



Board Adopted Policy	
Policy Title:	Freedom of Information Act (FOIA)
Effective Date: 05/01/2008	Review Cycle: three (3) years
Board Approval Date: 05/01/2008	Review Date: 06/21/2017
Review Date: 06/16/2020	Review Date: 07/18/2023

I. Application: Authority wide

II. Intent: It is the intent of this policy to provide clear-cut procedures for citizens and Benzie Transportation Authority (BTA) officials in disclosing public records. The intent of this policy is to comply in all respects with FOIA, but in the unintended event of a conflict, FOIA shall control and be deemed a part of this policy.

III. Procedure:

BTA's Executive Director, and/or designee, is designated and delegated duties as the FOIA Coordinator. All BTA officials and employees receiving document disclosure inquiries shall immediately transfer them to the FOIA Coordinator. All written requests for public records shall be forwarded to the FOIA Coordinator and kept for no less than one year.

All responses to requests for information under FOIA shall be forwarded to and reviewed by the FOIA Coordinator prior to granting the request according to the following procedure:

- 1) Requests to review and for copies of records under the FOIA shall be in writing.
- 2) The request shall be date-stamped by the receiving employee.
- 3) The request shall immediately be forwarded to the FOIA Coordinator.
- 4) The FOIA Coordinator shall distribute the request to all applicable employees, who shall return the information to the FOIA Coordinator.
- 5) The FOIA Coordinator shall prepare the response, with review by the BTA's Attorney when appropriate.

Rules to Prevent Excessive and Unreasonable Interference with BTA Functions:

- 1) Records may be personally examined only during normal business hours, i.e., between 8:00 a.m. and 5:00 p.m. on regular business days
- 2) BTA staff shall be given ample opportunity to review files for exempt or privileged records prior to allowing public examination.
- 3) BTA staff may defer a request to personally examine records within the time limits indicated in the FOIA.

Rules to Protect Records:

To protect records from loss, unauthorized alteration, mutilation or destruction, the FOIA Coordinator may adopt rules to protect the records. The following are general records' protection rules:

- 1) Records are to remain in the BTA's office while being reviewed.
- 2) Records are not to be altered in any manner.
- 3) Pens are not allowed in record review rooms. Copies of records are to be made by BTA staff or its designee.
- 4) For documentation purposes, staff shall keep copies of or a list of documents released or copied.
- 5) Records may not be removed from binders.
- 6) Records within files shall be kept intact and in order.
- 7) Copies of BTA digital records shall be made on USB's provided by the BTA. Copies of tapes shall be made on tapes provided by the BTA.
- 8) Records to be copied may be identified by tape flags or "Post-It" notes, by separate written description, or by inserting loose paper between pages.
- 9) Copyrighted material shall not be photocopied.

Fees:

Copies - Current BTA cost.

Faxing - Current BTA cost.

Mailing - Actual mailing, packaging and transportation costs shall be charged

Labor - The labor cost, including 40% overhead, of the lowest paid employee capable of examining, reviewing and separating the public record requested and deleting and separating exempt from non-exempt material as allowed by law.

Public Records Routinely Authorized For Sale - Current fee schedule or BTA cost.

Costs set by Law - Documents which are required to be prepared and sold for a specific fee under Michigan or federal law shall be sold in accordance with the applicable Michigan or Federal Law.

The FOIA Coordinator is authorized to establish such other fees and charges in situations not covered by this policy. At the time a request is made, the BTA may require a deposit from the

person requesting the public record or series of public records if the fees exceed \$50.00. The deposit shall not exceed one-half of the total fees for the request.

A copy of a public record shall be furnished without charge for the first \$20.00 of the fee for such request if the individual requesting such information submits an affidavit demonstrating that the individual is receiving public assistance, or if not receiving public assistance, is unable to pay the cost because of indigence.

Appeals. A person may file an appeal with the Circuit Court or the BTA's Board of Directors pursuant to Section 10 of FOIA. The board shall receive the appeal at its next regular meeting and, if possible, shall respond to the written appeal not more than ten (10) business days after receiving a written appeal. The Board shall take one of the following actions:

- 1) Reverse the denial
- 2) Issue a written notice to the appellant affirming the denial
- 3) Reverse the denial in part and issue a written notice to the appellant affirming the denial in part.
- 4) Under unusual circumstances, issue a notice extending for not more than ten (10) business days the period during which the Board may respond to the appeal.

Exemptions. The FOIA Coordinator is authorized to exempt from disclosure a public record pursuant to Section 13 of FOIA, and on appeal, the Board is authorized to so exempt a public record.