

Benzie County Building Authority (BA)
Written Public Summary of the BA's Freedom of Information Act Procedures & Guidelines

Effective Date: August 16, 2018

A. HOW TO SUBMIT WRITTEN REQUESTS.

FOIA requests to the BA can be sent by email, at evandussen@benzieco.net or by USPS mail to:

Benzie County Building Authority
Attn. FOIA Coordinator
448 Court Place Drive
Beulah, MI 49617

(Requests should include your name, phone number, and mailing address)

B. HOW TO UNDERSTAND THE BA'S WRITTEN RESPONSES TO FOIA REQUESTS.

The BA has several options when responding to written requests for public records. It can grant the FOIA request, deny the request, grant it in part and deny it in part, or take one 10 business day extension. After 10 business days pass, the BA has to respond with one of the other options.

If the request is granted or granted in part and denied in part, the BA can also charge a fee to process the request. There is no fee for requests that do not require the BA to incur costs above the threshold set in its Procedures and Guidelines. Fees are calculated using its procedures and guidelines and you will receive a detailed itemization of the fee. The BA may require you to pay a good-faith deposit before it processes your request. After you pay any deposit and final balance due, the BA will produce records in its possession that fall within the scope of your request and that legally may be disclosed to the public. The BA may also notify you that some of the records you have requested are available on its website.

If the request is denied, the BA will inform you of the basis for its denial in a written notice. Reasons the BA may deny a request include:

You did not describe the records you have requested well enough and the BA cannot determine what you are asking for;

The BA has determined that it does not have records that respond to your request in its possession; or

The records you have requested are exempt from public disclosure.

If all or part of your request is denied, the BA will inform you of your right to appeal its denial to the head of the BA and/or to file a lawsuit against the BA in its written response.

C. DEPOSIT REQUIREMENTS.

If the BA estimates a fee to process a FOIA request greater than \$50.00, the BA will require a good-faith deposit from you before providing the public records. The deposit shall not exceed 1/2 of the total estimated fee. Any written notice containing a notice of a deposit shall also contain a best efforts estimate by the BA regarding the time frame after a deposit is received that it will take the BA to provide the public records. The time frame estimate is not binding upon the BA, but the BA shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this State's public policy under section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.

D. FEE CALCULATIONS.

The FOIA permits the BA to charge a fee to process FOIA requests using a form to give you a detailed itemization of the costs involved. The BA may charge for the following costs:

the costs of labor for the search, location, and examination of public records;

the costs of labor for the review of public records and separation and deletion of exempt from nonexempt material;

the cost of nonpaper physical media;

the cost of duplication and publication of public records;

the costs of labor for the duplication or publication of public records;

the actual cost of mailing public records.

E. AVENUES FOR CHALLENGE AND APPEAL.

If the BA charges a fee or denies all or part of a request, you may submit to the head of the BA a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced or the disclosure determination should be reversed. Written appeals may be sent to the email address or mailing address listed above.