

Model Request

[Name of FOIA Coordinator]
[Job Title], [Public Body]
[Address]
[E-mail if available]

[Date]

Sent Via [e-mail/mail/hand delivery]

Dear [FOIA Coordinator],

Pursuant to the Freedom of Information Act, I respectfully request the following records:

[Describe Records]

Pursuant to MCL 15.234(1)(c), I respectfully request this data be provided to me in an electronic format, to the e-mail address listed below.

If the documents I have requested are not disclosable in their entirety, I request that you release all nonexempt portions of the documents after separating them from the portions that are exempt. With respect to documents or portions of documents that are exempt, ***please state the specific legal and factual basis justifying each exemption, as well as the nature of information being withheld.*** See MCL 15.235(5)(a)-(c); MCL 15.244. This includes identifying those records that are being withheld. *Herald Co, Inc v Ann Arbor Public Schools*, 224 Mich App 266, 275 (1997). Further, if no responsive documents exist for a particular portion of this request, please clearly identify which portions of this request have been denied for that reason.

Please contact me if the total cost of this request will exceed \$500.00, or if I can clarify any portion of this request to simplify the production of records or otherwise limit the expense or difficulty of fulfilling this request. I can be reached at [_____], or by e-mail at [_____].

Sincerely,

[Requestor Name]

[Requestor Address]

Annotated Request

[Name of FOIA Coordinator]
[Job Title], [Public Body]
[Address]
[E-mail if available]

[Date]

Sent Via [e-mail/mail/hand delivery]

Dear [FOIA Coordinator],

Pursuant to the Freedom of Information Act, I respectfully request the following records:

[Describe Records]ⁱ

Pursuant to MCL 15.234(1)(c), I respectfully request this data be provided to me in an electronic format, to the e-mail address listed below.ⁱⁱ

If the documents I have requested are not disclosable in their entirety,ⁱⁱⁱ I request that you release all nonexempt portions of the documents after separating them from the portions that are exempt.^{iv} With respect to documents or portions of documents that are exempt, ***please state the specific legal and factual basis justifying each exemption, as well as the nature of information being withheld.***^v See MCL 15.235(5)(a)-(c); MCL 15.244. This includes identifying those records that are being withheld. *Herald Co, Inc v Ann Arbor Public Schools*, 224 Mich App 266, 275 (1997). Further, if no responsive documents exist for a particular portion of this request, please clearly identify which portions of this request have been denied for that reason.^{vi}

Please contact me if the total cost of this request will exceed \$500.00,^{vii} or if I can clarify any portion of this request to simplify the production of records or otherwise limit the expense or difficulty of fulfilling this request.^{viii} I can be reached at [_____], or by e-mail at [_____].^{ix}

Sincerely,

[Requestor Name]

[Requestor Address]

ⁱ When describing records, it is key to offer as much detail about the records being sought as can be provided. This includes:

- Limiting the scope of a search through the use of a range of dates, using the narrowest window that will still fulfill the purpose of the request;
- Limiting a search to specific individuals, accounts, facilities, courses, etc;
- Specifying the name of a particular record (if known);

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- Restricting the type of records being sought (e.g., e-mails rather than “all correspondence.”).

It is also important to recognize that FOIA only requires a public body to produce records responsive to a request. As such, a public body has no obligation to answer any questions posed by a FOIA request. Requests should be narrowly tailored to locating records that may contain the information being sought, rather than styled as an attempt to obtain a clear answer to a particular question.

ⁱⁱ A FOIA requestor is entitled to receive records in a format he or she specifies. Typically, the most cost-effective and time-efficient manner of production is through e-mail. In certain circumstances, however, paper documents or another method of production may be preferable, and can be freely specified by the requestor.

ⁱⁱⁱ Section 13 of FOIA contains a number of exemptions that can be used to withhold information within a record, or even certain categories of records from public disclosure. See MCL 15.243(1).

^{iv} A public body has a legal duty to produce any non-exempt material responsive to a FOIA request. This includes producing records which contain both exempt and non-exempt information. A public body must separately redact exempt information, but still must produce the remainder of the non-exempt information.

^v It is common for public bodies to fail to comply with this legal requirement. Nevertheless, FOIA requires public bodies to identify both what is being withheld, and the justification for such a withholding.

^{vi} It is also common for public bodies to fail to identify when a record is being withheld in its entirety. This instruction is designed to ensure that a public body is aware of its obligation to do so, and to encourage compliance with this requirement.

^{vii} This amount can be adjusted based on personal preference. It is, however, intended to serve as a potential limitation of liability in the event a public body were to process the FOIA without first providing a cost estimate as required by law.

^{viii} This statement is designed to promote a cooperative approach to the FOIA request. In general, a FOIA coordinator has a better understanding of where certain information may be located than does a FOIA requestor. Thus, this serves as an invitation to FOIA Coordinators to contact requestors informally to help them to more narrowly tailor their requests. This benefits both the requestor (who often will receive documents more quickly and at a lesser expense) and the FOIA Coordinator (who will need to devote fewer resources to fulfilling the request).

^{ix} A valid FOIA request must include the requestor’s name, address, and contact information. Contact information can include a telephone number, e-mail address, or both.