

Freedom of Information Act—Responding to Requests

Introduction

A person desiring to inspect or receive a copy of a public record must give written request for the public record to the Freedom of Information Act (FOIA) coordinator of a public body. A written request may be made by facsimile, electronic mail, or other electronic transmission but it is not considered to have been received by a public body's FOIA coordinator until one business day after the electronic transmission is made. Public employees receiving verbal requests for information that is available on the public body's website are required to inform the requestor of the pertinent website address.

When and how to respond

Unless otherwise agreed to in writing by the person making the request, a public body by its FOIA coordinator shall respond to a request for a public record within five business days after the public body receives the request by doing one of the following:

- Granting the request.
- Denying the request by written notice (failure to respond is considered a denial).
- Granting the request in part and issuing a written notice to the requesting person denying the request in part.
- Issuing a notice extending for not more than ten business days the period during which the public body shall respond to the request. Only one extension may be made per request.

A written notice denying a request for a public record in whole or in part must be signed by the FOIA coordinator and shall contain:

- An explanation of the basis under this Act or other statute for an exemption.
- A certificate that the public record does not exist.
- A description of a public record or information on a public record that is separated or deleted if a separation or deletion is made.
- A full explanation of the requesting person's rights to submit a written appeal to the public body; to seek judicial review of the denial; and to receive attorneys' fees and damages if the circuit court determines that the public body has not complied with the Act.

Cost of response

A public body may charge a fee for providing a copy of a public record. However, a public body that has not established procedures and guidelines or a written public summary **is prohibited from charging a fee.**

The fee is limited to actual mailing costs and actual incremental costs of duplication and labor. The labor is based on the hourly wage of the lowest paid employee of the public body capable of retrieving the information for the response. A public body may not charge more than \$0.10/sheet for paper copies of public records. Fees may be waived; if the fee exceeds \$50.00, a deposit of not more than one-half of the total fee may be requested.