

FOIA / Recording Requests

[FOIA Request Form \(download PDF\)](#)

Section 1 - Right to Records

A person has the right to public record from the Genesee County 911 Consortium (GC911) pursuant to the Michigan Freedom of Information Act (the "Act"). A request must be in writing or by completion of the FOIA Request Form and sufficiently describe the public record to enable the Coordinator or Co-Coordinator to identify the requested public record.

A person has the right to inspect a public record, or receive copies of requested recordings, unless exempted by law or court order. GC911 shall protect public records from loss, unauthorized alteration, mutilation, or destruction. A person may request that copies of a public record be provided subject to the payment of fees outlined in Section 3.

Section 2 – Rights and Obligations of GC911

GC911 shall provide a copy of a non-exempt public record if a person so requests in writing.

It is the policy of GC911 to record radio transmissions and telephone lines (incoming and outgoing) as part of GC911's normative operations. These recordings are stored and archived for 365 days from the date of the original recording.

GC911 shall keep a copy of all written FOIA requests on file for no less than one year.

FOIA does not require GC911 to make a compilation, summary, report of information, or create a new public record. This exemption includes analyzing, compiling, or summarizing existing information into a new format. GC911 is not obligated to provide answers to oral or written questions.

Section 3 – Provisions for Copying Public Records

All FOIA requests submitted pursuant to the Act shall be subject to the fees and charges outlined in this section. Fees shall be limited to actual mailing costs and to the actual incremental cost of duplication or publications including labor, the cost of the search, examination, review, and the deletion and separation of exempt from nonexempt information.

GC911 may charge a fee for the labor involved with searching for, examining, and reviewing a public record as permitted by the Act. Where total fees and charges are reasonably anticipated to exceed Fifty Dollars (\$50.00), GC911 requires that fifty percent of the estimated fees and charges be paid in advance of the performance of the work as authorized by the Act. The balance must be paid prior to the release of documents. Charges for labor costs will be determined by using the wages of the lowest, paid, full-time public body employee capable of retrieving the requested information. Charges for labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge for completing the FOIA request. Labor costs will be charged at the hourly wage of the lowest paid GC911 employee capable of doing the work in the specific fee category, regardless of who actually performs the work.

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the Coordinator determines that a waiver or reduction of the fee is in the public interest.

A public record search shall be made and a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request by an individual who is entitled to information under this Act and who submits an affidavit stating the individual is then receiving public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost due to indigence.

Section 4 – Procedures for GC911 in Processing FOIA Requests

After a person has made a written request for a public record in accordance with the Act, GC911 shall respond in a timeframe consistent with the Act. A written request made by facsimile, electronic mail, or other electronic transmission is not considered received by GC911 until one (1) business day after the electronic transmission is made. GC911 will respond by granting, denying, or granting in part and denying in part the request.

If any portion of a FOIA is denied, the denial shall also include an explanation of the person's right to appeal the denial to the Executive Director, appointed by the Genesee County 911 Consortium Board, or seek judicial review in accordance with the Act.

If a request is received which does not sufficiently describe the public records requested so as to enable GC911 to locate the records, GC911 will notify the requester for a clarification. Such notice, if sent, shall not be interpreted as a denial of the request for purposes of the Act or this Policy.

Section 5 – Procedures for Separation of Records

If a request is made for an existing public record that includes information which is exempt from disclosure under the Act and information which is not exempt, the FOIA Coordinator must separate the material and make the nonexempt material available for examination and/or copying. Additionally, GC911 shall describe the material which had to be separated, unless doing so would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

Section 6 – Designation of FOIA Coordinator

The FOIA Coordinator for GC911 shall be designated by the Executive Director. In addition to the designated FOIA Coordinator, the Deputy Director, Systems Administrator and Dispatch Supervisors shall be authorized to act as Co-Coordinators. The FOIA Coordinator and Co-Coordinators shall be responsible to accept and process requests for public records and approve denials in accordance with the Act.

Section 7 – Appeals

In accordance with the Act, where a person's request for a public record is denied, in whole or in part, the person shall be entitled to file a written appeal on the decision in accordance with the following process:

The person shall be advised by GC911 of the right to file a written appeal to the Executive Director which shall specifically state the word "appeal" and identify the reason(s) for reversal of the denial.

In its consideration of any appeal, the Executive Director shall review the materials submitted by the appellant, any written comments received from the Coordinator or Co-Coordinator, and any other information as the Executive Director deems necessary and within ten (10) business days after receiving the appeal, with a denial, denial in part, or grant of that appeal.

The appellant may choose to commence an action in the Circuit Court to compel the public body's disclosure of the public records within 180 days after the GC911's determination to deny a request.