

Freedom of Information Act—General Questions

What triggers a public body's requirement to respond to a Freedom of Information Act (FOIA) request?

A person has a right to inspect, copy, or receive copies of a public record, unless the record is exempt from disclosure. The person is required to make a **written request** to the public body's FOIA coordinator. The request must describe the public record sufficiently to enable it to be found.

The State Legislature added this provision to FOIA in 2014 (PA 563 of 2014): if a **verbal request** is made for information on the public body's website, the public employee shall, where practicable and to the best of the public employee's knowledge, inform the requestor about the public body's pertinent website address.

Who should respond to the FOIA request?

The Act requires a public body to designate a FOIA coordinator. A public employee who receives a request for a public record shall promptly forward that request to the FOIA coordinator.

How long should a public body keep FOIA requests?

The FOIA coordinator shall keep a copy of all written requests for public records for at least one year.

May a person inspect the records of a public body?

A public body must furnish a person a reasonable opportunity to inspect and examine its public records and shall furnish reasonable facilities for making memoranda from its records during usual business hours.

Does a public body have an obligation to protect its records?

A public body shall protect public records from loss, unauthorized alteration, mutilation, or destruction.

Is a public body required to make a summary or prepare a record if requested?

A public body is not required to make a compilation, summary, or report of information. Nor is it required to create a new public record.

May a person request future public records?

Yes. A person may subscribe for up to six months to future public records which are created on a regular basis.

Does a public body have to put information on its website?

PA 563 of 2014 requires public bodies to establish specific written procedures and guidelines for FOIA requests, including a separate written summary informing the public on how to submit FOIA requests, how to understand the public body's responses to FOIA requests, deposit requirements, fee calculations, and avenues for challenging and appealing the public body's denial of a request.

For details on PA 563 of 2014, see Fact Sheet: Freedom of Information Act—2014 Changes.