

FREEDOM OF INFORMATION ACT (FOIA)
REQUEST FORM

Under **Section 4** of the Village of New Haven's Freedom of Information Policy, a person can request information considered public record and have it either sent to them in one of the means discussed below, or picked up in the office. The FOIA Coordinator must sign the request form to confirm that the request is a matter of public record in order for the request to be validated.

The Village requires that a minimum escrow deposit of **\$25.00** be paid when a request is made to the FOIA Coordinator. The Village will charge against that escrow deposit for the costs of copying, postage, etc. as outlined under **Section 4** of the FOIA Policy. The FOIA Coordinator will maintain an account sheet. If the escrow deposit is reduced to **\$1.00** or less prior to the expiration of the term of FOIA request, the FOIA Coordinator will contact the person for additional deposit or termination of the request. If and when the escrow deposit is reduced to \$1.00 or less, all work on the FOIA request will cease until such time that an additional deposit is paid.

I, _____ have read and agree to the terms listed above:

Date Requested: _____

Request Submitted By: ☐ E-mail ☐ U.S. Mail ☐ Fax ☐ In Person

Name of Requester _____

Street Address: _____

City/State/County Zip (required): _____

Telephone _____ E-mail (Optional): _____ Fax _____

(Optional): _____

Records Requested: **Provide as much specific detail as possible so the Village of New Haven FOIA Coordinator can identify the information that you are seeking. You may attach additional pages, if necessary.*

Do you want copies of the documents/information? ☐ YES/ ☐ NO

--Do you want Electronic Copies or Paper Copies? _____

--If you want Electronic Copies, in what format? _____

Is this request for a Commercial Purpose? ☐ YES/ ☐ NO

(It is a violation of the Freedom of Information Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the Village of New Haven FOIA Coordinator. 5 ILCS 140.3.1(c)).

Are you requesting a fee waiver? ☐ YES/ ☐ NO

(If you are requesting that the Village of New Haven FOIA Coordinator waive any fees, you must attach a statement of the purpose of the request, and whether the principal purpose of the request is to access or disseminate information regarding the health, safety and welfare or legal rights of the general public. 5 ILCS 140/6(c)).

I confirm that the Village of New Haven is authorized to publicize the information requested above. Unless waived, the Village has received the escrow deposit fee of **\$25.00** and agrees to provide the information as requested.

Signature of FOIA Coordinator: _____

**VILLAGE OF NEW HAVEN
FREEDOM OF INFORMATION ACT**

POLICY

Village of New Haven ("Village") is committed to compliance with the Michigan Freedom of Information Act, MCLA 15.231 et. Seq. ("FOIA"), including all amendments. Requests under FOIA will be processed and managed by the Village according to the requirements of FOIA and consistent with this Policy.

1. WRITTEN REQUESTS ONLY

A FOIA request must be made by a "written request" as set forth by MCL 15.233(1). A written FOIA request includes a request made by facsimile or other electronic means. Verbal requests are not acceptable under FOIA. Written FOIA requests submitted to the Village by fax or other electronic means are not considered received by the Village until one business day after the fax or electronic communication is made. An individual making a written FOIA request can subscribe for up to 6 months to future issuances of public records that are created, issued or disseminated on a regular basis by the Village. A written FOIA request must adequately describe or define the public record subject to the written FOIA request.

2. FOIA LOG

The Village FOIA Coordinator shall maintain a FOIA Log for all written FOIA requests which includes the requesting entity, the date of the written FOIA request and the date of all responses to the written FOIA request.

3. EXTENSION FOR RESPONDING TO FOIA REQUESTS

In accordance with MCL 15.235(2)(d), the Village may extend the time for responding to any written FOIA request by not more than ten (10) business days. Only one extension is allowed. (See Section 5(d) below)

4. COST FOR FOIA REQUESTS

Fees and costs may be charged by the Village for a written FOIA request in accordance with MCL 15.234.

Due to the expected costs to the Village, there will be a labor fee charged for the search, examination, review and separation of exempt from non-exempt items.

An unreasonably high cost on the Village related to a written FOIA request is, by this Policy, defined to mean any search, examination, review and separation of exempt from non-exempt items which requires the use of Village resources being directed to fulfillment of a FOIA request which would otherwise be performing duties on behalf of the Village.

If a labor fee is charged for the search, examination, review and separation of exempt from non-exempt items, the FOIA Coordinator shall identify the reason for these costs to the individual making the written FOIA request.

If a labor fee is charged for the search, examination, review and separation of exempt from non-exempt items, the fee shall be calculated and charged at a rate equal to the hourly wage of the lowest paid Village employee capable of retrieving the information subject to the written FOIA request.

If the individual making the written FOIA request submits an affidavit indicating that he/she is on indigent and on specific public assistance, there will not be a charge for the first \$20.00 associated with that written FOIA request.

If the overall fee, including labor, exceeds \$50.00, the Village may require a good faith deposit equal to 50% of the overall fee for the labor, search, examination, review and separation, and copying expected to respond to the written FOIA request. The following fees are hereby adopted, excluding labor.

Tapes (if available)	\$7.00
Computer Discs	\$7.00
Copy Charges	
8 1/2 X 11	.25 ¢-first 3 copies /.15¢ for all additional copies
8 1/2 x 11- color (if available)	.50¢ -all copies
	.25¢- first 3 copies /.15¢ for all additional copies
8 1/2 X 14	.50¢ - first 3 copies /.30¢ for all additional copies
11 X 17	
	Second side 1/2 or first side
	.15¢ = .08¢
Two sided copies	.30¢ = .15¢
GIS Copies	
8 1/2 X 11	\$2.00- all copies
11 X 17	\$3.00- all copies
Postage	Standard postal rates

5. RESPONSES TO WRITTEN FOIA REQUESTS

In accordance with MCL 15.235(2), the FOIA Coordinator shall, within five (5) business days after receiving the written FOIA request, do one of the following in response to a written FOIA request:

- (a) Grant the request.
- (b) Issue a proper written notice to the requesting person denying the request.
- (c) Grant the request in part and issue a written notice to the requesting person denying the request in part.
- (d) Issue a notice extending for not more than 10 business days the period during which the public body shall respond to the request. A public body shall not issue more than ONE (1) notice of extension for a particular request. The notice shall state the reason for the extension and state the date by which the Village shall do ONE (1) of the following:
 - 1. Grant the request.
 - 2. Issue a written notice to the requesting individual denying the request.
 - 3. Grant the request in part and issue a written notice to the requesting individual denying the request in part.

The Village FOIA Coordinator shall, upon a specific written FOIA request, furnish a certified copy of a public record. The Village Clerk shall certify the public record.

6. FACILITY FOR REVIEW OF PUBLIC RECORDS

The Village, by its FOIA Coordinator, shall provide to the party making a written FOIA request a reasonable facility for making memoranda or abstracts from its public records during normal business hours.

7. RULES TO PROTECT PUBLIC RECORDS

In accordance with MCL 15.233(3), the Village is allowed to make reasonable rules to protect its public records and to prevent excessive and unreasonable interference with the discharge of the Village's functions. The following rules are deemed reasonable and necessary by the Village as of the date of this Policy.

- (a) Members of the public shall not be allowed to leave the Village premises with any original Village public records for any reason
- (b) Inspections of public records shall be conducted by a scheduled appointment and shall be conducted at the Village offices during normal business hours and under the supervision of the FOIA Coordinator.
- (c) No brief cases or bags shall be allowed in the immediate vicinity when inspecting public records.

- (d) The purpose, in part, of tape recordings of meetings is to assist in the preparation of written minutes. Requests for copies of tapes will be managed by the FOIA Coordinator and a copy will be provided. A written FOIA request to inspect or listen to any tape will be managed by the FOIA Coordinator by playing the tape under the control of the FOIA Coordinator or a designee. The Village does not have equipment to make studio quality tape copies.
- (e) Only the Clerk or a Village designee shall remove minutes from any minute book for inspection and/or copying.
- (f) The Village FOIA Coordinator shall maintain the FOIA Log.

8. DENIAL OF FOIA REQUEST

A written notice denying a written FOIA request shall be signed by the FOIA Coordinator and shall state:

- (a) An explanation of the basis under FOIA for the determination that the public record is exempt from disclosure.
- (b) A certificate that the public record does not exist.
- (c) A description of a public record that is separated or deleted, if a separation or deletion is made.
- (d) A full explanation of the requesting person's right to do one of the following:
 - 1) Submit to the Village Council a written appeal which states the word "appeal" and states the reason for the reversal of the disclosure denial.
 - 2) Seek a judicial review of the denial under the FOIA in the appropriate court.
- (e) Notice of the right to receive attorneys' fees and damages as provided under FOIA if, after judicial review, the circuit court determines that the Village has not complied with FOIA and orders disclosure.

9. DESIGNATION OF FOIA COORDINATOR

Pursuant to MCL 15.236, the Village shall, from time to time, designate an individual as the Village's FOIA Coordinator who shall be responsible for the administration of this FOIA Policy.

10. ITEMS EXEMPT FROM DISCLOSURE

The Village may, at its discretion, exempt from disclosure only those public records identified in MCL 15.243.

11. RESPONSE TO AN APPEAL

Within 10 days after receiving a written appeal, the Village Council shall do one 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 Village Council shall respond to the written appeal. The Village Council shall not issue more than 1 notice of extension for a particular written appeal.

Pursuant to MCL 15.240(3), the Village Council is not considered to have received a written appeal until the first regularly scheduled meeting of the Village Council following submission of the written appeal. The 10 days shall then run from that date of that first regularly scheduled meeting.

12. CONFLICT WITH LAW

If any portion of this Policy is not consistent with FOIA, FOIA shall apply and shall be controlling with respect to the conflicting Policy provision only. The remaining sections of the Policy remain effective.

13. DESIGNATIONS

Village FOIA Coordinator

Head of Public Body for Appeal -- Village Council

14. POLICY FORMS

The following forms are attached and incorporated by reference to this FOIA Policy.

- (a) Notice to Extend.
- (b) Request Worksheet.
- (c) Standard Denial Letter.

ATTACHMENT B
FREEDOM OF INFORMATION ACT WORKSHEET FOR FUTURE ISSUANCES

Under Section 4 of the Village of New Haven's Freedom of Information Policy, a person can request that a public record, which is regularly published, be sent to them or they may be called for pickup of the public record for a period of time, not to exceed six months, unless extended. The FOIA Coordinator must sign the request form to confirm that the public record is one regularly published in order for this worksheet to be validated.

The Village requires that an escrow deposit of **\$25.00** be paid when this request is made to the FOIA Coordinator. The Village will charge against that escrow deposit for the costs of copying and postage as outlined under Section 4 of the FOIA Policy. The FOIA Coordinator will maintain an account sheet of the number of copies and cost for mailing. If the escrow deposit is reduced to **\$1.00** or less prior to the expiration of the term of FOIA request, the FOIA Coordinator will contact the person for additional deposit or termination of the request.

I, _____ have read and agree to the terms listed above:

Public records requested:

Period of request (not to exceed six months): _____

I request that the records be sent to me at:

OR

_____ *Call to notify me that the public records are available for pickup at:*

Phone:

Signature: _____ *Date:* _____

I confirm that the Village of New Haven regularly publishes the public records requested above. The Village has received the escrow deposit of **\$25.00** and agrees to provide copies of the record as requested for the period listed above or until the request is terminated due to lack of escrow funds for copying and postage charges as described above.

Signature of FOIA Coordinator: _____