



City of Port Huron
Public Summary
for Freedom of Information Act (FOIA) Requests

*In accordance with Act 442 of 1976, as amended, this is a **summary** of the City's procedures and guidelines relevant to the general public regarding Freedom of Information Act (FOIA) requests. Please refer to the City's entire FOIA Procedures and Guidelines for more details and information. Copies are available at no charge at any City office or on the City's web site at www.porthuron.org/foia.*

1. How to submit a written FOIA request to the City

(a) A request must sufficiently describe a public record to enable the City to find it.

(b) No specific form is required; however, a FOIA Request Form and other FOIA-related forms are available for your use and convenience on the City's web site at www.porthuron.org/foia and at the office of the Port Huron City Clerk, 100 McMorran Boulevard, Port Huron, Michigan 48060. Please include the words "FOIA" or "FOIA Request" in the written request to assist the City in providing a prompt response. The requestor's complete name, mailing address, and contact information must also be provided. If the request is made by a person other than an individual, the requester must include the complete name, address, and contact information of the person's agent who is an individual.

(c) Written requests may be submitted in person, by mail, or through electronic means as shown below:

Non-Public Safety Records:

Email: clerk@porthuron.org

Mail: FOIA Coordinator
 City of Port Huron
 100 McMorran Boulevard
 Port Huron, MI 48060

Fax: 810-982-7872

Deliver: Use mail address shown above

Public Safety Records:

Email: foiapolice@porthuron.org

Mail: FOIA - Police/Fire/Public Safety
 City of Port Huron
 100 McMorran Boulevard
 Port Huron, MI 48060

Fax: 810-987-9860

Deliver: Use mail address shown above

2. How to understand the City's written response to a FOIA request

(a) ***Response time:*** Within 5 business days after receiving a FOIA request, the City will issue a response to your 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. If an email is accidentally sent to a spam or junk mail folder, the request is not received until one day after the public body first becomes aware of the email request.

(b) ***Response options:*** The City will respond in writing by doing one of the following:

1. Grant the request;
2. Deny the request;
3. Grant the request in part and deny the request in part;
4. Issue a notice indicating the public record requested is available at no charge on the City's web site.
5. Issue a notice stating an extension of 10 business days is necessary to respond to the request. One extension notice is allowed for a particular request.

(c) ***Fees charged:*** If the request is granted, or granted in part, the City may charge a fee to process the request prior to releasing the public records. ***No fees will be collected for a request totaling \$3.00 or less.*** See Sections 3 and 4 below for information regarding deposit requirements and fee calculations.

3. Deposit requirements

(a) *Fees expected to be greater than \$50.00*: If the City's estimated fee to process a FOIA request will be greater than \$50.00, the City may require a good-faith deposit before processing the request. A breakdown of estimated fees will be provided. The deposit amount will not exceed ½ of the total estimated fees. A nonbinding, best efforts estimate of how long it will take to process the request after the deposit is made will also be provided. After payment of any deposit and final balance due, the City will produce the records in our possession that fall within the scope of the request that legally may be disclosed.

(b) *Unpaid fees from a previous request*: If the City receives a FOIA request from a person who has not paid the fees from a previous FOIA request, the City will require a deposit of 100% of the estimated processing fee before it begins to process the request.

(c) *Abandoned request*: Deposits not received by the City within 45 days from receipt of notice of deposit and if the requesting person has not filed an appeal of the deposit amount, the request shall be considered abandoned by the requesting person. In such case, the City is no longer required to fulfill the request.

4. Fee calculations

(a) Labor costs will be charged at the hourly wage, and include a fringe benefit multiplier, of the lowest-paid City employee capable of doing the work, regardless of who actually performs the work. These costs will be estimated and charged in 15-minute increments with all partial times rounded down. Labor costs can be charged in three areas. They include searching/locating/examining the public records, review and redacting exempt material and for the time associated when copying or printing of records or for transferring records to an electronic format. Labor costs will only be charged for searching/locating/examining public records and reviewing and redacting exempt materials if failure to charge a fee will result in reasonably high costs to the City.

(b) Paper copies of public records will not exceed \$.10 per page for standard letter or legal sized paper. Copies on other paper types or non-standard sized papers will reflect actual costs of reproduction. The actual costs for providing electronic records on media storage devices, as well as actual mailing costs, will be assessed.

(c) A detailed itemization of the charges on a standard FOIA invoice form will be provided detailing costs for each request.

5. Avenues for challenges and appeals

(a) If the City denies all or part of a request or charges a fee believed to exceed the amount permitted by state law, the requestor may submit to the City Manager a written appeal **or** commence a civil action in St. Clair County Circuit Court.

(b) The written appeal shall specifically state the word "appeal" and identify the basis for which the disclosure determination should be reversed or the reason the fees exceed the amount permitted. The appeal can be submitted in person, mailed or delivered by electronic transmissions as described in paragraph (1) of this summary. Within 10 business days, the City Manager will reverse or uphold the disclosure denial or fee charged.

(c) The requestor may also commence a civil action in the St. Clair County Circuit Court following an appeal if the disclosure denial or fees charged are upheld.