FOIA Request for Public Records

Request No.: __________  Date Received: __________  Check if received via: □ Email  □ Fax  □ Other Electronic Method
(Please Print or Type)
Date delivered to junk/spam folder: __________
Date discovered in junk/spam folder: __________

Name                                Phone
Firm/Organization                   Fax
Street                               Email
City                                 State  Zip

Request for:  □ Copy  □ Certified copy  □ Record inspection  □ Subscription to record issued on regular basis

Delivery Method:  □ Will pick up  □ Will make own copies onsite  □ Mail to address above  □ Email to address above
□ Deliver on digital media provided by the Library: __________________

Note: The Library is not required to provide records in a digital format or on digital media if the Library does not already have the technological capability to do so.

Describe the public record(s) as specifically as possible. You may use this form or attach additional sheets:

__________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________

Consent to Non-Statutory Extension of Library’s Response Time
I have requested a copy of records or a subscription to records or the opportunity to inspect records, pursuant to the Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq. I understand that the Library must respond to this request within five (5) business days after receiving it, and that response may include taking a 10-business day extension. However, I hereby agree and stipulate to extend the Library’s response time for this request until: ___________________ (month, day, year).

Requestor’s Signature  Date

(Complete both sides)
Records Located on Website
If the Library directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (separate exempt information from non-exempt information).

Overtime Labor Costs
Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

Consent to Overtime Labor Costs
I hereby agree and stipulate to the Library using overtime wages in calculating the following labor costs as itemized in the following categories:

1. □ Labor to copy/duplicate 2. □ Labor to locate 3a. □ Labor to redact 3b. □ Contract labor to redact
6b. □ Labor to copy/duplicate records already on Library’s website

Request for Discount: Indigence
A public record search must be made and a copy of a public record must be furnished without charge for the first $20.00 of the fee for each request by an individual who is entitled to information under this act and who:
1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR
2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body’s written response. An individual is ineligible for this fee reduction if ANY of the following apply:
(i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year,
(ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

Request for Discount: Nonprofit Organization
A public record search must be made and a copy of a public record must be furnished without charge for the first $20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets ALL of the following requirements:
(i) Is made directly on behalf of the organization or its clients.
(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
(iii) Is accompanied by documentation of its designation by the state, if requested by the Library.

Request for Copies/Duplication of Records on Library Website
I hereby stipulate that, even if some or all of the records are located on the Library’s website, I am requesting that the Library make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.
**Notice to Extend Response Time for FOIA Request**

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**Request for:**  
☐ Copy  
☐ Certified copy  
☐ Record inspection  
☐ Subscription to record issued on regular basis  
☐ Will pick up  
☐ Will make own copies onsite  
☐ Mail to address above  
☐ Email to address above  
☐ Deliver on digital media provided by the Library: 

**Record(s) You Requested:**  
(Listed here or see attached copy of original request)

We are extending the date to respond to your FOIA request for no more than 10 business days, until __________ (month, day, year). Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact ______________________ at ______________________.

**Estimated Time Frame to Provide Records:** __________ (days or date)  
The time frame estimate is nonbinding upon the Library, but the Library is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

**Reason for Extension:**

☐ 1. The Library needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the Library must:

☐ 2. The Library needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the Library office. Specifically, the Library must coordinate documents from the following locations:

☐ 3. Other (describe):

**Signature of FOIA Coordinator:**

Date:

(Created by Michigan Townships Association, April 2015)
[This page left blank on purpose.]
Notice of Denial of FOIA Request

Request No.: _________ Date Received: ___________ Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method
Date of This Notice: _______________ Date delivered to junk/spam folder: ___________

Name Phone
Firm/Organization Fax
Street Email
City State Zip

(Please Print or Type) Date discovered in junk/spam folder:
Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis
Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above
☐ Deliver on digital media provided by the Library: __________________________

Record(s) You Requested: (Listed here or see attached copy of original request) __________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

☐ All ☐ OR ☐ Part of your request for records has been denied. Please refer to this form for an explanation. If you have any
questions regarding this denial, contact ___________________________ at ___________________________

Reason for Denial:

☐ 1. Exempt from Disclosure: This item is exempt from disclosure under FOIA Section 13, Subsection _________ (insert number),
because: __________________________
________________________________________________________________________________________

☐ 2. Record Does Not Exist: This item does not exist under the name provided in your request or by another name reasonably
known to the Library. A certificate that the public record does not exist under the name given is attached. If you believe this record does
exist, provide a description that will enable us to locate the record: __________________________
________________________________________________________________________________________

☐ 3. Redaction: A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13,
Subsection ________ (insert number), because: __________________________
________________________________________________________________________________________

A brief description of the information that had to be separated or deleted: __________________________
________________________________________________________________________________________

Notice of Requestor’s Right to Seek Judicial Review
You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the Library board or to
commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure.
If, after judicial review, the court determines that the Library has not complied with MCL 15.235 in making this denial and orders disclosure of all or
a portion of a public record, you have the right to receive attorneys’ fees and damages as provided in MCL 15.240. (See back of this form for
additional information on your rights.)

Signature of FOIA Coordinator: __________________________ Date: ___________

(Created by Michigan Townships Association, April 2015)
FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys’ fees, costs, and disbursements; assessment of award; damages.

Sec. 10.
(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(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 denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body’s disclosure of the public records within 180 days after a public body’s final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys’ fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys’ fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

FOIA Appeal Form—To Appeal a Denial of Records

Request No.: __________ Date Received: __________ Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method
Date of This Notice: __________ Date delivered to junk/spam folder: __________

Name __________________________ Phone __________________________
Firm/Organization __________________________ Fax __________________________
Street __________________________ Email __________________________
City __________________________ State __________________________ Zip __________________________

(Please Print or Type) Date discovered in junk/spam folder: __________

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis
Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above
☐ Deliver on digital media provided by the Library: __________________________

Record(s) You Requested: (Listed here or see attached copy of original request) __________________________

Reason(s) for Appeal:
The appeal must identify the reason(s) for the denial. You may use this form or attach additional sheets:

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Requestor’s Signature: __________________________ Date: __________________________

Library Response:
The Library must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

Library Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until __________ (month, day, year). Only one extension may be taken per FOIA appeal.
Unusual circumstances warranting extension: __________________________________________

If you have any questions regarding this extension, contact: __________________________

Library Determination:
☐ Denial Reversed ☐ Denial Upheld ☐ Denial Reversed in Part and Upheld in Part
The following previously denied records will be released: __________________________

____________________________________________________________________________________
____________________________________________________________________________________

Notice of Requestor’s Right to Seek Judicial Review
You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the Library board or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure.
If, after judicial review, the court determines that the Library has not complied with MCL 15.235 in making this denial or orders disclosure of all or a portion of a public record, you have the right to receive attorneys’ fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: __________________________ Date: __________________________

(Created by Michigan Townships Association, April 2015)
Sec. 10.
(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:
   (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 denial.
   (b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body’s disclosure of the public records within 180 days after a public body’s final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:
   (a) Reverse the disclosure denial.
   (b) Issue a written notice to the requesting person upholding the disclosure denial.
   (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
   (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys’ fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys’ fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

FOIA Appeal Form—To Appeal an Excess Fee  

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</table>

Date of This Notice: ______________________

Name

Firm/Organization

Street

City

State

Zip

(Please Print or Type)

Request No.: ______________________

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above ☐ Deliver on digital media provided by the Library: ____________________________

Record(s) You Requested: (Listed here or see attached copy of original request)

Reason(s) for Appeal:

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:

__________________________________________________________________________

__________________________________________________________________________

Requestor’s Signature: ________________________ Date: ________________

Library Response:

The Library must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

Library Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until ___________ (month, day, year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension:

__________________________________________________________________________

If you have any questions regarding this extension, contact: ____________________________

Library Determination: ☐ Fee Waived ☐ Fee Reduced ☐ Fee Upheld

Written basis for Library determination:

__________________________________________________________________________

Notice of Requestor’s Right to Seek Judicial Review

You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the Library’s written Procedures and Guidelines to the Library board or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the Library board. If a civil action is commenced in court, the Library is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the Library required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: ________________________ Date: ________________
15.240a.added Fee in excess of amount permitted under procedures and guidelines or MCL 15.234.
Sec. 10a.

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subdivision (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of $500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of $500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.


Adopted by the Comstock Township Library Board on 6/8/15