

WRITTEN PUBLIC SUMMARY OF THE SENATE FISCAL AGENCY'S (SFA'S) FREEDOM OF INFORMATION ACT (FOIA) PROCEDURES AND GUIDELINES

Submission of Written Request

A FOIA request to the Senate Fiscal Agency can be sent by email, fax, or mail to:

Email: jmann@senate.michigan.gov

Mail:

Senate Fiscal Agency
Attn. FOIA Coordinator
201 N. Washington Sq., Suite 800
The Victor Center
P.O. Box 30036
Lansing, MI 48909

Fax: (517) 373-1986

A FOIA request must include a name, telephone number or email address, and a mailing address.

Understanding the SFA's Response

The Senate Fiscal Agency has several options when responding to written requests for public records. It can grant request, deny it, grant it in part and deny it in part, or take one 10-business-day extension. After a 10-business-day extension, the SFA must respond with one of the other options. If the request is granted or granted in part and denied in part, the SFA also may charge a fee to process the request. There is no fee for a request that does not require the SFA to incur costs above the threshold set in its Procedures and Guidelines. Fees are calculated using the SFA's Procedures and Guidelines, and the requesting person will receive a detailed itemization of the fee. The SFA may require the requesting person to pay a good-faith deposit before it processes the request. After the requesting person pays any deposit and final balance due, the SFA 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 SFA also may notify the requesting person that some of the records he or she has requested are available on its website.

If a request is denied, the SFA will inform the requesting person of the basis for its denial in writing. Some of the reasons the SFA may deny a request include the following:

- The requesting person did not describe the public record requested well enough for the SFA to determine what record is sought.
- The SFA has determined that it does not possess a public record that responds to the request.
- The record requested is exempt from public disclosure.

If all or part of a request is denied, the SFA will inform the requesting person of his or her right to appeal the denial to the SFA Governing Board and/or file a lawsuit against the SFA in its written request.

Fees and Deposit Requirements

If the SFA estimates a fee to process a FOIA request greater than \$50, the SFA will require a good-faith deposit from the requesting person before satisfying the request. The deposit may not exceed 1/2 of the total estimated fee. A written notice of a deposit also must contain a 'best efforts' estimate by the SFA regarding the time frame after a deposit is received that it will take the SFA to satisfy the request. The estimate is not binding upon the SFA; however, the SFA must provide the estimate in good faith and must strive to be reasonably accurate and to provide the public records in a manner based on the public policy embodied in FOIA and the nature of the request in the particular instance.

The Freedom of Information Act authorizes the SFA to charge a fee to process a FOIA request using a form that provides a detailed itemization of the costs involved. The SFA may charge for the following categories of costs:

- The costs of labor for the search, location, and examination of public records.
- The costs of labor for the review of public records and separation and deletion of exempt from nonexempt material.
- The cost of nonpaper physical media.
- The cost of duplication and publication of public records.
- The costs of labor for the duplication or publication of public records.
- The actual cost of mailing public records.

Appeals

If the SFA charges a fee or denies all or part of a request, the requesting person may submit to the SFA Governing Board a written appeal that specifically states the word "appeal" and identifies the basis for which the fees should be reduced or the disclosure determinations should be reversed. A written appeal may be sent to the email address or mailing address listed above and it will be forwarded to the Chair of the SFA Governing Board or his or her designee for responding to written appeals.