

FREEDOM OF INFORMATION ACT

General Policy Information

Public Act 442 of 1976, known as the “Freedom of Information Act” (FOIA), sets forth the rights of individuals for requesting information from a public body. Further, the FOIA sets forth the responsibilities of the public body in responding to requests for public information.

The FOIA requires that an individual submit its request for public records in writing and that the request be specific enough for the public body to identify the requested record. The FOIA does not require a public body to create a new document or record; only to release, when applicable, a document or record that already exists.

The FOIA requires that the public body either grant, deny or grant in part and deny in part a request for a public record within five (5) business days. When a request for records is made electronically, the request is deemed “received” on the following business day of its transmission. A ten (10) day extension of time in which to respond to a FOIA request may be made by the public body in certain situations.

The FOIA provides several exemptions for releasing records. Some of the most common reasons for **not** releasing a document under the FOIA are that the records:

- Involve a pending case or investigation
- Constitute an unwarranted invasion of personal privacy
- Are specifically exempt from disclosure by a separate state or federal law or policy
- Are subject to attorney-client privilege
- Contain medical facts or information
- Are specific law enforcement records and/or policies

In addition, pursuant to Public Act 218 of 2013, effective January 1, 2014, for 30 days after the date a motor vehicle accident report is filed with a law enforcement agency, a person or organization may only access the report if they file a statement indicating that from the time access is granted to the report until 30 days after the date the report is filed with the law enforcement agency, they acknowledge that they are prohibited from using the report for any direct solicitation or disclosing any personal information contained in the report to a third party for commercial solicitation of an individual, vehicle owner, or property owner listed in the report.

Finally, the FOIA allows a public body to charge a fee for the compilation, including labor, mail and copy charges. Generally, these costs are under \$15.00 per request.

A complete copy of the FOIA can be found at: www.legislature.mi.gov. For a more in-depth explanation of the FOIA, as well as a FOIA request form, please visit our website at: www.midland-mi.org and search for “Freedom of Information Act” under our “A-Z Directory of Services”. For additional questions please contact the Midland City Attorney’s Office at (989) 837-3395.

Should you wish to request a public record under FOIA, it is your responsibility to complete the attached form and return to the Midland City Attorney’s office located at City Hall, 333 W. Ellsworth Street, Midland, Michigan 48640 – by mail or hand delivery, by fax (989) 837-5703 or by email to: AT@midland-mi.org

FREEDOM OF INFORMATION ACT REQUEST FORM

ONCE COMPLETED AND SIGNED, PLEASE RETURN THIS FORM TO THE MIDLAND CITY ATTORNEY, BY:

- Hand delivery or regular mail to City Hall, 333 W. Ellsworth Street, Midland, Michigan 48640
- Fax to (989) 837-5703
- Email to: AT@midland-mi.org

DATE OF REQUEST: _____

Your name: _____

Your complete address: _____

Your phone number: _____

Complete description of the documents you are requesting – **be as specific as possible**, including date, location, names of parties involved and report number, if available:

I would like to: **(only check one box)**

- Receive a copy of the requested documents
- Review and inspect a copy of the documents
- Review the original documents

I agree and understand that reasonable charges for copy and mailing costs and labor may be incurred. Further, I: **(only check one box)**

- Request a fee estimate to be provided within three (3) business days. I understand that the FOIA coordinator does not need to provide the requested documents until five (5) after I receive and agree to the fee estimate.
- Agree to pay the reasonable charges incurred in compiling a response to my request for documents.

If this is a request for a motor vehicle accident report which was filed with the Midland Police Department, by signing below **this request will act as my statement that I agree not** to use the accident report for any direct solicitation or disclose any personal information contained in the report to a third party for commercial solicitation of an individual, vehicle owner or property owner listed in the report until thirty (30) days after the date the report was filed. I understand that doing so is a violation of Public Acts 218 and 219 of 2013 and subject to penalties prescribed by these laws.

Your signature

Print your name here: