

**POLICE AND FIRE RETIREMENT SYSTEM
OF THE CITY OF DETROIT**

*FREEDOM OF INFORMATION ACT REQUEST POLICY
ADOPTED: June 23, 2011
AMENDED EFFECTIVE JULY 1, 2015*

TABLE OF CONTENTS

ARTICLE I. DEFINITIONS..... 1

ARTICLE II. GENERAL POLICIES2

ARTICLE III. RECORDS SUBJECT TO FOIA.....2

ARTICLE IV. PROCESSING OF FOIA REQUESTS, ASSESSING COMPLIANCE COSTS,
AND REVIEW OF APPEALS3

ARTICLE I. DEFINITIONS

Section 1.1. Statement of Purpose. The purpose of this Policy is to establish the PFRS policy for processing information requests in compliance with the Michigan Freedom of Information Act MCL § 15.231, *et seq.*, as amended most recently effective July 1, 2015 by Public Act 563 of 2014 (the “FOIA Act” or the “FOIA”).

Section 1.2. Applicability. This Policy applies to all requests for information submitted to the PFRS pursuant to the FOIA Act.

Section 1.3. Definitions. For the purposes of this policy, the following words shall have the meanings respectively ascribed to them by this section:

- (a) “*Board or Board of Trustees*” shall mean the Board of Trustees of the Police and Fire Retirement System of the City of Detroit.
- (b) “*Fee Itemization Form*” shall mean PFRS’s Fee Itemization Form adopted with the FOIA Procedures & Guidelines and Written Summary.
- (c) “*FOIA Coordinator*” shall mean the Assistant Executive Director or such other individual, designated by the Board, who is responsible for accepting and processing requests for public records as outlined in this policy and the FOIA Act, and who is responsible for issuing approvals or denials of requests.
- (d) “*FOIA Request*” shall mean a writing transmitted by facsimile, electronic mail, or other electronic means, or an oral communication in which a person requests information contained in a public record and describes the public record(s) sufficiently to enable the FOIA Coordinator to identify the requested public record(s).
- (e) “*FOIA Procedures and Guidelines*” shall mean PFRS’s Freedom of Information Act Procedures & Guidelines adopted effective July 1, 2015 pursuant to amendments to the FOIA Act required by Public Act 563 of 2014.
- (f) “*PFRS*” shall mean the Police and Fire Retirement System of the City of Detroit.
- (g) “*PFRS staff*” or “*staff*” shall mean employees or independent contractors of the PFRS, including General Counsel.
- (h) “*Public Record*” shall mean a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record does not include computer software.
- (i) “*Written Summary*” shall mean the written public summary of PFRS’s FOIA *Procedures and Guidelines* adopted effective July 1, 2015 pursuant to amendments to the FOIA Act required by Public Act 563 of 2014.
- (j) Undefined terms may be defined by reference to the FOIA Act.

ARTICLE II. GENERAL POLICIES

Section 2.1. Compliance with the FOIA Act. It is the policy of the PFRS to comply with the FOIA Act at all times, regardless of the identity of the person submitting the FOIA Request or the information requested. Violations of this Policy or the FOIA Act by staff or Board members may result in disciplinary action.

Section 2.2. FOIA Coordinator. The Assistant Executive Director is designated by the Board as the FOIA Coordinator, and is authorized to take the actions specified in this Policy. In the event of the Assistant Executive Director's absence or inability to perform his or her duties, the Executive Director of the PFRS and/or General Counsel are designated as Substitute FOIA Coordinators.

Section 2.3. PFRS Staff. PFRS staff will often be asked to assist in processing and responding to FOIA Requests. The Board considers the PFRS's staff's duties in this regard to be in addition to staff's job descriptions, and expects full compliance with direction of the FOIA Coordinator, any Substitute FOIA Coordinator, and the direction of the Board.

Section 2.4. Records Retention. FOIA Requests and responses to FOIA Requests shall be maintained by PFRS staff for a period of one year from the date of the Request or the response.

Section 2.5. Protection of Public Records and Preservation of Resources. The protection of the PFRS's public records, resources and staff time is an important consideration. In all cases, PFRS shall protect public records from loss, theft, damage, unauthorized alteration, mutilation, or destruction. In implementing this Policy, the PFRS may make reasonable rules necessary to preserve resources, protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions.

Section 2.6. Certified Copies. The custodian of a public record shall, upon written request, furnish a requesting person a certified copy of a public record.

Section 2.7. Public Information. The Board may post guidelines and procedures for processing FOIA Requests on its website at www.rscd.org or in a PFRS publication.

Section 2.8. The Board may establish additional rules and procedures for processing FOIA Requests in compliance with the FOIA Act, such as the FOIA Procedures & Guidelines.

ARTICLE III. RECORDS SUBJECT TO FOIA

Section 3.1. Public Records. All public records are subject to disclosure under FOIA, unless an exemption applies under applicable federal or state law.

Section 3.2. Board Member Records. Board members' notes taken during open session of a Board meeting may be subject to FOIA. While Board members are not required to maintain any notes or other documents prepared during or for meetings, if a Board member does create and maintain a public record, Board members are encouraged to keep their PFRS-related files segregated from their personal files and stored, if possible, at PFRS. Board members acknowledge that records maintained on a PFRS computer, phone or other electronic device may be subject to the FOIA unless a specific exemption applies, and that records of a personally owned or business-owned computer or electronic

device for communications regarding PFRS business may also be subject to the FOIA. Board members are encouraged to use only their official PFRS email accounts for any business relating to the Board member's duties.

Section 3.3. Staff Member Records. PFRS staff are informed that records maintained on a PFRS computer, phone or other electronic device may be subject to the FOIA unless a specific exemption applies, and that records of a personally owned or business-owned computer or electronic device for communications regarding PFRS business may also be subject to the FOIA. PFRS staff are required to comply with any applicable records retention or destruction policies at all times.

ARTICLE IV. PROCESSING OF FOIA REQUESTS, ASSESSING COMPLIANCE COSTS, AND REVIEW OF APPEALS.

Section 4.1. Procedures and Guidelines for Processing of FOIA Requests.

- (a) Upon receipt of a FOIA Request, a copy of the date-stamped request shall be immediately forwarded to the FOIA Coordinator and General Counsel.
- (b) The FOIA Coordinator shall provide a copy of the FOIA Request to the Board at the Board's next regular meeting.
- (c) The FOIA Coordinator will process FOIA Requests, assess compliance costs, and present appeals of fees and denials to the Board consistent with PFRS's FOIA Procedures & Guidelines, Written Summary, and Fee Itemization Form.
- (d) Legal Counsel. Prior to responding to a FOIA Request, the FOIA Coordinator shall consult with General Counsel and, if appointed, Special Counsel as to the timing, form and substance of such response.
- (e) If a FOIA Request appears to the FOIA Coordinator to originate from a representative of a media outlet, such as a reporter, the FOIA Coordinator will immediately notify the Board's Public Relations Committee of the FOIA Request and provide a copy of the FOIA Request.
- (f) This FOIA Policy, the FOIA Procedures & Guidelines, Written Summary, and Fee Itemization form shall be posted on PFRS's website at www.pfrsdetroit.org.