

Benzie County Council on Aging

Public Summary of FOIA Procedures and Guidelines

**It is the public policy of this state that all persons
(except those persons incarcerated in state or local correctional facilities)
are entitled to full and complete information regarding the affairs of government and
the official acts of those who represent them as public officials and public employees.**

The people shall be informed so that they may fully participate in the democratic process.

Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the following is the Written Public Summary of Benzie County Council on Aging's FOIA Procedures and Guidelines relevant to the general public.

This is only a summary of Benzie County Council on Aging's FOIA Procedures and Guidelines. For more details and information, copies of Benzie County Council on Aging's FOIA Procedures and Guidelines are available at no charge at Benzie County Council on Aging's office and on Benzie County Council on Aging's website: www.benziecoa.org

1. How do I submit a FOIA request to Benzie County Council on Aging?

- A request must sufficiently describe a public record so as to enable Benzie County Council on Aging to find it.
- Please include the words "FOIA" or "FOIA Request" in the request to assist Benzie County Council on Aging in providing a prompt response.
- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by Benzie County Council on Aging may be submitted on Benzie County Council on Aging's FOIA Request Form, in any other form of writing (letter, fax, email, etc.), or by verbal request.
 - Any verbal request will be documented by Benzie County Council on Aging on Benzie County Council on Aging's FOIA Request Form.
 - No specific form to submit a written request is required. However a FOIA Request Form and other FOIA-related forms are available for your use and convenience on Benzie County Council on Aging's website at www.benziecoa.org, and at Benzie County Council on Aging Administration Office, located at 10542 Main St., Honor, MI 49640.
- Written requests may be delivered to Benzie County Council on Aging Administration Office in person or by mail: 10542 Main St., Honor, MI 49640
- Requests may be faxed to: (231) 325-4855. To ensure a prompt response, faxed requests should contain the term "FOIA" or "FOIA Request" on the first/cover page.
- Requests may be emailed to: info@benziecoa.org. To ensure a prompt response, email requests should contain the term "FOIA" or "FOIA Request" in the subject line.

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

- Within 5 business days after receiving a FOIA request Benzie County Council on Aging will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. Benzie County Council on Aging 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 that due to the nature of the request Benzie County Council on Aging needs an additional 10 business days to respond, or
 - Issue a written notice indicating that the public record requested is available at no charge on Benzie County Council on Aging’s website

3. What are Benzie County Council on Aging’s deposit requirements? There is no cost to process a FOIA Request

4. How may I challenge the denial of a public record? Appeal of a 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 appeal to Benzie County Council on Aging Board by filing a written appeal of the denial with the office of Benzie County Council on Aging Director.

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. You may use Benzie County Council on Aging FOIA Appeal Form (To Appeal a Denial of Records), which is available on Benzie County Council on Aging’s website: www.benziecoa.org.

Benzie County Council on Aging Board is not considered to have received a written appeal until the first regularly scheduled Board meeting following submission of the written appeal. Within 10 business days of receiving the appeal Benzie County Council on Aging Board will respond in writing by:

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

Whether or not you submitted an appeal of a denial to Benzie County Council on Aging Board, you may file a civil action in 19th Judicial Circuit Court in Benzie County within 180 days after Benzie County Council on Aging’s final determination to deny your request. If you prevail in the civil action the court will award you reasonable attorneys’ fees, costs and disbursements. If the court determines that Benzie County Council on Aging 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.