



VILLAGE OF OTISVILLE

300 East St., P.O. Box 6
Otisville, Michigan 48463
Office (810) 631-4680 Fax (810) 631-4796
www.otisvillevillage.org

WRITTEN PUBLIC SUMMARY OF FOIA PROCEDURES AND GUIDELINES

➤ **How to Submit a Freedom of Information Act (FOIA) request to the Village of Otisville**

Requests to inspect or to obtain copies of public records must be submitted in writing. No specific form is required, but your request must sufficiently describe a public record so that the Village is able to locate it. To ensure a prompt response, your request should contain the term “FOIA” or “FOIA Request” in the subject line. Requests should also include a name, phone number, mailing or email address.

FOIA requests can be sent to the Village of Otisville in any of the following ways:

- ✓ Email: kmartini@otisvillevillage.org
- ✓ Mail: Village of Otisville
Attn: FOIA Coordinator
300 East Street
P.O. Box 6
Otisville, MI 48463
- ✓ Fax: 810-631-4796

FOIA requests can also be dropped off in person at the mailing address above during regular Village business hours.

➤ **Understanding the Written Response to your FOIA Request**

The Village will respond to a written request for public records in five business days, and may do so in several ways. It can grant the request, deny the request, grant it in part and deny it in part, or issue a notice that it needs an extension of no more than 10 business days to respond. After 10 business days pass, the Village must respond with one of the other options.

If the request is granted or granted in part, the Village may ask that the allowable fees be paid before it provides the public record. The Village may also notify you that some or all of the records you have requested are available on its



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website at no charge.

If the request is denied, the Department will inform you of the basis for its denial in a written notice.

➤ **Understanding Deposit Requirements and Fee Calculations**

If the cost of processing the request is expected to exceed \$50.00, or if you have not paid for a previously granted request, the Village may require a deposit before processing your request. If the Village requests a deposit it will provide you a non-binding, good faith estimate of how long it will take to process the request following receipt by the Village of your deposit.

The Village is permitted to charge a fee to process requests. If a fee is charged, you will be given a detailed itemization of the costs. The Village may charge for the following costs:

- ✓ The costs of labor for the search, location, and examination of public records;
- ✓ The costs of labor for the review of public records and separation and deletion of exempt from nonexempt material;
- ✓ The cost of nonpaper physical media, such as CDs or DVDs;
- ✓ The cost of duplication and publication of public records;
- ✓ The costs of labor for the duplication or publication of public records;
- ✓ The actual cost of mailing public records

The Village may waive or reduce the fee when the Village determines that it is in the public interest. You may be entitled to reduced costs if you are indigent or receiving specific public assistance. Specifically, the Village will waive the first \$20.00 of the processing fee if you submit an affidavit stating facts that demonstrate your inability to pay, provided that you have not received discounted copies twice during the calendar year and are not requesting the information on behalf of another person who is paying you to make the request. Non-profit organization may also be entitled to a fee waiver.

➤ **How to Challenge a Denial or a Fee**

If you wish to dispute the fee charged or a denial of all or part of a request, you may submit to the Village Council a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced or the disclosure determination should be reversed. Written appeals may be sent to the email address or



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mailing address listed above and will be forwarded to the Village Council. The Village Council is not deemed to have received the appeal until its first regularly scheduled meeting following the appeal submission.

The Village may respond to an appeal in several ways. It can grant the appeal, deny the appeal, grant it in part and deny it in part, or issue a notice that it needs an extension to respond of not more than 10 business days. After 10 business days pass, the Village must respond with one of the other options. The response to the appeal will be in writing.

You may also file a civil action in the Genesee County Circuit Court to challenge a denial of your request or to seek a fee reduction. For request denials, you do not have to appeal to Village Council first and you have 180 days after the Village's final decision to file an action. Challenges to fee requests require that you first appeal to the Village Council. You have 45 days after the Village Council's decision on your appeal to file an action for a fee reduction. If you prevail, the Court will award you reasonable attorney fees, costs and disbursements. If the Court determines that the Village acted arbitrarily and capriciously in refusing to disclose a public record, the Court shall award punitive damages in the amount of \$1,000.00. If the Court determines that the Village acted arbitrarily and capriciously by charging an excessive fee, the Court may award you punitive damages in the amount of \$500.00.