

Freedom of Information Act—Statutory Exemptions

Introduction

The Michigan Freedom of Information Act (FOIA) provides for access to certain public records of public bodies. A public body may exempt certain information from disclosure as a public record including, “records or information specifically described and exempted from disclosure by statute.”

Exemptions

In determining what records or information may be specifically exempted by statute, the FOIA and municipal attorney should review the following:

Bidders on Public Works – Questionnaires and sworn statements required of bidders on public work construction contracts are confidential. MCLA 123.504

Business Incubation Act – A community board appointed pursuant to the Business Incubation Act shall not disclose matters of a proprietary nature without the consent of the applicant submitting information. MCLA 125.1574

Motor Vehicles – The department of state shall not release information relating to an accident on the record of a driver to a nongovernmental agency, unless the driver was subsequently convicted of, or determined responsible for, a violation of the Act in connection with the accident. MCLA 257.733

Probate Code/Juvenile Division – The department of state police shall retain a nonpublic record of an order setting aside an adjudication for a juvenile and of the record of the arrest, fingerprints, adjudication, and disposition of the applicant in the case to which the order applies. The nonpublic record shall be made available only to a court, a law enforcement agency, a prosecuting attorney, and a limited number of others upon request for limited purposes. MCLA 712A.18e

Child Protection Law – Any person who has reasonable cause to suspect child abuse or neglect may report the matter to the family independence agency. The reporting person’s identity is confidential subject to disclosure only by consent or judicial process. MCLA 722.625

Code of Criminal Procedure – A nonpublic record is to be maintained for a person charged with spousal abuse if the charge is dismissed pursuant to the section. MCLA 769.4a

Crime Victim’s Rights Act – A victim’s address and telephone number maintained by a sheriff or the department of corrections are exempt from disclosure. MCLA 780.769

General Property Tax – No personal or real property tax statements, as requested by the assessor, shall be used for any purpose other than for assessing taxes. MCLA 211.23

Michigan State Police Uniform Crime Reporting System – Names of individuals may not be reported on the uniform crime report submitted to the department of state police. MCLA 28.251

Open Meetings Act – Closed session minutes maintained by the clerk of the public body “are not available to the public and shall only be disclosed if required by a civil action.” MCLA 15.267