

Wellvance
Board Policies

POLICY NUMBER 100	SUBJECT Freedom of Information Act (FOIA)	
WRITTEN BY Diane C Pelts, Chief Executive Officer	AUTHORIZED BY Wellvance Board of Directors	DATE APPROVED 2024

I. APPLICATION:

- CMH Board CMH Providers
 CMH Staff CMH Subcontractors

II. POLICY STATEMENT:

The Wellvance Governing Board shall establish policies with related procedures as required by statutory and contractual obligations.

III. DEFINITIONS:

In accordance with FOIA, the Chief Executive Officer is the FOIA Coordinator and as such is the individual designated to administer this policy. The Chief Executive Officer shall be responsible for accepting and processing requests for records covered under the Act; may designate other administrative staff as necessary to assist in accepting and processing requests for Wellvance public records; and shall be responsible for approving a denial in accordance with the Act. From here on the FOIA Coordinator and his/her designees will be referred to as FOIA Coordinator.

IV. STANDARDS: N/A

V. PROCEDURES:

- A. Submission of requests: All FOIA requests must be submitted in writing. This includes requests received by facsimile, electronic mail or through other electronic means. Requests received by facsimile or other electronic means are considered received the first business day following the transmittal. A request must describe the public record sufficiently to enable the public body to find the public record.
- B. Review of records: After searching for and, if available locating the requested public record or records relevant to the request, that public record or records shall be examined and reviewed by the FOIA Coordinator to determine if it contains, in whole or in part, exempt material. If the public record has been determined to contain both exempt and non-exempt material, the non-exempt material shall be separated from the exempt material and non-exempt material shall be made available for the requesting person's examination or copying. There is no requirement to create any new public record in responding to a FOIA request. If all or a portion of the relevant records are found to be exempt, the public body shall deny the request, completely or in part, and set forth with specificity the exemption(s) that apply to the response.
- C. Consultation with Attorney. Upon receipt of a FOIA request, the FOIA Coordinator may submit it to an attorney, at the sole discretion of the FOIA Coordinator, for review and necessary advice.

D. Response. Within five (5) business days the FOIA Coordinator, will:

1. Grant the request completely.
2. Grant the request in part and deny the request in part.
3. Deny the request.
4. Issue a notice extending for not more than ten (10) business days the period during which Wellvance will respond to the request, which shall specify the reasons for the extension. Not more than one (1) notice of extension will be made for a particular request.

E. Denial. Notice to deny a request in whole, or in part, by the FOIA Coordinator shall contain an explanation for the grounds under FOIA or other statute for the determination that the public record or portion of the public record is exempt from disclosure. A specific request can be properly denied only if, it does not exist or it falls within one of the statutory exemptions listed in FOIA. If an exemption is used to deny a request, the specific statutory citation for the exemption will be listed with a copy of the statutory exemption highlighting the specific exemption attached. All denials will also include a general description of the denied record and any records separated or deleted from the material provided. If the requested record does not exist, the FOIA Coordinator shall certify separately that the Agency that no such record exists in the form requested or any such form reasonably known to the agency. All responses, other than a complete granting of the request, shall contain a statement of the requestor's right to appeal to the head of the public body or seek judicial review of the denial and the requesting party's right to attorney fees and damages.

F. File FOIA Request. Copies of all written FOIA requests and response letters will be sent to the FOIA Coordinator. The FOIA Coordinator will keep on file a dated copy of all requests and responses for a period of one (1) year following their issuance.

G. Fees. In accordance with FOIA, Wellvance may charge fees for reproducing requested records; this shall include actual mailing cost, duplication or publication cost including labor, the cost of the search, examination, review, and the cost of separation of exempt from non-exempt information. For labor costs, Wellvance may charge no more than the hourly wage of the lowest paid public body employee capable of retrieving the information necessary to comply with the FOIA request. A good faith deposit may be requested where charges are expected to exceed fifty dollars (\$50). The deposit cannot exceed half of the total expected fee. The FOIA Coordinator will, by mail, advise the requester that they can obtain copies of the records requested by first paying the above applicable fees.

The first \$20.00 of the fee shall be waived for each request of an individual who is entitled to information under this Act and who submits an "Affidavit of Indigency" stating that they are receiving public assistance or, if not receiving public assistance, stating facts showing inability to pay the full cost.

The FOIA Coordinator shall provide the means by which a fee can be calculated for reproducing documents. This calculation shall include labor, paper, copy machine, and supplies cost. This fee shall be calculated periodically.

- H. Inspection of Records. A requesting person who is granted a right to inspect a requested public record or records shall be furnished a reasonable opportunity for inspection and examination of such public record or records together with reasonable facilities for making memoranda or abstracts from the same during usual business hours. Such inspections or examinations shall be conducted by the requesting person in the presence of the FOIA Coordinator and under such conditions as they might require in order to protect its public records and to prevent excessive or unreasonable interference with the discharge of public functions.
- I. Appeals to the Board of Directors. If a person that was denied in whole or in part a FOIA request appeals that determination to the Wellvance Board of Directors in a timely manner, the Board shall consider such appeal at its first regularly scheduled meeting following the submission of the written appeal, or within (10) days of that first regularly scheduled meeting. At such meeting, or within (10) days of such first meeting, the Wellvance Board of Directors shall do one (1) of the following:
 - 1. Reverse the disclosure denial.
 - 2. Issue a written notice to the requesting person upholding the disclosure denial.
 - 3. Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
 - 4. Under unusual circumstances, issue a notice extending for not more than ten (10) business days the period during which the Wellvance Board of Directors shall respond to the written appeal. The Board shall not issue more than one (1) notice of extension for a particular written appeal.