

Lake Township, Roscommon County
Board and Administrative Policy Manual
Freedom of Information Act (FOIA)
Inspection of Records

6.9 Public Inspection of Records

Upon receiving a verbal request to inspect township records, the township shall furnish the requesting person with a reasonable opportunity and reasonable facilities for inspection and examination of its public records.

A person shall be allowed to inspect public records during usual business hours, not less than four hours per day. The public does not have unlimited access to township offices or facilities, and a person may be required to inspect records at a specified counter or table, and in view of township personnel.

Township officials, appointees, staff or consultants/contractors assisting with inspection of public records shall inform any person inspecting records that only pencils, and no pens or ink, may be used to take notes.

In coordination with the official responsible for the records, the FOIA coordinator shall determine on a case-by-case basis when the township will provide copies of original records, 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.

The clerk or FOIA coordinator, is responsible for identifying if records or information requested by the public is stored in digital files or e-mail, even if the public does not specifically request a digital file or e-mail.

A person cannot remove books, records or files from the place the township has provided for the inspection.

No documents shall be removed from the office of the custodian of those documents without permission of that custodian, except by court order, subpoena or for audit purposes. The official shall be given a receipt listing the records being removed. Documents may be removed from the office of the custodian of those documents with permission of that custodian to accommodate public inspection of those documents.

6.10 Copies May Be Required to Enable Public Inspection of Records

In coordination with the official responsible for the records, the FOIA coordinator will determine (*by policy, on a case-by-case basis, or both*) when the township will provide copies of original records, 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.

Optional: A fee will be charged for copies made to enable public inspection of records, according to the township's FOIA policy.

6.11 Record Fees

In all cases, township personnel shall use the most economical means available to make copies of public records, including digital copies of documents or recordings. E-mail may be used to distribute or mail records.

“Actual, incremental cost” means the cost to the township over and above the cost to the township if the request had not been made. Overhead costs shall not be included in an “actual, incremental cost.”

The township shall charge the actual, incremental copying cost to make a copy subject to a FOIA request for a copy or made to accommodate a request to inspect.

The township shall charge a flat fee of \$10.00, plus 10 cents per page to make the copy, additionally there will be a \$1.00 fee for paper and \$1.00 fee for printing.

Fees for Copying Records or Notices for FOIA or Open Meetings Act Subscriptions: The Township shall charge the actual, incremental cost to make the copy.

Mailing Fees: The Township shall charge actual postage or shipping costs and the actual cost of the envelope or mailer.

Fees for Separating Exempt from Non-Exempt Information: A fee shall not be charged for the cost to search, examine, review, and delete, separate or redact exempt from non-exempt information unless failure to charge a fee would result in unreasonably high costs to the township because of the nature of the specific request.

The FOIA coordinator shall determine if a fee will be charged under this section.

When the FOIA coordinator determines that a fee will be charged under this section, the FOIA coordinator shall specifically identify the nature of the unreasonably high costs of the specific request on the written response to the FOIA request.

6.12 Waived FOIA Request Costs for Specific Types of Records *(Optional)*

Apart from costs waived due to indigency, FOIA costs shall be waived only according to this section. Costs cannot be waived on an individual basis. The township shall not charge for copies of *records, such as "most recent draft and approved sets of minutes."*

6.13 Costs Waived Due to Indigency of Person Making FOIA Request

A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20 of the fee for each request to a person who is entitled to information under the FOIA and who submits an affidavit stating that, at the time the request is submitted, the person is either receiving public assistance or is unable to pay the cost because of indigency.

"Indigency" is determined by the township's poverty guidelines annually adopted for property tax poverty exemption applications (or "the federal poverty thresholds annually compiled and published by the Bureau of the Census prior to December 31 of each year").

6.14 Fifty-Percent Good Faith Deposit for Costs Over \$50

If the costs estimated for a specific FOIA request exceed \$50, the person requesting the record(s) shall make a good faith deposit before the township will process the request. The deposit shall not exceed one-half (50%) of the total fee.

6.15 Unpaid FOIA Requests Are Not Considered When Responding to a Subsequent FOIA Request for Different Records

The unpaid balance of a previous FOIA request shall not be deducted from separate or later FOIA requests for different records submitted by the same person. The unpaid balance of a previous FOIA request shall not be deducted from any other fees, taxes, charges or other bills paid to the township by that person.