

**ATTACHMENT A  
SAMPLE FOIA REQUEST FORM**

February 16, 2017

[FOIA COORDINATOR NAME]  
[FOIA COORDINATOR ADDRESS]

***Re: Freedom of Information Act Request***

Dear FOIA Coordinator:

I am writing to request, pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, [to inspect][to copy][to obtain copies of] the following public records:

[INSERT DESCRIPTION OF RECORDS SOUGHT]

**OPTIONAL:** Please provide a copy of the requested public records on [INSERT DESCRIPTION OF DESIRED NON-PAPER PHYSICAL MEDIUM, SUCH AS CD, FLASHDRIVE].

**OPTIONAL:** Please waive or reduce the fee to search for or furnish copies of the requested public records on grounds that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public records can be considered as primarily benefiting the general public.

**OPTIONAL:** Please furnished the requested records without charge for the first \$20.00 of the fee because (A) I am receiving public assistance [INSERT SPECIFIC DESCRIPTION] or am unable to pay the fee because of indigence; (B) I am not making this request in conjunction with outside parties in exchange for payment or other remuneration; and (C) I have not previously received discounted copies of public records from the District twice during this same calendar year.

**OPTIONAL:** Please furnished the requested records without charge for the first \$20.00 of the fee because (A) this request is made directly on behalf of a nonprofit corporation formally designated by the State of Michigan to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, or on behalf of its clients; (B) this request 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; and(C) this request is accompanied by documentation of designation by the state.

**OPTIONAL:** I am writing to request, pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.* to subscribe for up to six months to the following future issuances of public records created, issued, or disseminated by **DISTRICT** on a regular basis: [INSERT SPECIFIC DESCRIPTION].

Please contact me if you have any questions.

Sincerely,  
[REQUESTOR NAME]  
[REQUESTOR ADDRESS]  
[REQUESTOR EMAIL]  
[REQUESTOR PHONE NUMBER]

**ATTACHMENT B**  
**SAMPLE CERTIFICATE OF NON-EXISTENCE OF PUBLIC RECORD**

February 16, 2017

[REQUESTOR'S NAME]  
REQUESTOR'S ADDRESS]

**Re:    Freedom of Information Act Request Dated \_\_\_\_\_, 20\_\_**

Dear Mr./Ms. \_\_\_\_\_:

The [NAME OF PUBLIC BODY] is in receipt of your letter dated \_\_\_\_\_, 20\_\_, regarding a request under the Michigan Freedom of Information Act ("FOIA"). Your letter was received on [INSERT STATUTORY RECEIPT DATE]. You requested [INSERT DESCRIPTION OF RECORDS SOUGHT].

I hereby certify, pursuant to Section 5(4)(b) of the FOIA, that your FOIA request is denied because, to the best of my knowledge, information and belief, no public records exist as of [INSERT STATUTORY RECEIPT DATE], under the name(s) set forth in your request as detailed below, nor under another name reasonably known to the District. MCL 15.235(4)(b).

**RIGHT TO APPEAL DISCLOSURE DENIAL  
AND RECOVER ATTORNEYS FEES AND COSTS**

If a public body makes a final determination to deny all or a portion of a FOIA request, the requesting person may do one of the following at his or her option:

- (1) Submit to the "head of the public body (the School Board) a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial; or
- (2) Commence an action in the circuit court to compel the public body's disclosure of the public records.

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 section 10 of the FOIA, 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 that kept or maintained the public record as part of its public function.

If the circuit court determines in an action commenced under section 10 of the FOIA that the District arbitrarily and capriciously violated the FOIA by refusal or delay in disclosing or providing copies of a public record, or that the District willfully and intentionally failed to comply with the FOIA or otherwise acted in bad faith, the court shall award, in addition to any actual or compensatory damages, punitive damages as prescribed in the FOIA 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.

***A full explanation of your right to seek either appeal or judicial review is set forth in Section 10 of the FOIA, MCL 15.240.***

A copy of the District's FOIA Procedures and Guidelines is available on the District's

website at [INSERT LINK].

Very truly yours,

By: \_\_\_\_\_

[INSERT NAME]  
FOIA Coordinator  
Buchanan Community Schools

**ATTACHMENT C**  
**Standard Form for Detailed Itemization of Fee Amounts**

**BUCHANAN COMMUNITY SCHOOLS**  
**FOIA FEE ITEMIZATION FORM**

Requestor's Name _____	Date on Request _____
<input type="checkbox"/> Hand-Delivered <input type="checkbox"/> U.S. Mail <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Other _____	Date Received <sup>1</sup> _____

_____ Estimated Fee	-or-	_____ Actual Fee
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Record available on website but copy nonetheless requested: <input type="checkbox"/> Yes <input type="checkbox"/> No
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<b>Labor Costs</b>					
<b>Item Description<sup>2</sup></b>	<b>Hourly Rate<sup>3</sup></b>	<b>Fringe Benefit %<sup>4</sup></b>	<b>Overtime Rate<sup>5</sup></b>	<b>No. of 15 minute increments<sup>6</sup></b>	<b>Total Charge</b>
Searching/Locating/ Examining Records	Employee Hourly wage <sup>7</sup> _____ x	1. _____ +/- =	\$ _____ =	\$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____  -

<sup>1</sup>A FOIA request is received on the date that it is hand-delivered, or that U.S. Mail is delivered, to the District. A FOIA request is treated as received on the next business day if sent via facsimile, email or other electronic transmission; provided, however, the special rules apply to an email re-directed to a SPAM or trash account. (See n. 11)

<sup>2</sup> A fee shall not be charged to search, locate, examine, review or delete/separate/redact exempt from nonexempt information unless failure to charge would result in unnecessarily high costs to the District.

<sup>3</sup> The hourly rate shall not be more than the hourly wage of the lowest-paid staff member capable of performing the labor in the particular instance.

<sup>4</sup> The District will add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits. 100% of fringe benefit costs will be added to the applicable labor charge if a requestor stipulates that records available on the District website nonetheless are requested to be provided in a paper format or in a specific form of electronic media. Under no circumstances shall the District charge more than the actual cost of fringe benefits.

<sup>5</sup> Overtime rates shall not be included in the calculation of labor costs unless overtime is specifically requested by the requestor and agreed upon by the District.

<sup>6</sup> In general, labor cost shall be estimated and charged in increments of 15 minutes, with all partial time increments rounded down. (See note 8 for exception.) Divide the resulting hourly wage(s) by four to determine the charge per 15 minute increment.

<sup>7</sup> If more than one employee is completing any task, use additional cost itemization forms to note each employee's hourly wage, fringe benefits, and time separately.

Separating and Deleting Exempt from Nonexempt Information/Records	Employee Hourly wage _____ x	1. _____ +/-	\$ _____ =	\$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____ -
	OR Contracted Labor Costs _____ x (Not to exceed 6x State minimum wage)			\$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____ -
Duplicating or Publishing Records <sup>8</sup>	Employee Hourly wage _____ x	1. _____ +/-	\$ _____ =	\$ _____ / 4 = \$ _____ x _____ (increments) =	\$ _____ -
Name of person or firm engaged under contract to separate and delete exempt from nonexempt information/records, if applicable:				<b>Subtotal Labor Costs =</b> \$ _____	

### Copying Cost for Paper Copies<sup>9</sup>

Letter (8½" x 11") paper at \$0.____ each <sup>10</sup>	Legal (8½"x 14") paper at \$0.____ each	Size _____ paper at \$0.____ each	Size _____ paper at \$0.____ each	Total Charge
No. of Sheets _____ x \$0.____ = \$ _____	No. of Sheets _____ x \$0.____ = \$ _____	No. of Sheets _____ x \$0.____ = \$ _____	No. of Sheets _____ x \$0.____ = \$ _____	\$ _____

### Postal Delivery Charges

Cost of Packaging	Postage Cost	Cost of Delivery Confirmation	Special Shipping Cost	Insurance Cost	Overnight/Special Request	Total Charge
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No Cost \$ _____	\$ _____

<sup>8</sup> Labor costs for duplicating or publishing records may be estimated and charged in time increments of the District choosing, with all partial time increments rounded down. The District has determined to charge labor costs for duplicating or publishing records in 15 minute increments.

<sup>9</sup> The District shall utilize the most economical means available for making copies, including using double-sided printing.

<sup>10</sup> The fee shall not exceed 10 cents per sheet of paper (one-sided or two-sided) for copies made on "8½ x 11" or "8½ x 14" sheets of paper.



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<p><b><u>Discounts</u></b>          Qualified for \$20 Discount? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, subtract \$20.00.  <input type="checkbox"/> Indigence (maximum of 2 discounts per calendar year)  <input type="checkbox"/> State Designated Non-Profit (e.g., MPAS) (unlimited number of discounts)          Qualified for Waiver or Reduction as primary and benefiting the general public? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, insert amount of waiver or reduction. \$ _____</p>	(\$ _____)
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**TOTAL FEE = \$ \_\_\_\_\_**

If estimated fee is over \$50.00, the	A n	Estimated Date Available	Paid? <input type="checkbox"/> Yes <input type="checkbox"/> No
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<p>DISTRICT shall charge a good faith deposit of 50 % of the estimated fee.</p>	<p>o u n t  o f  D e p o s i t  \$ — — — — — — — — — — —</p>	<p>_____</p>
<p>If a good faith deposit is paid, subtract the amount of the good-faith deposit received.</p>	<p>( \$ _____ )</p>	
<p>Reduction for untimely response by DISTRICT?  <input type="checkbox"/> Yes <input type="checkbox"/> No          If yes, subtract 5% of labor costs x _____ days late [up to a maximum 50% reduction of labor costs] = _____ reduction.          Diverted to Spam/Junk Mail? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, indicate date and time <i>delivered to</i> Spam/Junk Mail [ _____, 20__ at</p>	<p>( \$ _____ )</p>	



___ am/pm] and date and time <i>discovered in</i> Spam/Junk Mail [_____ 20 ___ at _____ am/pm]. <sup>11</sup>	
<b>TOTAL DUE= \$ _____</b>	

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<sup>11</sup>If a written request is sent by electronic mail and delivered to the public body's spam or junk-mail folder, the request is not received until 1 day after the public body first becomes aware of the written request. The public body shall note in its records both the time a written request is delivered to its spam or junk-mail folder and the time the public body first becomes aware of that request.