

## ACCESS TO PUBLIC RECORDS POLICY

### **Romeo District Library**

This policy is established pursuant to the authority of the Freedom of Information Act.

#### I. DEFINITIONS

- A. "Operating expenses" includes, but is not limited to, a public body's direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data, including the cost of computer hardware and software system development, employee time, and the actual cost of supplying the information or record in the form requested by the person.
- B. "Person" means that term as defined in Section 2 of the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, being Section 15.232 of the Michigan Compiled Laws.
- C. "Public Body" means that term as defined in Section 2 of the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, being Section 15.232 of the Michigan Compiled Laws.
- D. "Public Record" means that term as defined in Section 2 of the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, being Section 15.232 of the Michigan Compiled Laws.
- E. "Reasonable fee" means a charge calculated to enable the Library to recover only those costs directly related to the Library's provision of public records requested by a person.
- F. "Library" means the Romeo District Library.

#### AUTHORIZATION

- A. Pursuant to the Freedom of Information Act, the Library will provide access for the inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure.
- B. This policy does not require a public body to produce any specific public record.

### III. FEES

- A. It is the policy of the Library to charge a reasonable fee for providing copies of a public record.
- B. Except as otherwise provided by act or statute, the Library shall establish a proposed reasonable fee(s) for each public record made available pursuant to a request. The proposed fee(s) shall be presented to and approved by the Library's Board before they shall be effective.
- C. Except as otherwise provided by act or statute or this Policy, all persons shall be charged the reasonable fee approved by the Library Board for copies of a public record.
- D. The Library may furnish public records without charge or at a reduced charge if the Library determines that a waiver or reduction of fees is in the public interest because access or production can be considered as primarily benefitting the general public. Examples may include, but are not limited to, instances when:
  - 1. The information is critical to public health or safety;
  - 2. The information is required for non-profit research purposes such as academic or public interest research;
  - 3. The information is required to meet legal, programmatic or governmental objectives;
  - 4. The information explains the rights, entitlement and/or obligations of individuals;
  - 5. The cost of administering the fees would exceed the revenue to be collected;
  - 6. The reasonable fee established would have a serious detrimental impact on the financial position of particular groups or classes of users; or
  - 7. The reasonable fee established would limit the number of users enough to compromise achieving program or other governmental objectives.
- E. The Library will not charge persons for the first \$20 of the cost to respond if they provide the Library with an affidavit or other information establishing that they are indigent or otherwise unable to pay the costs of production.

- F. Waiver or fee reductions shall be decided by the Library Director or the Board, as such are the representatives of the body legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of the public record(s) in question.

IV. DISCLAIMER

- A. Recipients receive all information AS IS. The Library, its officers, officials, employees, agents, volunteers, contractors or its public bodies, make no warranties of any kind, including but not limited to warranties of accuracy, fitness for a particular purpose, or of a recipient’s right of use. Recipients are solely responsible for investigating, resisting, litigating and settling any complaints, including the payment of any damages or costs, unless the Library Board, by resolution adopted by a majority of those serving, elects to participate in the process at the Library’s expense.
- B. Except for the Library Board, by resolution adopted by a majority of those serving, no officer, official, employee, agent, volunteer, contractor or other person or public body may make any representation or warranty on behalf of the Library or one of its public bodies.

Freedom of Information Act Fee Schedule

<b>Service</b>	<b>Rate</b>
Manual or computerized search	Actual salary rate of employee involved (range is minimum through Director’s hourly rate)
Duplication of records, paper copy	.15 per page
Duplication of records, electronic media	Actual direct cost, including staff time
Mailing or shipping	Actual direct cost, including staff time
Deposit—may be required if estimated cost of responding will exceed \$50.00.	Half the estimated cost for searching, duplicating and handling; must be received prior to work commencing.