PAW PAW DISTRICT LIBRARY
WRITTEN PUBLIC SUMMARY OF FOIA PROCEDURES & GUIDELINES
Effective July 1, 2015

Pursuant to the requirements of the Freedom of Information Act (FOIA), the following is the Written Public Summary of Paw Paw District Library's FOIA Procedures & Guidelines relevant to the general public regarding how to submit written FOIA requests to the Library and explaining how to understand the Library's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. This Written Public Summary shall be available on the Library's website at http://www.pawpaw.lib.mi.us/ .

Process for Submitting FOIA Requests:

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Library must be submitted in writing.
- A request must sufficiently describe a public record so as to enable the Library to find it.
- No specific form to submit a written request is required. However, a FOIA Request form for your use and convenience is available on the Library's website at http://www.pawpaw.lib.mi.us/.

Written requests can be made in person by delivery to the Library in person or by mail to the Library Director at 609 West Michigan Avenue, Paw Paw, MI 49079.

- Requests may also be made by facsimile to the Library Director at the following fax number: 269-657-2603.
- A request may also be submitted by e-mail to the Library Director at ppdl49079@yahoo.com.

Note: If you are serving a sentence of imprisonment in a local, state or federal correctional facility you are not entitled to submit a request for a public record.

1. **The Library's Response to FOIA Requests:**
   - Within 5 business days of receipt of a FOIA request, the Library will issue a response. If a request is received by facsimile or e-mail, the request is deemed to have been received on the following business day. The Library will respond to your request in one of the following ways:
     - Grant the request.
     - Issue a written notice denying the request.
     - Grant the request in part and issue a written notice denying in part the request.
     - Issue a notice that the Library is extending the time for responding by an additional 10 business days.
     - Issue a written notice indicating that the public record requested is available at no charge on the Library's website.

- If the request is granted, or granted in part, the Library will require that payment be made for the allowable fees associated with responding to the request before the public record is made available.

2. **Fee Deposit Requirements:**
   - If the Library has made a good faith calculation that the total estimated fee for processing the request exceeds $50.00, the Library may require that you provide a deposit in the amount of 50% of the total estimated fee. When the Library requests the deposit, it will provide you a non-binding best efforts estimate of how long it will take to process the request following receipt by the Library of your deposit.
   - If the Library receives a request from a person who has not paid the Library for copies of public records made in fulfillment of a previously granted written request, the Library may require a deposit of 100% of the estimate processing fee before it begins to search for the public record for any subsequent written request when all of the following conditions exist:
     - The final fee for the prior written request is not more than 105% of the estimated fee;
     - The public records made available contained the information sought in the prior written request and remain in the Library's possession;
     - The public records were made available to the individual, subject to payment, within the time frame estimated by the Library to provide the records;
     - 90 days have passed since the Library notified the individual in writing that the public records were available for pickup or mailing;
     - The individual is unable to show proof of prior payment to the Library; and
     - The Library has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
   - The Library will not require the 100% estimated fee deposit if any of the following apply:
     - The person making the request is able to show proof of prior payment in full to the Library;
     - The Library is subsequently paid in full for all applicable prior written requests; or
     - 365 days have passed since the person made the request for which full payment was not remitted to the Library.

3. **Fees for Processing FOIA Requests:**
   - The FOIA Coordinator will require payment in full for the allowable fees for processing and responding to a FOIA request before the public record is made available.
   - FOIA permits the Library to charge and collect a fee for the following six categories of costs associated with responding to a FOIA request:

- Labor costs directly associated with searching for, locating and examining a requested public record.
- Labor costs directly associated with a review of a record to separate and delete information exempt from disclosure from information which is not exempt from disclosure.
- The actual and most reasonably economical cost of computer discs, computer tapes or other digital or similar media.
- The actual total incremental cost of duplication or publication, not including labor, of paper copies of public records.
- Labor costs directly associated with duplication or publication including making paper copies, making digital copies, or transferring digital public records to the requesting person in non-paper physical media or through the Internet or other electronic means.
- The cost to mail or send a public record to a requestor.

- Labor Costs

  - All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no labor charge.
  - Labor costs will be charged at the hourly wage of the lowest-paid employee capable of performing the work in the specific instance, regardless of who actually performs the labor.
  - Labor costs may also include a charge to cover or partially cover the cost of fringe benefits up to 50% of the labor charge amount but not to exceed the actual fringe benefit cost.

- Non-paper Physical Media

  - The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
  - This cost will be charged only if the Library has the technological capability necessary to provide the public record in the non-paper physical media format.

- Paper Copies

  - The cost of paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed $.10 per sheet of paper. Copies for non-standard sized sheet paper will reflect the actual cost of duplication.
  - The Library will utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

- Mailing Costs
    - The Library will charge the actual cost to mail public records using a reasonably economical and justified means.
    - The Library will not charge for expedited shipping or insurance unless requested by the requesting person but the Library may charge the least expensive form of postal delivery confirmation.

- A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the Library because of the nature of the request in the particular instance, and the Library specifically identifies the nature of the unreasonably high costs.
- The FOIA Coordinator may waive or reduce a fee if it is determined 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.

4. Eligibility for Fee Reduction:

- The Library will waive the first $20.00 of the processing fee for a request if you submit an affidavit stating that you are:
    - Indigent and receiving specific public assistance; or
    - If not receiving specific public assistance, stating facts demonstrating an inability to pay because of indigency.

- You are not eligible to receive the $20.00 waiver based on indigency if you:
    - Have previously received discounted copies of public records form the Library twice during the calendar year; or
    - Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

- The Library will waive the first $20.00 of the processing fee for a request if you are a nonprofit organization designated by the State of Michigan to carry out certain activities and your request satisfies certain criteria. (Please see the full Procedures & Guidelines for more information).

5. Appeals-Denials of FOIA Request:

- If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may file a written appeal of the denial with the Library Board (c/o the Library Director). The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons you are seeking a reversal of the denial. The Library Board is not considered to have received the written appeal until the first regularly scheduled Library Board meeting after the submission of the written appeal.

- Within 10 business days of receiving the written appeal, the Library Board will respond in writing by:
    - Reversing the disclosure denial;
    - Upholding the disclosure denial; or
    - Reverse the disclosure denial in part and uphold the disclosure denial in part.
    - Under unusual circumstances, issue a notice extending for not more than ten (10) business days the period during which the Library Board will respond to the written appeal. The Library Board shall not issue more than one notice of extension for a particular written appeal.

- Whether or not you submitted an appeal of a denial to the Library Board, you may file a civil action in Circuit Court to compel the Library's disclosure of public records as provided in Section 10 of the Act.

6. Appeals-Fees:

- If you believe that the fee charged by the Library to process your FOIA request exceeds the amount permitted by FOIA, you must first submit a written appeal for a fee reduction to the Library Board (c/o the Library Director). The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. The Library Board is not considered to have received a written appeal until the first regularly scheduled meeting of the Library Board following the first regularly scheduled meeting of the Library Board following submission of the written appeal.
- Within 10 business days after receiving the appeal, the Library Board will respond in writing by:
    - Waiving the fee;
    - Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
    - Upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
    - Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Library Board will respond to the written appeal. The Library Board will not issue more than one notice of extension for a particular written appeal.

- Within 45 days after receiving notice of the Library Board's determination of the processing fee appeal or the Library Board's failure to timely act on the written appeal as required by Section 10a(2) of the Act, you may commence a civil action in Circuit Court for a fee reduction. If you file such a civil action, the Library is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

More Detail and Information:

This is only a summary of the Library's FOIA Procedures & Guidelines and does not necessarily reflect all provisions of the Procedures & Guidelines. For more details and information, complete copies of the FOIA Procedures & Guidelines are available at no charge at the Library and on the Library's website at http://www.pawpaw.lib.mi.us/ .

Adopted May 18, 2015