

Freedom of Information Act Policy

FOIA Requests

Grattan Academy is committed to complying with requests for public records in accordance with the provisions of the Michigan Freedom of Information Act (FOIA). All requests will be processed according to the requirements of FOIA and Grattan Academy policies and procedures.

FOIA requests should be made in writing and addressed to:

FOIA Coordinator
Grattan Academy
<Address>

Requests should be as specific as possible, so that Grattan Academy can identify and search for the requested document(s). The written FOIA request should be dated and signed by the requester, and include a return address. It is also helpful to provide a phone number and/or email address, so that, if necessary, the FOIA Coordinator can contact the requester to clarify a request.

A person may subscribe to public records issued or created by the school on a regular basis, and such subscriptions may be valid up to six months. However, if a request pertains to materials to which the Open Meetings Act refers (Act 267, PA 1976), the subscription is valid for one year.

The Academy is required and will provide reasonable facilities so that requesting persons may examine and take notes from public records. The facility will be made available during regular school hours.

Although the school is required to provide existing public records, it is not required to make a compilation, summary, report of information, or create a new public record.

FOIA Responses

In accordance with Michigan law, the requester will receive a response within five business days which will do one of the following:

- Grant the request and either provide the requested documents (and request payment in full or waive payment of the fee), or – if the request will cost Grattan Academy more than \$50 – notify the requester of the estimated fee for providing the documents and require a deposit be paid before processing the request.
- Notify the requester of a 10 business day extension to respond to the request, the reason for the extension and the date Grattan Academy will respond to the request;
- Deny the request, if the document is exempt from disclosure under FOIA or the document does not exist.

APPROVED


Signature


Date

Grattan Academy may charge a fee for the actual costs of copying and mailing the documents, including the labor costs associated with copying and mailing. Currently, that fee is 25 cents per page. In addition, Grattan Academy may charge the labor cost for searching, examining, reviewing, or redacting exempt information from the documents when the FOIA request seeks several records, requires a search of numerous records or a search of records stored in different locations or mediums, or requires review and redaction of exempt material. This fee is calculated based on the hourly rate (including benefits) of the lowest paid staff member capable of performing the search or review. Grattan Academy will waive fees for requests made in the public's interest, including requests from government officials and the media unless these requests become unreasonable, excessive or overly burdensome.

PROCEDURE FOIA Appeals

Denial of a request by Grattan Academy FOIA Coordinator may be appealed to the Grattan Academy Board of Education by forwarding the request with a written notice of appeal to:

Grattan Academy Board of Education

Attention: FOIA Appeal

<Address>

PROCEDURE – Freedom of Information Act

Grattan Academy Board of Directors has designated that the Administrator undertake the duties of the FOIA Coordinator. The FOIA Coordinator is responsible for accepting and processing all FOIA requests and approving denials. FOIA requests must be in writing. All FOIA requests received by Grattan Academy staff must be forwarded to the FOIA Coordinator. In the event the FOIA Coordinator feels circumstances appropriate, they may contact legal counsel at their own discretion. The FOIA Coordinator will keep a file copy of all FOIA requests for one year.

Upon receipt of a written FOIA request, the FOIA Coordinator shall immediately forward notice of the request, specifically describing each public record requested to the management company (hereinafter "FOIA Notice"). Furthermore, the FOIA Coordinator shall include within each FOIA Notice the date in which the FOIA request is received as prescribed by the Act, as well as the date(s) in which a response is due, including both a response due within the five (5) days prescribed by the Act as well as the date in which a response is due pursuant to the ten (10) day extension .

The FOIA Coordinator will respond within five (5) business days to a written request for a public document or record under the Freedom of Information Act in one of the following ways:

1. Grant the request.
2. Issue a written notice to the requesting person denying the request.
3. Grant the request in part and issue a written notice to the requesting person denying the request in part.

4. Issue a notice extending for not more than ten (10) business days the period during which the FOIA Coordinator shall respond to the request.

If the FOIA Coordinator denies a request, the FOIA Coordinator will explain the reasons for denying the request, that is, either the public record is exempt from disclosure or the public record does not exist and will inform the requesting party of the right to appeal the denial to the Grattan Academy Board or seek judicial review. If the requesting person submits a written appeal to the Board, the Board will have ten (10) business days from its next regularly scheduled meeting to decide whether to reverse or uphold the denial. The Board may, under unusual circumstances, issue a notice extending for not more than ten (10) business days the time to respond to the appeal.

Grattan Academy has an interest in protecting its public records and preventing excessive and unreasonable interference with the discharge of its functions. The FOIA Coordinator may exercise discretion in responding to excessive or unreasonable requests under FOIA.

Grattan Academy may charge a fee for actual mailing costs and actual copying costs, including labor for copying, searching, examining, reviewing, deleting and separating exempt from nonexempt information. Grattan Academy labor costs will be calculated based on the hourly wage of the lowest paid employee capable of retrieving the information necessary to comply with the request. If the fee will exceed \$50, the FOIA Coordinator may request a good faith deposit of one-half of the estimated fee and process the request only after receipt of the deposit. Grattan Academy may require the requestor pay the fee in full before releasing the records requested.

The FOIA Coordinator shall prepare guidelines for charging fees consistent with the law and Grattan Academy policy and procedure. Fees shall be uniform and not dependent upon the identity of the requester. A records charge invoice could be included as part of the FOIA Coordinator's response. A fee will not be charged if Grattan Academy determines the request primarily benefits the general public. The first \$20 of the fee will not be charged if the requester submits an affidavit that he or she is on public assistance or indigent.

Guidelines for Charging Fees

If Grattan Academy charges a fee, the following guidelines for calculating the fee shall be followed:

1. The actual cost of copying the records will be charged.
2. The actual cost of mailing the record will be charged.
3. The labor cost (that is the hourly wage, including fringe benefit costs, of the lowest paid employee capable of retrieving the information) for the time spent copying and mailing the record will be charged.
4. The labor cost for the time spent searching, examining, reviewing and deleting/separating exempt from nonexempt information will be charged when the cost to respond to the FOIA request is unreasonably high. This determination will be made on a case-by-case basis

considering the volume and complexity of the FOIA request, including the number of documents requested, the number of documents that must be searched to respond to the request, the location of the documents, the number of documents that must be examined to respond to the request, and the amount of information that must be redacted.

5. If a written request for a certified copy of the record is made, a certified copy of the record will be provided upon the payment of a \$10 fee for the first page and a \$1 for each additional page certified.

Denials

The FOIA coordinator is responsible for denial of the request and shall sign the written notice of denial.

A written notice denying a request in whole or in part shall contain:

- a. An explanation of the reason for the determination that the public record, or portion of that public record, is exempt from disclosure.
- b. A statement that the public record does not exist under the name given by the requester or by another name reasonable known to the school.
- c. A description of a public record or information on a public record that is separated or deleted to section 13, if separation or deletion is made.
- d. An explanation of the requesting person's right to do either of the following:
 - a. Submit to the head of the school a written appeal that specifically states the word "appeal" and identified the reason(s) for the reversal of the disclosure denial.
 - b. Seek judicial review of the denial under section 10.
- e. Notice of the right to receive attorney's fees and damages as provided in section 10 if, after judicial review, the Circuit Court determines that the public body has not complied with this section and orders disclosure of all or portion of a public record.

Exemptions

Several types of records are exempt from disclosure.

- Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.
- Records of information specifically described and exempted from disclosure by statute.
- A public record or information that is furnished by the public body which originally compiled, prepared, or received the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body. However, the considerations originally giving rise to the exempt nature of the public record must be applicable.
- Information or records subject to the attorney –client privilege.

- Information or records subject to the physician-patient, psychologist-patient, minister, priest, or Christian Science practitioner, or other privilege recognized by statute or court rule.
- A bid or proposal by a person to enter into a contract or agreement, until the time for the public openings of bids or proposals, or if a public opening is not to be conducted, until the time for the receipt of bids or proposals has expired.
- Appraisals of real property to be acquired by the public body until (a) an agreement is entered into; (b) 3 years have elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated.
- Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment or academic examination, unless the public interest in disclosure under this Act outweighs the public interest in nondisclosure.
- Medical, counseling, or psychological evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation.
- Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption does not apply unless the public body shows that in a particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure.
- Information that, if released, would prevent the public body from complying with the Family Educational Rights and Privacy Act of 1974.

PROCEDURE – Freedom Of Information Act Appeal To Board

A person submitting a written request to the FOIA coordinator under the Freedom of Information Act has a right to appeal any denial of the request by the FOIA coordinator to the New Bedford Academy Board. If a FOIA request is denied by the FOIA coordinator, the FOIA coordinator must send a written notice containing the reasons for denial and explain the right to submit a written appeal to the New Bedford Academy Board or seek judicial review in court.

A person whose FOIA request is denied who elects to appeal the denial to the Board must submit a written appeal to the Board using the word “appeal” and stating the reasons why the denial should be reversed.

The Board, at its next regularly scheduled meeting will receive the appeal. The Board has 10 business days after receiving the appeal to reverse the denial, uphold the denial or under unusual circumstances, issue a notice extending for no more than 10 additional business days the time to respond to the appeal.

The FOIA coordinator will attend the meeting of the Board and prepared to explain the reasons for the denial of the FOIA request. The person appealing the denial may be invited to attend the Board meeting and address the Board.

The Board will reach a decision based on the requirements of the FOIA law. A FOIA coordinator's decision will be upheld if the record does not exist or the Board elects to rely on one of the statutory exceptions. If the Board reverses the FOIA coordinator's denial, the Board will direct the FOIA coordinator to produce the requested material. If the Board upholds the FOIA coordinator's denial, the Board will inform the person appealing in writing that the FOIA request has been denied on appeal and inform the person of the right to seek judicial relief. If the Board reverses the denial in part and upholds the denial in part, then the Board will direct the FOIA coordinator to produce certain of the material requested and inform the person appealing that as to the material not disclosed, the person may seek judicial relief.