

CITY OF LINDEN
RESOLUTION No. 09-15
FREEDOM OF INFORMATION ACT POLICY

WHEREAS, PA 553 of 1996 requires the City of Linden ("City") to designate an individual as the City's Freedom of Information Act ("FOIA") coordinator; and

WHEREAS, the FOIA allows the City to make reasonable rules necessary to protect its public records. NOW,

THEREFORE, BE IS RESOLVED, the following FOIA Policy is hereby adopted:

1. Purpose. It is the intent of this policy to provide clear-cut procedures for citizens and City officials in disclosing public records. The intent of this policy is to comply in all respects with the FOIA, but in the unintended event of a conflict, the FOIA shall control and be deemed a part of this policy.
2. FOIA Coordinator. The City Clerk is hereby designated and delegated duties as the FOIA Coordinator. With the exception of Section 4 of this Policy, all City officials and employees receiving document disclosure inquiries shall immediately transfer them to the FOIA Coordinator. All written requests for public records shall be forwarded to the FOIA Coordinator to keep for no less than one year.
3. Procedure. With the exception of information requested described in Section 4 of this Policy, all responses to requests for information under the FOIA shall be forwarded to and reviewed by the FOIA Coordinator prior to granting the request according to the following procedure:
 - a. Requests to review or for copies of records under the FOIA shall be in writing.
 - b. Requestor can ask for copies in paper, by e-mail, flash drive, or other electronic media that the City has the ability to provide.
 - c. The Request shall be date-stamped by the receiving department.
 - d. The request shall be immediately forwarded to the FOIA Coordinator.
 - e. The FOIA Coordinator shall distribute the request to all applicable departments, who shall return the information to the FOIA Coordinator.
 - f. The FOIA Coordinator shall prepare the response, with review by the City Attorney when appropriate.
4. Exceptions:
 - a. Information on Website. If the requested information is readily available on the city website at the time of the request, the city will inform the requester that the information is available to them on the website at no cost.
 - b. Routine Information. Requests for information from departments shall be handled by that department if:
 - i. The request is for records that are routinely provided to the public by that department;
 - ii. The records are readily available;
 - iii. The records are not exempt from disclosure under the FOIA;
 - iv. The records exist at the time of the request;
 - v. The record is sufficiently described; and

- vi. No other department would be likely to have the requested records.
- S. Rules to Prevent Excessive and Unreasonable Interference with City Functions.
- a. Records may be personally examined only during normal business hours.
 - b. City staff shall be given an opportunity to review files for exempt or privileged records prior to allowing public examination.
 - c. City staff may defer a request to personally examine records within the time limits indicated in the FOIA.
6. Rules to Protect Records. The following general records' protection rules will be followed to protect records from loss, unauthorized alterations, mutilation or destruction.
- a. Records are to remain in the departmental vicinity while being reviewed.
 - b. Records are not to be altered in any manner.
 - c. Pens are not allowed in the record review room.
 - d. Copies of records are to be made by City staff or its designee.
 - e. For documentation purposes, staff shall keep copies of or a list of documents released or copied.
 - f. Records may not be removed from binders or files. Records to be copied may be identified by "Post-It" notes.
7. Fees.
- a. Copies. 0.10 per copy.
 - b. Labor. The hourly cost of labor for the lowest paid employee capable of examining, reviewing and separating the public record requested and deleting and separating exempt from non-exempt material plus up to 50 percent for fringe benefits.
 - c. Computer disks or other devices shall be billed at the actual cost to the City.
 - d. Postage, if required, shall be billed at the actual cost to the City.
 - e. A copy of a public record shall be furnished without charge for the first \$20 of the fee to an indigent individual, or to a non-profit organization designed by the State to carry out activities related to disability assistance or advocacy for people with mental illness.
 - f. If the city does not respond in a timely manner, the city will reduce its labor charge by 50 percent.
 - g. The city may require a deposit of 100 percent of the cost if the requestor did not reimburse the city for public records acquired in a previous FOIA request.
8. Exemptions. The FOIA Coordinator is authorized to exempt from disclosure a public record pursuant to Section 13 of the FOIA.

BE IT FURTHER RESOLVED, that this policy shall be effective this 22nd day of June, 2015.