

**DICKINSON COUNTY LIBRARY**

**WRITTEN PUBLIC SUMMARY**

**FOIA PROCEDURES & GUIDELINES**

(Abbreviated version – please refer to full version of FOIA Procedures & Guidelines)

**1. Handling a FOIA Request –**

- Dickinson County Library FOIA Coordinator, Administrative Assistant. If not available, Library Director.
- Request must be in writing with specific information to enable Coordinator to locate the record(s).
- Requester has the right to inspect or receive copies of the public records of a public body. (Coordinator will oversee inspection of records).
- Requester may subscribe to public records created on a regular basis for up to 6 months.
- Junk or Spam Filters – if written request is sent by email and delivered to public body's spam/junk mail folder, the request is not received until 1 day after the public body is aware of the written request.

**2. Response -**

- Furnish reasonable opportunity for requester to inspect and examine public records during usual business hours.
- Library is not obligated to create new public records in response to request.
- Non-Exempt Records – Forward response within five (5) business days of receiving the request to include a letter and itemized cost sheet indicating specific records produced.
- Time Extension – Entitled to a one (1) time ten (10) business day extension for response.
- Exempt Records – Coordinator must prepare a written response indicating the request is denied and cite specific statutory basis for denial.
- Non-Existent Records – Written response stating information sought does not exist.
- Redacted Records – Must describe any portions of record deleted or separated from disclosure.
- Coordinator must inform the requesting party of their rights of appeal.
- Coordinator must include free written copies of FOIA procedures and guidelines and the written summary with the response. (Also available on Library Website: [www.dcl-lib.org](http://www.dcl-lib.org))

**3. Reimbursement of approved costs –**

- Labor costs associated with search, location and examination of public records in conjunction with receiving and filling a granted written request.
- Labor costs are not to be more than the hourly wage of the lowest paid employee capable of retrieving information. Costs must be charged in increments of 15 minutes with all partial time rounded down.

- Non-paper physical media costs (i.e., computer discs, computer tapes or other digital or similar media). Does not apply if the public body lacks the technological capability necessary to provide the records.
- Paper/toner/equipment costs, the actual incremental cost of duplication. Shall not exceed 10 cents per page and may use double sided printing if cost saving will occur.
- Labor costs associated with duplication or publication, including paper copies.
- Mailing cost, if any, for sending public records in a reasonably economical and justifiable manner.
- A standard form will be provided for the detailed itemization of any fee permitted under FOIA.

**4. Deposits –**

- Deposit may be requested for time consuming and expensive FOIA responses. Threshold for requiring good faith deposit is \$50.00. (Requested deposit may not be more than ½ of the estimated fee).
- Deposit request must include the public body’s cost calculation.
- With reference to unclaimed FOIA requests, may require a deposit of 100% of the estimated fee for an individual’s subsequent FOIA request, if failed to pay the full amount for public records in a previous FOIA request (Further information, page 4 – Procedure and Guidelines).

**5. Discounted Fees –**

- Indigent Parties – discount the first \$20 of the fee for a request if the requester submits affidavit stating they are indigent and receiving public assistance or stating facts demonstrating inability to pay because of indigence.
- Non-profit organization advocating for developmentally or mentally disabled individuals.

**6. Requester’s Rights and Appeals –**

- Appeal Options for Non-Disclosure-requester may submit written appeal to the Library Board and identify reason(s) seeking a reversal of denial; or seek judicial review of the denial in Dickinson County Circuit Court.
- The Library Board will receive written appeal at the first regularly scheduled meeting. Within 10 business days of receiving written appeal, the Library Board will respond in writing by: (a) reversal of disclosure denial; (b) uphold the disclosure denial; (c) reverse disclosure denial in part and issue notice upholding the disclosure denial in part; (d) issue a notice of extension (not more than 10 business days).
- Appeal Options for Fees Charged – requester may submit written appeal to the Library Board for fee reduction that states the word “appeal” and identifies how the fee exceeds the written procedures/guidelines or the Act. The Library Board will receive written appeal at the first regularly scheduled meeting. Within 10 business days of receiving written appeal, the Library Board will respond in writing by: (a) waiving the fee; (b) reducing the fee; (c) upholding the fee and issue written documentation; (d) issue a notice of extension (not more than 10 business days).

