



Written Public Summary of the Legislative Council's Freedom of Information Act (FOIA) Procedures and Guidelines

A. How to submit written requests.

FOIA requests to the Legislative Council can be sent by email, fax, or mail to:

Email: LCA@legislature.mi.gov

Michigan Legislative Council
124 West Allegan
Boji Tower - 3rd Floor
P.O. Box 30036
Lansing, MI 48909-7536
Fax: (517) 373-7668

Requests should include a name, telephone number, and mailing address.

B. How to understand the Council's written responses to FOIA requests.

The Council has several options when responding to written requests for public records. It can grant the FOIA request, deny the request, grant it in part and deny it in part, or take one 10-business-day extension. After a 10-business-day extension, the Council has to respond with one of the other options.

If the request is granted or granted in part and denied in part, the Council may also charge a fee to process the request. There is no fee for requests that do not require the Council to incur costs above the threshold set in its Procedures and Guidelines. Fees are calculated using the Council's Procedures and Guidelines, and the requester will receive a detailed itemization of the fee. The Council may require the requester to pay a good-faith deposit before it processes the request. After the requester pays any deposit and final balance due, the Council will produce records in its possession that fall within the scope of the request and are not exempt from public disclosure under state law. The Council may also notify the requester that some of the records he or she has requested are available on its website.

If the request is denied, the Council will inform the requester of the basis for its denial in a written notice. Reasons the Council may deny a request include:

1. The requester did not sufficiently describe the records requested well enough and the Council cannot determine what is being asking for;
2. The Council has determined that it does not possess records that respond to the request; or
3. The records requested are exempt from public disclosure.

If all or part of the request is denied, the Council will inform the requester of his or her right to appeal its denial to the Chair of the Legislative Council and/or to file a lawsuit against the Council in its written response.

C. Deposit requirements.

If the Council estimates a fee to process a FOIA request greater than \$50.00, the Council will require a good-faith deposit from the requester before satisfying the request. The deposit shall not exceed 1/2 of the total estimated fee. Any written notice of a deposit shall also contain a best efforts estimate by the Council regarding the time frame after a deposit is received that it will take the Council to satisfy the request. The time frame estimate is not binding upon the Council, but the Council shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on the public policy embodied in the FOIA, MCL 15.231, and the nature of the request in the particular instance.

D. Fee calculations.

The FOIA permits the Council to charge a fee to process FOIA requests using a form that provides a detailed itemization of the costs involved. The Council may charge for the following categories of costs:

1. the costs of labor for the search, location, and examination of public records;
2. the costs of labor for the review of public records and separation and deletion of exempt from nonexempt material;
3. the cost of nonpaper physical media;
4. the cost of duplication and publication of public records;
5. the costs of labor for the duplication or publication of public records;
6. the actual cost of mailing public records.

E. Avenues for challenge and appeal.

If the Council charges a fee or denies all or part of a request, the requester may submit to the Chair of the Legislative Council 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. Written appeals may be sent to the email address or mailing address listed above and will be forwarded to the Chair of the Legislative Council or the person designated by the Chair of the Legislative Council to respond to written appeals.