City of Roseville
Employees Retirement System

29777 Gratiot Avenue
Roseville, Michigan 48066-9021
(586) 447-4651

SUMMARY OF FOIA POLICY AND PROCEDURES

The City of Roseville Employees Retirement System ("Retirement System") is established under the authority of the Charter of the City of Roseville, Michigan, as amended, and is governed and administered in accordance therewith. The Board of Trustees of the Retirement System ("Board" or "Board of Trustees") is vested with the authority for the general administration, management and operation of the Retirement System. As a public body under Section 2 of the FOIA (MCL 15.232), the Board of Trustees has a legal obligation to ensure that Retirement System records be made available to the public in compliance with the FOIA.

Pursuant to Public Act 563 of 2014, the FOIA was amended with an effective date of July 1, 2015. In accordance with the amendments to the FOIA under Public Act 563 of 2014, the following written public summary of the Retirement System's FOIA Policy and Procedures is provided.

1. **Submitting a FOIA Request**

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Retirement System must be submitted in writing.
- No specific form to submit a written FOIA request is required; however, a FOIA Request Form is available for your convenience on the Retirement System's webpage available at http://www.roseville-mi.gov/Departments/Retirement.aspx
- A FOIA request must sufficiently describe a public record so as to enable the Retirement System to find it.
- Written requests may be made by mail addressed to the Board of Trustees of the City of Roseville Employees Retirement System, 29777 Gratiot Ave., Roseville, MI 48066; requests may also be submitted via email to smaas@roseville-mi.gov.

  Note: If you are serving a sentence of imprisonment in a local, state or federal correctional facility you are not entitled to submit a request for public records under the FOIA.

2. **Responding to Requests**

- Within 5 business days of receipt of a FOIA request the Retirement System will issue a response. If a request is submitted by e-mail the request is deemed to have been received on the following business day. E-mail requests delivered to the FOIA Coordinator's spam or junk-mail folder shall be deemed received one (1) day after the FOIA Coordinator becomes aware of the e-mail request, and such dates shall be noted in any response provided.

- The Retirement System will respond to your request in one of the following ways:
  - Grant the request;
  - Deny the request, in writing;

- Grant the request in part and issue a written notice denying the request in part;
- Issue a notice indicating that due to the nature of the request the Retirement System requires an additional 10 business days to respond; or
- Issue a written notice indicating that the public record requested is available at no charge on the Retirement System's webpage.

- If a request is granted, or granted in part, the Retirement System will ask that payment be made for any permissible fees associated with responding to the request before the public record is made available. If the costs of processing and responding to the request are expected to exceed $50.00, the Retirement System will require a good faith deposit prior to processing the request. Under certain circumstances, the Retirement System may require payment of any and all fees in advance prior to processing the request.

3. Fee Deposit Requirements

- If the Retirement System has made a good faith calculation that the total fee for processing a FOIA request will exceed $50.00, the Retirement System will require that you provide a deposit in the amount of 50% of the total estimated fee, a detailed itemization of which shall be provided upon requesting the deposit. The Retirement System's request for a deposit will also include a non-binding best efforts estimate of how long it will take to process the request upon receipt of the required deposit.

- If the Retirement System receives a FOIA request from an individual or entity who has not paid the Retirement System for fees charged in connection with a previously granted FOIA request, the Retirement System will require a deposit of 100% of the estimated fee prior to processing the request when all of the following conditions exist:

  - the final fee for the prior FOIA request was not more than 105% of the estimated fee;
  - the public records made available contained the information sought in the prior written request and remain in the Retirement System's possession;
  - the public records were made available, subject to payment, within the time frame estimated by the Retirement System to provide the records;
  - 90 days have passed since the Retirement System notified the individual in writing that the records were available for pickup or mailing;
  - the individual is unable to show proof of prior payment to the Retirement System; and
  - the Retirement System has provided a detailed and itemized estimate that is the basis for the current request's increased deposit.

- The Retirement System will not require the estimated 100% deposit if any of the following apply:

  - the individual making the request is able to show proof of prior payment in full to the Retirement System;
  - the Retirement System is subsequently paid in full for all applicable prior FOIA

requests; or

- 365 days have passed since the request was made for which full payment was not remitted to the Retirement System.

4. Calculation of Fees

- A fee shall be charged for the cost of search, examination, review, and the deletion and separation of exempt from non-exempt information in all instances where the failure to charge a fee would result in unreasonably high costs to the Retirement System because of the nature of the request in the particular instance, and the Retirement System identifies the nature of the unreasonably high costs.

- In accordance with the FOIA, the Retirement System may charge for the following six fee components when processing a FOIA request:

  - Labor costs associated with searching for, locating and examining a requested public record;
  - Labor costs associated with a review of a record to separate and delete exempt information from non-exempt information which is disclosed;
  - The costs of computer discs, computer tapes or other digital or similar media when the request asks for records in non-paper physical media;
  - The cost of duplication or publication, not including labor, of paper copies of public records;
  - Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet; and
  - The actual cost of mailing or sending responsive public records to a requester.

- Labor Costs
  - All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down.
  - Labor costs will be charged at the hourly wage of the lowest-paid employee capable of doing the work in the specific fee category, regardless of who actually performs the work.
  - If the Retirement System does not employ a person capable of separating and deleting exempt from non-exempt information, contracted labor costs will be charged at an hourly rate not exceeding an amount equal to 6 times the state established minimum hourly wage rate.
  - Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
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- <u>Non-paper Physical Media</u>
  - The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.

- This cost will only be assessed if the Retirement System has the technological capability necessary to provide the public record in the requested non-paper physical media format.

- Paper Copies
  - Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed $0.10 per sheet of paper. Copies for non-standard sized sheets will paper will reflect the actual cost of reproduction.
  - The Retirement System may provide records using double-sided printing, if cost-saving and available.

- Mailing Costs
  - The cost to mail public records will use a reasonably economical and justified means.
  - The Retirement System may charge for the least expensive form of postal delivery confirmation.
  - No cost will be made for expedited shipping or insurance unless requested.

5. Fee Reduction

- The Retirement System will waive the first $20.00 of the processing fee for responding to a FOIA request if an affidavit is provided stating:
  - that the requester is indigent and receiving specific public assistance; or
  - if not receiving public assistance, stating specific facts demonstrating an inability to pay because of indigency.

- A requester is not eligible to receive a $20.00 waiver if:
  - the requester has previously received discounted copies of public records from the Retirement System twice during the calendar year; or
  - the requester is requesting information on behalf of other persons who are offering or providing payment to the individual to make the request.

- The Retirement System will waive the fee for a nonprofit organization requesting public records which meets all of the following conditions:
  - the organization is designated by the State under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, Public Law 99-319, or their successors;
  - the request is made directly on behalf of the organization or its clients;
  - the request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code, 1974 PA 258 [MCL § 330.1931]; and
  - the request is accompanied by documentation of the organization's designation by the State.

6. Appeals

- Denials of all or a portion of a FOIA request may be appealed to the Board of Trustees of the Retirement System. The appeal must be filed in writing, specifically state the word "appeal", and identify the reason or reasons that the denial is believed to be improper.

- Within 10 business days of receiving the appeal the Board of Trustees shall do one of the following:
  - Reverse the disclosure denial;
  - Uphold the disclosure denial and provide a written notice of the same; or
  - Reverse the disclosure denial in part and uphold the disclosure denial in part, and provide written notice of the same.

- Regardless of whether an appeal of a denial is submitted to the Board of Trustees, a civil action may be commenced in Macomb County Circuit Court within 180 days of the Retirement System's final determination to deny the FOIA request.

- If you believe that the fee charged by the Retirement System to process your FOIA request exceeds the amount permitted by state law, you must first submit a written appeal of the fee charged to the Board of Trustees. The appeal must be in writing, specifically state the word "appeal", and identify the basis for contesting the fee charged.

- Within 10 business days after receiving the appeal, the Board of Trustees will respond in writing in one of the following ways:
  - Waive the fee;
  - Reduce the fee along with a written determination of the basis supporting the remaining fee;
  - Uphold the fee with a written determination indicating the basis for upholding the fee; or
  - Issue a notice extending the time to respond by not more than 10 business days.

- Within 45 days of receipt of the Board's determination on the appeal of the fee charged you may commence a civil action in the Macomb County Circuit Court for a fee reduction.

- Appeals received by the Board of Trustees are not considered received until the first regularly scheduled meeting of the Board following submission of a written appeal.

The foregoing is only a summary of the City of Roseville Employees Retirement System's FOIA Policy and Procedures, and is provided for informational purposes only. A copy of the Retirement System's FOIA Policy and Procedures is available at the Retirement System's webpage accessible at http://www.roseville-mi.gov/Departments/Retirement.aspx