

# Dickinson - Iron District Health Department

## Administrative

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<b>Category:</b>	Records Management	<b>Number:</b>	7-1.060
<b>Subject:</b>	Freedom of Information Records Disclosure Policy	<b>Effective Date:</b>	6-24-15
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### **Policy:**

The Dickinson - Iron District Health Department complies in all respects with the Freedom of Information Act (FOIA), but in the unintended event of a conflict, FOIA shall control and be deemed a part of this Policy.

### **Purpose:**

To provide clear procedures for citizens and the department in disclosing public records.

### **Procedure:**

Department documents and records shall be available to the public in accordance with the Freedom of Information Act (FOIA), upon receipt of a written request which specifically describes the exact public records desired, unless exempted from disclosure by Section, 13 of the Act or other law. Compliance with FOIA does not require that the Department create new public records, nor make a compilation, summary or other report of information in order to satisfy a request.

The following are exempt from disclosure as a public record:

Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy. 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.

FOIA, 1976 Public Act 442, as amended, is attached and incorporated herein by reference. It should be referenced for a complete list of records exempt from disclosure.

#### 1. Requests:

All FOIA Requests must be made in writing, and include requests made by facsimile or e-mail copy. A FOIA request received by facsimile or e-mail copy is deemed received the first business day following its receipt.

2. FOIA Coordinator:

The Environmental Health Director of the Health Department is hereby designated and delegated duties as FOIA Coordinator. All Health Department officials and employees receiving document disclosure inquiries shall refer them to the Environmental Health Director. Any Health Department official or employee receiving a written FOIA request shall immediately transfer it to the Environmental Health Director. The Environmental Health Director may designate a Division Head to approve the request.

3. Documentation:

The original of the request and the Department's response, including a list of documents released, shall be filed in a chronological file and a copy thereof shall be placed in the file or files containing the material being examined. The Environmental Health Director will maintain a file for all requests. These requests and responses will be retained for not less than one year from the date of the response.

4. Rules to Protect Records:

To protect records from loss, unauthorized alteration, mutilation or destruction, each division or office may adopt rules to protect the records of his or her department. The following are general records protection rules for all divisions and offices:

- a. Staff supervision while records are being reviewed is required.
- b. Records are not to be altered in any manner.
- c. Pens are not allowed in record review rooms.
- d. Copies of records are to be made by staff.
- 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.
- g. Records within files shall be kept intact and in order.
- h. Copies of computer records shall be made on computer discs provided by the Department.
- i. Records to be copied may be identified by tape flags or "Post-It" notes, by separate written description or by inserting loose paper between pages.
- j. Copyrighted material shall not be photocopied.

5. Rules to Prevent Excessive and Unreasonable Interference with Health Department Functions:

- a. Records may be personally examined only during normal business hours between 8 a.m. and 4 p.m. on business days.
- b. Staff shall be given ample opportunity to review files for exempt or privileged records prior to allowing public examination.
- c. Staff may defer a request to personally examine records within the time limits indicated in the FOIA.

6. Response:

The FOIA Coordinator or designated Division head shall respond to a FOIA request, within five (5) business days of receipt, with one of the following actions:

- a. Grant the request;
- b. Deny the request;
- c. Grant the request in part and deny the request in part;
- d. Issue a Notice of FOIA Response extending the deadline for response not more than ten (10) additional business days from the date of the original response deadline due to unusual circumstances. Once such notice per request is permitted which shall also include the reason(s) for the extension and the date by which the coordinator or designee shall respond to the request.

7. Denial:

In the event of a denial of a FOIA request, the response should explain the reason for denial as well as the requesting party's right to appeal or request judicial review of the denial. Reasons for denial include:

- a. The exemption from disclosure of the public record under Section 13 of FOIA or as provided for in other statutes.
- b. The record does not exist under the name provided by the requester or under another name reasonably known to the Department.
- c. The request was not sufficiently specific regarding the public record that is desired.

d. Such other reason as may be allowed by law.

8. Appeals:

A requesting person in lieu of seeking a court determination regarding a final determination of the FOIA Coordinator, may file a written appeal to the Health Officer.

9. Exemptions:

The FOIA Coordinator is authorized to exempt from disclosure a public record pursuant to §13 of FOIA, and on appeal, the Health Officer is authorized to so exempt a public record.

10. Fees:

Fees shall be assessed as allowed by law for the services performed by Department employees relating to the processing of FOIA requests, as follows:

- a. Labor costs shall be assessed for the time spent in the search for, examination of, review of, the deletion and separation of exempt from nonexempt information within, the requested records if the FOIA Coordinator determines that the failure to charge such a fee with regard to a specific request would result in unreasonably high costs to the Department because of the nature of that request, and the FOIA Coordinator specifically identifies the nature of those unreasonably high costs. Where the time spent by one or more Department employees, individually or in the aggregate, exceeds fifteen (15) minutes in performing the above described tasks, such labor costs shall be assessed; and,
- b. The actual incremental cost of duplicating the requested records, at the rate per page per the Department's Fee Schedule, plus the cost of labor involved in such duplication of the requested records; and,
- c. Actual mailing costs; and,
- d. Such other fees and costs as may be allowed by law.

In calculating the labor costs authorized by this Policy the Department shall not charge more than the hourly wage of the lowest paid Department employee capable of retrieving the information and records necessary to comply with the request.

Should estimated fees exceed Fifty (\$50.00), a good faith deposit of one-half of the total estimated fee will be required prior to the processing of the FOIA request. Waivers of the deposit and/or a portion of the processing fees may be granted by the FOIA Coordinator in cases of indigency.

H:EH\FOIA Reference File\7-1.060 Freedom of Information Records Disclosure Policy