

5. Food and drink should be restricted to light refreshments such as coffee and cookies. The kitchenette will be available for this purpose. There are no supplies or equipment available.
6. Alcoholic beverages are not allowed.
7. Smoking is prohibited.
8. The cost of any extra cleaning which may be necessary will be billed to the person who signed the *Community Room Consent Form*.
9. The Library will not be responsible for any items such as equipment, supplies, clothing, etc. which are brought to the meeting by the group or individual.
10. The Library Board and staff will assume no personal liability for the group or persons attending a meeting in the Library.
11. There is no fee charged for the use of the room. However, donations will be accepted. The library reserves the right to bill patrons for damage to the community room while in their use.
12. Organizations, groups or individuals may utilize the Community Room for meeting space up to five times in a month.

V. CONFIDENTIALITY

A. Patron Records

1. Library patron records are privileged and confidential information. Disclosure of these records containing names, addresses, license numbers, telephone numbers and any other information provided on the patron's registration form would constitute an invasion of privacy, pursuant to the Freedom of Information Act MLC 15.243 (1)(a). Therefore, under this policy, persons requesting such information will be denied access to library records. This does not include representatives of the law who provide a court issued subpoena or search warrant and/or under the provisions of the USA Patriot Act. The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) became law on Oct. 26, 2001. Under provisions of the act, the Federal Bureau of Investigation (FBI) and law enforcement officials may seek court orders for library records for investigations relevant to national security or terrorism. Libraries or librarians served with these search warrants may not disclose, under penalty of law, the existence of the warrants or the fact that records were produced as a

result of the warrants. Patrons cannot be told their records were given to law enforcement agencies or that they were the subjects of FBI investigations.

2. Records are protected by the Michigan Library Privacy Act (PA 455 of 1982) which provides that Library records may not be disclosed to third parties unless the library has received written permission from the patron or a properly obtained court order (MCL 397.603). A 'library record' is defined in the statute as 'a document, record, or other method of sorting information retained by a library that identifies a person as having requested or obtained specific materials from a library'. 'Library record' does not include non-identifying material such as circulation statistics.
3. Library cards are available to children under 16 if a parent or guardian signs for them, agreeing to take financial responsibility for any items lost or damaged. This means that Michigan law allows us to divulge the circulation records (that is items checked out, when they were checked out, and the fines owed for them) to that parent or guardian.
4. A child (that is someone under 18) is allowed an adult card, if they are 16 and have a driver's license. The signature of a parent is not required to receive a card.
5. Patrons may authorize third party access to their records by presenting their library card or ID to library staff and requesting a dated and staff initialed annotation on their account stating desired permissions.
6. Non-identifying statistical data may be released without written permission.
7. We do not give out information from the City Directory over the phone. It is our policy not to give out published or unpublished information on private individuals.
8. If information is legally requested (through subpoena or search warrant), staff should respond in the following manner:
 - a) Staff approached by a law enforcement officer or agent with a request or court order to examine or obtain records of any library patron will ask for identification and direct the officer or agent to the Library Director or other designated person in charge. The Library Director or other designated person in charge will review the request and an attorney may be consulted.

- b) Search warrants signed by the court are immediately enforceable. Staff will request identification, a copy of the warrant and may request the agent or officer direct the inquiry to the Library Director or other designated staff in charge. The Library Director or designated staff in charge may request time to fax the warrant to an attorney for verification. If the officer or agent wishes to immediately enforce the search warrant, staff should not interfere, but proceed to notify the Library Director or designated person in charge of the search.

B. Library Records (FOIA)

1. Freedom of Information Act (FOIA) Procedures and Guidelines

The Library will follow the Freedom of Information Act Requests in accordance with Michigan Legislative Public Act 442 of 1976, MCL 15.231 et seq (FOIA), effective July 1, 2015, and this policy. A summary of this policy can be found in *FOIA Summary* (Appendix # 6).

- a) APPOINTMENT OF A FOIA COORDINATOR
Keeping with Section 6 of the FOIA, MCL 15.236, RCADL has appointed a FOIA Coordinator as well as an alternate FOIA Coordinator. The names of the FOIA Coordinator and alternate FOIA Coordinator are available from the Library Director's Office.

The FOIA Coordinator will report action taken on FOIA requests at the next scheduled meeting of the RCADL Library Board.

- a) SUBMISSION OF FOIA REQUEST
FOIA requests to the RCADL can be sent by e-mail or mail to:
E-mail: director@reedcitylibrary.org
FOIA Coordinator/Library Director
Reed City Area District Library
410 W. Upton Ave.
Reed City, MI 49677

Requests should include a name, phone and mailing address.

- b) IMMEDIATELY FORWARD FOIA REQUEST
Any Library employee who receives a written request for a public record must immediately forward it to the FOIA Coordinator at RCADL. If a Library employee receives a written request for a public record that is delivered to a spam or junk mail folder, the employee must record the date and time the written request is delivered to the spam or junk mail folder and the date and time the employee first becomes aware of the written request, which

must be forwarded to the FOIA Coordinator with the written request.

c) REQUEST RESPONSE TIME

RCADL must respond to the FOIA request within five (5) business days after receipt of the request. RCADL may extend the time for responding by an additional ten (10) business days by notifying the requesting person in writing of the reason for the extension and the new due date. MCL 15.235(2)(d) and (6). Written requests made by facsimile, electronic mail or other electronic transmission are not received by the FOIA Coordinator until one (1) business day after the electronic transmission is made.

d) RESPONSE TO A FOIA REQUEST

Only the Library's FOIA Coordinator or Alternate FOIA Coordinator will respond to FOIA requests. RCADL will provide copies of these procedures and guidelines and a summary of these guidelines with each written response or provide a link to an online version of these documents. If a request is denied, in full or part, RCADL will provide the requestor with an explanation of the basis of the denial under the FOIA, and give notice to the requestor of his or her remedial rights. MCL 15.235(4).

e) ASSESSMENT OF FEES FOR A FOIA REQUEST

The FOIA permits the Library to charge a fee for the search, retrieval, examination, review, and separation and deletion of exempt from nonexempt material, but only if the failure to charge a fee would result in unreasonably high costs to the Library because of the nature of the request in a particular instance, and the Library specifically identifies the nature of these unreasonably high costs. MCL 15.234(1) and (3).

The following fee guidelines for calculating labor and material costs incurred in Processing FOIA requests are established pursuant to MCL 15.234(3).

- (1) Fees will be uniform and not dependent upon the identity of the requesting person.
- (2) Fees will be itemized using the attached detailed *FOIA Itemization of Fees Form* (Appendix # 7) and will include:
 - (a) Labor costs for the search, location and examination of public records will be calculated using the hourly wage of the Library's lowest paid employee capable of conducting the search, location and examination, whether or not they are available or actually perform the labor. Such labor cost shall be estimated and charged in increments of fifteen (15) minutes with partial increments rounded down. The hourly wage will be based on the Library's payroll records for the present fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
 - (b) Labor costs for the review of public records and separation and deletion of exempt from nonexempt material will be calculated using the hourly wage of RCADL's lowest paid employee capable of conducting that work, whether or not they are available or actually perform the labor. This labor shall be estimated and charged in increments of fifteen (15) minutes with partial increments rounded down. The hourly wage will be based on the Library's payroll records for the present fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
 - (c) Non-paper physical media costs will be calculated using the actual and most economical cost of computer discs, computer tapes and other digital and similar media provided by RCADL.
 - (d) Duplication and publication costs will be calculated using the actual total incremental cost of necessary duplication or publication of a public record, not including labor. The actual cost and incremental cost, calculated per sheet, shall be charged and will not exceed 10 cents per sheet of paper for letter or legal size paper. RCADL shall use the most economical means available for making copies,

including the use of double-sided printing. RCADL will not charge a fee for duplication costs of less than \$ 1.00.

- (e) Labor costs for the duplication or publication of public records, including making paper copies, making digital copies, or transferring digital public records to be produced on non-paper physical media or through electronic means, will be calculated using the hourly wage of RCADL's lowest paid employee capable of duplicating or publishing the public records, whether they are available or actually perform the labor. This labor shall be estimated and charged in increments of fifteen (15) minutes with partial increments rounded down. The hourly wage will be based on the Library's payroll records for the present fiscal year. Labor costs shall also include up to 50% of the hourly wage to partially cover the cost of fringe benefits, not to exceed the actual cost of fringe benefits.
 - (f) Actual costs of mailing using a reasonably economical and justifiable manner.
- (3) No RCADL employee shall work overtime or include overtime wages in the labor costs.
 - (4) If a requestor submits an affidavit of indigency, the first \$ 20.00 of a fee will be waived. A requesting person must include a statement that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration. In cases other than indigency, no employee shall waive a fee or part of a fee without authorization from the FOIA Coordinator.
 - (5) Labor costs for monitoring and inspection of original records will be calculated using the hourly wage of RCADL's lowest paid employee capable of monitoring the inspection. Labor costs for monitoring and inspection will not be charged for the first hour. The hourly wage will be based on RCADL's payroll records for the present fiscal year.
 - (6) If a statute authorizes the sale or production of public records to the public for a specified fee or if a fee for production of public records is otherwise set by statute, RCADL will charge the statutory fee in lieu of a fee calculated using the guidelines set forth above.

- (7) RCADL will not charge a fee for the search, retrieval, examination, review and separation and deletion of exempt from nonexempt material that will take less than one hour. If the search, retrieval, examination, review, and separation and deletion of the exempt from the nonexempt material will take more than one hour, a fee will be charged in accordance with this procedure pursuant to Section 4 of the FOIA, MCL 15.234. The hourly wage will be based on RCADL's payroll records for the present fiscal year.
- (8) If the FOIA Coordinator knows or has reason to know that all or part of the requested information is available on RCADL's website, RCADL shall notify the requestor in its written response and shall include the website in the response. The FOIA Coordinator shall separate the requested public records available on the website from those that are not available, and shall inform the requestor of the additional charge to receive copies of what is available on the website.
- f) DEPOSIT REQUIREMENTS
If RCADL estimates a fee to process a FOIA request greater than \$ 50.00, RCADL will require a good faith deposit from the requestor before providing the public records to the requestor. The deposit shall not exceed ½ of the total estimated fee. Any written notice containing a notice of deposit shall also contain a best efforts estimate by RCADL regarding the timeframe after a deposit is received that it will take RCADL to provide the public records to the requestor. The timeframe estimate is not binding upon the RCADL, but RCADL shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this State's public policy under section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.
- g) APPEALS OF FEES AND DISCLOSURE OF DETERMINATIONS
If RCADL charges what the requestor believes to be an excessive fee or denies all or part of a request, the request may submit to the RCADL Board, as the governing body, a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced or the nondisclosure determination should be reversed. The Board shall designate the FOIA Coordinator to receive the written appeal and immediately notify the Board President of its receipt.

h) REVIEW OF FEES AND DISCLOSURE DETERMINATIONS

Under section 10(3) of the FOIA, MCL 15.240(3), the RCADL Board is not considered to have received a written appeal until the first regularly scheduled meeting of the Board following submission of the written appeal. Should the Board decide to consult with legal counsel on the appeal, it must comply with time periods set forth in the FOIA for written responses as well as the provisions of the Michigan Open Meetings Act, 1976 PA 267, MCL 15.261 et. seq.

i) FURTHER APPEALS CONCERNING FEE REDUCTIONS OR DISCLOSURE DETERMINATIONS

A requestor may, within 180 days after the Library's final determination to deny a request, commence a civil action in the circuit court to compel disclosure under Section 10(4) of the FOIA, MCL 15.240(4), the "circuit court of the county in which the public record or an office of the public body is located has venue over the action." Actions involving fee reductions must be filed within 45 days after receiving the notice of a required fee or the determination of an appeal to the RCADL Board.

VI. DONATIONS

A. Gifts

1. The Library will encourage and accept gifts with the understanding that gifts of materials will be added to the collection if they meet the same standards as purchased materials. Gift materials not meeting these standards, those that are out-of-date, unneeded duplicates of items already owned, or those in a format not suitable for library use, may be given to other organizations, sold at a book sale, or otherwise disposed of as the Library deems appropriate.
2. Gift items may be marked with an appropriate bookplate.
3. A statement for tax purposes may be given to the donor if requested at the time the donation is made, acknowledging the receipt of the gift on a *Donation Receipt Form* (Appendix # 8). The Library will not determine a dollar amount for books or other in-kind donations. A certified appraiser must be contacted by the patron to determine the book value if the book is an antique.

B. Monetary (see FINANCIAL; Money Handling; Other Deposits)