

Summary of FOIA Procedure

Pursuant to Section 4 of the Michigan Freedom of Information Act, MCL 15.234, (the “FOIA” or the “Act”) the Clio Area Schools has established procedures and guidelines to facilitate access to information by the general public. This written summary outlines the basic procedure for submitting a FOIA request in accordance with Clio Area Schools Board Policies 8310 – Public Records and 8350 – Confidentiality. This summary and the full FOIA Procedures and Guidelines can be found Clio Area School’s website at www.clioschools.org.

How to Submit Written Requests

Clio Area Schools requires individuals or entities to submit FOIA requests in writing. FOIA requests may be mailed to the following address:

FOIA Coordinator
Clio Area Schools
430 N. Mill Street
Clio, MI 48420

An individual or entity may also make a written request in person at Clio Area School’s Administration Building, email a request to fspears@clioschools.org, or fax a request to 810-591-0140.

Please review the following checklist to ensure a timely and accurate response to a request:

- 1) Make sure the correspondence is addressed to the FOIA Coordinator and includes the proper address and/or fax number.
- 2) Clearly state that the request is being made for a public record(s) pursuant to the “Freedom of Information Act” or the “FOIA.”
- 3) Describe the public record(s) requested in sufficient detail so that it can be identified and located.
- 4) Describe the subject matter of the public record(s) requested and, if possible, the approximate date that the public record(s) was created.
- 5) If the requested public records are available on Clio Area School’s website and the response includes the website address, then any request for paper format or other form, such as electronic form, may result in additional charges.

How to Understand Clio Area School’s Written Responses

When the FOIA Coordinator receives a written request for a public record, the FOIA Coordinator shall, within five (5) business days after Clio Area Schools receives the request, respond to the request in one of the following ways:

- 1) Grant the request.
- 2) Issue a written notice to the requestor denying the request.
- 3) Grant the request in part and issue a written notice to the requestor denying the request in part.
- 4) Issue a written notice extending, for not more than ten (10) business days, the period

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during which Clio Area Schools shall respond to the request.

Deposit/Payment Requirements

If the estimated cost of responding to a request exceeds \$50.00, Clio Area Schools may require a good faith deposit of 50% to be submitted before the request is processed. Once the good faith deposit is submitted, Clio Area Schools will process the request.

Total fees due, including the balance remaining after a deposit, must be paid before the requested public documents may be picked up, mailed, or delivered.

Good faith deposits and fees charged for responding to FOIA requests may be mailed to the address above.

Fee Calculations

Please review the attached Fee Itemization Form, which provides a line-by-line summary and explanation of the fees that Clio Area Schools may charge in response to a request, pursuant to Section 4 of the Act (MCL 15.234(1)).

Challenge and Appeal

If the requestor believes the fee estimated or charged for the request exceeds the amount permitted under Clio Area School's procedures and guidelines or Section 4 of the Act, the requestor must:

Submit to the Superintendent a written appeal for a fee reduction that specifically states the word "appeal" and identifies why the requestor believes the required fee exceeds the amount permitted under Clio Area School's procedures and guidelines or Section 4 of the Act. If the requestor disagrees with Clio Area School's final determination, the requestor may file an appeal with the Board of Education. If still unsatisfied, the requestor may commence a civil action in Genesee County Circuit Court for a fee reduction. The civil action must be filed within 45 days of Clio Area School's final determination to deny a request pursuant to Section 10(1)(b) of the Act.

Any written response denying a request for a public record, in whole or in part, is final. A requestor may or may seek judicial review of the denial, pursuant to Section 10 of the Act (MCL 15.240). A requestor may receive attorneys' fees and damages pursuant to the Act, if the Court determines that Clio Area Schools has not complied with Section 5 (MCL 15.235) of the Act and orders the disclosure of all or a portion of a public record.

APPENDIX A

EXEMPTIONS:

Several types of records are exempt from disclosure. Many of those exemptions pertain to law enforcement investigations, custodial and penal institutions, and so forth. Those exemptions that may be applicable to Clio Area Schools include the following, all of which are subject to the interpretation of Michigan courts:

- Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.
- Records or information specifically described and exempted from disclosure by statute.
- A public record or information that is furnished by the public body which originally compiled, prepared, or received the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body. However, the considerations originally giving rise to the exempt nature of the public record must be applicable.
- Information or records subject to the attorney-client privilege.
- Information or records subject to the physician-patient, psychologist-patient, minister, priest, or Christian Science practitioner, or other privilege recognized by statute or court rule.
- A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or in a public opening is not to be conducted, until the time for the receipt of bids or proposals has expired.
- Appraisals of real property to be acquired by the public body until (a) an agreement is entered into; or (b) three (3) years have elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated.
- Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment or academic examination, unless the public interest in disclosure under the Act outweighs the public interest in nondisclosure.
- Medical, counseling, or psychological evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation.
- Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption does not apply unless the public body shows that in a particular instance the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure.
- Testing data developed by a public body in determining whether bidders' products meet the specifications for purchase of those products by the public body, if disclosure of the data would reveal that only 1 bidder has met the specifications. This subdivision does not apply after 1 year has elapsed from the time the public body completes the testing.

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- Records of a campaign committee including a committee that receives money from a state campaign fund.
- Except as otherwise provided in this subdivision, records and information pertaining to an investigation or a compliance conference conducted by the department under article 15 of the public health code of 1978, before a complaint is issued. This subdivision does not apply to records or information pertaining to 1 or more of the following: (a) The fact that an allegation has been received and an investigation is being conducted, and the date the allegation was received; or (b) The fact that an allegation was received by the department; the fact that the department did not issue a complaint for the allegation; and the fact that the allegation was dismissed.
- Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.
- Records or information relating to a civil action in which the requesting party and the public body are parties.
- Information or records that would disclose the social security number of an individual.
- Records or information of measures designed to protect the security or safety of persons or property, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code of 1931, emergency response plans, risk planning documents, threat assessments, and domestic preparedness strategies, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance.
- Information that, if released, would prevent the public body from complying with the Family Educational Rights and Privacy Act of 1974. A public body that is a local or intermediate school district or a public school academy shall exempt from disclosure directory information, as defined by 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974, requested for the purpose of surveys, marketing, or solicitation, unless that public body determines that the use is consistent with the educational mission of the public body and beneficial to the affected students. A public body that is a local or intermediate school district or a public school academy may take steps to ensure that directory information disclosed under this subsection shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation. Before disclosing directory information, a public body that is a local or intermediate school district or a public school academy may require the requestor to execute an affidavit stating that directory information provided under this subsection shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

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APPENDIX B

KEY DEFINITIONS:

FOIA Coordinator is an individual designated by Clio Area Schools in accordance with the Act to accept and process requests for public records. For the purpose of these procedures and guidelines, the Superintendent of Clio Area Schools hereby designates the Office of the Superintendent as the FOIA Coordinator with the authority and responsibilities stated in the Act. The FOIA Coordinator shall be responsible to accept and process all written requests for public records and shall also be responsible for approving a denial under the Act.

Person means an individual, corporation, limited-liability company, partnership, firm, organization, association, governmental entity, or other legal entity. Person does not include an individual serving a sentence of imprisonment in any correctional facility in the U.S.

Public Body includes state officers, employees, agencies, departments, divisions, bureaus boards, commissions, councils, school districts, and community colleges as well as any other body which is created by state or local authority or which is primarily funded by or through state or local authority. "Public body" does not include private non-profit corporations.

Public Record is defined as writings prepared, owned, used by or in the possession of or detained by Clio Area Schools in the performance of an official function, from the time it is created. Public record does not include computer software. The FOIA does not require Clio Area Schools to create a compilation, summary, or report of information or to create a new public record. A person's correspondence requesting information under the FOIA is itself considered a public record.

Unusual Circumstances means any one or combination of the following, but only to the extent necessary for the proper processing of a request:

- The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request.
- The need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving or processing the request.

Writing means handwriting, typewriting, printing, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content.

Written Request means a writing that asks for information, and includes a writing transmitted by facsimile, electronic mail, or other electronic means.