

Freedom of Information Act Processing

Summary

Section 1 of the Michigan Freedom of Information Act (“FOIA” or “the statute”) provides, “It is the public policy of this state that all persons, except those persons incarcerated in state or local correctional facilities, are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with this act. The people shall be informed so that they may fully participate in the democratic process.”¹ To that end, all people, excluding prisoners, are allowed to file FOIA requests with a Public Body. A requester must simply file a request in writing with the Public Body’s FOIA Office (or Coordinator), and the Public Body will begin processing his or her request.²

The Public Body, in its initial response, will do one of the following within the time-frame permitted by the statute: grant the request, partially grant the request, deny the request, inform the requester that additional time is needed, require a fee deposit prior to further processing, or inform the requester that the requested record has not been sufficiently described.

If a request is denied or partially denied, the Public Body will explain why the documents have not been released and inform the requester of his or her challenge and appeal options.

A fee deposit will be required when processing a request will require significant Public Body employee time and resources. The Public Body will notify the requester of the estimated cost and provide non-binding, best efforts estimate of the time it will take to complete the processing of the request. It is possible that after further processing of the request, the Public Body will determine that the cost of processing the request is significantly less or greater than the estimated cost. If that is the case, the Public Body will notify the requester to allow the requester to determine whether and how he or she wants to proceed with the request.

¹ M.C.L.A. 15.231.

² Verbal requests for information are not FOIA requests for purposes of these Procedures and Guidelines. If a verbal request for information is received by a Public Body employee who knows that the information is available on the Public Body’s website, the employee, where practicable, will inform the requester about the Public Body’s website address.

After the Public Body receives a required deposit, it will make every effort to provide the requested documents within the time estimate provided. Requesters must understand, however, that at any given time, the Public Body is processing multiple requests and cannot devote all of its time to one particular request.

If a requester feels that he or she was wrongly denied responsive documents, he or she may appeal to the Head of the Public Body or file a civil action. If a requester believes that the Public Body has required a fee that exceeds the amount permitted under the Procedures and Guidelines, he or she may file a civil action. Requesters are also always free to contact the FOIA Office with any questions about the processing of their requests.