

**NMRE:** Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

**NMRE**  
1999 Walden Drive, Gaylord, MI, 49735  
Phone: 231.487.9144 Fax: 989.448.7078

**Request Form Note**  
Requestors are not required to use this form. NMRE may complete one for recordkeeping if not used.

### FOIA Request for Public Records

#### Michigan Freedom of Information Act, Public Act 4742 of 1976, MCL 15.234, et seq.

**Request No:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_  
Check if received via: Email \_\_\_\_\_ Fax \_\_\_\_\_ Mail Date \_\_\_\_\_  
delivered to junk/spam folder \_\_\_\_\_  
Date discovered in junk/spam folder \_\_\_\_\_

(Please Print or Type)

**Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_  
**Firm/Organization:** \_\_\_\_\_ **Fax:** \_\_\_\_\_  
**Street:** \_\_\_\_\_ **Email:** \_\_\_\_\_  
**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Request for:** Copy Certified copy Record inspection Subscription to record issued on regular basis **Delivery**  
**Method:** Will Pick up Will make own copies on site Mail to address above Email to address above  
Deliver digital media provided by NMRE: \_\_\_\_\_

**Note:** NMRE is not required to provide records in a digital format or on digital media if NMRE does not already have the technological capability to do so.

**Describe the public record(s) as specifically as possible.** You may use this form and/or attach additional sheets.

#### Consent to Non-Statutory Extension of NMRE's Response Time

I have requested a copy of records or the opportunity to inspect records, pursuant to the Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq. I understand that NMRE must respond to this request within five (5) business days after receiving it, and that response may include an extension of up to ten (10) business days. However, I hereby agree and stipulate to extend NMRE's response time for this request until: \_\_\_\_\_ (month/day/year)

**Requestor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Records Located on Website**

If NMRE directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (separate exempt information from non-exempt information).

If the FOIA Coordinator knows or has reason to know that all or a portion of the requested information is available on its website, NMRE must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, NMRE must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If the NMRE has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him/her in a paper format or other form, including digital media, NMRE must provide the public records in the specified format (if NMRE has the technological capability) but may use a fringe benefit multiplier greater than 50%, not to exceed the actual costs of providing the information in the specified format.

**Request for Copies/Duplication of Records on NMRE Website**

I hereby stipulate that, even if some or all the records are located on the NMRE website, I request the NMRE make copies of those records on the website and deliver them to me in the format requested. I understand that some FOIA fees may apply.

**Requestor's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Overtime Labor Costs**

Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

**Consent to Overtime Labor Costs**

I hereby agree and stipulate to NNRE using overtime wages in calculating the following labor costs as itemized in the following categories: 1. Labor to copy/duplicate 2. Labor to locate 3a. Labor to redact 3b. Contract labor to redact 6b. Labor to copy/duplicate records already on NMRE's

website **Requestor's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Request for Discount: Indigence**

A public record search **must** be made, and a copy of a public record **must** 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:

- 1. Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
- 2. If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply.

- 1. The individual has previously received discounted copies of public records from the same public body twice during the same calendar year,
- 2. The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

**Office Use:**    Affidavit received    Eligible for discount    Ineligible for discount

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:

**Requestor's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Request for Discount: Nonprofit Organization**

A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for individuals with Mental Illness Act, if the request meets ALL of the following requirements:

1. Is made directly on behalf of the organization or its clients.
2. Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974-PA 258, MCL 330.1931.
3. Is accompanied by documentation of its designation by the state, if requested by NMRE.

**Office Use:**      Documentation of State designation received      Eligible for discount      Ineligible for discount  
I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization of its clients and is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974-PA 258, MCL 330.1931.

**Requestor's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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## NMRE

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Phone: 231.487.9144 Fax: 989.448.7078

### FOIA Appeal Form – To Appeal an Excess Fee

Michigan Freedom of Information Act, Public Act 4742 of 1976, MCL 15.234, et seq.

Request No: \_\_\_\_\_ Date Received: \_\_\_\_\_ Check if received via: Email \_\_\_\_\_ Fax \_\_\_\_\_ Mail Date \_\_\_\_\_  
delivered to junk/spam folder \_\_\_\_\_  
Date discovered in junk/spam folder \_\_\_\_\_

(Please Print or Type)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Firm/Organization: \_\_\_\_\_ Fax: \_\_\_\_\_

Street: \_\_\_\_\_ Email: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Request for: Copy Certified copy Record inspection Subscription to record issued on regular basis

Delivery Method: Will Pick up Will make own copies onsite Mail to address above Email to address above

Deliver digital media provided by NMRE: \_\_\_\_\_

Records(s) You Requested: (Listed here or see attached copy of original request)

#### Reason(s) for Appeal:

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:

Requestor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### NMRE Response:

NMRE must provide a response within ten (10) business days after receiving this appeal, including a determination or taking one ten (10) day extension.

**NMRE Extension:** We are extending the date to respond to your FOIA fee appeal for no more than ten (10) business days until (month/day/year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension:

If you have questions regarding this extension, please contact:

**NMRE Determination:** Fee waived Fee reduced Fee upheld

Written basis for NMRE determination:

You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under NMREs written procedures and guidelines or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to NMRE. If a civil action is commenced in court, NMRE is not obligated to complete processing the request until the Court resolves the fee dispute. If the court determines that NMRE required a fee that exceeded the permitted amount, the Court shall reduce the fee to a permissible amount.

FOIA Coordinator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FREEDOM OF INFORMATION ACT (EXCERPT)**  
**Act 442 of 1976**

**15.240 a Fee in excess of amount permitted under procedures and guidelines or MCL 15.234.**  
Sec. 10a.

- (1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:
  - (a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.
  - (b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:
    - (i) The public body does not provide for appeals under subdivision (a).
    - (ii) The head of the public body failed to respond to a written appeal as required under subsection (2).
    - (iii) The head of the public body issued a determination to a written appeal as required under subsection (2).
- (2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:
  - (a) Waive the fee.
  - (b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.
  - (c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.
  - (d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.
- (3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).
- (4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.
- (5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.
- (6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).
- (7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.
- (8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

**History:** Add. 2014, Act 563, Eff. July 1, 2015.

**Popular name:** Act 442

**Popular name:** FOIA