

CALHOUN COUNTY POLICY

SUBJECT:	Freedom of Information Act	POLICY NO. 230
EFFECTIVE DATE:	October 12, 1997	REPLACES: 230 of 11/21/88
DATE APPROVED:	October 2, 1997	PAGE: 1 of 3

1. **Writing.** All Freedom of Information Act ("FOIA") requests must be in writing, including that by facsimile copy or electronic mail. A FOIA request received by facsimile copy, electronic mail, or by other electronic means, is deemed received the first business day following its transmission. A "Written Request For Copies of Public Records" form may be completed by a requestor; however, any written request is acceptable.
2. **Coordinator.** The Calhoun County Board of Commissioners shall designate by resolution a FOIA Coordinator. The Coordinator shall be responsible for accepting and processing requests for public records and denial of requests. The Coordinator may delegate responsibility for accepting, processing and answering FOIA requests to other qualified individuals.
3. **Response.** Within five business days of receipt, the FOIA coordinator or designee, must submit a written response to the request by one of the following:
 - (a) Grant the request;
 - (b) Deny the request;
 - (c) Grant the request in part and issue a written notice to the requesting party denying the request in part;
 - (d) Issue a notice extending the response time for not more than ten (10) business days from the date of request. Such notice shall state reasons for the extension and the date by which the FOIA coordinator or designee will do 1 of the following:
 - (i) Grant the request.
 - (ii) Issue a written notice to the requesting person denying the request.
 - (iii) Grant the request in part and issue a written notice to the requesting person denying the request in part.
4. **Denial.** If the FOIA Coordinator or designee denies a request for public record, in whole or in part, the written notice denying the request shall contain:
 - (a) An explanation of the basis under FOIA or other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request .

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(b) A certificate that the public record does not exist under the name given by the requestor or by another name reasonably known to the public body, if that is the reason for denying the request or a portion of the request.

(c) A description of a public record or information on a public record that is separated or deleted, if a separation or deletion is made.

(d) A full explanation of the requesting person's right to do either of the following:

(i) Submit to the Chairperson of the Calhoun County Board of Commissioners a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial:

(ii) Seek judicial review of the denial under section 10 of the FOIA.

(e) Notice of the right to receive attorneys' fees and damages as provided in section 10 of the FOIA if, after judicial review, the circuit court determines that the public body has not complied with this section and orders disclosure of all or a portion of a public record.

(f) If not designated as the FOIA Coordinator, the Assistant Prosecuting Attorney assigned as Civil Counsel, or in Civil Counsel's absence the County Administrator, must be consulted prior to denying any FOIA request.

(g) The "Calhoun County Response to Freedom of Information Request," or one substantially similar in content and approved by Civil Counsel, must be used to respond to all FOIA requests.

5. Fees.

(a) Fees shall be established and assessed for the services performed by County employees relating to the processing of requests to copy public records, including:

(i) Mailing costs;

(ii) Labor; and

(iii) Copy fees.

The "Freedom of Information Act Fee Schedule", or one substantially similar, shall be used to calculate costs and shall be provided to the requestor. The most economical means of making copies of public records must be used.

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- (b) The costs of labor shall be calculated based upon the hourly wage of the lowest paid employee capable of retrieving the information necessary to comply with the request.
- (c) Fees shall be uniform and not dependent upon the identity of the requesting person.
- (d) If it appears that the fees will exceed Fifty (\$50.00) Dollars, then the person requesting the records will be required to deposit one-half of the total estimated fee before the request for the records is processed.
- (e) A requestor with an outstanding FOIA bill cannot be refused access to public records. Instead, collection procedures should be implemented pursuant to County policy and procedure.
- (f) If a person signs a "Freedom of Information Act Affidavit of Indigency," the first Twenty (\$20.00) Dollars in fees is waived. However, the requestor shall be responsible for payment of any fees in excess of the first Twenty (\$20.00) Dollars.
- (g) This section does not apply to public records authorized by act or statute to be sold to the public, or if the fee is otherwise specifically provided by an act or statute.
6. **Hours.** In order to prevent excessive and unreasonable interference with the discharge of government functions, the individual departments of Calhoun County may establish specific reasonable office hours during which inspection of public records shall be permitted. If different from normal office hours, such hours shall be placed on file with the Calhoun County Clerk and posted by the Clerk at a public place.
7. **File of Requests.** Each person designated to accept and answer FOIA requests must keep a copy of all written requests and responses on file for *no less* than one year from the date of response.
8. **Conflict.** If any provision of this policy conflicts with the Freedom of Information Act, the policy shall be construed without such provision so as to conform to the law then in effect. All other nonconflicting provisions of the policy shall remain in effect.