Freedom of Information Act Procedures and Guidelines

1. Purpose and administration
Under Michigan's Freedom of Information Act (FOIA), 1976 PA 442, MCL 15.231 et seq., the City provides access to existing public records prepared, owned, used, possessed, or retained in performing an official function, subject to lawful exemptions. The City Clerk is the FOIA Coordinator and may designate staff to assist. The Coordinator shall maintain a request log and coordinate timely searches, review, responses, and fee documentation. Employees shall preserve responsive records and promptly assist the Coordinator. FOIA does not require the City to create a new record or answer questions.

2. Requesting records
A request must be in writing and sufficiently describe the records sought. No special form is required. Requests may be submitted in person, by mail, or electronically using the City's published contact information at www.cityofhart.org. Requests for inspection shall be accommodated during normal business hours under reasonable supervision to protect records. Receipt of emailed, faxed, and spam-filtered requests is determined by MCL 15.235. The Coordinator shall monitor designated accounts and spam folders at reasonable intervals. Requests from persons incarcerated in correctional facilities are governed by statutory restrictions and exceptions.

3. Responses and production
Within five business days after receipt, the City shall grant the request, deny it in writing, grant it in part and deny it in part, or issue a written notice extending the response period by no more than ten business days, stating the reason and expected response date. Only one extension is permitted. The City shall make a reasonable search for responsive paper and electronic records. Records may be inspected or supplied in an available requested medium as required by law. The City may identify responsive records available on its website by specific link and instructions, subject to the requester's statutory rights to another form of production. The City shall separate exempt material from nonexempt material when practicable and release the latter.

4. Exemptions and denials
The Coordinator shall apply only exemptions authorized by MCL 15.243 or another applicable law, with individualized review and appropriate redaction. A written denial shall explain the basis for withholding, identify the responsible official, certify when records do not exist under the name or description supplied or another name reasonably known, when applicable, and explain statutory appeal and judicial-review rights. No employee may destroy or alter responsive records to avoid disclosure.

5. Fees and calculation rules
The City may assess only fees authorized by MCL 15.234, using a detailed itemization supplied to the requester. Permitted components are: (1) labor for searching, locating, and examining records; (2) labor for separating and redacting exempt material; (3) actual and most reasonably economical nonpaper physical media; (4) paper copies at actual incremental cost, not exceeding $0.10 per page for standard 8½ × 11 or 8½ × 14 copies;

(5) labor for duplication or publication; and (6) actual mailing cost using a reasonably economical method. Search, examination, and redaction labor is chargeable only when failure to charge would result in unreasonably high costs, with the basis specifically identified. No fee shall be charged for inspection except costs expressly authorized by statute.

Labor shall be calculated at the hourly wage of the lowest-paid employee capable of the task, regardless of who performs it, subject to applicable statutory limits; fringe benefits may be included up to 50% of the applicable wage and shall not exceed actual fringe cost. Overtime is excluded unless specifically stipulated by the requester. Search and redaction labor is calculated in 15-minute increments, rounded down; duplication labor in increments of one minute, rounded down. Contracted redaction labor is allowed only under statutory conditions and caps. Paper copies should be double-sided when available and less costly. The City may furnish records without charge or at reduced cost when in the public interest.

6. Waivers, deposits, and delayed responses

The first $20 of a fee shall be waived for a requester meeting statutory indigency criteria and providing the required affidavit or other documentation, subject to statutory limitations, and for a qualifying nonprofit organization under MCL 15.234. If the estimated lawful fee exceeds $50, the City may require a good-faith deposit of up to 50%, accompanied by a detailed itemization and a nonbinding estimate of completion time after payment. For unpaid prior requests, a deposit of up to 100% may be required only when all statutory conditions are met; the City shall provide the required notice and documentation. Late responses shall result in any mandatory statutory labor-fee reductions, including the 5% per day reduction up to 50% when the statutory conditions are satisfied.

7. Appeals

A requester may appeal a full or partial denial in writing to the head of the public body, expressly using the word “appeal,” or seek judicial review as provided by MCL 15.240. A requester disputing fees may submit a written appeal identifying “appeal” and the basis for the dispute or pursue judicial relief under MCL 15.240a. The designated appeal authority shall act within ten business days, subject to one lawful extension of up to ten business days, and provide the determination and applicable rights. For this policy, the City Manager is the proposed appeal authority, subject to confirmation under the City Charter and any Council designation. Statutory court-filing periods and remedies control.

8. Publication, records, and implementation

These procedures, the written public summary, and the fee itemization form shall be available without charge at City offices and on the City website. Responses shall include or link to the written public summary as required by law. The City shall retain FOIA correspondence, estimates, decisions, and responsive records under applicable retention schedules and legal holds. If this policy conflicts with FOIA, the statute controls. The City may revise administrative forms and contact details without changing the substantive policy, subject to applicable City authority.

WRITTEN PUBLIC SUMMARY

How to request: Submit a written request sufficiently describing the records to the City Clerk/FOIA Coordinator at the contact address or email published at www.cityofhart.org. No form is required. You may request inspection or copies of existing public records.

When to expect a response: Generally within five business days after receipt. The City may issue one written extension of up to ten additional business days. It may grant, deny, partially grant, or identify records available online.

Fees: The City may charge allowable labor, copying, media, and mailing costs using an itemized calculation. Some labor charges require a finding that costs would otherwise be unreasonably high. A good-faith deposit of up to 50% may be required if the estimated fee exceeds $50; different statutory rules apply to unpaid prior requests. Qualified requesters may receive the first $20 waived. Late responses may require statutory fee reductions.

If denied or charged an excessive fee: You may submit a written appeal identifying "appeal" to the City's designated appeal authority, or seek judicial review under MCL 15.240 or 15.240a. Denial and fee notices provide specific appeal instructions and applicable deadlines. The complete procedures and fee itemization form are available free of charge at City Hall and on the City website.

FOIA FEE ITEMIZATION WORKSHEET

Request no.: _____ Requester: _____ Date: _____

Statutory component	Calculation / basis	Amount
1. Search / locate / examine labor	Rate $____ × fringe ____ × ____ 15-min increments; unreasonably high-cost basis: _____	$_____
2. Redaction labor	Rate $____ × fringe ____ × ____ 15-min increments; or lawful contracted labor $____	$_____
3. Nonpaper media	Type ____ × actual economical unit cost $____	$_____
4. Paper copies	____ standard pages × $____ (max $0.10); other pages actual cost $____	$_____
5. Duplication / publication labor	Rate $____ × fringe ____ × ____ one-minute increments	$_____
6. Mailing	Actual economical mailing $____	$_____

Subtotal $_____ Waiver/reduction $_____ Deposit paid $_____

Balance due $_____

Estimated completion after deposit: _____. Reason for any unreasonably high-cost determination: _____

Labor calculations: uses lowest-paid capable employee; fringe capped at 50% of wage and actual fringe cost; no overtime unless requested; round partial increments down.