

# DETROIT REGIONAL CONVENTION FACILITY AUTHORITY

## FREEDOM OF INFORMATION ACT POLICY

Effective Date: October 15, 2015

### Purpose:

The purpose of the Freedom of Information Act (Michigan Public Act 442 of 1976; MCL 15.231, et seq) (“FOIA”) is to:

1. Provide for public access to certain public records.
2. Permit the public agency to charge a fee to cover search and duplication costs.
3. Prescribe powers and duties of certain public offices and public bodies.
4. Provide remedies for persons wrongfully denied access to public records.
5. Provide penalties for agencies denying such access.

### FOIA Coordinator:

Chief Executive Officer/CFO Patrick S. Bero has named Denise Jasion to serve as the FOIA Coordinator until further notice.

### Process:

Upon receiving a request for information under the FOIA, **immediately** forward the request to the FOIA Coordinator. The FOIA Coordinator will forward the request to General Legal counsel, Ebony L. Duff of Garan Lucow Miller, P.C., if assistance is deemed appropriate. The FOIA Coordinator must respond immediately, if possible, or not more than five (5) business days after the date the requested is received, in one of the following ways:

1. Grant and fulfill the request.
2. Deny the request in writing and state the reason for denial. The denial may be because the information is exempt from disclosure by statute, the public record does not exist, and/or specific information that has been separated from, deleted or retracted from the public record due to exemption, retraction or because the separated records do not exist. Inform the person requesting information that he or she may appeal the request by filing a written appeal to the Board of Directors of the DRCFA, stating the reasons for reversal of the denial or file a circuit court action. The requesters will be compensated for attorney fees and for damages if he or she prevails in court.

3. Grant the request in part and deny request in part. With respect to the portion denied, the reason for the denial must be stated, as in 2 above.
4. Issue a notice extending the period of response by 10 business days. An extension may be used if a voluminous amount of material must be examined, or if needed records are located in locations other than the DRCFA offices, e.g. various City of Detroit offices or departments. The notice must state the reason for the extension and a date when the DRCFA will respond.

**Exemptions:**

The FOIA Coordinator, with the assistance of legal counsel as needed, will determine which records are to be disclosed and which records are exempt from disclosure. Generally, information exempt from disclosure includes:

1. Records specifically exempt by statute.
2. Trade secrets or commercial or financial information voluntarily provided to the DRCFA.
3. Records subject to the attorney-client privilege.
4. Some advisory-type memos between departments and/or offices and/or the Board of Directors of the DRCFA.
5. Bid submissions prior to the public opening or deadline for submission of bids.
6. Records which, if released, would result in invasion of personal privacy.
7. Some law enforcement investigation records.
8. Certain testing data relating to bidders' products.
9. Certain test, scoring and examination information.
10. Social Security numbers.
11. Certain investigation records regarding certain complaints.
12. Records relating to a civil action in which the requesting party and the DRCFA are parties to the action.

**Fees:**

Fees for processing a FOIA request are:

1. Duplicating-Photocopying charges are \$0.10 per page. This per-page fee is for each one-sided copy whether it relates to multiple copies of the same page or to each page of a multiple-page document.
2. Mailing-Postage, insurance and other charges for the shipment of requested material are charged at actual cost.
3. Labor-Labor charges will be determined based upon the hourly wage (including fringe benefits) of the lowest paid employee capable of retrieving and duplicating the information necessary to comply with the FOIA request. A fee shall not be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information, unless failure to charge a fee would result in unreasonably high costs to DRCFA because of the nature of the request in the particular instance, and DRCFA specifically identifies the nature of these unreasonably high costs.
4. The first \$20.00 of the fee for each request may be waived if the requesting party provides an affidavit stating that they are receiving public assistance, or otherwise stating facts confirming their inability to pay the cost because of indigency.
5. If the fee to respond exceeds \$50.00, DRCFA may require a good faith deposit from the requesting party at the time the request is made. The deposit shall not exceed ½ of the total fee.

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