

### **8310A - PUBLIC RECORDS**

The District's public records, as defined under the Freedom of Information Act, are available for public inspection and/or copying in accordance with the following administrative guidelines. Exemptions are specified in M.C.L. 15.243.

#### **Designation of Officers**

The Superintendent's secretary shall be the District Records Officer (DRO).

#### **Procedures**

The following procedures shall be followed in connection with requests to inspect and secure copies of School District records:

- A. Requests to inspect or secure copies of records shall be submitted to the DRO on a form prescribed by the Board, copies of which are available in the Office of the Superintendent.
- B. The DRO will determine and advise the requester, within five (5) days, whether the records specified in the request are available for inspection and copying.
- C. With respect to records which are determined to be available, the DRO will direct the requester to the place where the requested records may be inspected and will arrange for the preparation and certification of copies upon tender of any required fee. The DRO will establish a time and date for inspection and copying of the requested records.
- D. With respect to records which are determined not to be available, the DRO will note the reason for unavailability on the request form and return one copy of the form to the requester within five (5) days.
- E. Records may be inspected only at the Central Administration Office or at such other place as may be designated. No record may be removed from such location. A member of the staff must be present throughout the inspection and copying of such record.
- F. Requests by mail, fax, or E-mail for copies of available records may be addressed to the DRO, and will be honored upon payment of any required fee, provided the requester and the record of which a copy is requested are sufficiently identified to make compliance practicable.
- G. The District is responsible for providing records of the District but not for providing additional information that may be related to a record but is not part of a record. Nor is the District required to create a record if none is available.

- H. Personnel records are to be considered public records of the District other than those considered to be confidential by law. (See AG [8320](#).)

### **Location and Time**

Records shall be made available at the Central Administration Office, during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday, with the exception of the holidays when District schools are closed.

### **Fees**

Upon written request, copies of said records shall be provided for a fee which will be no more than the actual cost for the duplication plus any applicable clerical costs which will be charged at an hourly rate equal to the lowest hourly rate paid to a member of the District's clerical staff.

- A. Such costs shall include the following:
1. actual mailing costs
  2. the cost of duplication or publication, including labor
  3. the cost of search, examination, review, and deletion and separation of exempt and nonexempt information
- B. In calculating the charges to be made the hourly rate attributable to the request shall not exceed the rate of the lowest paid, full-time, permanent clerical employee of the District.
- C. Charges may be reduced or eliminated if the Board determines that a waiver or reduction of the fee is in the public interest.
- D. Charges of up to \$10.00 shall be eliminated for an individual who submits an affidavit stating that the individual is then receiving public assistance or stating facts showing inability to pay the cost because of indigence.
- E. A good faith deposit, equal to one-half (1/2) the estimated cost, shall be required on all requests for public records, or a series of records, which exceed an estimated cost of \$10.00.
- F. The Board shall comply with the provisions of this policy in the most economical method possible which is consistent with acceptable procedure.
- G. Charges shall not be made for the separation of exempt and nonexempt information unless the Board specifically identifies the nature of unreasonably high costs for such separation.

### **Exempt Records**

Exempt records shall include the following:

- A. information of a personal nature when the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy
- B. investigating records compiled for law enforcement purposes
- C. records or information specifically described as exempted from disclosure by statute
- D. information, the release of which would prevent the Board from complying with the Family Educational Rights and Privacy Act
- E. a record, or information, which is furnished by the public body originally compiling, preparing, or receiving the record, or information, to the Board, or its administrative officers, in connection with the performance of the duties of the Board, or its administrative officers, if the record was exempt from disclosure by the public body and the consideration originally giving rise to the exempt nature of the record remains applicable
- F. financial information voluntarily provided to the Board for use in developing policy, if:
  - 1. the information is submitted upon the promise of confidentiality by the Board;
  - 2. the promise of confidentiality is authorized by the Superintendent or by an elected official at the time the promise is made;
  - 3. a description of the information is recorded by the Board 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 shall not apply to information submitted as required by law or as a

condition of receiving a governmental contract, license, or other benefit.

- G. information or records subject to the attorney-client privilege
  
- H. information or records subject to the:
  - 1. physician-patient
  
  - 2. psychologist-patient
  
  - 3. minister, priest, or Christian Science practitioner
  
  - 4. or other privilege recognized by Section 2165 of the Judicature Act or court rule
  
- I. a bid or proposal by a person to enter into a contract or agreement until the time for receipt of bids or proposals has expired
  
- J. appraisals of real property to be acquired by the Board until:
  - 1. an agreement is entered into
  
  - 2. three (3) years have elapsed since making the appraisal unless litigation relative to the acquisition has not yet terminated
  
- K. test questions and answers, scoring keys, and other examination instruments or data
  
- L. medical counseling or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation

- 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
  
- N. the exemption in "M", above, shall not apply unless the public body shows that in the particular instances that the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure
  
- O. records of communication codes
  
- P. testing data developed by the Board to determine whether a bidder's products meet specification for purchase of those products by the Board if disclosure would reveal that only one (1) bidder has met the specifications
  
- Q. if a record contains exempt and nonexempt material the Board, within reason, shall separate the material and make nonexempt material available
  
- R. whenever possible, in the designing of records, provisions shall be made to separate exempt and nonexempt information in order that nonexempt information shall be in a form that can be copied

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