



## **FREEDOM OF INFORMATION ACT (FOIA) PROCEDURES AND GUIDELINES**

### **Section 1 – Purpose and Policy**

It is the policy of the Village of Holly that all persons, except those persons incarcerated in state, local, or federal correctional facilities, are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with the Michigan Freedom of Information Act (“FOIA”), Public Act 442 of 1976, as amended, MCL 15.231 et seq.

The Village of Holly adopts these FOIA Procedures and Guidelines in order to implement the requirements of the Michigan FOIA and to establish procedures regarding the public’s access to Village records.

These Procedures and Guidelines and applicable FOIA forms, shall be made available at no charge at Village Hall and on the Village’s website.

### **Section 2 – FOIA Coordinator**

#### **A. Designation**

The Village Clerk shall serve as the Village FOIA Coordinator unless otherwise designated by the Village Council.

The FOIA Coordinator may designate other Village employees to assist in accepting, processing, responding to, or denying FOIA requests.

#### **B. Responsibilities**

The FOIA Coordinator shall:

1. Receive and process FOIA requests.
2. Issue responses granting or denying requests.
3. Determine whether requested records contain exempt information.
4. Coordinate redaction of exempt material.

5. Calculate fees permitted under FOIA.
6. Maintain records of FOIA requests and responses.
7. Prepare forms and administrative procedures necessary for compliance with FOIA.

### **Section 3 – Submission of FOIA Requests**

#### **A. Written Requests Required**

Requests for public records must be submitted in writing to the FOIA Coordinator.

Requests may be submitted by:

- Mail
- Personal delivery
- Email

Requests should sufficiently describe the requested records to enable Village personnel to identify and locate them.

#### **B. Requests Sent Electronically**

A request transmitted by email or other electronic means is deemed received one (1) business day after transmission.

If a request is delivered to a spam or junk-mail folder, the request is deemed received one (1) business day after the Village first becomes aware of the request.

Village employees shall review spam and junk-mail folders at reasonable intervals.

#### **C. Subscription Requests**

A person may subscribe to future issuances of records created, issued, or disseminated on a regular basis. Subscriptions shall remain valid for up to six (6) months and may be renewed.

#### **D. Requests from Incarcerated Persons**

Persons serving a sentence of imprisonment in a local, state, or federal correctional facility are not entitled to submit FOIA requests under Michigan law.

## **Section 4 – Village Response to Requests**

Unless otherwise agreed to in writing, the Village shall respond within five (5) business days after receipt of a request by:

1. Granting the request;
2. Denying the request;
3. Granting the request in part and denying the request in part; or
4. Issuing a notice extending the response period for not more than ten (10) additional business days.

Only one extension may be issued per request.

## **Section 5 – Inspection of Public Records**

A requester may inspect public records during normal business hours upon reasonable notice and scheduling with the FOIA Coordinator.

The Village may supervise inspection of records to protect records from loss, destruction, alteration, or unauthorized disclosure and to avoid unreasonable interference with Village operations.

If exempt information is contained within a record, the Village shall redact exempt portions prior to inspection.

## **Section 6 – Denial of Requests**

If a request is denied in whole or in part, the Village shall provide a written notice containing:

1. An explanation of the basis for denial;
2. Citation to the applicable FOIA exemption or statute;
3. A description of deleted or redacted material, where practicable;
4. Notice of the requester's right to appeal;
5. Notice of the right to seek judicial review; and

6. Notice regarding the potential recovery of attorney fees, costs, disbursements, and damages.

## **Section 7 – Exemptions**

The Village shall exempt from disclosure all records or information exempt under Michigan FOIA or other applicable law.

Exemptions may include, but are not limited to:

- Personal privacy information;
- Law enforcement investigative records;
- Attorney-client privileged communications;
- Security or emergency response information;
- Trade secrets or confidential financial information;
- Records exempted by federal law or state statute.

The Village shall separate exempt and non-exempt material and disclose non-exempt portions where possible.

## **Section 8 – Fees and Costs**

It is the policy of the Village to recover allowable costs associated with processing FOIA requests in accordance with Michigan law.

The Village may charge for:

1. Labor costs directly associated with:
  - Searching for records;
  - Locating records;
  - Examining records;
  - Reviewing records;
  - Separating exempt from non-exempt information;
  - Copying or duplicating records.

## 2. Actual costs of:

- Paper copies;
- Digital media;
- Mailing;
- Physical storage devices.

### **A. Labor Rates**

Labor charges shall:

- Be calculated using the hourly wage of the lowest-paid employee capable of performing the work;
- Include fringe benefits not exceeding 50% of the employee's hourly wage;
- Be charged in 15-minute increments, rounded down.

### **B. Paper Copies**

Paper copies on standard letter or legal-sized paper shall not exceed \$0.10 per sheet.

### **C. Digital Records**

Records may be provided electronically where technologically feasible.

The Village shall not accept external storage devices from requesters.

### **D. Mailing Costs**

The Village may charge the actual cost of mailing using the least expensive reasonably available delivery method.

### **E. Unreasonably High Costs**

The Village may charge labor costs for searching, locating, examining, and separating records only if failure to do so would result in unreasonably high costs to the Village.

Factors considered include:

- Volume of records requested;
- Time required to process the request;

- Complexity of review and redaction;
- Number of departments involved;
- Available staffing resources.

## **Section 9 – Fee Deposits**

If estimated costs exceed \$50.00, the Village may require a good-faith deposit not exceeding fifty percent (50%) of the estimated total fee.

The Village shall provide:

- A detailed fee itemization; and
- A good-faith estimate of the time required to process the request.

If a requester previously failed to pay for a prior FOIA request, the Village may require a deposit of up to 100% of estimated fees as permitted by law.

## **Section 10 – Fee Waivers and Reductions**

### **A. Public Interest Waiver**

The Village may waive or reduce fees if disclosure primarily benefits the general public.

### **B. Indigence Discount**

The first \$20.00 of fees shall be waived for eligible indigent persons who submit a completed affidavit consistent with MCL 15.234.

### **C. Nonprofit Organizations**

Eligible nonprofit organizations advocating for persons with developmental disabilities or mental illness may receive a \$20.00 fee reduction if statutory requirements are met.

## **Section 11 – Public Records Available on Website**

If requested records are available on the Village website, the Village may notify the requester of the website location instead of reproducing the records.

If the requester still wishes to receive copies, allowable duplication and labor costs may apply.

## **Section 12 – Appeals**

In accordance with Act 442 of 1975, Section 15.240, the Village of Holly recognizes the Village Council as the head of the public body *as it pertains to FOIA appeal determination*.

### **A. Appeal of Denial**

A requester may submit a written appeal to the Village Council regarding denial of a request.

The appeal must:

- Be in writing;
- State the word “APPEAL”; and
- Identify the reason for the appeal.

Within ten (10) business days after the first regularly scheduled meeting of Village Council following submission of the written appeal, the Village Council shall:

1. Reverse the denial;
2. Uphold the denial;
3. Reverse in part and uphold in part; or
4. Issue one notice extending the response period by up to ten (10) additional business days.

A requester may also commence a civil action in circuit court within 180 days after the Village’s final determination.

### **B. Appeal of Fee**

A requester may appeal a fee determination by submitting a written appeal to the Village Council.

Within ten (10) business days after the first regularly scheduled meeting of Village Council following submission of the written appeal, the Village Council shall:

1. Waive the fee;

2. Reduce the fee;
3. Uphold the fee; or
4. Issue one notice extending the response period by up to ten (10) business days.

A requester may file a civil action regarding an excessive fee within 45 days after the Village's final determination.

### **Section 13 – Severability**

If any provision of these Procedures and Guidelines is determined invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

### **Section 14 – Effective Date**

These FOIA Procedures and Guidelines shall become effective upon adoption by the Village Council of the Village of Holly as of June 23rd, 2026.