



Records Policy

All writings prepared, owned, used, in the possession of, or retained by the Michaywé Owners Association or any of its profit or non-profit subsidiaries, directors, officers, agents or employees, may be obtained by members with the exception of those writings which are exempt from disclosure pursuant to Subsection "a. Writings exempt from disclosure," contained herein. The request from the member must be specific in nature and shall be published in the minutes for the following regularly scheduled meeting.

- a. Writings exempt from disclosure. The Association may exempt from disclosure the following writings:
 - i. Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of privacy. Determination of what information, if released, constitutes a clearly unwarranted invasion of privacy shall be solely within the discretion of the Board. However, the mixing of personal and association related information into a single document shall not constitute a basis for denying production of the writing, subject to the following provision:
 - a.) In the event personal information and association related information are mixed in a requested document, said personal information may be redacted or otherwise removed from the requested document as the Board, in its sole discretion, deems advisable.
 - ii. Personnel disciplinary matters.
 - iii. Communications with legal counsel to the extent such non-disclosure is permitted or permissible in the State of Michigan.
 - iv. Documents regarding the enforcement of the deeded restrictions, bylaws or rules and regulations as promulgated by the Board that is brought against an individual member or members, unless disclosure is specifically permitted by that member or members.
 - v. Personal writings to or from any board members provided said personal writings do not address issues previously brought before the Board for consideration, currently before the Board for consideration or wherein the author and recipient of said personal writings are intending the issue(s) addressed therein to be brought before the Board for consideration.
 - vi. Writings from any member to a Board member marked "personal and confidential." However, no official response from a Board member or the Board may be sent unless the member writing said communication waives the "personal and confidential" restriction.
 - vii. Contact information for any member or members but for their name and mailing address as contained in the official records of the Michaywe Owners Association.
- b. Unless otherwise agreed to in writing by the member making the request, the Association shall respond to a request for a writing within thirty (30) days after receiving the request by doing one of the following:



Michaywé Owners Association



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- i. Granting the request; or
 - ii. Issuing a written notice to the requesting person denying the request; or
 - iii. Granting the request in part and issuing a written notice to the requesting person denying the request in part; or
 - iv. Issuing a notice extending for not more than thirty (30) days, the period in which the Association shall respond to the request. The Association shall not issue more than one notice of extension for a particular request.
- c. Members who receive access to documentation concerning business activities of the Association, which could be used to competitive advantage by other individuals or entities, may be required to sign an agreement stating that the documents or information may be used only for Association related activities.
- d. Fees shall be charged by the Association for producing a requested writing but shall be limited to actual mailing costs, the costs of duplication and/or publication of the requested writing, and the labor involved in producing the requested writing. The cost of "labor" as used herein shall include the time required for searching for the requested writing, examining the requested writing, reviewing the requested writing, and the deleting, redacting and/or the separating of exempt from non-exempt information.
- i. The fees charged by the Association for producing a requested writing shall be as follows:
 - a.) Labor – actual time involved multiplied by the hourly rate of the employee obtaining the requested writing. If the employee obtaining the requested writing is paid a salary, the hourly rate for said employee shall be determined by dividing the weekly income earned by said employee by 40. For the purposes of computation, the weekly income of a salaried employee shall include the costs of any and all benefits provided by MOA and/or its subsidiaries to the salaried employee including, but not limited to, medical insurance, dental insurance, optical insurance, life insurance, and retirement benefits.
 - b.) Duplication/Publication - \$1.00 for the first page of the requested writing and \$0.25 for each additional page thereafter.
 - c.) Mailing – Actual.
 - d.) Mileage – The cost of mileage shall be determined by multiplying the Internal Revenue Service standard mileage rate at the time the request is fulfilled, by the number of miles driven in order to complete the request for records.
 - e.) Miscellaneous – The actual cost(s) incurred by MOA and/or its subsidiaries for any cost(s) not otherwise addressed herein.

Passed by the MOA Board at their regular meeting on 5/17/08