

JOINT STATEMENT

Mackinac Center and University of Michigan Settle FOIA Lawsuit

A settlement has been reached in a lawsuit filed on March 2, 2017 by the Mackinac Center for Public Policy alleging the University of Michigan violated Michigan's Freedom of Information Act (FOIA).

The Mackinac Center's *Michigan Capitol Confidential* news service had sought "Any emails from [University of Michigan] President Mark Schlissel which contain the word 'Trump' from July 1, 2016 to November 16, 2016."

The University estimated it would take 2 and ¾ hours of work to fulfill this request. An initial four emails were provided 46 business days after the Mackinac Center paid the fee deposit for processing of its FOIA request. Recently, an additional seven e-mails were also provided to the Center.

The University denies any wrongdoing and states that in January of 2017, while in the course of processing the request at issue, the University of Michigan received and logged the highest number of FOIA requests ever in a single month in the University's history. The response period also included personnel absences in the University's FOIA office due to illness, the University's December break, and nine business days between the final invoice and payment by the Mackinac Center. Regardless, this matter has highlighted opportunities for improving the University's FOIA process. The University will revise its internal processes, including a new mechanism for tracking FOIA responses and a goal of not charging fees in 75% of responses. It will create two new staff positions dedicated to FOIA management and response. The University also will publish an annual report on its FOIA response performance and make that report available on its website.

Both parties recognize FOIA promises the people "full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees...so that they may fully participate in the democratic process." The parties agree that FOIA lacks certainty as to the response times for providing documents. This issue is worthy of consideration by the Legislature.

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