

BEAR LAKE TOWNSHIP

**RESOLUTION ESTABLISHING POLICY FOR
FREEDOM OF INFORMATION ACT REQUESTS**

Resolution No. 5 of 2020

Recitals

WHEREAS, the Michigan Freedom of Information Act (FOIA), being Act 442 of the Public Acts of 1976, as amended, establishes the public policy of the State of Michigan that all persons, except those persons incarcerated in state or local correctional facilities, are entitled to full and complete information regarding governmental decision-making consistent with the requirements of the Act; and

WHEREAS, the Bear Lake Township Board desires to establish this policy relating to requests for public records under the provisions of the FOIA so that those requests can be promptly and efficiently processed consistent with the requirements of the Act;

Resolution

NOW, THEREFORE, BE IT RESOLVED that the Bear Lake Township Board establishes the following policy for FOIA requests, which shall read in its entirety as follows:

POLICY FOR FREEDOM OF INFORMATION ACT REQUESTS

Section 1. Scope of Policy.

This policy shall only apply to a board, department, commission, council, or agency of the Bear Lake Township that has not exercised its authority as a public body, as defined in the FOIA, to establish procedures for promptly and efficiently processing requests for public records under the provisions of the FOIA consistent with the requirements of the Act. Any public body that desires to establish its own FOIA procedures shall file a copy of those procedures with the Township Clerk. These procedures shall not be effective to exempt the public body from this policy, until the procedures are approved by the Township attorney to assure compliance with the Act.

Section 2. Definitions.

- (a) "Cybersecurity assessment" means an investigation undertaken by a person, governmental body, or other entity to identify vulnerabilities in cybersecurity plans.
- (b) "Cybersecurity incident" includes, but is not limited to, a computer network intrusion or attempted intrusion; a breach of primary computer network controls; unauthorized access to programs, data, or information contained in a computer system; or actions by a third party that materially affect component performance or, because of impact to component systems, prevent normal computer system activities.

- (c) "Cybersecurity plan" includes, but is not limited to, information about a person's information systems, network security, encryption, network mapping, access control, passwords, authentication practices, computer hardware or software, or response to cybersecurity incidents.
- (d) "Cybersecurity vulnerability" means a deficiency within computer hardware or software, or within a computer network or information system, that could be exploited by unauthorized parties for use against an individual computer user or a computer network or information system.
- (e) "FOIA coordinator" means the Bear Lake Township Clerk or such other individual designated by the Township Board.
- (f) "Person" means an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity. Person does not include an individual serving a sentence of imprisonment in a state or county correctional facility in this state or any other state, or in a federal correctional facility.
- (g) "Public body" means Bear Lake Township, or a board, department, commission, council, or agency thereof.
- (h) "Public record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record does not include computer software.
- (i) "Unusual circumstances" means any 1 or a combination of the following, but only to the extent necessary for the proper processing of a request:
 - (i) The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request.
 - (ii) The need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving or processing the request.
- (j) "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, hard drives, solid state storage components, or other means of recording or retaining meaningful content.
- (k) "Written request" means a writing that asks for information, and includes a writing transmitted by facsimile, electronic mail, or other electronic means.

Section 3. FOIA Coordinator; Duties.

- (a) The FOIA Coordinator, as defined in this policy, may designate another individual to assist in carrying out the duties specified in this policy and in the FOIA itself.
- (b) The FOIA Coordinator shall be responsible for accepting and processing requests for public records under the FOIA and shall be responsible for approving denials under the FOIA. The FOIA Coordinator shall keep a copy of all written requests for public records on file for no less than one (1) year.
- (c) The FOIA Coordinator shall review the Township's spam and junk email folders on a regular basis, which shall be no less than monthly to help ensure that requests for public records are processed in a timely manner.
- (d) The FOIA Coordinator shall provide a requesting person a reasonable opportunity for inspection and examination of its public records, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. However, in the event that the FOIA Coordinator determines that it is necessary to protect public records from loss, unauthorized alteration, mutilation, or destruction or if the FOIA Coordinator determines that personal inspection of records by a requesting person will cause excessive and unreasonable interference with the discharge of the functions of the various Township departments and agencies, the FOIA Coordinator may determine that only copies of the requested records will be provided and that copies will be prepared in the normal course of business and during normal business hours by Township employees.
- (e) The FOIA Coordinator shall make this policy and a written summary of this policy available to the public without charge in response to a written request and upon request by visitors at the Township offices.
- (f) If the Township maintains an Internet website, this policy and a written summary of this policy shall be maintained on the Township's website at: bearlaketownship.org, so a link to those documents will be provided in lieu of providing paper copies of those documents.
- (g) The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4. Requests for Public Records.

- (a) Except as provided in this section, all requests for public records shall be in writing. Requests transmitted by facsimile, electronic mail, and other electronic means shall be considered written requests and shall be deemed received on the following business day. If the FOIA Coordinator determines in the sole exercise of his or her discretion that a request for a public record is simple and limited in scope, then the FOIA Coordinator may process the request, including providing a copy of the public record, without the request being in writing.

- (b) If a request for public records is received by a Township employee other than the FOIA Coordinator, the request shall be date-stamped and immediately forwarded to the FOIA Coordinator.
- (c) If a person makes a verbal, non-written request for a public record believed to be available on the Township's website, where practicable and to the best ability of the FOIA Coordinator or employee receiving the request, the person shall be informed of the pertinent website address for the requested public record. If the request is made to an employee, that employee shall immediately notify the FOIA Coordinator of the request and the information provided.
- (d) If an individual makes a verbal, non-written request for a public record and the FOIA Coordinator determines that the request is not simple and limited in scope, then the FOIA Coordinator shall deliver or mail to the person making the request a written form on which the individual can formally submit his or her request.
- (e) All requests for a public record shall describe the public record in sufficient detail to enable the FOIA Coordinator to find the public record.
- (f) A request from a person, other than an individual who qualifies as indigent under Section 10(j)(a) of this Policy, must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards. Contact information must include a valid telephone number or electronic mail address.
- (g) A person may subscribe to future issuance of public records that are created, issued, or disseminated on a regular basis. Such a subscription is valid for six (6) months, and is renewable. When a public record covered by a subscription is created, the FOIA Coordinator shall deliver or mail a copy of the public record to the person holding the subscription at the address provided for that purpose.
- (h) A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator shall therefore deny all such requests on that basis.

Section 5. Time Limitations in which to Respond to Request.

Unless the person making the request agrees in writing to a different time period, the FOIA Coordinator shall respond to the request for a public record within five (5) business days after receiving the request. For written requests made by facsimile, electronic mail, or other electronic transmission, the date of receipt of the request is the day after the electronic transmission is made. The FOIA Coordinator shall respond to the request for a public record by doing one (1) of the following:

- (a) Granting the request.
- (b) Issuing a written notice to the requesting person denying the request.

