

Appendix 200-100-108-A
Freedom of Information Act
Written Public Summary
Effective: February 11, 2016

NIESA , acting pursuant to the authority of MCL15.236, and NIESA Standard Operating Guideline #200-100-108 designates the Office Manager as the FOIA Coordinator. He or she is authorized to designate other NIESA staff to act on his/or her behalf to accept and process written request for NIESA's public records and approve or deny those requests.

Section 1: Requesting Public Record

1. No specific form to submit a request for a public record is required, however all request for records shall be submitted in writing. The written request may be submitted on NIESA's FOIA Request Form, or in any other form of writing (letter, fax, email, etc).
2. If a person makes a written request for information believed to be available on NIESA's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.
3. A request must sufficiently describe a public record so as to enable NIESA personnel to identify and find the requested public record.
4. If a request is deemed to be protected under the Health Insurance Portability and Accountability Act ("HIPAA"), the request will be forwarded to the HIPAA Compliance Officer to ensure all of the appropriate documentation is present to release the requested information. Once reviewed by the HIPAA Compliance Officer, his or her decision regarding the release of the documentation will be returned to the FOIA Coordinator for processing.
5. Written request for public records shall be submitted by mail to the NIESA office at 1296 W. Grand River, Williamston, MI 48895. Requests may also be submitted electronically by fax to (517) 655-9384 and email (niesafolia@niesa.org). Request submitted to any other NIESA office will not be deemed received until they arrive at the location listed above.
6. If a request for public record is received at any other NIESA office/building, the request shall be promptly forwarded to the FOIA Coordinator for processing.
7. A person may request that public records be provided on non-paper physical media, emailed or other otherwise provided to him or her in digital form in lieu of paper copies. NIESA will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.
8. A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for public record. The FOIA Coordinator will deny all such requests.

Section 2: Processing a Report

1. Unless otherwise agreed to in writing by the person making the request, NIESA will issue a response within five (5) business days of receipt of a FOIA request. If a request is received by fax, email, or other electronic transmission the request is deemed to have been received on the following business day.
2. NIESA will respond to a request in one of the following ways:
 - a. Grant the request.
 - b. Issue a written notice denying the request.

- c. Grant the request in part and issue a written notice denying in part the request.
 - d. Issue a notice indicating that due to the nature of the request NIESA needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.
 - e. Issue a written notice indicating that the public record requested is available at no charge on NIESA's website.
3. When the request is granted:
- a. When a request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request ***before*** the public record is made available.
 - b. The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.
 - c. A copy of the Standard Operating Guideline(SOG)- Freedom of Information, 200-100-108, and the Written Public Summary are maintained on NIESA's website at: www.niesa.org. A written copy of the SOG and Written Public Summary will be provided to the requestor upon request.
 - d. If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where and how the documents can be obtained.
 - e. If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, NIESA will require a good-faith deposit pursuant to Appendix 200-10-108-B of this guideline before processing the request.
 - f. In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by NIESA to process the request and also provide a best efforts estimate of a time frame it will take NIESA to provide the records to the requestor. The best efforts estimate shall be nonbinding on NIESA, but will be made in good faith and will strive to be reasonably accurate given the nature of the request in the particular instance.

Section 3: When A Request is Denied or Denied in Part:

1. If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:
 - a. An explanation as to why a requested public record(s) is exempt from disclosure; or
 - b. A certificate that the requested record(s) does not exist under the name or description provided by the requestor, or another name reasonably know by NIESA; or
 - c. An explanation or description of the public record(s) or information within a public record that is separated or deleted from the public record; and
 - d. An explanation of the person's right to submit an appeal of the denial to the NIESA office, or seek judicial review in the Ingham County Circuit Court; and
 - e. An explanation of the right to receive attorneys' fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.
 - f. The Notice of Denial shall be signed by the FOIA Coordinator.
2. If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, may seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request, which restarts the time lines as described.

Section 4: Requests to inspect public records:

NIESA shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to establish rules regulating the manner in which records may be viewed so as to protect NIESA records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal NIESA Operations.

Section 5: Requests for Certified Copies:

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.