



FREEDOM OF INFORMATION ACT POLICY

Approved By:	Senior Management Team
Date of Last Revision:	July 31, 2008
Responsible Office/Department:	University Counsel Office

Policy Statement

The Freedom of Information Act (FOIA) requires full disclosure of public records, unless those records are exempt under the Act. All University personnel shall endeavor to assist, guide, and cooperate with the University Counsel Office to allow the University to timely process the FOIA request. The President designates the University Counsel to be the Freedom of Information Coordinator, who shall have final authority with respect to all matters under this Policy and the rules and procedures and all matters involving information held or owned by the University. Only Freedom of Information (FOI) Officers, designated by the FOI Coordinator, shall respond to these requests. The following person is designated as a FOI Officer by the FOI Coordinator: University Counsel Office Paralegal. The FOI Coordinator and each FOI Officer may, from time to time, designate a person or persons, approved by the FOI Coordinator or Officer, to perform the duties of the FOI Officer. In the event a requester appeals the denial of a request, the FOI Coordinator shall respond, in accordance with the Act.

Policy & Procedures

The Freedom of Information Act recognizes that there is a cost to a public body in responding to a request for public records. The FOIA provides for a public body to seek reimbursement of the costs associated with compliance with this law. Pursuant to the FOIA, the following procedures and guidelines shall be used to seek cost recovery so that resources of Grand Valley State University can be maximized to carry out its educational mission.

1. FOIA requests must be made in writing by mail, personal delivery, facsimile or electronic mail to the attention of the University Counsel Office. The request should include specific detail about the public record of interest.
2. University faculty and staff shall direct all FOIA requestors to the University Counsel Office.
3. The FOI Officer shall respond to the FOIA request within five business days after receipt of the request. The law allows a onetime extension for ten additional business days.

4. If a requester submits separate requests on consecutive days, the University may group them together. At the end of five business days from the first request, the FOI officer will respond and inform the requestor that their requests will be answered as one.
5. Copying:
 - a. The charge for photocopies of documents shall be \$.05 per page.
 - b. Copies of computer materials shall be billed at existing rates, which may be obtained from the FOIA Officer.
 - c. The charge for copies of other public records, like audiotapes, videotapes and photographs, shall be determined on a case-by-case basis, depending on the means and cost of preparing a duplicate of that record.
6. Mailing
 - a. The University shall generally charge the person who makes a FOIA request the actual cost of sending copies of the public records to the requester by first-class mail. If the copies of the public records to be sent to the requester exceed first-class mail weight limits, those copies will be shipped via U.S. Parcel Post (or by other commercial carrier at similar rates), and the actual cost of shipping will be billed to the requester.
 - b. The University may send copies of the public records to the requester by an express mail delivery service if the requester asks the University to use such a service and agrees that it will pay the additional charge for such a service.
7. Labor
 - a. The cost for time spent photocopying documents shall be billed at the hourly wage of the lowest paid full-time clerical employee in the University Counsel Office.
 - b. The cost for time spent on a public record search, on duplicating public records by means other than photocopying, on examining and reviewing public records, on separating exempt from nonexempt information, and on redacting exempt information from public records shall be billed at the respective hourly wages of the lowest paid University employees capable of performing those tasks with respect to that FOIA request.
 - c. Each hourly wage charged shall include salary and benefits. The hourly salary shall be as set forth in the applicable personnel policies for hourly employees. For fees involving labor by non-hourly employees, the hourly salary shall be computed by converting the relevant annual salary into an hourly salary based on a 40-hour week and a 52-week year. Each hourly salary shall be multiplied by the applicable fringe benefit load rate to convert

the hourly salary into an hourly wage that reflects salary and benefit costs to the University.

8. Deposit

- a. The University will generally seek a deposit before undertaking the work necessary to respond to a FOIA request if, in its judgment, based upon a preliminary review of that FOIA request by the FOIA Officer in consultation with the offices that will provide the relevant public records, the total fee to be charged is likely to exceed \$50.00. If the determined fee exceeds \$50.00, then a deposit equal to half of the total fee is required before processing the request and the remainder is due immediately before the information is released.
- b. A person who makes a FOIA request and is notified that a deposit is required may withdraw their request with no payment due the University.

9. Payment Terms

- a. Each deposit shall be paid in full before the FOIA request will be processed.
- b. All other fees for responding to a FOIA request will be billed when the University responds to the FOIA request. An invoice will be provided by the University with the response. The amount invoiced must be paid within thirty days.
- c. The University reserves the right to require payment in full of all fees incurred in processing a FOIA request before delivering the final, responsive documents.

10. Waiver of Fees

- a. The University may waive or reduce the fees it is authorized to charge for responding to a FOIA request if it determines that a waiver or reduction of the fee is in the public interest because responding to the FOIA request should be considered as primarily benefiting the general public.
- b. The University will generally not charge a fee for responding to a FOIA request when the fee for responding to the FOIA request is below \$20.00. The University will treat multiple concurrent FOIA requests from the same person as one FOIA request for purposes of determining whether the fee is below \$20.00.
- c. If the University concludes that all the public records sought by a requester are exempt from disclosure and, for that reason, completely denies a FOIA request, the University will generally waive the fee for responding to that FOIA request.

- d. The University shall waive the first \$20.00 of the fee for responding to a FOIA request from an individual who is eligible to make a FOIA request and who submits an affidavit with the FOIA request (a) stating that he or she is receiving public assistance, or, (b) if he or she is not receiving public assistance, stating facts that show his or her inability to pay FOIA fees because of indigence.

11. Other

- a. The University's decision to deny access to public records sought by a FOIA request because those records are, in whole or in part, exempt from disclosure does not excuse the person who files that FOIA request from payment of the fees for the work undertaken by the University in response to that FOIA request (e.g. the time spent searching for those records), unless the University waives those fees.
- b. A person who seeks to inspect public records at the University, rather than to receive copies of those records, will still incur fees for labor costs necessary for the University to compile and prepare such records for that person's review. Please note, for example, that the University may, for security reasons, not allow a FOIA requester to examine original public records. In that event, the costs of copying such records will be billed to the requester. Similarly, the University will not redact its original records. Hence, a person who wishes to examine public records that the University redacts to prevent the disclosure of exempt information must pay the copying charges associated with the preparation of the redacted documents for that requester's review unless the University waives those charges.

12. Revision to FOIA Procedures and Guidelines

- a. The University reserves the right to review and amend the FOIA Policy and Procedures as it deems appropriate.