

ANN ARBOR DISTRICT LIBRARY
FREEDOM OF INFORMATION ACT: PUBLIC SUMMARY OF PROCEDURES AND GUIDELINES

This document, required by Section 4(4) of the Freedom of Information Act ("FOIA"), details information relevant to the general public relating to FOIA. In it, you will learn how to submit a written request for information to Ann Arbor District Library ("AADL"), how to understand written responses, deposit requirements, and fee calculations from AADL, and learn how to challenge and appeal an AADL decision to charge a fee, or to deny (entirely, or in part) a FOIA request. In addition to this document, AADL's Procedures and Guidelines for implementing FOIA are available at www.aadl.org.

HOW TO SUBMIT A WRITTEN REQUEST FOR INFORMATION

Written requests may be submitted to AADL's FOIA Coordinator at the following address:

The Ann Arbor District Library
Attention: FOIA Coordinator
343 South Fifth Avenue
Ann Arbor, MI 48104

All requests should include the name, phone number, and mailing address of the individual requesting the information. If you would like your information (if your request is approved) to be sent to you on non-paper physical media (for example, via an email, or on a computer disk) make sure you include that demand in your request for information. All requests should also describe the records or information you want, with as much detail as possible, so AADL can find exactly what you are requesting.

HOW TO UNDERSTAND A WRITTEN RESPONSE

AADL uses a standard form to respond to any request for information. That form is broken into three different sections: (1) the response to your request; (2) the reason your request was denied (either entirely, or in part), if applicable; and (3) a detailed itemization of any fee amount to be collected. Each of these sections is explained further, below.

A. How to Understand the Response to Your Request

Each FOIA request will result in a written response from AADL. The AADL uses a standard form to respond to FOIA requests, so you will see a document that has as subsection I. and the phrase "RESPONSE TO YOUR REQUEST." Under that section will be a list of actions that may be taken; one of those actions will be checked, that checked action applies to your request.

If your request is denied, either entirely or in part, continue down the written request to subsection II.; there you will find the phrase "REASON(S) FOR DENIAL OF RECORD(S), IF APPLICABLE." Under that section, there will be a list of reasons that may relate to your request; one of those reasons will be checked, that checked action applies to your request.

B. How to Understand Deposit Requirements

Deposits are required when the *estimated* fee to process and copy your request exceeds \$50 (the deposit is not allowed to exceed ½ of the total estimated fee; for example, if your estimated fee is \$100, your deposit could not be more than \$50). An itemized fee calculation is required to accompany any deposit request. Please see below, section C. of this document to learn how to understand fee calculations. On your deposit request you will also find the date AADL believes your request will be ready. That date is an *estimate*, but every effort will be made to adhere to the date provided to you.

C. How to Understand Fee Calculations

FOIA requires AADL break all fees down into six components. Each of those six components is explained below. At the end of these components you will find a "Total Amount Due." This amount is made by adding all six components together, and this the amount you must pay to receive your requested information.

In addition to the six components required by FOIA, AADL's itemized fee calculation form has sections where fees are added together, deposits are tallied, and the cost of benefits can be included (see Itemized Charges form, on the "Response to Request for Public Records"). Each of these sections is explained in detail on the Itemized Charges form.

1. Labor Costs Associated with Searching for, Locating, and Examining Records.

The AADL is allowed to charge what they pay someone by the hour to search for, locate, and examine records to grant your request. The AADL cannot charge more than the hourly wage of its lowest-paid employee capable of doing these tasks, even if someone else did them. The hourly wage of the lowest-paid employee is located on your itemized charges. The AADL is allowed to *estimate* the amount of time it took someone to perform these tasks, and charge you in 15 minute increments, with all partial time increments rounded down.

Example: if the lowest-paid employee capable of performing this task earns \$10 an hour, and it takes 45 minutes to complete these tasks for your request, you will be charged \$7.50.

The AADL cannot charge you for labor if the information you requested is available on its website. If this is the case, you will be told the web address where your information is available. If you would still like this information (that is available online) provided to you in the form you requested, the AADL can increase the cost of labor more than 50%, but cannot charge you more than what it actually cost to provide you with the information in your specified format.

2. Labor Costs Associated with Separating and Deleting Exempt Information.

If your request contains a mix of available and exempt information the AADL can charge you for the labor required to separating and deleting the exempt information from your request. The AADL cannot charge more than the hourly wage of its lowest-paid employee capable of

doing these tasks, even if someone else did them. If the AADL does not employ someone who is able to perform this task it can contract it out and you will be charged the hourly wage for that person. If this is the case, the AADL will provide you with the name, or the firm who performed the tasks, and is not allowed to charge you more than 6 times the states hourly minimum wage. Either way, the hourly rate is located on your itemized charges. The AADL is allowed to *estimate* the amount of time it took someone to perform these tasks, and charge you in 15 minute increments, with all partial time increments rounded down.

Example: if the lowest-paid employee capable of performing this task earns \$10 an hour, and it takes 45 minutes to complete these tasks for your request, you will be charged \$7.50.

3. Actual Cost for Non-Paper Physical Media.

If you have requested your information be provided on non-paper physical media, the AADL may charge the actual and most economical cost of the form (e.g., computer disks). If the AADL lacks the technological capacity to fill your request on non-paper physical media they are not required to comply with this section.

Example: if you requested your information be provided on a computer disk, and the AADL is able to do so, and the least expensive computer disk available costs \$3, you will be charged \$3.

4. Actual Cost for Duplication or Publication.

For paper copies of your information the AADL is only able to charge you 10 cents a page, not including the cost of labor, found below in section 5. The AADL is required to use the most economical means of making copies, including using double sided printing, if it is available. Your itemized sheet will detail the number of pages your request required, the cost per page, and a total.

Example: if your request took 50 pages (printing front and back, if available), and the AADL charges you 10 cents a page, you will be charged \$5.

5. Labor Costs Associated with Duplication or Publication

The AADL is allowed to charge what they pay someone by the hour to duplicate or publish your request. For example, if your request requires making copies, or transferring digital public records onto a computer disk, the AADL can charge a fee for the time someone spent doing those things. The AADL cannot charge more than the hourly wage of its lowest-paid employee capable of doing these tasks, even if someone else did them. The hourly wage of the lowest-paid employee is located on your itemized charges. The AADL is allowed to *estimate* the amount of time it takes to perform these tasks, and can charge by the minute (or any other way it chooses to), however, all partial time increments must be rounded down. You can see how long it took to perform these tasks next to the hourly rate for the employee. Those two numbers are multiplied to determine the cost for this section.

Example: if the lowest-paid employee capable of performing this task earns \$10 an hour, and it takes 30 minutes to complete these tasks for your request, you will be charged \$5.

6. Actual Costs of Mailing

The AADL is allowed to charge what it must spend to mail your request to you. You will find that information under section 6 of your itemized charges. The AADL is required to use the least expensive postal delivery available, and cannot charge more for faster than normal shipping or insurance, unless you specify you would like them to use those services.

HOW TO CHALLENGE AND / OR APPEAL AN AADL DECISION TO CHARGE A FEE OR DENY A FOIA REQUEST.

A. How to Challenge and / or Appeal an AADL Decision to Charge A Fee

If you do not agree that you should be charged a fee for your request, or you think that the fee you are being charged is unreasonable, you can seek judicial review of the fee. You must file this action at the Washtenaw County Circuit Court within *45 days* after you received the notice of the required fee. If you decide to file this action AADL is not required to give you your requested information until after the court resolves the fee dispute.

B. How to Challenge and / or Appeal an AADL Decision to Deny A FOIA Request

If your request has been denied entirely, or in part, you have two options: you can appeal to the Director of the Library, or you can seek judicial review of the denial. Each of these options is explained below.

1. Appealing to the Director of the Library

To appeal a denial to the Director of the Library submit a written letter to the following address:

The Ann Arbor District Library
Attention: Director, FOIA APPEAL
343 South Fifth Avenue
Ann Arbor, MI 48104

Your appeal should identify the reason or reasons you believe the denial should be reversed. The Director will have 10 business days (or longer, if the Director has a compelling reason to extend the deadline) to either: (1) reverse the denial; (2) issue a written notice to you, upholding the denial; or (3) reverse the denial in part, and issue a written notice to you upholding the denial in part.

2. Seeking Judicial Review

To seek judicial review of a denial you must file an action at the Washtenaw County Circuit Court within *180 days* after you received the notice of denial.