

**MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN
FREEDOM OF INFORMATION ACT
WRITTEN SUMMARY**

Pursuant to Section 4 of the [Michigan Freedom of Information Act](#), MCL 15.234, ("FOIA" or the "Act") the Municipal Employees' Retirement System of Michigan ("MERS") is providing this written public summary of FOIA guidelines and procedures.

How to Submit Written Requests to MERS

Generally, MERS requires individuals or entities to submit FOIA requests in writing. FOIA requests may be submitted to MERS in various ways:

1. Using MERS' online form found at: <http://www.mersofmich.com/MERS/About-MERS/Legal/FOIA-Request>. This is the preferred method, and may ensure a quicker response.
2. By mail to the following address:

Municipal Employees' Retirement System of Michigan
Attn: FOIA Coordinator
1134 Municipal Way
Lansing, Michigan 48917
3. By facsimile at (517) 327-8336, Attn: FOIA Coordinator.
4. By email to FOIACoordinator@mersofmich.com; or
5. In person at the address above.

Before submitting your request, please review the following checklist to ensure a timely and accurate response to a request:

- Ensure all fields on the online form are fully and accurately completed.
- If you are not using the online form, make sure the correspondence is addressed to the "FOIA Coordinator" and includes the proper address and/or fax number.
- Unless you qualify as indigent under the FOIA, you must include your complete name (not that of an entity), address, and either your phone number or email address.
- Clearly state that the request is being made for a public record(s) pursuant to the "Freedom of Information Act" or the "FOIA."
- Describe the public record(s) requested in sufficient detail so that it can be easily identified and located.
- Describe the subject matter of the public record(s) requested and, if possible, the approximate date that the public record(s) was created.
- State the manner in which you prefer MERS to provide the public records, such as: paper copies, email, non-paper physical media, etc. (please note, all request responses must be within the technological capabilities of MERS).

- If you wish, you may stipulate that public records be provided on non-paper, physical media, electronically mailed, or otherwise electronically provided in lieu of paper copies. However, if the requested public records are available on MERS' website and the response includes the website address, then any request for paper format or other form, such as electronic form, may result in additional charges.

How to Understand MERS' Written Responses

When the FOIA Coordinator receives a written request for a public record, the FOIA Coordinator, or his or her designee, shall, not more than 5 business days after MERS receives the request, respond to the request in one of the following ways:

1. Grant the request.
2. Issue a written notice to the requestor denying the request.
3. Grant the request in part and issue a written notice to the requestor denying the request in part.
4. Issue a written notice extending for not more than 10 business days the period during which MERS shall respond to the request.

Deposit Requirements

If the estimated cost of responding to a request exceeds \$50.00, MERS may require a good faith deposit of 50% to be submitted before the request is processed. Once the good faith deposit is submitted, MERS will process the request. The balance of the cost of the request must be paid before copies may be picked up, mailed, or delivered. Good faith deposits and payment for fees charged for responding to FOIA requests should be in check or money order format, and may be mailed to MERS' main office address, to the attention of the FOIA Coordinator.

MERS may require a 100% deposit from a requestor before MERS begins a full public record search if the requestor has not previously paid a fee for a prior fulfilled FOIA request for any subsequent written request from that individual if all of the following apply:

1. The final fee for the prior request was not more than 105% of the estimated fee.
2. The public records made available contained the information being sought in the prior written request and are still in MERS' possession.
3. The public records were made available to the individual, subject to payment, within the applicable time frame estimate.
4. Ninety days have passed since MERS notified the individual in writing that the public records were available for pickup or mailing.
5. The individual is unable to show proof of prior payment to MERS.
6. MERS calculates a detailed itemization as required that is the basis for the current written request's increased estimated fee deposit.

MERS shall no longer require an increased estimated fee deposit from an individual as described under if any of the following apply:

1. The individual is able to show proof of prior payment in full to MERS.
2. MERS is subsequently paid in full for the applicable prior written request.
3. Three hundred sixty-five days have passed since the individual made the written request for which full payment was not remitted to MERS.

NOTE: Deposits must be received within 48 days of the date the notice of deposit is sent or MERS will consider the FOIA request abandoned.

Fee Calculations

Please review the attached Fee Itemization Form, which provides a line-by-line summary and explanation of the fees that MERS may charge in response to a request, pursuant to Section 4 of the Act.

Avenues for Challenge and Appeal

Fee Appeals: If the requestor believes the fee estimated or charged for the request exceeds the amount permitted under MERS' procedures and guidelines or Section 4 of the Act, the requestor may:

1. Submit to the MERS Retirement Board a written appeal for a fee reduction that specifically states the word "appeal" and identifies why the requestor believes the required fee exceeds the amount permitted under MERS' procedures and guidelines or Section 4 of the Act.
2. If the requestor disagrees with MERS' final determination, the requestor may, after exhausting internal administrative remedies, commence a civil action in Eaton County Circuit Court for a fee reduction. The civil action must be filed within 45 days of MERS' final determination to deny a request pursuant to Section 10(1)(b) of the Act.

Denial Appeals: Any written response denying a request for a public record, in whole or in part, is a final determination to deny the request or portion of that request. A requestor may:

1. File an appeal with the Retirement Board; or
2. Seek judicial review of the denial, pursuant to Section 10 of the Act. If a disclosure denial is upheld in whole or in part, a requestor may seek, within 180 days after the final determination to deny a request, judicial review of the nondisclosure by commencing an action in the Circuit Court for the County in which MERS is located.
3. A requestor may receive attorneys' fees and damages pursuant to the Act if the Court determines that MERS has not complied with Section 5 of the Act and orders the disclosure of all or a portion of a public record.