District Health Department No. 4
Prevent. Promote. Protect

District Health Department No. 4
Public Summary of Freedom of Information Act (FOIA) Procedures and Guidelines

Copies of the District Health Department No. 4 (DHD4) FOIA Procedures and Guidelines effective February 17, 2025, are available at no charge at any DHD4 office and on the DHD4 website: www.dhd4.org . This is a public summary of DHD4 FOIA Procedures and Guidelines.

It is the public policy of this state that all persons (except those persons incarcerated in state of local correctional facilities) are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees. The people shall be informed so that they may fully participate in the democratic process.

1. **How do I submit a FOIA request to DHD4?**
   - A request must sufficiently describe a public record to enable DHD4 to find it.
   - Please include the works "FOIA" or FOIA request" in the request to assist DHD4 in providing a prompt response.
   - Requests to inspect or obtain copies of public records prepared, owned, used, possessed, or retained by DHD4 may be submitted on the DHD4 FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.
     - Any verbal request will be documented by DHD4 on the DHD4 FOIA request form.
     - No specific form to submit a written request is required. However, a FOIA Request Form and other FOIA-related forms are available for your use and convenience on the DHD4 website at www.dhd4.org .
   - Written requests may be delivered to DHD4 Administrator's Office at DHD4 Administrator's Office, 100 Woods Circle, Suite 200, Alpena, MI 49707, Fax: (989) 358-7944, or directly to the department that possesses the records in person or by mail at their addresses. To ensure a prompt response, faxed requests should contain the term "FOIA" or FOIA Request" on the first/cover page.
   - Requests may be emailed to D4administration@dhd4.org to ensure a prompt response; email requests should contain the term "FOIA" or FOIA Request" in the subject line.

2. **What kind of response can I expect to my request?**
   - Within five (5) business days after receiving a FOIA request, DHD4 will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. DHD4 will respond to your request in one of the following ways:
     - Grant the request,
     - Issue a written notice denying the request,
     - Grant the request in part and issue a written notice denying in part the request,
     - Issue a notice indicating that due to the nature of the request, DHD4 needs an additional ten (10) business days to respond, or
     - Issue a written notice indicating that the public records request is available at no charge on the DHD4 website.

- If the request is granted, or granted in part, DHD4 will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available.
- If the cost of processing the request is expected to exceed $50, or if you have not paid for a previously granted request, DHD4 will require a deposit before processing the request.

3. What are the DHD4 deposit requirements?

- If DHD4 has made a good faith calculation that the total fee for processing the request will exceed $50, DHD4 will require that you provide a deposit in the amount of 50% of the total estimated fee. When DHD4 requests the deposit, it will provide you with a non-binding best efforts to estimate of how long it will take to process the request after you have paid your deposit.
- If DHD4 receives a request from a person who has not paid DHD4 for copies of public records made in fulfillment of previously granted written request, DHD4 will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when all the following conditions exist:
    - The final fee for the prior written request is not more that 105% of the estimated fee.
    - The public records made available contained the information sought in the prior request and remain in the DHD4 possession.
    - The public records were made available to the individual, subject to payment, within the best effort time frame estimated by DHD4 to provide the records.
    - Ninety (90) days have passed since DHD4 notified the individual in writing that the public records were available for pickup or mailing.
    - The individual is unable to show proof of prior payment to DHD4, and
    - DHD4 has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- DHD4 will not require the 100% estimated fee deposit if any of the following apply:
    - The person making the request can show proof of prior payment in full to DHD4.
    - DHD4 is subsequently paid in full for all applicable prior written requests; or
    - Three hundred sixty-five (365) days have passed since the person made the request for which full payment was not remitted to DHD4.

4. How does DHD4 calculate FOIA processing fees?

The Michigan FOIA statute permits DHD4 to charge for the following costs associated with processing a request:

- 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.
- 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.
- 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.
- 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 the DHD4 website if you ask for DHD4 to make copies.
- The cost of computer discs, computer tapes, or other digital or similar media when the requester asks for records in non-paper physical medica. This may include the cost for copies of records already on the DHD4 website if you ask for DHD4 to make copies.

- The cost to mail or send a public record to a requestor.

Labor Costs

- 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. Except that labor cost for duplication or publication will be charged in 1-minute increments, with all partial increments rounded down.
- 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.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. 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.
- 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.
- Contracted labor cost will be charged at an hourly rate not to exceed an amount equal to six (6) time the state minimum hourly wage rate determined by the workforce opportunity wage act, 2014, PA 138.

A labor cost will not be charged for the 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. Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the DHD4 usual FOIA requests, because of the nature of the request in the instance. DHD4 must specifically identify the nature of the unreasonably high costs in writing.

Copying and Duplication

DHD4 will use the most economical method for making copies of public records, including using double-sided printing, if cost-saving and available.

Non-paper Copies on Physical Media

- The cost for records provided on non-paper physical media, such as computer discs, computer tapes, or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will be charged only if DHD4 has the technological capability necessary to provide the public records in the requested non-physical media format.

Paper Copies

- 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 the DHD4 Purchasing Division not to exceed 0.10 cents per sheet of paper.
- Copies for non-standard sized sheets if paper will reflect the actual cost of reproduction.

Mailing Costs

- The cost to mail public records will use a reasonably economical and justified means.
- DHD4 may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless you request it.

Waiver of Fees

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgement of DHD4 FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefiting the public.

5. **How do I qualify for an indigence discount on the fee?**
   DHD4 will discount the first $20 of fees for a request if you submit an affidavit stating that you are:
   - Indigent and receiving specific public assistance; or
   - If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

   You are NOT eligible to receive the $20 discount if you:

   - Have previously received discounted copies of public records from DHD4 twice during the calendar year; or
   - Are requesting information on behalf of other people who are offering or providing payment to you to make the request.

   The affidavit is a sworn statement. For your convenience, DHD4 ahs provided an Affidavit of Indigence for the waiver of FOIA fees on the back of DHD4 FOIA request Form, which is available on the DHD4 website: www.dhd4.org .

6. **May a nonprofit organization receive a discount on the feel?**
   A nonprofit organization advocating for developmentally disabled or mentally ill individuals that is formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities' assistance and bill of rights ac of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, may receive a $20 discount if the request meets all of the following requirements in the Act:
   - Is made directly on behalf of the organization or its clients;
   - 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;
   - Is accompanied by documentation of its designation by the state, if requested by the public body.

7. **How may I challenge the denial of a public records or an excessive fee?**

Appeal of a Denial of a Public Record

If you believe that all or a portion of a public records has not been disclosed or has been improperly exempted from disclosure, you may appeal to the Chair of the Board of Commissioners by filing a written appeal of the denial to the DHD4 Attention: Board of Commissioners, 100 Woods Circle, Suite 200, Alpena, MI 49707.

The appeal must be in writing, specifically state the work "appeal," and identify the reason or reasons you are seeking a reversal of the denial.

Within ten (10) business days of receiving the appeal, the Chair of DHD4 Board of Health will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of a denial to the Chair of the Board of Health, you may file a civil action in DHD4 Circuit Court within 180 days after the DHD4 final determination to deny your request.

Appeal of an Excess FOIA Processing Fee

If you believe that the fee charged by DHD4 to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the Chair of DHD4 Board of Health by filing a written appeal for a fee reduction to DHD4, Attention: Board of Commissioners, 100 Woods Circle, Suite 200, Alpena, MI 49707.

The appeal must specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Within ten (10) business days after receiving the appeal, the Chair of DHD4 Board of Health will respond in writing by:

- Waiving the fee;
- Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issue a written determination indicating the specific basis that supports the require fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than ten (10) business days the period during which the Chair of DHD4 Board of Health will respond to the written appeal.

Within forty-five (45) days after receiving notice of the Chair of DHD4 Board of Health determination of the processing fee appeal, you may commence a civil action in Circuit Court for a fee reduction.