

GENESEE HEALTH SYSTEM (GHS)
Written Public Summary of FOIA Procedures and Guidelines

Consistent with the Michigan Freedom of Information Act (FOIA) Section 4(4), MCL 15.234(4), the following is the Written Public Summary of FOIA Procedures and Guidelines of Genesee Health System (GHS) relevant to the general public.

1. How do I submit a FOIA request to GHS?

- Requests to inspect or obtain copies of public records prepared, owned, used possessed, or retained by GHS must be submitted in writing.
- A request must sufficiently describe a public record to enable GHS to find it.
- No specific form to submit a written request is required.
- Written requests may also be made in person or by mail to Attn: Danis Russell, FOIA Coordinator, 1040 W. Bristol Rd., Flint, MI 48507
- Requests may be made by facsimile to (810)257-3770.
- A request may also be submitted via e-mail. To ensure a prompt response, e-mail requests should contain the term “FOIA” or “FOIA Request” in the subject line and be sent to: drussell@genhs.org
- *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 a public record.*

2. What kind of response can I expect to my request?

- Within 5 business days of receipt of a FOIA request, GHS will issue a response. If a request is received by facsimile or e-mail, the request is deemed to have been received on the following business day. GHS will respond to your request in one of the following ways:
 - Grant the request.
 - Issue a written notice denying the request.
 - Grant the request in part and issue a written notice denying in part the request.
 - Issue a notice indicating the record requested does not exist.
 - Issue a notice indicating that, due to the nature of the request, GHS needs an additional 10 business days to respond.
 - Issue a written notice indicating that the public record requested is available at no charge on GHS’s website and includes the website address.
- If the request is granted, or granted in part, GHS may ask that payment be made for the allowable fees associated with responding to the request before the public record is made available. If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, GHS will require a deposit before processing the request.

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3. What are GHS's fee deposit requirements?

- If GHS has made a good faith calculation that the total fee for processing the request exceeds \$50.00, GHS will require that you provide a deposit in the amount of 50% of the total estimated fee. When GHS requests the deposit, it will provide a non-binding best effort estimate of how long it will take to process the request following receipt by GHS of your deposit.
- If GHS has not been paid in full the total amount for the copies of public records that it made available to the individual as a result of that written request, GHS may require a deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual, if all of the following apply:
 - The final fee for the prior written request was not more than 105% of the estimated fee.
 - The public records made available contained the information being sought in the prior written request and are still in GHS's possession.
 - The public records were made available to the individual, subject to payment, within GHS's best effort estimate time frame.
 - Ninety (90) days have passed since GHS notified the individual in writing that the public records were available for pickup or mailing.
 - The individual is unable to show proof of prior payment to GHS.
 - GHS calculates a detailed itemization that is the basis for the current written request's increased estimated fee deposit.
- GHS will not require the 100% estimated fee deposit if any of the following apply:
 - The person making the request can show proof of prior payment in full to GHS;
 - GHS is subsequently paid in full for all applicable prior written requests; or
 - 365 days have passed since the person made the request for which full payment was not remitted to GHS.

4. How does GHS calculate FOIA processing fees?

- A fee will not be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonable high costs to GHS because of the nature of the request in the particular instance, and GHS specifically identifies the nature of the unreasonably high costs.
- The Michigan FOIA statute permits GHS to assess and collect a fee for six designated processing components. GHS may charge for the following costs associated with processing a 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 information exempt from disclosure of information which is disclosed.

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- The cost of computer discs, computer tapes, or other digital or similar media when the requestor asks for records in non-paper physical media.
- The cost of duplication or publication, not including labor, of paper copies and 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 or physical media or through the Internet.
- The cost to mail or send a public record to a requestor.
- Labor costs
 - All labor costs will be estimated and charged in 15-minute increments, and all partial time increments will be rounded down.
 - Labor costs will be charged at the hourly wage of the lowest-paid GHS employee capable of doing the work in the specific fee category, regardless of who performs the work.
 - Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
- Non-paper physical media
 - 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.
 - The cost will only be assessed if GHS 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 1/2 x 11) or legal (8 1/2 x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
 - GHS may provide records using double-sided printing if cost-saving and available.
- Mailing costs
 - The cost to mail public records will use an economical and justified means.
 - GHS may charge for the least expensive form of postal delivery confirmation.
 - No cost will be charged for expedited shipping or insurance, unless requested.

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5. How do I qualify for a reduction of the processing fees?

- GHS may waive or reduce the fee associated with a request when GHS determines that doing so is in the public interest because release of the information is considered as primarily benefiting the general public.
- GHS will waive the first \$20.00 of the processing fee for a request if you submit an affidavit stating that you are:
 - Indigent and receiving specific public assistance; or
 - If not receiving public assistance, stating facts demonstrating an inability to pay because of indigency.
- You are not eligible to receive the \$20.00 waiver if you:
 - Have previously received discounted copies of public records from GHS twice during the calendar year; or
 - Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.
- GHS will waive the fee for a nonprofit organization which meets all of the following conditions:
 - The organization is designated by the State under federal law to conduct activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act;
 - The request is made directly on behalf of the organization or its clients;
 - The request is made for a reason consistent with the provisions of those laws under Section 931 of the Mental Health Code; and
 - The request is accompanied by documentation of the organization's designation by the State.

6. How may I challenge the denial of a public record or an excessive fee?

- Appeal of Denial of a Public Record
If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may file an appeal with the Chief Executive Officer of GHS. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons you are seeking a reversal of the denial.

Within 10 business days of receiving the appeal, the Chief Executive Officer will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reversing the disclosure denial in part and upholding the disclosure denial in part.

Whether or not you submitted an appeal of a denial to the Chief Executive Officer, you may file a civil action in Genesee County Circuit Court within 180

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days after GHS's final determination to deny your request. Should you prevail in the civil action, the court will award you reasonable attorneys' fees, costs, and disbursements. If the court determines GHS acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.

- Appeal of an Excessive FOIA Processing Fee

If you believe that the fee charged by the city to process your FOIA request exceeds the amount permitted by state law, you must first submit a written appeal for a fee reduction to the Chief Executive Officer. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Within 10 business days after receiving the appeal, the Chief Executive Officer will respond in writing by:

- Waiving the fee;
- Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days, the period during which the Chief Executive Officer will respond to the written appeal.

Within 45 days after receiving notice of the Chief Executive Officer's determination of the processing fee appeal, you may commence a civil action in Genesee County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs, and disbursements. If the court determines that GHS acted arbitrarily and capriciously by charging an excessive fee, the court may also award you punitive damages in the amount of \$500.

7. **Need more details or information?**

This is only a summary of GHS's FOIA Policy and Guidelines. For more details and information, copies of GHS's FOIA Policy and Guidelines are available at no charge on GHS's website at www.genhs.org