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## PROCEDURES AND GUIDELINES

### 1. How to submit a FOIA request to the University

- a. A FOIA request must be submitted in writing to the University's FOIA Office. The request may be transmitted in hard copy, by email, or by facsimile.
- b. The University's FOIA Office address is: University of Michigan FOIA Office, 2025 Fleming Administration Building, 503 Thompson Street, Ann Arbor, MI 48109-1340. The email address is [foia-email@umich.edu](mailto:foia-email@umich.edu) (<mailto:foia-email@umich.edu>). The fax number is (734) 763-1399.
- c. A request should describe the record(s) sought sufficiently to enable the University to find the record(s) and should provide the requester's contact information.
- d. Requests should state that they are submitted pursuant to the Michigan Freedom of Information Act.
- e. Requests received electronically are deemed received the next business day. A business day is defined as Monday through Friday, exclusive of holidays and institutional closure days.
- f. If a request is delivered to the FOIA Office junk mail folder, the request will be deemed received one business day after the FOIA Office becomes aware of the request. The FOIA Office will check the junk mail folder at least once per week.

## **2. Responses to FOIA requests to the University**

- a. The University will respond to a FOIA request within five (5) business days of the FOIA Office receiving the request.
- b. A response will consist of one or more of the following:
  - i. A granting of the request
  - ii. A partial granting of the request, and a partial denial because some or a portion of the records do not exist, are not in the possession of the University, and/or are exempt from disclosure
  - iii. A complete denial of the request because all of the records do not exist, are not in the possession of the University, and/or are exempt from disclosure
  - iv. A notice that more time is needed to process the request
    1. If more time is needed, the University will send out a follow up response within 10 business days of the initial response deadline.
  - v. A notice that a fee deposit is required prior to further processing
    1. If a fee deposit is required, the University will include in its response a non-binding, best efforts estimate regarding the time it will take to provide the records to the requester.
  - vi. A notice that the record(s) sought has (have) not been sufficiently described to enable the University to locate the record(s).
- c. The response will state the FOIA exemptions under which any information and/or documents are withheld, if applicable.
- d. If any part of a request for records is denied for any reason, the response will set forth the procedures for challenging and/or appealing that denial.

## **3. Deposit Requirements**

- a. A fee deposit will be required when the processing of a request will result in fees equal to or greater than \$50.00. (1)
- b. The required deposit will equal up to 50% of the estimated cost of fulfilling the request as calculated at the time of the initial response.
- c. If the University requires a deposit, it will not process the FOIA request further until the deposit is paid.
- d. If, after receipt of the deposit and further processing of the request, the University learns that the processing costs will be

significantly different from the estimated costs, the University will so notify the requester. Where the actual effort to search for, review and separate exempt material significantly exceeds the original estimate, the University will notify the requester. The requester may choose to receive a revised fee deposit notice, or limit his/her original request to those records which may be processed within the time stated in the original fee estimate.

- e. A person who makes a FOIA request for which a deposit is required may withdraw that FOIA request without charge instead of paying the required deposit. Failure to pay the deposit will be deemed a withdrawal of the FOIA request.
- f. The University will treat multiple concurrent FOIA requests on the same topic(s) and/or regarding the same recordkeeper(s) and from the same person as one FOIA request for purposes of determining whether the fee is below \$50.00.
- g. Where a requester who has not paid the final fee for the processing of an earlier request files a new FOIA request, the University may require a deposit of all (100%) of the estimated fees for processing the subsequent request prior to processing the subsequent request.

#### **4. Calculation and Payment of Fees**

- a. Fees are calculated by adding together the following costs (2):
  - i. The labor costs (3) for searching for, locating, and examining responsive records
  - ii. The labor costs (3) for review, separation, and deletion of exempt information from non-exempt information
  - iii. The cost of non-paper physical media, if used
  - iv. The cost per copy of paper copies, not to exceed \$.10/page for standard 8 ½ x 11 inch paper
  - v. The labor costs (3) directly associated with duplication or publication, which may include copying to non-paper media
  - vi. The cost of mailing
- b. When the University completes the response to the FOIA request, the final fees will be itemized and the balance due will be requested.
- c. The University will deliver the responsive, nonexempt records upon receipt of the balance due.

- d. The University's decision to deny access to public records sought by a FOIA request because those records are, in whole or in part, exempt from disclosure does not excuse the person who files that FOIA request from payment of fees for the work undertaken by the University in response to that request.
- e. The University may waive or reduce the fees it is authorized to charge if it determines that a waiver or reduction of the fee is in the public interest because responding to the FOIA request can be considered as primarily benefiting the general public.
- f. Fee reductions or waivers are required in certain instances involving proven indigence or non-profit organizations. The University will apply these reductions or waivers in accordance with the statute.

## **5. Procedures for Challenge and Appeal**

- a. If the University denies a request in whole or in part, the requester may:
  - i. Submit an appeal to the Head of the University, in writing, to the Office of the President. The email address is: [presoff@umich.edu](mailto:presoff@umich.edu) (<mailto:presoff@umich.edu>). The mailing address is: Office of the President, Fleming Administration Building, 503 Thompson Street, Ann Arbor, MI 48109-1340. The appeal must specifically use the word "appeal" and identify the reason(s) the requester seeks reversal of the denial. The Head of the University must respond to the appeal within ten (10) business days by doing one of the following:
    1. Reversing the FOIA Officer's decision
    2. Upholding the FOIA Officer's decision
    3. Reversing in part and upholding in part the FOIA Officer's decision
    4. Issuing a notice of extension for not more than ten (10) additional business days.
  - ii. Commence a civil action in the Court of Claims within one hundred eighty (180) days after the University's final determination to deny a request.
- b. If a requester believes that the University has required payment of a fee that exceeds the amount permitted under these Procedures and Guidelines, he or she may commence

an action in the Court of Claims for a fee reduction within forty-five (45) days after receiving the notice of the required fee.

- c. If a requester has questions regarding any FOIA response, including estimated fees or actual fees assessed, the requester should not hesitate to contact the FOIA Office by email ([foia-email@umich.edu](mailto:foia-email@umich.edu) (<mailto:foia-email@umich.edu>)) or telephone (734) 763-5082.

*footnotes:*

(1) The University has determined, consistent with FOIA, that failure to charge fees in situations where the fees would be equal to or greater than \$50.00 would result in unreasonably high costs to the University.

(2) Copies of the standard forms that the University uses for detailed fee itemizations are available under the tab [FOIA Fee Forms \(/foia-fee-forms/\)](#).

(3) Labor costs will be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down. The labor is charged at the hourly rate of the lowest paid University employee capable of doing the work, plus fringe benefits, if applicable. If it is not possible for the work to be done by a University employee, the University will contract the work out and charge per the provisions of the statute.

