

**CITY OF SOUTHFIELD FIRE AND POLICE RETIREMENT SYSTEM**

**POLICY RESOLUTION**

**Adopted: March 10, 2014**

**Re: Freedom of Information Act Policy**

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**WHEREAS**, the Board of Trustees is vested with the general administration, management and operation of the Retirement System and for making effective the provisions thereof, and

**WHEREAS**, the Board of Trustees has fiduciary duties to the members and beneficiaries of the Retirement System and shall discharge these duties solely in their interests for the exclusive purposes of providing benefits and defraying reasonable expenses, and

**WHEREAS**, it is the policy of the Board of Trustees to comply with the laws of this state and the United States consistent with these duties, and

**WHEREAS**, the Board acknowledges that a writing prepared, owned, used, in the possession of, or retained by the Board in the performance of an official function shall be made available to the public in compliance with the Michigan Freedom of Information Act, Public Act 442 of 1976, as amended (MCL §15.231 et seq), and

**WHEREAS**, in the operation of the Retirement System, the Board is aware of certain privacy and confidentiality issues involving members, beneficiaries and commercial or financial information provided to it in the course of investing the assets of the Retirement System, and

**WHEREAS**, the Board's policy has always been to receive certain information entitled to a status of privacy and confidentiality as allowed by law to be accepted subject to the enforcement of such privacy and confidentiality, and

**WHEREAS**, the Board of Trustees desires to formalize its policies and procedures with respect to Freedom of Information Act requests and responses thereto, therefore be it

**RESOLVED**, that the Board's Administrator be designated as the chief administrative officer of the Retirement System for the purposes of the Freedom of Information Act, and further

**RESOLVED**, that the Board's Administrator after discussion with the Board's Legal Counsel, be designated as the person responsible for approving grants or denials of Freedom of Information Act requests, and further

**RESOLVED**, that all Freedom of Information Act requests received on behalf of the Board of Trustees be dated and time stamped upon receipt, and further

**RESOLVED**, that a copy of all Freedom of Information Act requests be immediately provided to Legal Counsel, and further

**RESOLVED**, that Legal Counsel immediately review all Freedom of Information Act requests received on behalf of the Board of Trustees and coordinate the response thereto with the Board Administrator, and further

**RESOLVED**, that Legal Counsel and the Board Administrator promptly report to the Board of Trustees all Freedom of Information Act requests and responses, and further

**RESOLVED**, that it is the policy of the Board of Trustees to charge for the actual incremental cost of copying all public records or information sought by Freedom of Information Act requests, including the cost for copying, searching, reviewing, separating and duplicating with respect thereto, and postage for mailing such copies to requesters, and further

**RESOLVED**, that it is the policy of the Board of Trustees to require a deposit of 1/2 the estimated cost thereof when the cost of any Freedom of Information Act request is estimated to exceed \$50.00, and further

**RESOLVED**, that the Retirement System provide by appointment only, an opportunity to review public records or information to requestors of information whose Freedom of Information Act requests have been granted, and further

**RESOLVED**, that the Board of Trustees, or the Board Administrator on behalf of the Board of Trustees, grant promises of confidentiality in writing for trade secrets or commercial or financial information provided to it as allowed by applicable law to those providing such information, and that such information not be disclosed in response to any Freedom of Information Act requests, and further

**RESOLVED**, that when the privacy interest of members or beneficiaries outweigh the public's right to information, such information not be disclosed in response to Freedom of Information Act requests, and further

**RESOLVED**, that the City shall not release Retirement System records without the prior authorization of the Board of Trustees, and further

**RESOLVED**, that a copy of this policy resolution shall be forwarded to the appropriate union and City representatives.