

FREEDOM OF INFORMATION ACT (FOIA) PROCEDURES AND GUIDELINES POLICY

I. Policy Section

6.0 General Counsel

II. Policy Subsection

6.19 Freedom of Information Act (FOIA) Procedures and Guidelines

III. Policy Statement

The Freedom of Information Act regulates and sets requirements for the disclosure of public records by all “public bodies.” Certain records may be protected from disclosure. Grand Rapids Community College’s (GRCC) FOIA Coordinator will assess requests to determine what records are subject to disclosure.

IV. Reason for the Policy

The release of documents from public institutions is required by law under the Freedom of Information Act.

This policy informs individuals of the process for obtaining information under the Freedom of Information Act. In addition, the procedures provide direction to College employees/offices that receive FOIA requests regarding the process for handling requests for public records under the Freedom of Information Act.

V. Entities Affected by this Policy

- A. GRCC Employees who receive requests for GRCC information in their capacity as College employees.
- B. Board of Trustees members who may, as Board members, receive requests for information that relates to or involves the College.
- C. The College will cooperate fully with the Federal Bureau of Investigation, as well as all other State and Federal Courts, Agencies and other entities having legal rights to College records.
- D. General Public.

VI. Who Should Read this Policy

All GRCC Employees
Board of Trustees
General Public

VII. Related Documents

- A. State and Federal Freedom of Information Acts:
- B. Family Educational Rights and Privacy Act (FERPA)
- C. Health Insurance Portability and Accountability Act (HIPAA)
- D. Social Security Privacy Act
- E. Bullard-Plawecki Act
- F. Michigan Open Meetings Act
- G. Confidential Research and Investment Information Act (CRIIA)
- H. Law Enforcement Information Network (LEIN)
- I. Crime Victim's Rights Act

VIII. Contacts

Policy Owner: FOIA Coordinator: Labor Relations and Equal Opportunity Generalist
General Counsel

IX. Definitions

- A. Public bodies: includes state officers, employees, agencies, departments, divisions, bureau boards, commissions, councils, school districts, community colleges, as well as any other body which is created by state or local authority or which is primarily funded by or through state or local authority. "Public bodies" do not include private non-profit corporations.
- B. Public records: writings 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. The FOIA does not require a public body to create a compilation, summary, or report of information. Individual notes of a Board member cannot be discovered under the FOIA, as the school Board member or council person is not a public body.
- C. Writing: handwriting, typewriting, text messaging, printing, photographing, photocopying, and every other means of recording. "Writings" include letters, words, pictures, sounds, symbols, papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic

or punched cards, discs, drums, digital documents, a combination thereof, or other means of recording or retaining meaningful content.

X. Procedures

GRCC Freedom of Information Act Procedures and Guidelines

A. Appointment of FOIA Coordinator

1. In accordance with section 6 of the FOIA, MCL 15.236, GRCC has appointed a FOIA Coordinator. The name of the FOIA Coordinator is available in the Office of General Counsel.

B. Submission of FOIA Request

FOIA requests to GRCC can be sent by email or mail to:

Email: foia@grcc.edu

Grand Rapids Community College Attn. FOIA Coordinator

143 Bostwick Avenue, NE

Grand Rapids, Michigan 49503-3295

Requests should include a name, phone number, mailing address, and a written request that describes a public record sufficiently to enable GRCC to find the public record.

C. Immediately Forward FOIA Request

1. Any employee of GRCC who receives a written request for a public record must immediately forward that request to the FOIA Coordinator. If a GRCC employee receives a written request for a public record that is delivered to a spam or junk-mail folder, the employee must record the date and time the written request is delivered to the spam or junk-mail folder and date and time the employee first becomes aware of the written request. The employee must forward those dates and times to the FOIA Coordinator with the written request.

D. Request Response Time

1. Within five (5) business days after receiving a FOIA request, GRCC will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day.

2. GRCC may extend the time for responding by an additional ten (10) business days by notifying the requesting person in writing of the reason for the extension and the new due date. MCL 15.235(2)(d) and (6). Due to the short statutory time period in which GRCC must issue a written notice in response to the FOIA request, it is imperative that there be no delay in complying with GRCC's procedures and guidelines.
3. If fees are warranted, then additional response time may be warranted as well.

E. Response to a FOIA Request

1. GRCC will respond to a FOIA request in one of the following ways:
 - a. Grant the request
 - b. Issue a written notice denying the request
 - c. Grant the request in part and issue a written notice denying the request in part
 - d. Issue a notice indicating that due to the nature of the request; GRCC needs up to an additional ten (10) business days to respond. Only one such extension is permitted
 - e. Issue a written notice indicating that the public record(s) requested is publicly available at no charge on GRCC's website
2. Coordination of Response: The FOIA Coordinator will coordinate the College's official response by doing the following:
 - a. Gathering the requested records
 - b. Preparing one set of responsive documents for the requestor and one set of responsive documents for College FOIA files
 - c. Ensuring that confidential information (as defined under the FOIA) is appropriately redacted from records prior to release
 - d. Mailing, emailing, or otherwise providing the requested documents in electronic form within the statutory timeframe and/or arranging a time and place for the requestor to inspect requested materials at the College
 - e. Notifying employees affected by the request/response
3. Copies of Guidelines: GRCC will provide copies and summaries of these procedures and guidelines with each written response or provide a link to an online version of these documents. If a request is denied, in full or in part, GRCC will provide the requester an explanation of the basis of the denial under the FOIA and give notice to the requester of his or her remedial rights. MCL 15.235(4)

F. Notification of FOIA Request

1. Upon receipt of a FOIA request, GRCC's FOIA Coordinator will contact the office or offices that might possess records responsive to the FOIA request.

G. Assessment of Fees for a FOIA Request

1. When Fees may be Charged: The FOIA permits GRCC to charge a fee for the search, retrieval, examination, review, and separation and deletion of exempt from nonexempt material, but only if the failure to charge a fee would result in unreasonably high costs to GRCC because of the nature of the request in the particular instance, and GRCC specifically identifies the nature of these unreasonably high costs. MCL 15.234(1) and (3)
2. Calculation of Fees: The following fee guidelines for calculating labor and material costs incurred in processing FOIA requests are established pursuant to MCL 15.234(3):
 - a. Fees will be uniform and not dependent upon the identity of the requesting person.
 - b. Fees will be itemized using a detailed itemization of fees and will include the following:
 - i. Labor costs for the search, location, and examination of public records using the hourly wage of GRCC's lowest paid employee capable of conducting the search, location, and examination, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of fifteen (15) minutes with all partial increments rounded down. Labor costs shall also include up to fifty percent (50%) of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
 - ii. Labor costs for the review of public records and separation and deletion of exempt from nonexempt material using the hourly wage of GRCC's lowest paid employee capable of conducting the review and separation and deletion of exempt from nonexempt material, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of fifteen (15) minutes with all partial increments rounded down. Labor costs shall also include up to fifty percent (50%) of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.

- iii. Non-paper physical media costs using the actual and most reasonably economical cost of computer discs, computer tapes, and other digital and similar media provided by GRCC.
 - iv. Duplication and publication costs using the actual total incremental cost of necessary duplication or publication of a public record, not including labor. The actual and incremental cost, calculated per sheet, shall be charged and will not exceed five (5) cents per sheet of paper for letter or legal-size paper. GRCC shall use the most economical means available for making copies, including the use of double-sided printing, if cost-saving and available.
 - v. Labor costs for the duplication or publication of public records, including making paper copies, making digital copies, or transferring digital public records to be produced on non-paper physical media or through electronic means, using the hourly wage of GRCC's lowest paid employee capable of duplicating or publishing the public records, whether or not they are available or actually perform the labor. Such labor costs shall be estimated and charged in increments of fifteen (15) minutes with all partial increments rounded down. Labor costs shall also include up to fifty percent (50%) of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
 - vi. Actual costs of mailing using a reasonably economical and justifiable manner.
- c. No department employee shall stipulate to work overtime or include overtime wages in the labor costs described in these procedures and guidelines.
 - d. If a requester submits an affidavit of indigency, the first twenty dollars (\$20.00) of a fee will be waived. A requesting person must include a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.
 - e. Labor costs for monitoring an inspection of original records will be calculated using the hourly wage of GRCC's lowest paid employee capable of monitoring the inspection. Note: Section 3(3) of the FOIA, MCL 15.233(3), provides, in pertinent part, that "[a] public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction."
 - f. If a statute authorizes the sale or production of public records to the public for a specified fee or if a fee for production of public records is otherwise set by statute, GRCC will charge the statutory fee in lieu of a fee calculated using the guidelines set forth above.

H. Deposit Requirements

If GRCC estimates a fee to process a FOIA request greater than fifty dollars (\$50.00), GRCC will require a good-faith deposit from the requestor before providing the public records to the requestor. The deposit shall not exceed one half (1/2) of the total estimated fee. Any written notice containing a notice of a deposit shall also contain a best efforts estimate by GRCC regarding the time frame after a deposit is received that it will take GRCC to provide the public records to the requestor. The time-frame estimate is not binding upon GRCC, but GRCC shall provide the estimate in good faith and strive to be reasonably accurate. GRCC shall 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.

I. Appeals of Fees and Disclosure Determinations

If GRCC charges a fee or denies all or part of a request, the requestor may submit to the President of GRCC 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.

J. Abandonment of FOIA Request

If a requested deposit is not received by GRCC within forty-five (45) days of the date of requestor's receipt of correspondence from the FOIA Coordinator, and if requestor has not filed a written appeal regarding the deposit amount, the request will be considered abandoned pursuant to MCL 15.234(14).

K. Records

Copies of all written requests for information shall be kept on file in the FOIA Coordinator's office for three (3) years. FOIA requests will be summarized annually and archived by the Office of General Counsel.

XI. Forms

N/A

XII. Effective Date

Original Date: October 17, 2012

XIII. Policy History

Adopted August 10, 2005

Revised to conform to new legislation: October, 2015

Revised October, 2019

Revised October, 2023: Updated titles, forms, and hyperlinks. Added clarification language throughout. Added language to define “Abandonment of FOIA Request”.

XIV. Next Review/Revision Date

October, 2027