

POLICY:

It is the policy of the Isabella County Medical Care Facility (“Facility”) that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of the government.

GENERAL POLICIES:

1. All officers, employees, and agents of the Facility shall protect public records from loss, unauthorized alteration, mutilation, or destruction.
2. The Facility Administrator is hereby designated the “FOIA Coordinator” with the authority and responsibilities stated in the Act and this Policy. The FOIA Coordinator is authorized to designate other Facility staff to act on their behalf to accept and process written requests for the Facility’s public records and approve denials.
3. The FOIA Coordinator shall be responsible to accept and process all written requests for public records under the Act and shall be responsible for approving a denial under Section 5 of the Act (MCL 15.235).
4. If a request is received directly by a Facility officer or employee other than the Administrator, the original shall be promptly forwarded to the FOIA Coordinator. The date the FOIA Coordinator receives the request shall be considered the date the request is validly received by the Facility, for the purpose of determining when a response is due.
5. A written request made by facsimile, electronic mail, or other electronic transmission is not received by the FOIA Coordinator until one business day after the electronic submission is made.
6. The FOIA Coordinator, or any other designee, is not required to respond to oral requests for public records, but may do so for routine requests that can be granted immediately.
7. The Facility is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other Facility staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.
8. The FOIA Coordinator shall keep a copy of all written requests for public records received by the Facility on file for a period of at least one year.
9. The Facility will make this FOIA Procedures and Guidelines document and the Written Public Summary of FOIA Procedures and Guidelines publicly available without charge. If it does not, the Facility cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

10. A copy of this FOIA Procedures and Guidelines document must be publicly available by providing free copies both in the Facility's response to a written request and upon request by visitors at the facility.
11. This FOIA Procedures and Guidelines document will be maintained on the Facility's website at mcf.isabellacounty.org so a link to those documents will be provided in lieu of providing paper copies of those documents.

REQUESTING A RECORD:

1. No specific form to submit a request for a public record is required. However, the FOIA Coordinator may make available a FOIA Request Form for use by the public.
2. All individuals desiring to inspect or receive a copy of a public record shall make a written request to the FOIA Coordinator that describes the public record sufficiently to enable the FOIA Coordinator, or his/her designee, to identify and locate the public record.
3. Written requests for public records may be submitted in person or by mail to the facility. Requests may also be submitted electronically by fax and email.
4. Upon receiving a written request as required under this policy, a person or entity has the right to inspect, copy, or receive copies of the requested public record(s), unless the requested public record is exempt from disclosure pursuant to Section 13 of the Act (MCL 15.243), as amended. If the exempt status of any request is questioned, legal counsel should be consulted.
5. If a person makes a verbal, non-written request for information believed to be available on the Facility's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.
6. The FOIA Coordinator, or any other designee, shall furnish a requesting person or entity a reasonable opportunity for inspection and examination of the Facility's public records, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours.
7. A person may request that public records be provided on non-paper physical media, emailed or other otherwise provided to him or her in digital form in lieu of paper copies. The Facility will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.
8. A person or entity may subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to six months, at the request of the subscriber, and shall be renewable.

9. A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

PROCESSING A REQUEST:

1. When the FOIA Coordinator receives a written request for a public record, the FOIA Coordinator, or any other designee, shall, in not more than five (5) business days after the FOIA Coordinator receives the request, unless a longer time is agreed to in writing by the person making the request, respond to the request by one of the following:
 - a. Grant the request.
 - b. Issue a 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 written notice extending, for not more than ten (10) business days, the period during which the Facility shall respond to the request. No more than one notice of extension for a particular request may issued.
2. Any failure to respond to a written request as provided for above constitutes the Facility's determination to deny the request.
3. When a request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available. The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.
4. If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.
5. If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the Facility will require a good-faith deposit pursuant to the Calculation of Fees and Fee Deposit section of this policy before processing the request.
6. In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the Facility to process the request and also provide a best efforts estimate of a time frame it will take the Facility to provide the records to the requestor. The best efforts estimate shall be nonbinding on the Facility, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records.

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7. Any written response denying a request for a public record, in whole or in part, is a final determination to deny the request or portion of that request. Such a denial response should contain the following:
 - a. An explanation of the basis under the Act or other statute for the determination that a public record(s), or portion(s) thereof, is exempt from disclosure, if that is the reason for denying all or part of a request.
 - b. A statement that the public record(s) do not exist under the name/description used by the individual making the request.
 - c. A description of a public record(s) or information on a public record that is separated or deleted if such separation or deletion is made.
 - d. A full explanation of the requesting person's right to either file an appeal with the Isabella County Department of Health and Human Services Board ("Board"), which specifically states the word "appeal" and identifies the reason(s) for reversal of the disclosure denial, and/or to seek judicial review of the denial under Section 10 of the Act (MCL 15.240) by commencing an action in Circuit Court to compel disclosure of the public record(s) within 180 days after the final determination to deny the request. This explanation should also include notice that an individual may receive attorneys' fees and damages under the Act if the Court determines that the Facility has not complied with Section 5 (MCL 15.235) of the Act.

Appeal of a Denial of a Public Record

1. When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the Isabella County Department of Health & Human Services Board.
2. The Board is not considered to have received a written appeal until its next regularly scheduled meeting after the appeal is submitted.
3. Within 10 days after receiving a written appeal, the Isabella County Department of Health & Human Services Board shall do one of the following:
 - a. Reverse the disclosure denial.
 - b. Issue a written notice to the appellant upholding the denial.
 - c. Reverse the denial in part and Issue a written notice to the appellant upholding the denial in part.
 - d. Under unusual circumstances, issue a written notice extending, for not more than ten (10) business days, the period during which the Facility shall respond to the Appeal. No more than one notice of extension for a particular appeal may issue. (Under this paragraph, "unusual circumstances" means: (a) the need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records or (b) the need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving the request).

4. Any failure to respond to an appeal shall be considered a decision to uphold the denial. If an appeal is denied in whole or in part, the appellant may seek judicial review of the nondisclosure by commencing an action in Circuit Court as provided under Paragraph 13(d) above.

Calculation of Fees and Fee Deposits

1. Fees for producing any requests shall include actual postage costs, duplication costs and the cost of hourly labor, using the lowest administrative staff wage, needed to produce the request. Any labor cost shall include the cost of examination, review, separation, and/or deletion required to fulfill a request. The most economical means available for making copies of public records should be utilized. The fee shall be uniform and not dependent on the person making the request. From time to time the Facility may require a good faith deposit (not to exceed ½ of the total fee) from the requesting party, if the total anticipated fee exceeds fifty dollars (\$50.00).
2. A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request to an individual who is entitled to information under the Act and who submits an affidavit stating that the individual is then receiving public assistance or, if not receiving public assistance, submits an affidavit stating facts showing inability to pay the cost because of indigency.
3. The above guidelines regarding time frames, appeals, and fees do not apply to public records prepared under another act or statute (for example, requests for medical records under the Public Health Code, or requests under the Public Employment Relations Act or the Bullard-Plawecki Employee Right to Know Act, etc.).

Conflict with Prior FOIA Policies and Procedures; Effective Date:

To the extent that these FOIA Procedures and Guidelines conflict with previous FOIA policies promulgated by the Isabella County Department of Health and Human Services Board or the Facility Administration these FOIA Procedures and Guidelines are controlling.

To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this policy is found to be in conflict with any previous policy promulgated by the Isabella County Department of Health and Human Services Board or the Facility Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these FOIA Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control.

These FOIA Policies and Guidelines become effective August 29, 2024.