

MTA Sample FOIA Forms Packet

**Note: This page is for information only;
it is not part of the FOIA forms.**

**Some of these forms are these pages are designed to be printed together,
back-to-back, on two sides of a sheet.**

The suggested formats are:

- 1) **FOIA Request Form**—Print **FOIA Request Form** on front, with **FOIA Request Cost Worksheet** on the back. (*Or, you may print the Request Cost Worksheet on a separate sheet.*) Use the Cost Worksheet as both an estimate worksheet and as an invoice.
- 2) **FOIA Request Cost Worksheet**—This form may be used as a stand-alone form OR on the back of the **FOIA Request Form** and the **Notice to Extend**. The Cost Worksheet is included twice in this packet for easy 2-sided printing.

The Cost Worksheet can be used with the **Notice of Denial** form, but should not replace the excerpt from the FOIA on the back of the Notice of Denial form.
- 3) **Notice to Extend Response Time for a FOIA Request**—Print the **Notice to Extend** on front, with **FOIA Request Cost Worksheet** on the back. (*Or, you may print the Request Cost Worksheet on a separate sheet.*) Use the Cost Worksheet as both an estimate worksheet and as an invoice.
- 4) **Notice of Denial of FOIA Request**—Print the **Notice of Denial** on front, with the excerpt from the FOIA (MCL 15.240) on the back side of the Notice of Denial. The Notice of Denial must include a detailed description of the requestor's right to appeal, and this section of the Act is included to comply with that requirement.

This packet was prepared in February 2007 by Catherine Mullhaupt, MTA Member Information Services Liaison. Feel free to contact MTA Member Information Services with questions or suggestions about using the forms.



Michigan Townships Association
P.O. Box 80078
Lansing, MI 48908-0078
(517) 321-6467
catherine@michigantownships.org

_____ Township
Freedom of Information Act Request Cost Worksheet

<p>Pursuant to Section 4 of the Michigan Freedom of Information Act, MCL 15.234, the following costs will be charged for responses to FOIA requests, according to the FOIA Fee Schedule adopted and periodically revised by the township board.</p>		
<p>Copying (per copy cost):</p> <p>Copying costs may be charged if a copy of a public record is requested, or if a copy is required to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection.</p> <p style="text-align: right;"> Letter (single-sided): ___ cents per page Letter (double-sided): ___ cents per page Legal (single-sided): ___ cents per page Legal (double-sided): ___ cents per page Other: _____ Cost per page: _____ </p>	<p>Number of pages: x _____ = x _____ = x _____ = x _____ = x _____ = x _____ =</p>	<p>Total Cost \$ _____ \$ _____ \$ _____ \$ _____ \$ _____</p>
<p>Labor Cost for Copying (hourly wage):</p> <p style="text-align: right;">Hourly Wage Charged: _____</p>	<p>Number of minutes: x _____ =</p>	<p>Total Cost \$ _____</p>
<p>Mailing:</p> <p style="text-align: right;"> No. 10 Business Envelope: ___ cents 9 x 12 Envelope: ___ cents 10 x 13 Envelope: ___ cents Other: ___ cents </p> <p style="text-align: right;"> Postage (select method): \$ _____ per stamp \$ _____ per pound \$ _____ per package </p>	<p>Number of envelopes: x _____ = x _____ = x _____ = x _____ =</p> <p>Actual Postage: x _____ = x _____ = x _____ =</p>	<p>Total Cost \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____</p>
<p>Labor Cost for Separating Exempt from Non-Exempt Information (hourly wage):</p> <p>Due to the nature of the request, a labor charge may be charged for the search, examination, review, and (if appropriate) the deletion and separation of exempt from non-exempt information as provided in Section 4 of the Freedom of Information Act, MCL 15.234. This fee is being charged because failure to do so would result in unreasonably high costs to the township, specifically:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p style="text-align: right;">Hourly Wage Charged: _____</p>	<p>Number of minutes: x _____ =</p>	<p>Total Cost \$ _____</p>
	Subtotal	\$ _____
Proof or Affidavit of Indigency Submitted	Subtract \$20.00	\$ _____
	Estimated Cost	\$ _____
Note: Estimated Cost Exceeds \$50.00. Good Faith Deposit of 50% Required <u>Before</u> Request Will Be Processed	50% Deposit Date Paid: _____	\$ _____
Note: Request Will Be Processed, But Balance Must Be Paid <u>Before</u> Copies May Be Picked Up, Delivered, or Mailed	Balance Due Date Paid: _____	\$ _____

_____ Township
(Township FOIA Coordinator Address:)

Phone () _____ Fax () _____

Notice to Extend Response Time for FOIA Request
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

RE: Request to: Receive copy Inspect record Subscribe to record issued on regular basis
Delivery Method (upon payment of balance due): Pick up records in person Mail to address below

Date Request Received: _____ Date of This Response: _____
Record(s) Requested: _____

We are extending the date to respond until _____. (This date can be no more than 15 business days from the date the original request was received by the township.)

If you have any questions regarding this extension, contact _____ at _____.

Reason for Extension:

1. The township needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the township must:

_____.

2. The township needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the township office. Specifically, the township must coordinate documents from the following locations: _____
_____.

3. Other (describe): _____

_____.

Signature of FOIA Coordinator:	Date:
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_____ Township
Freedom of Information Act Request Cost Worksheet

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<p>Copying (per copy cost):</p> <p>Copying costs may be charged if a copy of a public record is requested, or if a copy is required to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection.</p> <p style="text-align: right;"> Letter (single-sided): ___ cents per page Letter (double-sided): ___ cents per page Legal (single-sided): ___ cents per page Legal (double-sided): ___ cents per page Other: _____ Cost per page: _____ </p>	<p>Number of pages: x _____ = x _____ = x _____ = x _____ = x _____ = x _____ =</p>	<p>Total Cost \$ _____ \$ _____ \$ _____ \$ _____ \$ _____</p>
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	Subtotal	\$ _____
Proof or Affidavit of Indigency Submitted	Subtract \$20.00	\$ _____
	Estimated Cost	\$ _____
Note: Estimated Cost Exceeds \$50.00. Good Faith Deposit of 50% Required <u>Before</u> Request Will Be Processed	50% Deposit Date Paid: _____	\$ _____
Note: Request Will Be Processed, But Balance Must Be Paid <u>Before</u> Copies May Be Picked Up, Delivered, or Mailed	Balance Due Date Paid: _____	\$ _____

_____ Township
(Township FOIA Coordinator Address:)

Phone () _____ Fax () _____

Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

RE: Request to: Receive copy Inspect record Subscribe to record issued on regular basis

Date Request Received: _____ Date of This Response: _____

Record(s) Requested: _____

All or part of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact _____ at _____.

Reason for Denial:

1. This item is exempt from disclosure under FOIA Section 13, Subsection (*insert number*), because: _____

2. This item does not exist under the name provided in your request or by another name reasonably known to the township. A certificate that the public record does not exist under the name given is enclosed. If you believe this record does exist, provide a description that will enable us to locate the record: _____

3. A portion of the requested record had to be separated or deleted as it is exempt under FOIA Section 13, Subsection (*insert number*), because: _____

A brief description of the information that had to be separated or deleted: _____

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the township board or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If you are successful in asserting the right to inspect or to receive a copy of a public record or a portion of a public record in court, the court will award reasonable attorney fees, costs, and disbursements. If you prevail in part of your action, the court may in its discretion award reasonable attorney fees, costs, and disbursements or an appropriate portion of those attorney fees, costs, and disbursements. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator:

Date:

(January 2007)

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240 Options by requesting person; appeal; orders; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body 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 an action in circuit court under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. The circuit court for the county in which the complainant resides or has his or her principal place of business, or the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the circuit court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997