District Health Department No. 4

Procedures and Standards – Freedom of Information Act

I. PURPOSE: These procedures and standards have been developed by District Health Department No. 4 (DHD4) Administration Office to implement an Administrative Policy on Michigan Freedom of Information Act (FOIA) compliance adopted by the Board of Health.

II. DEFINITIONS:

A. FOIA: The Michigan Freedom of Information Act, codified at MCLA 15.321 et seq.

B. FOIA Coordinator: DHD4 Health Officer, and other individuals that he/she designates to act on his/her behalf.

C. Public Body: "Public Body" shall include, but not be limited to, the following:

C.1 Departments: DHD4

C.2 Elected Officers: DHD4 Board of Health Commissioners.

D. Public Record: A piece of writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Exception: computer software.

E. Redaction: Editing of a public record by deletion, masking, or separation to remove exempt material from nonexempt material.

F. Requesting Person: An individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity.

G. Writing: The written word, a photocopy, photograph, map, microfilm, sound, symbol, computer file, e-mail, or digitally scanned image.

H. Fee: The total fee or any component of the total fee calculated under section four (4) of the FOIA, including any deposit.

III. STANDARDS:

A. FOIA Coordinators:

A.1. Designation: DHD4 Health Officer, FOIA Coordinator, may designate other individuals to act on his/her behalf, and may amend such designations at his/her discretion.

A.2. Appointment: DHD4 Health Officer appoints DHD4 FOIA Coordinators. The following DHD4 employees shall be trained to serve as FOIA Coordinators:
Denise M. Bryan, MPA
Health Officer

Kendra Bartz, MHR
Human Resources Director

A.3. **Responsibilities:** A FOIA Coordinator shall be responsible for accepting and processing requests for the Public Body's public records and shall be responsible for granting or denying public records where appropriate.

A.4. **Training:** A FOIA Coordinator shall receive training in the application of FOIA and the use of the required form packet and shall be advised of amendments to FOIA as necessary. A FOIA Coordinator shall seek the advice of the retained legal counsel where appropriate when questions of legal interpretation arise.

A.5. **Form Packet:** A FOIA Coordinator shall use the Michigan FOIA Response Forms, Notice of Right to Appeal and Affidavit of Fee Waiver contained in the required form packet, attached hereto, and incorporated by reference herein, to respond to requests.

A.6. **Filed Requests:** A FOIA Coordinator shall keep all FOIA requests, responses and appeals on file for no less than one (1) year from the date of final response or written decision on appeal, whichever is later.

A.7. **Monitoring:** A FOIA Coordinator shall ensure that any FOIA requests he/she may receive by electronic device or system are monitored and responded to by a responsible person when the FOIA Coordinator will not have access to said device or system for more than one (1) business day.

A.8. **Creating Records:** DHD4 is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other DHD4 staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

A.9. **Free Copy of Procedures and Guidelines and Written Public Summary:** DHD4 will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. A copy of this Procedures and Guidelines document and DHD4's Written Public Summary will be publicly available on DHD4's website or upon request.

IV. PROCEDURES AND GUIDELINES:

A. **Request:** The requesting person shall provide the Public Body with a written request that describes a public record sufficiently to enable the Public Body's FOIA Coordinator to find it. The written request may be transmitted by facsimile, electronic mail, or other electronic means, but if it is transmitted by such means, it will be considered received by the Public Body one (1) business day after the transmission is made.

A.1. **Spam or Junk-mail Folder:** If a request is sent by email and delivered to a DHD4 spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered

to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request. The FOIA Coordinator shall review DHD4 spam and junk-mail folders on a regular basis, which shall be no less than once a month.

A.2. **Form of Request:** No specific form to submit a request for a public record is required. However, the FOIA Coordinator will make available a FOIA Request Form for use by the public.

A.3. **Inspection:** Requests to inspect or obtain copies of public records prepared, owned, used, possessed, or retained by DHD4 may be submitted on DHD4's FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.

A.4. **Verbal Requests:** Verbal requests for records will be documented by DHD4 on DHD4's FOIA Request Form. If a person makes a verbal, non- written request for information believed to be available on DHD4's website, where practicable and to the best ability of the employee receiving the request, shall inform of the pertinent website address.

A.5. **Describe Record:** A request must sufficiently describe a public record to enable DHD4 personnel to identify and find the requested public record.

A.6. **Format of Record:** A person may request that public records be provided on non-paper physical media, emailed or other otherwise provided to him or her in digital form in lieu of paper copies. DHD4 will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A.7. **Subscription:** A person may subscribe to future issues of public records that are created, issued, or disseminated by DHD4 on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A.8. **Certified copies:** The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

B. Forward Request to FOIA Coordinators: All DHD4 officers and employees who receive a FOIA request shall note the date of receipt on the request and forward it within one (1) business day to the FOIA Coordinator for the department or agency where the records are kept. If a DHD4 officer or employee is unable to determine where to direct the request, it shall be submitted to DHD4 Administrative Director within one (1) business day of receipt.

C. Review Request: After receiving a request and within sufficient time to ensure compliance with FOIA response requirements, a FOIA Coordinator shall:

C.1. Determine if there is an existing public record that satisfies the request.

C.2. Determine if any requested records, in whole or in part, are subject to denial or exempt from disclosure. A requested record which is subject to denial or exempt from disclosure, in whole or in part, shall not be disclosed unless approved by DHD4 Health Officer.

D. Determine if Request Contains Grounds for Denial:

D.1. A FOIA request shall be denied if the requesting person is serving a sentence

of imprisonment in a local, state, or federal correctional facility.

D.2. A FOIA request shall be denied if the requesting person does not describe a public record sufficiently to enable the Public Body to find it.

D.3. A FOIA request shall be denied if it requires the Public Body to create a new public record or make a compilation, summary, or report of information.

E. Examine Request for Exemptions: The following public records are exempt from disclosure, unless they are otherwise required to be made available to the public, or to a party in a contested case under the Administrative Procedures Act (MLCA 24.201 et seq., Public Act 306 of 1969). Any questions concerning the general legal parameters of an exemption, or applicability in a particular situation, should be directed to DHD4 Health Officer or to the Public Body's retained counsel.

E.1. Privacy: Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of an individual's privacy.

E.2. Social Security Numbers: Records disclosing the social security number of an individual.

E.3. Privileged Information: Information subject to the attorney-client, physician-patient, psychologist-patient or religious practitioner privileges.

E.4. Communications Within and Between Public Bodies: Communications and notes of an advisory nature within a Public Body or between Public Bodies if:

E.4.a. The communications cover other than purely factual materials and the opinion cannot be redacted.

E.4.b. The communications are preliminary to a final agency determination of policy or action**.**

E.4.c. The Public Body shows that the public interest in encouraging frank communications between public officials and employees clearly outweighs the public interest in disclosure.

E.5. Another Public Body's Exempt Material: Information in the possession of a Public Body received from another Public Body during business, which would be exempt from disclosure if requested of the originating Public Body.

E.6. Appraisals: Appraisals of real property, but only until a contract is entered into or three (3) years have elapsed since the appraisal was made.

E.7. Employment Tests: Test questions/answers, scoring keys, other examination instruments or data used to administer a license or evaluate persons for employment with a Public Body, unless the public interest in disclosure outweighs the public interest in nondisclosure.

E.8. Medical/Psychological Data: Medical, counseling, or psychological facts/evaluations, if the individual's identity would be revealed by disclosure, including protected health information, as defined in 45 CFR160.103.

E.9. Bids/Proposals: A bid or proposal, but only prior to public opening, or if no public opening, until expiration of the submission deadline.

E.10. Product Testing: Testing data developed by a Public Body to determine

whether bidders' products meet specifications. Exemption does not apply after one (1) year from the date the Public Body completes the testing.

E.11. Trade Secrets/Financial Information: Trade secrets or commercial or financial information voluntarily provided to a Public Body for use in developing government policy if (a) the Public Body has promised to keep the information confidential, (b) the promise is authorized by DHD4 Health Officer or elected official at the time made, and (c) a general description of the information is recorded by the Public Body within a reasonable period of time after it is submitted, kept in a central location within the Public Body, and made available to a requesting person.

Exception: This exemption does not apply to information required to be submitted to a Public Body by law, or as a condition of receiving a government contract, license, or other benefit.

E.12. Security: Records of a Public Body's security measures, plans, codes, combinations, passwords, passes, and keys.

E.12.a. Records concerning safety or security measures related to public or private persons or property, including building, public works, and public water supply designs related to ongoing security measures of a public body, plans and capabilities for responding to violations of the Michigan Anti-Terrorism Act, emergency response plans, risk planning documents, threat assessments, and domestic preparedness strategies, unless disclosure would not impair the public body's ability to protect the safety or security of persons or property, or unless public interest in disclosure outweighs public interest in nondisclosure.

E.13. Civil Actions: Records relating to a civil action in which the requesting person and Public Body are parties.

E.14. Other Exemptions: Information specifically exempted by statute, including but not limited to:

E.14.a. Deliberative information contained in the minutes of a Public Body's closed session.

E.17.d. Information on HIV infection, except for certain statistical data.

E.17.e. Information concerning the injury and benefits of a Worker's Disability Compensation claimant, except for statistical data.

F. Respond to Request: The FOIA Coordinator shall respond to a request, using the required form packet, within five (5) business days from the date upon which he/she receives the request, unless otherwise agreed to in writing by the requesting person.

G. Process Response: If the requested record is not subject to one of the grounds for denial or an exemption, it shall be processed in the following manner:

G.1. Response Options: Within five (5) business days, unless otherwise agreed to in writing by the requesting person, the FOIA Coordinator shall do one of the following:

G.1.a. Grant the request.

G.1.b. Deny the request and provide the reason why the request is subject to denial or exemption.

G.1.c. Grant the request in part and deny the request in part.

G.1.d. Using FOIA response form, provide notice extending for not more than ten (10) business days the time in which the Public Body shall respond to the request. The notice shall contain the reasons for the extension and the date by which the Public Body will respond to the request. No more than one (1) notice of extension shall be issued for a particular reason.

G.2. Denial of a Request: If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

G.2.a. An explanation as to why a requested public record is exempt from disclosure; or

G.2.b. A notification that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by DHD4; or

G.2.c. An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and

G.2.d. An explanation of the person's right to submit an appeal of the denial to either the office of DHD4 Board of Health or seek judicial review in the Circuit Court: and

G.2.e. An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of $1,000, should they prevail in Circuit Court.

G.2.f. The Notice of Denial shall be signed by the FOIA Coordinator.

Exception: If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

G.3. Redaction: If a public record contains both exempt and nonexempt material, the FOIA Coordinator shall edit the record by deletion, masking, or separation of the exempt from the nonexempt material and shall then provide the nonexempt material to the requesting person. The FOIA Coordinator shall generally describe the redacted material unless the description reveals its contents.

G.4. Inspection of Records: DHD4 shall provide reasonable facilities and opportunities for people to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the way records may be viewed to protect DHD4 records from loss, alteration, mutilation, or destruction and to prevent excessive interference with normal DHD4 operations.

G.5. Website link to Procedures and Guidelines: A link maintained on DHD4's website at www.dhd4.org to these Procedures and Guidelines and the Written Public Summary will be provided to the requestor. If a hard copy of these documents is requested, copies will be provided free of charge.

H. Fees for Public Records:

H.1. Permissible Fees: If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available. If the cost of processing a FOIA request is $50 or less, the requester will be notified of the amount due and where the documents can be obtained.

H.2. Deposits: In making the request for a good-faith deposit, the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by DHD4 to process the request and provide a best effort estimate of a time frame it will take DHD4 to provide the records to the requestor. The best-efforts estimate shall be nonbinding on DHD4 but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the instance, to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

H.2.a. If the fee estimate is expected to exceed $50.00 based on a good-faith calculation, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.

H.2.b. If a request for public records is from a person who has not paid DHD4 in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all the following conditions exist:

1. The final fee for the prior written request is not more than 105% of the estimated fee.
2. The public records made available contained the information sought in the prior written request and remain in DHD4's possession.
3. The public records were made available to the individual, subject to payment, within the time frame estimated by DHD4 to provide the records.
4. Ninety (90) days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing.
5. The individual is unable to show proof of prior payment to DHD4; and

H.2.c. The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated

fee deposit. The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

1. The person making the request can show proof of prior payment in full to DHD4.
2. DHD4 is subsequently paid in full for the applicable prior written request; or
3. Three hundred sixty-five (365) days have passed since the person made the request for which full payment was not remitted to DHD4.

H.3. Calculation of Fees: The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.

H.3.a. A fee may be charged for the labor cost of copying/duplication.

H.3.b. A fee will ***not*** be charged for the labor 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 DHD4 because of the nature of the request in the instance, and DHD4 specifically identifies the nature of the unreasonably high costs.

The following factors shall be used to determine an unreasonably high cost to DHD4:

1. Volume of the public record requested.
2. Amount of time spent to search for, examine, review and separate exempt from non-exempt information in the record requested.
3. Whether the public records are from more than one DHD4 department or whether various DHD4 offices are necessary to respond to the request.
4. The available staffing to respond to the request.
5. Any other similar factors identified by the FOIA Coordinator in responding to the request.

H.3.c. Labor Costs: The Michigan FOIA statute permits DHD4 to charge for the following costs associated with processing a request:

1. Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
2. Labor costs associated with searching for, locating, and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to DHD4.
3. Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when

failure to charge a fee will result in unreasonably high costs to DHD4.

4. The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on DHD4's website if the requester asks for DHD4 to make copies.
5. The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on DHD4's website if you ask for DHD4 to make copies.
6. The cost to mail or send a public record to a requestor.

Calculation of Labor costs: Labor costs will be calculated based on the following requirements:

1. All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
2. Labor costs will be charged at the hourly wage of the lowest-paid DHD4 employee capable of doing the work in the specific fee category, regardless of who performs the work.
3. Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
4. DHD4 may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
5. Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
6. Contracted labor costs will be charged at an hourly rate not to exceed an amount equal to 6 times the state minimum hourly wage rate determined by the Workforce Opportunity Wage Act, 2014, PA 138.

H.3.d. Non-paper Physical Media: The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

1. Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
2. This cost will only be assessed if DHD4 has the technological capability necessary to provide the public record in the requested

non-paper physical media format.

3. DHD4 will procure any non-paper media and will not accept media from the requestor to ensure integrity of DHD4's technology infrastructure.

H.3.e. Paper Copies: The cost to provide paper copies of records will be based on the following requirements:

1. Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will be as determined by DHD4's Purchasing Division. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
2. DHD4 will provide records using double-sided printing if it is cost-saving and available.

H.3.f. Mailing Costs: The cost to mail records to a requestor will be based on the following requirements: The actual cost to mail public records using a reasonably economical and justified means.

1. DHD4 may charge for the least expensive form of postal delivery confirmation.
2. No cost will be made for expedited shipping or insurance unless specified by the requestor.

H.4. Reduction of Fees: If the FOIA Coordinator does not respond to a written request in a timely manner, DHD4 will:

1. Reduce the labor costs by 5% for each day DHD4 exceeds the time permitted under FOIA up to a 50% maximum reduction, if ***any*** of the following applies:
   a. DHD4's late response was willful and intentional; or
   b. The written request conveyed a request for information within the first 250 words of the body of a letter, facsimile, email, or email attachment; or
   c. The written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy" or a recognizable misspelling of such, or legal code reference to MCL. 15. 231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter, or facsimile cover page.

2. Fully note the charge reduction in the Detailed Itemization of Costs Form.

H.5. Waiver of Fees: The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the public.

H.6. Discounted Fees:

H.6.a. Indigence: The FOIA Coordinator will discount the first $20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

1. Indigent and receiving specific public assistance, or
2. If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is not eligible to receive the waiver if:

1. The requestor has previously received discounted copies of public records from DHD4 twice during the calendar year; or
2. The requestor requests information in connection with other persons who are offering or providing payment to make the request.

The FOIA Coordinator will make a Fee Waiver Affidavit Form available for use by the public.

H.6.b. Nonprofit organization advocating for developmentally disabled or mentally ill individuals: The FOIA Coordinator will discount the first $20.00 of the processing fee for a request from:

1. A nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities' assistance and bill of rights act of 2000, Public Law 106- 402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, or their successors, if the request meets all of the following requirements:
   a. Is made directly on behalf of the organization or its clients.
   b. Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.
   c. Is accompanied by documentation of its designation by the state, if requested by the public body.

I. Appeal:

I.1. Appeal of a Denial of a Public Record: When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the Chair of DHD4 Board of Health by filing an appeal of the denial with the office of DHD4 Board of Health. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial.

I.1.a. Receipt of Appeal: DHD4 Board of Health is not considered to have received a written appeal until the first regularly scheduled DHD4 Board of Health meeting following submission of the written appeal.

I.1.b. Response to Appeal: Within 10 business days of receiving the appeal the Chair of DHD4 Board of Health will respond in writing by:

1. Reversing the disclosure denial; or
2. Upholding the disclosure denial; or

3. Reverse the disclosure denial in part and uphold the disclosure denial in part; or
4. Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which DHD4 Board of Health shall respond to the written appeal. DHD4 Board of Health shall not issue more than 1 notice of extension for a particular written appeal.

I.1.c. Requesting Person's Rights on Denial of Appeal: If the Chair of DHD4 Board of Health fails to respond to a written appeal, or if DHD4 Board of Health upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in Circuit Court.

Whether or not a requestor submitted an appeal of a denial to DHD4 Board, he or she may file a civil action in the Circuit Court within 180 days after DHD4's final determination to deny the request.

I.2. Appeal of an Excessive FOIA Processing Fee: If a requestor believes that the fee charged by DHD4 to process a FOIA request exceeds the amount permitted by state law or under this policy, procedures, and standards, he or she must first appeal to the Chair of DHD4 Board of Health by submitting a written appeal for a fee reduction to the office of DHD4 Board of Health. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

I.2.a. Receipt of Appeal: DHD4 Board of Health is not considered to have received a written appeal until the first regularly scheduled DHD4 Board of Health meeting following submission of the written appeal.

I.2.b. Response to Appeal: Within 10 business days after receiving the appeal, the Chair of DHD4 Board of Health will respond in writing by:

1. Waiving the fee; or
2. Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee; or
3. Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or
4. Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which DHD4 Board of Health will respond to the written appeal. DHD4 Board of Health shall not issue more than 1 notice of extension for a particular written appeal.

Where the Chair of DHD4 Board of Health reduces or upholds the fee, the determination must include a certification from the Chair of DHD4 Board of Health that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and Section 4 of the FOIA.

I.2.c. Requesting Person's Rights on Denial of Appeal: Within 45 days after receiving notice of the Chair of DHD4 Board's determination of an appeal, the requesting person may commence a civil action in Circuit Court for a fee reduction.

If a civil action is commenced against DHD4 for an excess fee, DHD4 is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

An action shall not be filed in circuit court unless ***one*** of the following applies:

1. DHD4 does not provide for appeals of fees, or
2. The Chair of DHD4 Board of Health failed to respond to a written appeal as required, or
3. The Chair of DHD4 Board of Health issued a determination to a written appeal.

J. Conflict with Prior FOIA Policies and Procedures: To the extent that any provision of these Procedures and Guidelines pertaining to the release of public records is found to conflict with any State statute, the applicable statute shall control.

K. Effective Date: These FOIA Policies and Guidelines become effective February 18, 2025.

V. DISTRIBUTION: These procedures and guidelines shall be distributed upon adoption by DHD4 to all DHD4 departments and programs.

VI. PERIODIC REVIEW: These procedures and standards shall be reviewed following amendments to the FOIA, whichever occurs first, and recommendations for changes to the Board of Health.