

Grand Rapids Housing Commission Freedom of Information Policy

Adopted on _____ Under Resolution _____

I. SUBMITTING REQUESTS

The Freedom of Information Act (Public Act No. 442 of 1976) requires the disclosure of public records by all “public bodies” in the state.

There is no specific form to submit a Freedom of Information request. Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Grand Rapids Housing Commission may be submitted in any form of writing, including letter, fax, and email, or by verbal request.

Written requests for public records may be submitted in person or by mail to the Grand Rapids Housing Commission, 1420 Fuller Avenue, SE, Grand Rapids, MI 49507. Requests may also be submitted electronically by fax at 616-235-2660 and by email at info@grhc.org. Written requests must include contact information and a complete description of the records requested.

A person may request that the public records be provided on non-paper physical media, emailed, or other otherwise provided to him or her in digital form in lieu of paper copies. The Grand Rapids Housing Commission will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

If a person makes a verbal, non-written request for information believed to be available on the Grand Rapids Housing Commission’s website, when practicable and to the best ability of the employee receiving the request, the requestor shall be informed of the pertinent website address.

II. RESPONSES TO REQUESTS

It is the policy of the Grand Rapids Housing Commission to respond in writing within five (5) business days to all requests for information. If a request is received by fax, email or other electronic transmission, the request is deemed to have been received on the following business day. If the written request is sent by email and delivered to the Grand Rapids Housing Commission spam or junk-mail folder, the request is not received until one business day after the Grand Rapids Housing Commission first becomes aware of the written request.

The Grand Rapids Housing Commission will respond to the request in one of the following ways: (1) grant the request; (2) issue a written notice denying the request; (3) grant the request in part and issue a written notice denying the request in part; (4) under unusual circumstances, request a 10 business day extension in writing to respond to a request; or (5) issue a written notice indicating that the public record requested is available at no charge on the Grand Rapids Housing Commission’s website.

All Freedom of Information requests will be referred to the Grand Rapids Housing Commission Executive Director or his designee, and may be reviewed by legal counsel.

The Grand Rapids Housing Commission will provide to the requesting person a reasonable opportunity to review its public records, and will furnish him/her reasonable facilities during normal business hours to examine and take notes from public records.

Request for information that is exempt under Section 13 of the Freedom of Information Act will be denied. The Grand Rapids Housing Commission will not prepare compilations, summaries, or reports in response to Freedom of Information Act requests except as required under Section 11 of the Act.

III. DEPOSIT REQUIREMENTS

The Grand Rapids Housing Commission may require a good-faith deposit from the person requesting information before providing the public records if the entire fee estimate exceeds \$50.00. This deposit shall not exceed ½ of the total estimated fee.

If the requestor has submitted a Freedom of Information request in the previous twelve months and failed to pay the fee, the Grand Rapids Housing Commission may require a deposit of up to 100% of the estimated fee if all of the following are true: (1) the final fee for the prior written request was not more than 105% of the estimated fee; (2) the public records made available contained the information being sought in the prior written request and are still in the public body's possession; (3) the public records were made available to the individual, subject to payment, within the time frame estimate required by law; (4) ninety days have passed since the public body notified the individual in writing that the public records were available for pickup or mailing; (5) the individual is unable to show proof of prior payment to the public body; and (6) the public body calculates a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

However, the Grand Rapids Housing Commission shall not require an increased estimated fee deposit if any of the following apply: (1) the person making the request is able to show proof of prior payment in full to the Grand Rapids Housing Commission; (2) the Grand Rapids Housing Commission is subsequently paid in full for the applicable prior written request; or (3) three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the Grand Rapids Housing Commission.

IV. AVENUES FOR CHALLENGE

A. Denial of Requests

If the Grand Rapids Housing Commission denies all or part of a Freedom of Information request, the requestor may submit a written appeal to the Grand Rapids Housing Commission Board. A written appeal to the Grand Rapids Housing Commission Board must include the word "appeal" and identify the reason or reasons for reversal of the denial.

Within ten (10) business days of receiving the written appeal, the Grand Rapids Housing Commission Board will either: (1) reverse the disclosure denial; (2) issue a written notice to the requesting person upholding the disclosure denial; (3) reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part; or (4) under unusual circumstances, issue a notice extending the period to respond for not more than ten (10) business days.

The Grand Rapids Housing Commission Board is not considered to have received a written appeal until the first regularly scheduled board meeting following submission of the written appeal.

If the Grand Rapids Housing Commission Board fails to respond to a written appeal, or if the Grand Rapids Housing Commission Board upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in Circuit Court.

Whether or not a requestor submitted an appeal of a denial to the Grand Rapids Housing Commission Board, he or she may file a civil action in County Circuit Court within 180 days after the Grand Rapids Housing Commission's final determination to deny the request.

B. Excessive Fee

If a requestor believes that the fee charged by the Grand Rapids Housing Commission to process a Freedom of Information request exceeds the amount permitted by state law or under this policy, he or she must first appeal to the Grand Rapids Housing Commission Board by submitting a written appeal for a fee reduction to the office of the Grand Rapids Housing Commission.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Within ten (10) business days of receiving the written appeal, the Grand Rapids Housing Commission Board will respond in writing by: (1) waiving the fee; (2) reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee; (3) upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or (4) under unusual circumstances, issue a notice extending the period to respond for not more than ten (10) business days.

The Grand Rapids Housing Commission Board is not considered to have received a written appeal until the first regularly scheduled board meeting following submission of the written appeal.

Within 45 days after receiving notice of the Grand Rapids Housing Commission Board's determination of an appeal, the requesting person may commence a civil action in County Circuit Court for a fee reduction.

If a civil action is commenced against the Grand Rapids Housing Commission for an excess fee, the Grand Rapids Housing Commission is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

V. FEES & COSTS

The Grand Rapids Housing Commission will charge a fee for responding to a Freedom of Information request which will not exceed the sum of the following components: (1) labor cost for copying/duplication; (2) labor cost to locate and examine information; (3) labor cost for redacting; (4) costs of copying/duplication; and (5) mailing.

All parties who submit a Freedom of Information request will be provided with a detailed cost itemization showing the calculation of this fee. Any person on welfare or who presents inability to pay because of indigence will not be required to pay the first \$20 of fee charges.

If a Freedom of Information request is granted, or granted in part, the Grand Rapids Housing Commission will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.

If the public information is provided on non-paper physical media, the requestor will be charged for the actual costs of the non-paper media used to provide the information.

The fee for the cost of labor directly associated with copying or duplicating the information shall not exceed the hourly wage of the Grand Rapids Housing Commission's lowest-paid employee capable of completing the

necessary duplication or copying, regardless of who actually completes the task. This cost shall be assessed in one (1) minute increments.

The fee for the cost of labor directly associated with locating the information shall not exceed the hourly wage of the Grand Rapids Housing Commission's lowest-paid employee capable of locating the requested information, regardless of who actually completes the task. This cost shall be assessed in fifteen (15) minute increments.

The fee for the cost of labor directly associated with separating exempt information from nonexempt (redacting) shall not exceed the hourly wage of the Grand Rapids Housing Commission's lowest-paid employee capable of completing the necessary redaction, regardless of who actually completes the task. This cost shall be assessed in fifteen (15) minute increments.

If the Grand Rapids Housing Commission does not employ a person capable of separating exempt from non-exempt information in a particular instance, the requestor shall be charged for the cost of labor of a contractor to complete the task. This cost shall not exceed an amount equal to 6 times the state minimum hourly wage rate.

The Grand Rapids Housing Commission will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

When calculating labor costs, the Grand Rapids Housing Commission may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits. However, overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor.

If the Grand Rapids Housing Commission has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, the Grand Rapids Housing Commission shall provide the public records in the specified format but may use a fringe benefit multiplier greater than the 50% limitation in subsection (2), not to exceed the actual costs of providing the information in the specified format.

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the Grand Rapids Housing Commission 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.

A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets all of the following requirements: (1) is made directly on behalf of the organization or its clients; (2) is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931; and (3) is accompanied by documentation of its designation by the state, if requested by the Grand Rapids Housing Commission.

The fees for labor costs for a written Freedom of Information request will be reduced if the Grand Rapids Housing Commission does not respond in a timely manner as required under MCL 15.235(2). Specifically, the Grand Rapids Housing Commission will reduce the charges for labor costs otherwise permitted by 5% for each day the Grand Rapids Housing Commission exceeds the time permitted for a response to the request, with a maximum 50% reduction, if either of the following applies: (1) the late response was willful and intentional; or (2) the written request included language that conveyed a request for information within the first 250 words of

the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for “freedom of information,” “information,” “FOIA,” “copy”, or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.