Act (FOIA) requests.

POLICY

In general, FOIA provides that a person may inspect, copy, or receive copies of a public body's records if not otherwise exempt from disclosure. Failure to timely reply can result in monetary damages. The FOIA Coordinator for the Michigan Civil Service Commission (MCSC) shall respond to all requests, provide guidance on exemptions to the general duty to disclose, and determine any fee charged for responding to a request.

STANDARDS

1. The state personnel director shall designate a FOIA Coordinator to respond to FOIA requests for the MCSC. Unless otherwise authorized, any written request for information, including by fax, email, or other electronic means, received by MCSC staff for MCSC information is treated as a FOIA request and responded to consistent with this policy. A copy of this policy must be posted on the MCSC website.
2. Any FOIA request involving records not normally provided or available to the public in the ordinary course of business (including records related to the requester's personal information) received by MCSC staff must be delivered to the FOIA Coordinator within one business day. The FOIA Coordinator must be consulted if there is any doubt whether to process a request as a FOIA request.
3. Upon receiving a FOIA request, the FOIA Coordinator shall:
 - a. Create a master folder in which all records related to the request are kept.
 - b. Deliver a copy of the FOIA request to MCSC staff who may have access to responsive public records. Before searching for or producing responsive records, staff shall notify the FOIA Coordinator of estimated search and production time. If the estimated time is 30 minutes or more, staff shall not produce the records yet, but shall notify the FOIA Coordinator of the lowest-paid MCSC staff capable of retrieving responsive records, the estimated time to produce, and an estimate of the number of responsive pages. If the estimated time is under 30 minutes, staff shall provide a copy of all responsive public records by the specified deadline. If a responsive record is available on the [MCSC's internet website](#), staff shall instead provide URLs for the record. Staff need not create a new public record or make a compilation, summary, or report of information. Any questions on records must be raised with the FOIA Coordinator.
 - c. If estimated search and production time exceeds 30 minutes, estimate production costs in accordance with § 4.
 - d. If estimated costs exceed \$100, require a deposit from the requestor in accordance with § 5. After the requestor pays the deposit or full cost, notify staff to process the request and provide a copy of all responsive public records or a URL to the FOIA Coordinator by an amended deadline.

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- e. If a FOIA request cannot be answered within 5 business days, issue a notice to the requester of an extension of up to 10 business days. The notice must specify the reasons for the extension and the date by which the MCSC will respond.
 - f. Review all records provided by MCSC staff for appropriate exemptions from disclosure. The FOIA Coordinator shall redact exempt information from public records so copies of non-exempt material may be provided to the requestor.
 - g. Prepare a "Response to Request for Public Records" form, which clarifies (1) whether the request is denied, granted, or both; (2) the basis for any denial; (3) any processing costs charged; and (4) appeal rights.
 - h. Close the master folder after completing the response and maintain it for at least one year.
4. The FOIA coordinator shall calculate the incremental labor cost required for MCSC staff to respond to the request. The wage cost for the lowest-paid MCSC staff capable of performing required work to respond is used, based on 15-minute increments, rounded down. This includes salary and fringe benefits (capped at 50% of salary costs, unless statutorily permitted). The FOIA Coordinator shall also charge actual postage and shipping costs. For printed pages, the FOIA Coordinator shall charge \$0.05 per printed side and use double-sided printing, as available.
 5. The FOIA Coordinator shall charge a fee for producing public records when total production costs associated with a requestor exceed \$20. For requests where estimated production costs exceed \$100, the FOIA Coordinator shall require a good-faith deposit of half the estimated costs before preparing records for production. After receiving any required deposit, the FOIA Coordinator shall have staff complete processing the request and report actual time required to produce the records. The balance of the fee is billed, based on actual production costs, before providing the records to the requestor. For requests between \$20 and \$100, all production costs are billed before providing the records. If a requestor provides proof of eligibility for a statutory discount, no charge is made for the first \$20 of costs. Any costs or deposit may be paid by major credit card at <https://www.thepayplace.com/mi/dtmb/mcscfoia>, or by cash or check payable to State of Michigan mailed to: FOIA Coordinator, Michigan Civil Service Commission, P.O. Box 30002, Lansing, MI 48909.
 6. If an appeal is received from a denial of a request or challenging a fee within 10 business days of issuance of the denial or fee notice, the state personnel director or a designee shall issue a written response to the appeal within 10 business days. An extension of up to 10 business days may be taken under unusual circumstances.

CONTACT

Please direct questions or concerns about this policy to FOIA Coordinator, Michigan Civil Service Commission, P.O. Box 30002, Lansing, MI 48909, MCSC-FOIA@mi.gov, or (517) 284-0093.