

A M E N D E D

POLICY #51

BOARD OF COUNTY ROAD COMMISSIONERS  
OF THE COUNTY OF ST. CLAIR

SUBJECT: Freedom Of Information

AMENDED: February 15, 2000

Legal Citation:

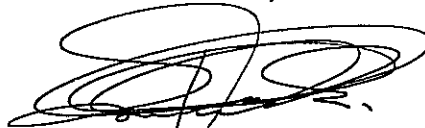
Act 442 of 1976, as amended

"From time to time, the St. Clair County Road Commission, its staff and/or employees may be requested, under the Freedom of Information Act, to furnish records, written reports, data and other materials of record or to permit inspection of documents maintained by the Commission in the conduct of its official duties and responsibilities. Therefore, the Commission has determined that it is necessary to establish a policy governing the procedures to be followed by its employees in response to requests for information under the Freedom of Information Act, and so that such procedures comply with the requirements of the Act and assures the public right of access while protecting the rights and confidentiality of the Commission and/or its employees where applicable.

Therefore, the Managing Director of the Commission is designated as the Freedom of Information Act Coordinator and is directed to establish and shall maintain a written set of Policy Procedures regarding the processing of Freedom of Information Act requests as presented to the Commission. Said procedures shall be in compliance with the requirements of the Freedom of Information Act and may be revised from time to time as changes in the Act or Commission needs may require. The written Freedom of Information Act Procedures shall constitute the Policy of the Commission and shall be approved by the Commission, and the written Procedures shall be incorporated by reference into this Policy. It is further directed that the Freedom of Information Act Coordinator shall designate the Director of Internal Services as the person assigned to process all Freedom of Information Act requests."



Leonard Hool, Chairman



Donald M. Maronde, Managing Director

Adopted: 07-02-85

Amended: 03-17-97

PROCEDURES  
FOR  
FREEDOM OF INFORMATION ACT REQUESTS

SUBMISSION OF REQUESTS:

All Freedom of Information Act requests for inspection of records or information, whether from individuals or firms, shall be submitted, in writing, to the Freedom of Information coordinator (FOIA coordinator) who is the Managing Director of the St. Clair County Road Commission.

The written request for inspection or information shall identify the specific materials or documents being requested and that said information is being requested under the Freedom of Information Act.

The written request for information shall include the name of the individual(s) and/or firm requesting such information and the mailing address and telephone number.

Upon receipt of a written request for information, the request shall be date and time stamped for documentation and verification as to receipt by the Commission.

The written request shall be immediately referred to the Director of Internal Services as the person designated by the FOIA coordinator assigned to process all Freedom of Information Act requests.

DETERMINATION TO GRANT OR DENY AND ASSIGNMENT OF PREPARATION COSTS:

Upon receipt of a Freedom of Information Act request, the designated person shall immediately review the request and determine if the requested information, or any portion thereof, is exempt (See Appendix A, List of Exempt Information) or non-exempt.

The designated person shall contact appropriate personnel in the employment of the Commission that may be in charge of the requested information or records and determine if the requested data exists and in what form.

The designated person shall determine if the request shall be denied or granted. If the designated person determines, after review and analysis, that the request should be denied as exempt or the requested material is not available, the individual or firm requesting the information shall be so informed, in writing, stating the reasons thereof. If the determination is to grant the request, the designated person shall develop and prepare a cost estimate for the Commission to assemble and respond to the request.

The designated person shall maintain a file of all requests for information and a record of the response and information given.

The Road Commission shall require that the applicable expense of responding to Freedom of Information Act requests shall be paid by the individual or firm making such request. It shall be a further requirement that if the expense to the Commission exceeds fifty dollars (\$50.00), it may require an advance good faith deposit of fifty percent (50%) of the estimated cost to respond to the request. Upon completion of the assembled data, the actual costs to prepare same shall be totaled and the applicant will be advised and shall be required to pay said costs, minus deposit if applicable, prior to the release of the requested information (See Appendix B, Cost Assignment)

TIMING OF REQUEST AND RESPONSE:

The time frame for Commission responses, under the Freedom of Information Act Policy, shall be as follows:

- A. Upon receipt of a written request and documentation thereof, a period of five (5) regular working days shall be allowed to review and determine if the request will be denied or granted. The designated person shall advise the applicant, in writing, of said determination within the five (5) day period including the cost to prepare the information requested and advance good faith deposit, if applicable.
- B. Commission assembly or preparation will not be initiated where good faith deposits are determined to be necessary until the applicant deposit is made with the Commission.
- C. Ten (10) regular working days will be allowed to provide Commission staff to assemble and furnish requested material(s). For requests where good faith deposits are required, the ten (10) day response time shall start with the date of payment of the deposit.
- D. Partial fulfillment of applicant requests shall be considered as responsive when the search and assembly cannot reasonably be completed in normal response time due to the extent of records to be reviewed and/or proper personnel to conduct the requested searches. Applicants shall be advised when delays are anticipated in responding to Freedom of Information Act requests.
- E. The required time frame for responses may be extended beyond the requirements of the Act and/or Policy by mutual consent of the applicant and the designated person.
- F. Applicants requesting inspection of records may be required to conduct said inspection at the convenience of the Commission during regular hours and days; however, the records shall be made available within the time requirements of the Act and/or Policy and may be extended by mutual agreement. Said inspection shall be made in the presence of an employee of the Commission, as directed by the Director of Internal Services.