

Freedom of Information Act Request Cost Information

Northeast Michigan Community Service Agency, Inc.
2375 Gordon Road
Alpena, MI 49707
Phone: (989) 358-4600 Fax: (989) 354-5909

The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the NEMCSA's FOIA Policies and Guidelines.

1. Labor Cost for Copying / Duplication

This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.

This shall not be more than the hourly wage of NEMCSA lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in 15 minute time increments; all partial time increments must be rounded down. *If the number of minutes is less than one increment, there is no charge.*

Hourly Wage with Fringe Benefit Cost: \$11.07 Charge per increment: \$ 2.77

Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

2. Labor Cost to Locate:

This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. This fee is being charged because failure to do so will result in unreasonably high costs to NEMCSA that are excessive and beyond the normal or usual amount for those services compared to NEMCSA's usual FOIA requests.

NEMCSA will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in 15 minute time increments; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage with Fringe Benefit Cost: \$11.07 Charge per increment: \$2.77

Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):

NEMCSA will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to NEMCSA that are excessive and beyond the normal or usual amount for those services compared to NEMCSA's usual FOIA requests, because of the nature of the request.

As NEMCSA does not employ a person capable of separating exempt from non-exempt information in certain instances, as determined by the FOIA Coordinator, this is the cost of labor of a contractor, including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of *currently* \$8.15.

These costs will be estimated and charged in 15 minute time increments; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Cost Charged: \$48.90

Charge per increment: \$12.23

4. Copying / Duplication Cost:

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).

- Letter (8 ½ x 11-inch, single and double-sided): 3 cents per sheet single side, 6 cents per double side
- Legal (8 ½ x 14-inch, single and double-sided): 3 cents per sheet single side, 6 cents per double side
- Other paper sizes (single and double-sided): actual cost
- Disc / Tape / Drive / Other Digital Medium: actual cost of item requested.

5. Mailing Cost:

NEMCSA will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required. Requestor may request expedited shipping or insurance at an additional cost.

6a. Copying/Duplicating Cost for Records Already on NEMCSA's Website:

If the public body has included the website address for a record in its written response to the requestor, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media NEMCSA will provide the public records in the specified format and may charge copying costs to provide those copies.

- Letter (8 ½ x 11-inch, single and double-sided): 3 cents per sheet single side, 6 cents per double side
- Legal (8 ½ x 14-inch, single and double-sided): 3 cents per sheet single side, 6 cents per double side
- No more than the actual cost of a sheet of paper for other paper sizes:
- Disc / Tape / Drive / Other Digital Medium: actual cost of item requested.

6b. Labor Cost for Copying/Duplicating Records Already on NEMCSA's Website:

This shall not be more than the hourly wage of NEMCSA's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in 15 minute time increments; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage with Fringe Benefit Cost: \$11.07

Charge per increment: \$2.77

Overtime rate charged as stipulated by Requestor

6c. Mailing Cost for Records Already on NEMCSA's Website:

NEMCSA will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required. Requestor may request expedited shipping or insurance at an additional cost.

Waiver: Public Interest

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if NEMCSA 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.

Discount: Indigence

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
- 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, **OR**
- (ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

Discount: Nonprofit Organization

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
- (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by NEMCSA..

Deposit: Good Faith

NEMCSA may require a good-faith deposit in either its initial response or a subsequent response before providing the public records to the requestor **if the entire fee estimate or charge authorized under this section exceeds \$50.00**, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee.

Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full

After NEMCSA has granted and fulfilled a written request from an individual under this act, if NEMCSA has not been paid in full the total amount of fees for the copies of public records that NEMCSA made available to the individual as a result of that written request, **NEMCSA may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual** if **ALL** of the following apply:

- (a) The final fee for the prior written request was not more than 105% of the estimated fee.
- (b) The public records made available contained the information being sought in the prior written request and are still in NEMCSA's possession.
- (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request.
- (d) Ninety (90) days have passed since NEMCSA notified the individual in writing that the public records were available for pickup or mailing.
- (e) The individual is unable to show proof of prior payment to NEMCSA.
- (f) NEMCSA calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.

NEMCSA **can no longer require an increased estimated fee deposit** from an individual if **ANY** of the following apply:

- (a) The individual is able to show proof of prior payment in full to NEMCSA, **OR**
- (b) NEMCSA is subsequently paid in full for the applicable prior written request, **OR**
- (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to NEMCSA.

Late Response Labor Costs Reduction

If NEMCSA does not respond to a written request in a timely manner as required under MCL 15.235(2), NEMCSA **must** do the following:

- (a) **Reduce the charges for labor costs** otherwise permitted by 5% for each day NEMCSA exceeds the time permitted for a response to the request, **with a maximum 50% reduction**, if **EITHER** of the following applies:
 - (i) The late response was willful and intentional, **OR**
 - (ii) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.

The Public Summary of NEMCSA's FOIA Procedures and Guidelines is available free of charge from:

Website:www.nemcsa.org **Email:** foiarequest@nemcsa.org

Phone: (989) 358-4600

Fax: (989) 354-5909

Address: NEMCSA, 2375 Gordon Road, Alpena, MI 49707