



Clio Area Fire Authority

3291 W. Vienna Rd
Clio, MI. 48420
Phone: 810-687-8506

FOIA Policies and Guidelines

Preamble: Statement of Principles

It is the policy of the Clio Area Fire Authority that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), 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 employees. The people shall be informed so that they fully participate in the democratic process.

The Fire Authority's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The Fire Authority acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The Fire Authority acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

The Clio Area Fire Authority will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The Fire Authority's policy is to disclose public records consistent with and in compliance with State law.

The Clio Area Fire Authority Board has established the following written policies and guidelines to implement the FOIA and will create a written public summary of the specific policies and guidelines relevant to the general public regarding how to submit written requests to the public body and explaining how to understand a public body's written responses and avenues for challenge and appeal. The written public summary will be written in a manner so as to be easily understood by the general public.

Section 1: General Policies

The Fire Authority Board, acting pursuant to the authority at MCL 15.236, designates the Administrative Assistant as the FOIA Coordinator. He or she is authorized to designate other Fire Authority staff to act on his or her behalf to accept and process written requests for the Fire Authority's public records and approve denials. In the absence of the FOIA Coordinator, the Fire Chief may act as FOIA Assistant and provide only complete responses to the requests.

If a request for a public record is received by email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to the Fire Authority spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator shall review spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with the Fire Authority Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect



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the Fire Authority systems from computer attacks which may be imbedded in an electronic FOIA request.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The Fire Authority is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other Fire Authority staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

The FOIA Coordinator shall keep a copy of all written requests for public records received by the Fire Authority on file for a period of at least one year.

The Fire Authority will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge. If it does not, the Fire Authority cannot require deposits or charge fees otherwise permitted under the FOIA until it is in compliance.

A copy of this Procedures and Guidelines document and the Fire Authority's Written Public Summary must be publicly available by providing free copies both in the Fire Authority's response to a written request and upon request by visitors at the Fire Authority's office.

This Procedures and Guidelines document and the Fire Authority's Written Public Summary will be maintained on the Fire Authority's website at: <https://clioareafire.com>, so a link to those documents will be provided in lieu of providing paper copies of those documents.

Section 2: Requesting a Public Record

No specific form to submit a request for a public record is required. However, the FOIA Coordinator may make available a FOIA Request Form for use by the public.

Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the Fire Authority may be submitted on the Fire Authority's FOIA Request Form, in any other form of writing (letter, email, etc.), or by verbal request.

Verbal requests for records may be documented by the Fire Authority on the Fire Authority's FOIA Request Form.

If a person makes a verbal, non-written request for information believed to be available on the Fire Authority's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.

A written request must sufficiently describe a public record so as to enable the Fire Authority's personnel to identify and find the requested public record.

A request from a person, other than an individual who qualifies as indigent under MCL 15.234(2)(a), must include the requesting person's complete name, address, and contact information, and, if the request



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is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual. An address must be written in compliance with United States Postal Service addressing standards:

JANE SMITH (or ABC MOVERS)
1500 E MAIN AVE STE 201
SPRINGFIELD VA 22162-1010

Contact information must include a valid telephone number or electronic mail address.

Written requests for public records may be submitted in person or by mail to the Clio Area Fire Authority office. Requests may also be submitted electronically by email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person making a request may stipulate that the public body's response be electronically mailed (email), delivered by facsimile (fax), or delivered by first-class mail, and the Fire Authority will comply unless the Fire Authority lacks the technological capability to provide an electronically mailed or facsimile response.

A person may request that public records be provided on non-paper physical media, emailed or other otherwise provided to him or her in digital form in lieu of paper copies. The Fire Authority will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by the Clio Area Fire Authority on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

Section 3: Processing a Request

Unless otherwise agreed to in writing by the person making the request, the Fire Authority will issue a response within 5 business days of receipt of a FOIA request. If a request is received by email or other electronic transmission, the request is deemed to have been received on the following business day.

The Fire Authority will respond to a 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 the Fire Authority needs an additional 10 business days to respond for a total of no more than 15 business days. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the Fire Authority's website.



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When a request is granted:

A copy of these Procedures and Guidelines and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records, provided however, that because these Procedures and Guidelines, and the Written Public Summary are maintained on the Fire Authority's website at: <https://clioareafire.com>, a link to the Procedures and Guidelines and the Written Public Summary will be provided in lieu of providing paper copies of those documents.

When a request is denied or denied in part:

If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- An explanation that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the Fire Authority; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to the Fire Authority board at either the office of the Clio Area Fire Authority or seek judicial review in the Genesee County Circuit Court;
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.

If a request does not sufficiently describe a public record, the FOIA Coordinator or FOIA Assistant may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

Requests to inspect public records:

The Fire Authority shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect the Fire Authority records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal Fire Authority operations.

Upon receiving a written or verbal request to inspect Fire Authority records, the Fire Authority shall furnish the requesting person with a reasonable opportunity and reasonable facilities for inspection and examination of its public records.

A person shall be allowed to inspect public records during usual business hours, not less than four hours per day. The public does not have unlimited access to Fire Authority offices or facilities, and a person may be required to inspect records at a specified counter or table, and in view of Fire Authority personnel.



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In coordination with the official responsible for the records, the FOIA Coordinator shall determine on a case-by-case basis when the Fire Authority will provide copies of original records, to allow for editing out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection.

The FOIA Coordinator or FOIA Assistant is responsible for identifying if records or information requested by the public is stored in digital files or e-mail, even if the public does not specifically request a digital file or e-mail.

A person cannot remove books, records or files from the place the Fire Authority has provided for the inspection.

No documents shall be removed from the office of the custodian of those documents without permission of that custodian, except by court order, subpoena or for financial audit purposes. The official shall be given a receipt listing the records being removed. Documents may be removed from the office of the custodian of those documents with permission of that custodian to accommodate public inspection of those documents.

Requests for certified copies:

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4: Calculation of Fees

The Clio Area Fire Authority currently does not charge a fee for the labor costs associated with searching for, locating and examining a requested public record, review of a record to separate and delete information exempt from disclosure or with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.

Section 5: Appeal of a Denial of a Public Record

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal to the Fire Authority Board by filing an appeal of the denial with the office of the Clio Area Fire Authority.

The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial.

The Fire Authority Board is not considered to have received a written appeal until the first regularly scheduled Fire Authority Board meeting following submission of the written appeal.

Within 10 business days of receiving the appeal the Fire Authority Board will respond in writing by:



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- Reversing the disclosure denial;
 - Upholding the disclosure denial; or
 - Reverse the disclosure denial in part and uphold the disclosure denial in part; or
 - Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Fire Authority Board shall respond to the written appeal. The Fire Authority Board shall not issue more than 1 notice of extension for a particular written appeal.

If the Fire Authority Board fails to respond to a written appeal, or if the Fire Authority Board upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in the Genesee County Circuit Court.

Whether or not a requestor submitted an appeal of a denial to the Fire Authority Board, he or she may file a civil action in Genesee County Circuit Court within 180 days after the Fire Authority's final determination to deny the request.

If a court that determines a public record is not exempt from disclosure, it shall order the Fire Authority to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in such an action, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or Fire Authority prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that the Fire Authority has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the Fire Authority to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The 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.

Section 6: Conflict with Prior FOIA Policies and Procedures; Effective Date

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by the Fire Authority Board these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the Fire Authority Board, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator and FOIA Assistant is authorized to modify this policy and all previous policies adopted by the Fire Authority Board and to

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adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the Fire Authority Board of any change to these Policies and Guidelines.

These FOIA Policies and Guidelines become effective November 12, 2025.