

SALEM TOWNSHIP LIBRARY

SUMMARY OF FREEDOM OF INFORMATION ACT PROCEDURES AND GUIDELINES

The Michigan Freedom of Information Act, Public Act 442 of 1996 (“FOIA” or the “Act”), provides for disclosure of public records that are not exempt from disclosure. To fulfill this mandate, the Board of Trustees (the “Board”) of Salem Township Library (“STL”) adopted the “Salem Township Library Freedom of Information Act Procedures and Guidelines” (the “Procedures”) for handling FOIA requests. This document summarizes STL’s Procedures in accordance with FOIA.

I. Submitting a FOIA Request

A FOIA request for public records must be submitted in writing to STL. You may request either (a) to obtain copies of STL records, or (b) to inspect STL records. No specific form to submit a FOIA request is required, although STL may decide to make a standard FOIA request form available for the convenience of requesters, which would be available at no cost. Please include the words “FOIA” or “FOIA Request” in your request to assist STL in providing a prompt response.

You may submit the FOIA request for records in person, by mail to STL’s offices at the Salem Township Library, 3007 142nd Avenue, Burnips, Michigan, by e-mail to the FOIA Coordinator at foiarequest@STL.org, by fax, or by other electronic means. Requests submitted in person or by mail are deemed received as of the date of receipt. Requests submitted to STL via electronic means are deemed received by the FOIA Coordinator one business day after the date the electronic transmission is made.

A request must sufficiently describe a public record so as to enable STL to find the requested public record. A request from a person, other than an individual who qualifies as indigent under MCL 15.234(4)(2)(a), must include the requesting person’s complete name, address and contact information (either a valid telephone number or email address). If the requesting person is an entity, the request must include the complete name, address and contact information (either a valid telephone number or email address) of the person’s agent who is an individual. An address must be written in compliance with the United States Postal Service’s addressing standards.

II. STL’s Response to a FOIA Request

Once STL receives your FOIA request, STL will respond to your request within five business days, unless STL extends the period to respond to the request by not more than ten business days, in addition to the original five business days.

In response to a FOIA request, STL will respond to your request in one of the following ways: (1) grant the request; (2) deny the request; or (3) grant the request in part and deny the request in part.

If the request is denied, or denied in part, because the request is not proper under FOIA, or if the requested records or portions of the requested records are exempt pursuant to one of the exemptions from disclosure under Section 13 of FOIA, STL's written response will explain the basis for the denial.

If the request is denied, or denied in part, on the basis that STL does not have records that are responsive to the request do not exist in STL's possession, the written response will include a certification that the requested records do not exist as requested by your or by another name reasonably known to STL.

If the request is granted, or granted in part, and the cost of processing the request is expected to exceed \$50, STL's written response to the request will include a notification that STL is requiring a deposit prior to processing the request. The response will include the following: 1) a detailed cost itemization of the estimated cost to respond to the request and 2) a best efforts estimate of when STL expects to be able to provide the requested records upon payment of the good-faith deposit.

Please note that FOIA does not require STL to make a compilation, summary or report of public records or other information.

Inspecting STL's Public Records

You may request to inspect STL's public records. If you make such a request and it is granted by STL, STL will make facilities available to inspect the requested records during STL's normal business hours and when the records can reasonably be made available. You must submit a written request to inspect records that describes the requested documents prior to STL allowing the inspection of the records.

You cannot write on, mark or alter any original STL records that you are reviewing. You will be allowed to have only an erasable pencil with you, if you wish to take notes. No pens or indelible writing instruments are allowed. An STL official will be present during your inspection of STL's records if original records are involved; you may be charged a fee to defray STL's cost of the monitoring service to protect the records from loss, unauthorized alteration, mutilation, or destruction. Original records cannot be removed from the location provided for inspection and note taking.

Requesting Copies of STL's Public Records

You may request copies of STL's public records. STL will review the available records and provide you with copies of the records unless the records do not exist, are not in possession of STL, or exempt from disclosure under FOIA. If a portion of a requested record is exempt from disclosure under FOIA, STL will separate the information that is exempt from disclosure under FOIA before providing copies of the record to you, generally by redaction of the exempt information.

If the request is denied, or denied in part, on the basis that STL does not have records that are responsive to the request do not exist in STL's possession, the written response will include a

certification that the requested records do not exist as requested by your or by another name reasonably known to STL.

If the request is granted, or granted in part, and the cost of processing the request is not expected to exceed \$50, STL will, to the extent possible in the particular instance, provide copies of the requested records with the written response. If it is not possible for STL to provide copies of the requested records with the written response, STL will include an estimate of when it expects to be able to provide the records.

If the request is granted, or granted in part, and the cost of processing the request is expected to exceed \$50, STL's written response to the request will include a notification that STL is requiring a deposit prior to processing the request and the deadline to pay the deposit to STL (48 days from the date of submission of STL's written response). STL shall also provide a best efforts estimate of when it expects to be able to provide the requested records, upon payment of the required deposit. If the deposit is paid on or prior to the 48-day deadline to pay the deposit, STL will, to the extent possible in the particular instance, provide the requested records by the estimated date. If the deposit is not paid on or prior to the 48-day deadline, your request will be deemed abandoned and STL will not be required to fulfill your request, as provided under Section 4(14) of FOIA.

Calculation and Payment of Fees; Deposit

Under FOIA, STL may charge a fee for the processing of a FOIA request, including labor costs, if the failure to charge a fee would result in unreasonably high costs to STL because of the nature of your request. STL has determined that devoting more than one-half hour to responding to a FOIA request will result in unreasonably high costs to STL. In its written response to a FOIA request, STL will provide you with a written estimate of the applicable fees (if any). STL may require the payment of a deposit if the expected costs to process the FOIA request exceed \$50, or, in certain circumstances, may waive payment of the fee.

a. Calculation of Fee

STL may charge you a fee for the necessary searching, reviewing, redacting, copying and mailing requested public records. The fee will be limited to actual mailing costs, and to the actual incremental cost of duplication, including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt material pursuant to Section 13 of FOIA. The fees charged by STL for responding to your request may include:

- A fee for STL's labor costs directly associated with (1) making copies (including paper or digital copies), (2) searching for, locating, and examining the requested records if this will require more than 30 minutes, and (3) the necessary review of and separation and redaction of exempt material from nonexempt material. You will not be charged for the redaction of documents if STL previously redacted the public record in question and the redacted version is still in STL's possession.
- The actual cost of mailing for sending the records to you, if paper copies are requested. STL will not send documents via overnight delivery service or expedited shipping (or

obtain shipping insurance on such mailing) unless you specifically request such services in writing and agree to pay for such costs.

- A copy charge of 10 cents per 8 1/2" x 11" or 8 1/2" x 14" sheet of paper, if paper copies are requested. The actual total incremental cost of necessary duplication or publication will be charged for copies of paper records that cannot be made on 8 1/2" x 11" or 8 1/2" x 14" sheet of paper, which may include photographs, maps or plans.
- You may stipulate that the requested public records be provided electronically mailed, provided on nonpaper physical media, or otherwise electronically provided in lieu of paper copies. For public records that are provided on any form of nonpaper physical media, the actual and most reasonably economical cost of the nonpaper physical media will be charged. Please note that STL is not required to provide requested records on the particular type of nonpaper physical media stipulated in the particular instance if STL lacks the technological capability to provide the records on that type of nonpaper physical media.

For labor costs to comply with a request, STL will charge the hourly rate of its lowest-paid employee capable of performing the necessary task regardless of whether that person is available or who actually performs the labor. The labor charges will be billed in increments of 15 minutes, with all partial time increments will be rounded down. The labor charges will also include an amount equal to one-half of the applicable hourly rate to cover (or partially cover) the cost of the fringe benefits (if any) for the lowest-paid employee; provided, however, that such amount will not exceed the actual costs of the fringe benefits.

The review and separation of exempt from non-exempt information may be performed by an STL official or employee or, if necessary, outside legal counsel. For services performed by outside legal counsel, STL may charge for the legal counsel's time; but the rate for the legal counsel's time will not exceed an amount equal to six times the then-current state minimum hourly wage rate. The charges for such services will be billed in increments of 15 minutes, and all partial time increments will be rounded down.

b. Fee Waiver

STL may, in its sole discretion, waive all or a portion of the fees for the search and copying of records if STL determines 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 by either: (a) a person who submits an affidavit stating that they are indigent and is receiving specific public assistance, or (b) certain nonprofit agencies operating under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000.

Under the Procedures, you may be ineligible for a fee reduction or waiver if: (a) you previously received discounted copies of public records from STL twice during the same calendar year; (b) you are making the records request in conjunction with outside parties who are offering

or providing payment or other remuneration to you to make the request; or (c) you are a specific type of nonprofit corporation (as provided in FOIA and the Procedures).

c. Deposit

If it is anticipated that a charge will exceed \$50.00, you may be required to pay a good-faith deposit prior to STL fulfilling the request for the records, but the deposit will not exceed one-half of the total anticipated fee. STL's will not begin processing of the request unless the deposit is paid by the deadline, which is 48 days from the date of notice by STL that a deposit is required. In certain circumstances, STL may require payment of a deposit equal to 100% of the estimated charge for fulfilling your request for records, if you previously failed to pay the total amount due from a prior FOIA request to STL.

If STL requests a good-faith deposit from you and the deposit is not received within 48 days of the date STL sent the notice requesting the deposit, STL will consider your FOIA request abandoned and will no longer be required to fulfill your request, pursuant to Section 4(14) of FOIA.

III. Rights to Appeal

You can appeal decisions made with respect to the public records that you requested, if the request was denied or denied in part, or the amount of the calculated fee for responding to your request. An appeal from a determination by the FOIA Coordinator or from a decision of the Board may be taken to the Allegan County Circuit Court.

d. Appeal of Denial of Public Records (in whole or in part)

You have the right to submit to the Board, a written appeal that specifically states the word "appeal" and identifies the reason or reasons that you assert in support of reversal of the failure of disclosure of the public records that were not disclosed. In the alternative, you have the right to seek judicial review of the denial or nondisclosure.

Under Section 10 of FOIA, you have the right to receive attorney fees and damages, if, after judicial review, the Allegan County Circuit Court determines that STL has not complied with Section 5 of FOIA and if the court orders disclosure of all or a portion of a public record that had not been disclosed to you by STL.

e. Appeal of Calculation of Fee

You may appeal the amount of a fee or requested deposit to the Board. An appeal of the amount of the fee to the Board must specifically include the word "appeal" and identify how the required fee exceeds the amount permitted under the Procedures or the Act. You may also file an appeal with the Allegan County Circuit Court if the Board upheld the fee, or upheld the fee in part, within 45 days of STL's determination regarding your written appeal. You may also file an appeal with the Allegan County Circuit Court if you submitted a fee appeal to the Board and the Board failed to respond to the appeal within 10 business days after your appeal was deemed received. In that case, you may file an appeal with the Allegan County Circuit Court within 45 days after receiving notice from STL of the required fee. If you file a fee appeal with the Allegan County

Circuit Court, STL will not complete the processing of the request for the public record at issue until the court resolves the fee dispute.

Within 10 business days after receiving a written appeal of the fee, STL Board is required to: (1) waive the fee; or (2) reduce the fee and provide written notice as to the basis for the remaining fee; or (3) uphold the fee and provide written notice as to the basis for the fee; or (4) issue a notice extending for not more than 10 business days the period during which STL Board will respond to the appeal (the notice will include the reason or reasons why the extension is necessary).

Any appeal will be deemed received as of the date of the first regularly scheduled meeting of STL Board following submission of the written appeal.

IV. Additional Information; Revisions to Summary and Procedures

Additional information may be found in STL's Procedures, which may be obtained by writing or visiting STL's offices at the Salem Township Library, 3007 142nd Avenue, Burnips, Michigan, at no charge.

This Summary and the Procedures may also be found on STL's website at <https://saletownshiplibrary.org/>.

This Summary and the Procedures may be modified from time to time by STL Board and without notice.

This Summary is effective as of September 17, 2026.