

Kalamazoo Regional Educational Service Agency Written Public Summary of the Agency's FOIA Procedures and Guidelines

Summary of KRESA FOIA Procedures and Guidelines

Introduction

As a public body under the Freedom of Information Act, the Agency has developed procedures and guidelines to implement and assure compliance with FOIA. The Agency has also created the following written public summary of the specific procedures and guidelines explaining how to submit written requests to the Agency and how to understand the Agency's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal.

How to Submit Written Requests

FOIA requests may be submitted in writing or verbally to KRESA. The FOIA coordinator should be immediately contacted to initiate the FOIA process.

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The FOIA Coordinator initiates FOIA process:

1. Contacts the appropriate KRESA department head for requests that will require their assistance. (i.e. Human Resources for salaries and benefits, Accounting for financial records, etc.)
2. If personally identifiable information about a current staff member is requested through FOIA, KRESA will notify that staff member of the request and who submitted the request. This includes, but is not limited to, time off, personnel files, salary and benefit information, etc.
3. FOIA requests are on occasion received for all service area agency. Contact LEA Coordinators and follow a coordinated step by step process.

Requests must sufficiently describe a public record to enable the Agency to find it. Requests should also include a contact telephone number to allow a KRESA employee to make contact to resolve issues, clarify the scope of a request or help identify a specific document containing the information sought.

How to Understand the Agency's Written Responses to FOIA Requests

The Agency must respond to a FOIA request within five business days. In some cases, the Agency may extend the time by 10 business days to fulfill a request completely. A response does not necessarily mean the records are provided within five days.

The Agency can grant the FOIA request, deny the request, or grant it in part and deny it in part. If the request is granted in full or in part, the Agency can charge a fee to process the request. Fees are calculated according to the Agency's FOIA procedures and guidelines and documented in a detailed fee itemization form. The fee must be paid before a public record is made available. And, in some cases, the Agency will require a good-faith deposit before it processes a public records request.

If the request is denied, the Agency will provide the basis for its denial in a written notice. The Agency will also provide notice of an individual's rights to appeal the denial to the Board of Education and/or to file a lawsuit against the Agency in circuit court.

Deposit Requirements

The Agency will require a good faith deposit from a requestor before processing a public records request if the entire fee estimate or charge exceeds \$50, based on a good-faith calculation of the total fee. The deposit will not exceed one-half of the total estimated fee as identified in a detailed fee itemization. The Agency's response shall also include a best efforts and good-faith nonbinding estimate regarding the time frame it will take the Agency to comply with FOIA in providing the public records to the requestor.

A requestor is required to pay the deposit within 48 hours of providing notice of a fee. If no deposit is received, the request is considered abandoned. If the total amount charged in a previous records request has not been paid in full, the Agency may require a deposit of up to 100 percent of the estimated fee before processing a subsequent public records request.

Fee Calculations

The Agency may charge a fee for a public records search, for the necessary copying of a public record for inspection or for providing a copy of a public record under the Agency's procedures and guidelines. The fee shall be limited to actual mailing costs, and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information. Labor costs shall be estimated and charged in increments of 15 minutes in most cases, with all partial time increments rounded down.

The Agency shall not charge for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information unless the failure to charge a fee would result in unreasonably high cost to the Agency because of the nature of the requests in the particular instance. Under such circumstances, the Agency shall specifically identify the nature of the unreasonably high costs.

The first \$20 of a fee will be waived if a requestor submits an affidavit of indigency. The requestor must include a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

Avenues for Challenge and Appeal

If the Agency charges a fee that an individual thinks is too high, denies all or part of a public records request, the requestor may submit to the Agency's Superintendent a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced or the nondisclosure determination should be reversed. Written appeals may be sent to the email or mailing address listed above and will be forwarded to the Board of Education or the Superintendent for scheduling on the agenda of the next Board meeting. Additionally, the requestor may pursue a fee reduction or appeal the denial by commencing a civil action in circuit court.

Please refer to the FOIA Procedures and Guidelines Manual for further questions.