



**ATTACHMENT B
SAMPLE CERTIFICATE OF NON-EXISTENCE OF PUBLIC RECORD**

[DATE]

[REQUESTOR'S NAME]
[REQUESTOR'S ADDRESS]

RE: Freedom of Information Act Request Dated _____

Dear _____:

Oakridge Public Schools is in receipt of your letter dated _____, regarding a request under the Michigan Freedom of Information Act ("FOIA"). Your letter was received on {INSERT STATUTORY RECEIPT DATE}. You requested [INSERT DESCRIPTION OF RECORDS SOUGHT].

I HEREBY CERTIFY, PURSUANT TO Section 5(4)(b) of the FOIA, that your FOIA request is denied because, to the best of my knowledge, information and belief, no public records exist as of [INSERT STATUTORY RECEIPT DATE], under the name(s) set forth in your request as detailed below, nor under another name reasonably known to the School District. MCL 15.235(4)(b).

**RIGHT TO APPEAL DISCLOSURE DENIAL
AND RECOVER ATTORNEYS' FEES AND COSTS**

If a public body makes a final determination to deny all or a portion of a FOIA request, the requesting person may do one of the following at his or her option:

- (1) Submit to the "head of the public body (the School Board)" a written appeal that specifically states the word "appeal" and identifies the reasons or reasons for reversal of the disclosure denial; or
- (2) Commence an action in the circuit court to compel the public body's disclosure of the public records.

If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under section 10 of the FOIA, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages that kept or maintained the public record as part of its public function.

If the circuit court determines in an action commenced under section 10 of the FOIA that the School District arbitrarily and capriciously violates the FOIA by refusal or delay in disclosing or complying with the FOIA or otherwise acted in bad faith, the court shall award, in addition to any actual or compensatory damages, punitive damages as prescribed in the FOIA to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an

individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its function.

A full explanation of your right to seek either appeal or judicial review is set forth in Section 10 of the FOIA, MCL 15.240.

A copy of the School District's FOIA Procedures and Guidelines available on the School District's website at www.oakridgeschools.org.

Sincerely,

Tom Livezey, Superintendent
FOIA Coordinator