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Open Records Law: U-M Cashes The Check But Fails To Deliver The Info

In the private sector you can get in trouble for this kind of behavior

By DEREK DRAPLIN | Feb. 2, 2017

The University of Michigan has not delivered documents requested from it in a Freedom of Information Act request despite depositing a check over a month ago.

On Nov. 16, 2016, the Mackinac Center for Public Policy filed a FOIA request to the university regarding certain emails of U-M President Mark Schlissel. The university's FOIA office received the request the next day, then on Nov. 28 requested a 10-day extension allowed under state law.

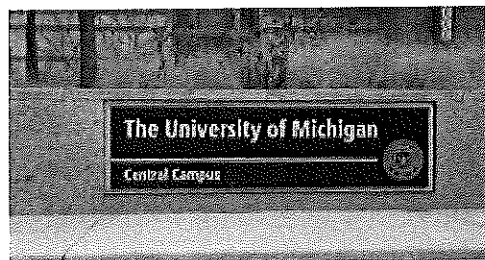
On Dec. 12, the university said a full response to the FOIA request would cost \$126 for 2.75 hours of labor. The Mackinac Center paid the university a \$63 deposit as state law requires, and the university cashed the check on Dec. 21. (The remaining payment is made after the full FOIA response is complete.)

After the FOIA office received a follow-up on the request, the university estimated that the response would come by Jan. 24, roughly a month after it cashed the Mackinac Center's check. When Jan. 27 arrived, the university still had not completed the request. The Mackinac Center made an inquiry to the university's spokesman, Rick Fitzgerald, who checked into the matter. On that day, the FOIA office responded by saying the request would be completed in seven to 10 days.

"I have great confidence in the FOIA office to follow through on their good-faith estimates of when the material will be provided," said Fitzgerald in an email. "I know the office is taking your request seriously."

Lisa McGraw, public affairs manager for the Michigan Press Association, said the university should explain the delay.

"Michigan's FOIA law is very clear regarding the intent that requested information should be provided in a timely



fashion," she said. "It seems the University is intentionally delaying the fulfillment of this particular request. It's been over a month since the deposit was made and well over two months since the actual request was made. ... This long delay deserves an explanation."

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