POLICIES AND PROCEDURE MANUAL

Chapter:	**General Management**		
Title:	**Freedom of Information Act (FOIA) Request Procedure**		
Policy: ☐ **Procedure:** ☒ **Page:** 1 of 4	**Review Cycle:** Biennial **Author:** MSHN Executive Support Specialist	**Adopted Date:** 9.11.2015 **Review Date:** 07.07.2026	**Related Policies:** Freedom of Information Act Policy General Management Record Retention

DO NOT WRITE IN SHADED AREA ABOVE

Purpose

It is the policy of Mid-State Health Network (MSHN) that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and official acts of those who represent them as public officials and employees. Citizens shall be informed so they fully participate in the democratic process. The following procedure is intended to detail the process for public access to required records and to establish the process by which MSHN will comply with the FOIA standards.

Procedure

1. Responsibility: MSHN, acting pursuant to the authority at MCL 15.236, designates the Executive Support Specialist, as the FOIA Coordinator. The FOIA Coordinator is authorized to designate other MSHN staff to act on his/her behalf to accept and process written requests for MSHN's public records and approve denials.

2. Information Access Under FOIA: Persons seeking direction on how to make a FOIA request shall be directed to this procedure on the MSHN website, www.midstatehealthnetwork.org. If the person does not have internet access a hard copy may be provided by US Mail.

   Instructions for Making a Request: *Before making a request, look to see if the information you are interested in is already publicly available. You can find a lot of useful information on a range of topics on the MSHN website,* www.midstatehealthnetwork.org.

   If the information you want is not publicly available, you can submit a FOIA request to the MSHN's FOIA Coordinator. There is no specifically required form for making a FOIA request, however the request must be in writing and sufficiently describe the public record(s) being requested.

   If the request is made by a person or personal agent, other than an individual who qualifies as indigent under Section 4(2)(A) of the FOIA, the request must include the requesting person's complete name, address, and contact information with a valid phone number and email address.

   MSHN can receive FOIA requests electronically, via email or fax, or in hard copy via the United States Postal Service or hand delivery

   - *Email:* sheryl.kletke@midstatehealthnetwork.org
   - *Fax: 517.253.7552*
   - *Mail/Hand Delivery: 530 W. Ionia, Ste F., Lansing, MI 48933.*

   What can I ask for under the FOIA: *A FOIA request can be made for any agency record. You can also specify the format in which you wish to receive the records (for example, printed or electronic*

form). The FOIA does not require agencies to create new records or to conduct research, analyze data, or answer questions when responding to requests.

Questions about making a FOIA request to MSHN should be directed to the FOIA Coordinator at 517.253.8203

3. Processing a FOIA Request: If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to MSHN's spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

   The FOIA Coordinator shall review spam and junk-mail folders on a regular basis, which shall be no less than once per month. The FOIA Coordinator shall work with MSHN Information Technology (IT) staff to develop administrative rules for handling spam and junk-mail so as to protect MSHN systems from computer attacks which may be embedded in an electronic FOIA request.

   Upon any request for a public record, the FOIA Coordinator will notify the Chief Executive Officer and the Deputy Director. FOIA requests for Protected Health Information (PHI) or Medical Records of an individual served shall be referred to the Chief Compliance and Quality Officer. The Chief Compliance and Quality Officer will review and provide the requested records containing PHI that are not covered under an exemption of the Freedom of Information Act to the FOIA Coordinator.

   The FOIA Coordinator shall keep a copy of all written requests for public records, received by MSHN, in accordance with the Board approved record retention policies and State of Michigan Guidelines (FOIA records must be retained from the date of creation plus 1 year.)

   Unless otherwise agreed to in writing by the person making the request, MSHN will issue a written response within five (5) business days of receipt of a FOIA request. The FOIA Coordinator will respond to a request in one of the following ways:
   1) Issue a written notice granting the request
   2) Provide notice the requested record is available electronically via the MSHN or MSHN affiliate website (including the appropriate web addresses and/or links);
   3) Issue a written notice denying the request
      a. Written notice of the denial will be provided to the requester within five (5) business days, or within fifteen (15) business days if an extension is taken.
      b. Denial notice shall include:
         i. Full explanation of the reason(s) for the denial
         ii. The requester's right to submit a written appeal to the Chief Executive Officer (CEO)
         iii. The requester's right to seek judicial review.
         iv. Notification of the right of judicial review will include notification of the right to receive attorney fees and collect damages.
         v. Signature and designation of person responsible for the denial of the request
   4) Grant the request in part and issue a written notice denying in part the request
   5) Issue a notice extending the period for response to the request
      a. Notice will indicate that due to the nature of the request, MSHN needs an additional ten (10) business days to respond for a total of no more than fifteen (15) business days.

   The FOIA Coordinator **must** include **free** written copies of MSHN's FOIA procedures and guidelines and the written summary with the written response. This requirement may be satisfied by providing the exact website location to MSHN's FOIA procedures and guidelines and the written summary.

If a request is granted, or granted in part, the FOIA Coordinator may require a good faith deposit be received for no more than half of the allowable fees associated with the request, before the public record is made available. Fees shall be limited to actual duplication, mailing and labor costs.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to described timelines.

MSHN shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator shall make record accessible in a manner that protects MSHN documents from loss, alteration, mutilation or destruction, and to prevent excessive interference with normal MSHN operations.

4. Appeal: If a request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial, which shall provide in the applicable circumstance:
   - An explanation of the person's right to submit an appeal of the denial to either the MSHN CEO, or seek judicial review in the Circuit Court; and
   - An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of $1,000, should they prevail in Circuit Court.

Applies to

☒ All Mid-State Health Network Staff & Board Members
☐ Selected MSHN Staff, as follows:
☐ MSHN CMHSP Participants: ☐ Policy Only ☐ Policy and Procedure
☐ Other: Sub-contract Providers

Definitions

CEO: Chief Executive Officer
FOIA: Freedom of Information Act
MSHN: Mid-State Health Network
PHI: Protected Health Information
Public Record: means 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. For purposes of FOIA, a public record does not include protected health information or peer review records used to support competency review and credentialing. A public body cannot be compelled to create a public record that does not already exist to meet a FOIA request.

Other Related Materials

FOIA Policy
Request for Public Records Form
Notice to Extend Response Time Form
Notice of Denial of FOIA Request Form
Appeal of Denial of Records Form
FOIA Public Summary

References/Legal Authority

Freedom of Information Act, PA Act 442 of 1976

Change Log:

Date Of Change	Description of Change	Responsible Party
09.13.2015	New Procedure	Executive Assistant
03.10.2017	Annual Review	Executive Assistant
11.08.2018	Annual Review	Executive Assistant

01.29.2019	Annual Review	Executive Assistant
09.16.2021	Updated Email address	Deputy Director
06.03.2022	Biennial Review	Executive Assistant
05/2024	Biennial Review	Executive Support Specialist
06/2026	Updated to clarify PHI requests	Executive Support Specialist