

MICHIGAN FREEDOM OF INFORMATION ACT

Procedures and Guidelines regarding Fees

The Michigan Freedom of Information Act (FOIA) allows for public bodies to charge fees in connection with requests made under FOIA for public records, as defined by FOIA. Except as noted or as provided for otherwise in the FOIA:

A fee will be charged for a public record search, copying for inspection or for providing a copy of a public record. Fees are limited to actual mailing costs and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and deletion and separation of exempt from nonexempt information as provided for in the FOIA. This time and work will be charged at the hourly rate, including benefits, of the lowest paid University employee capable of performing the task necessary to comply with the request under the FOIA.

Fees for labor time and costs will not be charged, however, if the total time involved for all of the above is less than two hours in total.

Copying costs are charged at 5 cents per page pursuant to guidelines provided by Western Michigan University's Department of Logistical Services. These copying costs may be revised from time to time based on most current experience and good faith estimates of this department.

The actual costs of mailing via first class mail will be charged unless it is determined by the Freedom of Information Act Office that such costs are extremely minimal, such as the cost of a postage stamp for a one ounce letter mailed through the U.S. Postal system. If the requestor asks that the records be shipped or delivered via any other method, the requestor will pay for all costs of the delivery method requested.

If the fee authorized under the FOIA exceeds \$50.00, a good faith deposit of no more than one half of the projected total fee will be required in order to process the request. The University reserves the right to require payment in full of all fees incurred in processing the request before delivering the responsive public records.

A public record search may be conducted and copies furnished without charge or at a reduced charge if it is determined that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request to an individual who is entitled to information under the FOIA and who submits an affidavit stating that the individual is then receiving public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency. Such affidavit forms are available in the Freedom of Information Act Office.

For additional information, please contact the FOIA office or refer to <http://legislature.mi.gov/doc.aspx?mcl-15-234>

