

**RESOLUTION ADOPTING A
FREEDOM OF INFORMATION ACT POLICY**

WHEREAS, the Freedom of Information Act ("FOIA"), 1996 PA 553 requires BATA to designate an individual as FOIA Coordinator; and

WHEREAS, FOIA allows BATA to make reasonable rules necessary to protect its public records;

NOW THEREFORE, BE IT RESOLVED, the following FOIA Policy is hereby adopted:

1. Purpose. It is the intent of this policy to provide clear-cut procedures for citizens and BATA 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.

2. FOIA Coordinator. BATA's Office Manager is hereby designated and delegated duties as the FOIA Coordinator. All BATA 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 to keep for no less than one year.

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

- A. Requests to review and for copies of records under the FOIA shall be in writing.
- B. The request shall be date-stamped by the receiving employee.
- C. The request shall immediately be forwarded to the FOIA Coordinator.
- D. The FOIA Coordinator shall distribute the request to all applicable employees, who shall return the information to the FOIA Coordinator.
- E. The FOIA Coordinator shall prepare the response, with review by BATA's Attorney when appropriate.

4. Rules to Prevent Excessive and Unreasonable Interference with Authority Functions.

- A. Records may be personally examined only during normal business hours, i.e., between 8:00 a.m. and 5:00 p.m. on BATA business days.
- B. BATA staff shall be given ample opportunity to review files for exempt or privileged records prior to allowing public examination.

- C. BATA staff may defer a request to personally examine records within the time limits indicated in the FOIA.

5. 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:

- A. Records are to remain in BATA's office while being reviewed.
- B. Records are not to be altered in any manner.
- C. Pens are not allowed in record review rooms.
- D. Copies of records are to be made by staff or a copying service under staff direction.
- E. For documentation purposes, staff shall keep copies of or a list of documents released or copied.
- F. Records may not be removed from binders.
- G. Records within files shall be kept intact and in order.
- H. Copies of computer records shall be made on computer discs provided by BATA.
- I. Copies of tapes shall be made on tapes provided by BATA.
- J. 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.
- K. Copyrighted material shall not be photocopied.

6. Fees.

- A. Copies.
 - 25 cents per page for each of the first five pages
 - 10 cents per page for each page after the first five pages
 - 20 cents for each color copy
 - 25 cents per page for 8 1/2" by 14" or 11" x 17"
 - \$2.00 per page for 24" x 36" prints
 - \$4.00 per page for 30" and larger prints
 - Computer discs - current cost

Tapes - current cost

If duplication requires outside services, actual cost

- B. Faxing. \$1.00 per transmission.
- C. Mailing. Actual mailing, packaging and transportation costs shall be charged.
- D. 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.
- E. Public Records routinely authorized for sale. Current fee schedule or cost.
- F. 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, FOIA Coordinator may require a deposit from the person requesting the public record or series of public records if the fees will exceed \$50.00. The deposit shall not exceed one-half of the estimated total fee 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.

The FOIA Coordinator may release the records and bill the entity receiving the records or may require payment before releasing the records.

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

- A. Reverse the denial.
- B. Issue a written notice to the appellant affirming the denial.
- C. Reverse the denial in part and issue a written notice to the appellant affirming the denial in part.

D. Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Board may respond to the appeal.

8. 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.

BE IT FURTHER RESOLVED that this policy shall be effective immediately.

I hereby certify that the above Resolution was
adopted on _____, 2010, at a meeting of
the BATA Board held the _____ day of
_____, 2010 at _____

_____, Secretary