

ST. CLAIR HOUSING COMMISSION

FREEDOM OF INFORMATION POLICY

The Freedom of Information Act (Public Act No. 442 of 1976) requires the disclosure of public records by all public bodies in the state. All requests for any type of information and/or photocopy must be processed under the Freedom of Information Policy.

All Freedom of Information requests must be in writing and through the Housing Commission Management Office. The date and time received will be written on the request immediately. The request will then be referred to the Housing Commission Executive Director or his/her designee (FOIA Coordinator) and may be reviewed by legal counsel.

If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a spam or junk mail folder, the request is not deemed received until one day AFTER the FOIA Coordinator first becomes aware of the request.

If it is estimated that the request will exceed more than \$50 including copying and labor charges, the person shall be contacted to see if they would like a fee estimate based on a good-faith calculation and informed that they must pay a deposit equal to one half the estimated cost prior to compiling the material.

It is the policy of the Housing Commission to respond in writing within five (5) business days to all requests for information, either in the form of providing the requested information in full or part or advising of denial in full or part. Under unusual circumstances, the Housing Commission may request a 10-day extension in writing to respond to the request. Denials shall be in writing and will contain:

1. An explanation of the basis under this act or other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request.
2. A written notification/certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the public body if that is the reason for denying the request or a portion of the request.
3. An explanation or description of a public record or information within a public record that is separated or deleted pursuant to the act, if a separation or deletion is made.
4. A full explanation of the requesting person right to do either of the following:

- a. Submit to the head of the public body a written appeal that specifically states the word appeal and identifies the reason or reasons for reversal of the disclosure denial.
 - b. Seek judicial review of the denial under the act.
5. An explanation of the right to receive attorney's fees, cost, disbursements, and punitive damages as provided in the act if, after judicial review, the circuit court determines that the public body has not complied with this section and orders disclosure of all or a portion of a public record.

The Housing Commission will provide to the requesting person a reasonable opportunity to review its public records and will furnish him/her reasonable facilities during normal business hours to examine and take notes from public records. Such an opportunity will be by appointment only.

Requests for information that is exempt under Section 13 of the Freedom of Information Act will be denied.

The Housing Commission will not prepare compilations, summaries, or reports in response to Freedom of Information Act requests except as required under Section 11 of the Act.

The Housing Commission is authorized, pursuant to the provisions of Section 4 of said Act, to charge a fee for providing a copy of a public record and a fee for examining, reviewing, separating, and deleting exempt from non-exempt public records, subject to certain limitations and restrictions. Fees set shall consist of the current salary cost set for the Program Assistant Specialist (who is the designated employee responsible for and capable of retrieving all information requested) and general accepted photocopying costs. Current approved fees are detailed and available for review in the management office. Fees shall be waived if:

1. The request can be considered as primarily benefitting the general public;
or
2. The recipient is indigent. Indigence is assumed when a person is receiving public assistance or has an income below the federal poverty level. In cases of indigence, only the first \$20 incurred from any one request would be waived.

**ST. CLAIR HOUSING COMMISSION
FREEDOM OF INFORMATION ACT
SCHEDULE OF FEES AND COSTS**

SERVICE	COST TO CITIZEN	ESTIMATED COST	ACTUAL COST
Labor Cost of Searching & Reviewing Files to Delete Exempt Materials	First 15 minutes free. \$30.06 per hour thereafter (charged in 15-minute increments of \$5.01 if less than an hour)		
Labor Cost of Monitoring Public Review of Original Files	Same as above.		
Mailing Costs	Actual Cost		
Photocopying (all 8 ½ x 14" maximum): -One page -Two pages (double-sided) -Add= Additional pages	25 cents 50 cents for both 10 cents each		
Labor Costs for Photocopying	After the first 15 minutes, \$30.06 per hour (charged in 15-minute increments of \$5.01 if less than an hour)		
TOTAL OF ESTIMATE AND ACTUAL COST			
DEPOSITS	One-half the cost of estimates over \$50.00		
LESS AMOUNT FOR INDIGENT PERSONS first \$20.00			(-20.00)
TOTAL DUE			

If the fee estimate is expected to exceed \$50.00 based on a good-faith calculation, the requestor will be asked to provide a deposit not exceeding one-half of the total estimate fee.

If a request for public records is from a person who has not paid the Housing Commission in full for copies of public records made in fulfillment of a previously granted written request, the Housing Commission will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person.