



Freedom of Information Act Response to Request for Public Records

FOIA Request Number(s)	Date of Response
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Dear _____:

This letter is in response to your request(s) for information received in this office on _____.

I. RESPONSE TO YOUR REQUEST:

Your request has been reviewed and the following action has been taken in compliance with the provisions of Michigan's Freedom of Information Act ("FOIA"), MCL 15.231 *et seq.*:

- Ten Day Extension Required:** The specific nature of your request involves a circumstance which requires an additional 10 business days to properly process your request as provided by Section 5(6) of the FOIA. The extension due date is on or before _____.
- Deposit Required:** Your request involves a large volume of documents and/or an extensive search. Please submit a 50% deposit for the estimated fees (which exceed \$50.00) as set forth in the attached "Statement of Fees For Freedom of Information Act Requests" on Page 4.
- Request Approved:** If applicable, see Page 4 for information on costs related to your request and delivery or review of the requested documents.
- Request Approved In Part and Denied In Part:** (See denial reason(s) below and/or on next page and Page 4 for information on costs related to your request and delivery or review of the requested documents.)
- Request Denied:** This Public body has determined that the requested record(s) are exempt from disclosure based on the provision(s) of the Freedom of Information Act. (See reason and/or comments set forth below and on next page).
- Request Denied:** The record(s) you have requested do NOT exist within the records of this Public body. A signed certification that the public record does not exist is included below. If denied in part, the request(s) that are denied are highlighted on the attached copy of your FOIA Request.
- Request Denied:** Your request does NOT describe the record(s) sufficiently to enable the public body to determine what record(s) you are seeking. You may submit a new request describing the record(s) in greater detail.

Copies of our Freedom of Information Act Procedures, Guidelines and Written Public Summary are available at:
<https://www.oaklandcc.edu/about/foia.aspx>.

Under Section 10 of FOIA if the College makes a final determination to deny all or a portion of your request you may do one of the following: (1) Submit to the head of the public body a written request for a reversal that states the word "APPEAL" and identifies the reason(s) for reversal of the denial. (2) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after the public body's final determination to deny a request. (3) If, after judicial review, the circuit court determines that the College has not complied with the FOIA and orders disclosure of all or a portion of the requested information, you would have the right to attorneys' fees and damages. MCL 15.235; MCL 15.240. Please notify us of your disagreement with the above denial prior to seeking a written appeal from the head of the public body or judicial action in circuit court, so that we may attempt to resolve the issue.

Name of FOIA Coordinator	Signature of FOIA Coordinator or Designee (if Section I.(6) above is checked, this signature shall constitute certification that the public records requested do not exist)
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II. REASON(S) FOR DENIAL OF RECORD(S), IF APPLICABLE:

This section applies if your request has been denied in whole or in part. (If denied in part, the request(s) that are denied are highlighted on the attached copy of your FOIA Request and the applicable exemption(s) are written next to the request.) The denial is based on the following exemption(s) from disclosure of public records under FOIA, specifically MCL 15.243 Section 13: (Check all that apply.)

- (1)(a) Information of a personal nature where public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.
- (1)(b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following: (i) Interfere with law enforcement proceedings; (ii) Deprive a person of the right to a fair trial or impartial administrative adjudication; (iii) Constitute an unwarranted invasion of personal privacy; (iv) Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source; (v) Disclose law enforcement investigative techniques or procedures or (vi) Endanger the life or physical safety of law enforcement personnel.
- (1)(d) Records or information specifically described and exempted from disclosure by statute.
- (1)(e) A public record described in this section that is furnished by the public body originally compiling, preparing, or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body, if the considerations originally giving rise to the exempt nature of the public record remain applicable.
- (1)(f) Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy if: (i) The information is submitted upon a promise of confidentiality by the public body; (ii) The promise of confidentiality is authorized by the chief administrative officer of the public body or by an elected official at the time the promise is made; and (iii) A description of the information is recorded by the public body within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request. This subdivision does not apply to information submitted as required by law or as a condition of receiving a governmental contract, license, or other benefit.
- (1)(g) Information or records subject to attorney-client privilege.
- (1)(h) Information or records subject to the physician-patient privilege, psychologist-patient privilege, or other privilege recognized by statute or court rule.
- (1)(i) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not conducted, until the deadline for submission of bids or proposals has expired.
- (1)(k) Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment, or academic examination, unless the public interest in disclosure outweighs the public interest in nondisclosure.
- (1)(l) Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by disclosure of those facts or evaluation.
- (1)(m) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption does not apply unless the public body shows that in a particular instance the public interest in encouraging frank communications between officials and employees of public bodies clearly outweighs the public interest in disclosure. This exemption does not constitute an exemption under state law for purposes of Section 8(h) of the Open Meetings Act, MCL 15.268, et al. As used in this subdivision, "determination of policy or action" includes a determination relating to collective bargaining, unless the public record is otherwise requested to be made available under MCL 423.201 to 423.217.
- (1)(n) Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, that if disclosed would prejudice a public body's ability to protect the public safety unless the public interest in disclosure under this act outweighs the public interest in nondisclosure in the particular instance.

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- (1)(p) Testing data developed by a public body in determining whether bidders' products meet the specifications for purchase of those products by the public body, if disclosure of the data would reveal that only one bidder has met the specifications. This subdivision does not apply after one year has lapsed from the time the public body completes the testing.
- (1)(s) Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a law enforcement agency, the release of which would do any of the following: (i) Identify or provide a means of identifying an informant; (ii) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent; (iii) Disclose the personal address or telephone number of active or retired law enforcement officers or agents or a special skill that they may have; (iv) Disclose the name, address, or telephone numbers of family members, relatives, children, or parents of active or retired law enforcement officers or agents; (v) Disclose operational instructions for law enforcement officers or agents; (vi) Reveal the contents of staff manuals provided for law enforcement officers or agents; (vii) Endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents, or those who furnish information to law enforcement departments or agencies; (viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informant; (ix) Disclose personnel records of law enforcement agencies; or (x) Identify or provide a means of identifying residences that law enforcement agencies are requested to check in the absence of their owners or tenants.
- (1)(u) Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.
- (1)(v) Records or information relating to a civil action in which the requesting party and the public body are parties.
- (1)(w) Information or records that would disclose the Social Security number of any individual.
- (1)(y) Records or information of measures designed to protect the security or safety of persons or property, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan Anti-Terrorism Act, Chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency response plans, risk planning documents, threat assessments, and domestic preparedness strategies, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance.
- (2) A public body shall exempt from disclosure information that, if released, would prevent the public body from complying with Section 444 of subpart 4 of part C of the General Education Provisions Act, Title IV of Public Law 90-247, 20 USC 1232g, commonly referred to as the Family Educational Rights and Privacy Act (FERPA) of 1974.

Comments and/or Other Exemption Not Listed Above (if applicable):

General Description of Information Deleted or Separated from the Public Record Requested (if applicable):

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STATEMENT OF FEES FOR FREEDOM OF INFORMATION ACT REQUESTS

Date of Statement	FOIA Request Number	Requestor's Name
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This statement shows the fees (estimated or actual, as applicable) which apply to your request under the Freedom of Information Act. See the transaction checked below:

There may be a charge for the requested documents.

There is a charge for the requested documents approved for disclosure which does not exceed \$50.00. **Please send the amount (shown in #7 below) at this time.** The requested documents approved for disclosure will be sent to you only AFTER this amount has been received by Oakland Community College.

Oakland Community College requires a fifty percent (50%) deposit of the *estimated* fees to be paid **before** your request is processed. **Please send the amount (shown in #5) below at this time.** You will be billed for remaining costs, if any, prior to any documents being sent to you.

You have already paid fifty percent (50%) of the *estimated* fee amount of \$ _____ .
Below is the remaining amount that is due – This amount is based on the actual fees. **Please send the amount (shown in #7) below at this time.** The requested documents that are approved for disclosure will be sent to you only AFTER the remainder of the fee has been received by Oakland Community College

Thank you for your payment in full. The requested documents that are approved for disclosure are enclosed.

INSTRUCTIONS:

If you do not wish to pursue your request, please indicate with a “check” here and return this form *within three days* to the FOIA Coordinator at the below address.

If you wish to inspect the requested documents approved for disclosure, please contact Oakland Community College FOIA Coordinator at (_____) _____ - _____ to arrange for an appointment for viewing. Note that fees related to Categories A and B in the Fee Itemization may still be applicable.

If your request requires a fee, in order to process your request, you must submit cash (in person only – do not send cash by mail), a money order, or a check payable to: “Oakland Community College” with FOIA Request No. _____ printed in the memo line on the check. Mail a copy of this form and your money order or check to:

Oakland Community College
Attention: FOIA Coordinator
2480 Opdyke Rd.
Bloomfield Hills, MI 48304

FEE: Estimated Fee Actual Fee

1. Estimated Total Fee (see Fee Itemization on next page for details)	\$
2. Fifty percent (50%) of <i>estimated</i> fees required NOW	\$
3. Actual Total Fee (see Fee Itemization on next page for details)	\$
4. Remainder due NOW (Line 6 minus line 5) or TOTAL due NOW	\$

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FEE ITEMIZATION

Estimated Fee Actual Fee

Fee Category	Unit Cost	Hourly Wage ¹	Number of Units	Number of Hours Charged ²	Multiplier	Total
CATEGORY A: Labor costs directly associated with the necessary searching for, locating, and examining of public records.	N/A		N/A		N/A	
<i>Cost of fringe benefits³ for labor costs associated with Category A</i>	N/A		N/A			
CATEGORY B: Labor costs, including necessary review, if any, directly associated with the separating and deleting of exempt information from nonexempt information. [Name of contracted laborer/firm performing Category B labor: _____] (if Category B labor costs are incurred through contracting with a third party to perform labor)]	N/A		N/A		N/A	
<i>Cost of fringe benefits for labor costs associated with Category B</i>	N/A		N/A			
CATEGORY C: (for public records provided on nonpaper physical media) Actual and most reasonably economical cost of the computer disks, computer tapes, or other digital or similar media.		N/A		N/A	N/A	
CATEGORY D: (for paper copies of public records) Actual total incremental cost of necessary duplication or publication, not including labor.		N/A		N/A	N/A	
CATEGORY E: Labor costs directly as with duplication or publication, including making paper copies, making digital copies, or transferring digital public records.	N/A		N/A		N/A	
<i>Cost of fringe benefits for labor costs associated with Category E</i>	N/A		N/A			
CATEGORY F: Actual cost of mailing, if any, for sending the public records in a reasonably economical and justifiable manner.		N/A		N/A	N/A	
Total Fee:						

¹ The "hourly wage" for the labor costs calculated pursuant to Categories A, B, and E is the hourly wage of OCC's lowest-paid employee capable of performing the task described in each respective category, regardless of whether that person is available or who actually performs the labor.

² "Number of Hours Charged" is measured in 15 minute increments, with partial increments rounded down.

³ "Cost of Fringe Benefits" calculated pursuant to Categories A, B, and E will not exceed 50% of the respective labor charges calculated pursuant to Categories A, B, and E. Additionally, OCC does not charge more than the actual cost of fringe benefits and overtime wages are not used in calculating the cost of fringe benefits unless the requestor so stipulates.