

Luther Area Public Library Freedom of Information Act Request

The Luther Area Public Library documents and records shall be available to the public in accordance with the Michigan Freedom of Information Act, MCL 15.231 et seq (“FOIA”). Costs associated with responding to a request will be charged to the requestor.

How to Submit Written Requests

FOIA Requests to the Library can be sent by email, mail, or faxed to:

E-mail: lutherlibrary@att.net

Mail: Luther Area Public Library

Attn: FOIA Coordinator/Library Director

PO Box 86

Luther, MI 49656

Fax: 231-797-8010

Requests should include a name, phone number, and mailing address.

Understanding the Library’s Written Responses to FOIA Requests

The Library has several options when responding to written requests for public records. The Library is allowed 10 business days to respond. After the allowed 10 business days, the Library can grant the FOIA request, deny it, grant it in part and deny it in part, or take one 10 business day extension. After the 10 business day extension, the Library has to respond with one of the other options.

If the request is granted or granted in part and denied in part, the Library shall also charge a fee to process the request. There is no fee for requests that do not require the Library to incur costs. In cases where there is a charge, the Library will provide a detailed itemization of the fee. The library may require payment of a good-faith deposit before it processes a request. After payment of the deposit and final balance due, the library will produce records in its possession that fall within the scope of the request and that legally may be disclosed to the public. The Library may also notify the requestor that some of the records requested are available on its website.

If the request is denied, the library will inform the requestor of the basis for the denial in a written notice. Reasons the Library may deny a request may include:

1. Requestor did not describe the records requested well enough and the library cannot determine what is being asked for; or
2. The Library has determined that it does not have records that respond to the request in its possession; or
3. The records do not exist (The library is not required to create new public records to satisfy a request, nor make a summary or compilation of information); or
4. The records requested are exempt from public disclosure under FOIA or another State or Federal Statutes or Regulation, for example, the Michigan Library Privacy Act, MCL 397.601 ET SEQ.

If all or part of a request is denied, the Library will inform the requester of his or her right to appeal its denial to the Luther Area Public Library Board.

Deposit Requirements

If the Library estimates a fee to process a FOIA request to be greater than \$50.00, the Library will require a good-faith deposit before providing the public records. The deposit shall not exceed ½ of the total estimated fee. Any written notice containing a notice of a deposit shall also contain a best efforts estimate by the Library requiring the timeframe after a deposit is received that it will take the Library to provide the public records. The timeframe estimate is not binding upon the Library, but the Library shall provide in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this State's public policy under section 1 of FOIA, MCL 15.231, and the nature of the request in the particular instance.

If the total amount in a previous records request has not been paid in full, the Library may require a deposit of up to 100% of the estimated fee before a full search of records for any subsequent request.

Fee Calculations

The FOIA permits the library to charge a fee to process FOIA requests using a form to give you detailed itemization of the costs involved. The Library may charge the following costs:

1. The cost of labor for search, location, and examination of public records;
2. The costs of labor for the review of public records and separation and deletion of exempt from nonexempt material;
3. The cost of non-paper physical media;
4. The cost of duplication and publication of public records;
5. The costs of labor for the duplication or publication of public records;
6. The actual cost of mailing public records.

Avenues for Challenge and Appeal

If the Library charges a fee that the requestor feels is too high, or denies all or part of a request, the requestor may submit to the Library Board a written appeal that specifically states the word “appeal” and identifies with basis for which the fee should be reduced or the nondisclosure determination should be reversed. Written appeals shall be sent to the email address or mailing address listed above and will be forwarded to the LAPL Library Board or the person designated by the Library to respond to written appeals.

Adopted by the Luther Area Public Library board on: November 9, 2017