



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5726 (Substitute S-2 as reported)
Sponsor: Representative Robert Brackenridge
House Committee: Local Government
Senate Committee: Local, Urban and State Affairs

CONTENT

The bill would amend the Freedom of Information Act to do the following:

- Exclude computer software from the Act. ("Software" would not include computer-stored information or data, or a field name if disclosure of that field name would not violate a software license.)
- Require public bodies to protect public records from loss, unauthorized alteration, mutilation, or destruction.
- Provide that fees charged under the Act would have to be uniform and not dependent upon the identity of the requesting person.
- Create an exemption from disclosure for records of a public body's security measures, to the extent that the records related to the ongoing security of the public body.
- Provide that an action to compel disclosure would have to be commenced within 180 days after a public body's final determination to deny a request.
- Revise the current exemption for information of a personal nature.

Currently, the Act exempts information of a personal nature if public disclosure would constitute a clearly unwarranted invasion of an individual's privacy. The bill, instead, would exempt personnel records, medical records, and similar records or information, whose disclosure would constitute a clearly unwarranted invasion of personal privacy, except as provided in Section 1230b of the Revised School Code (which concerns school employment applications).

The bill is tie-barred to House Bill 5832, which would create the "Enhanced Access to Public Records Act".

MCL 15.232 et al.

Legislative Analyst: S. Margules

FISCAL IMPACT

Changes in the bill regarding the method of calculating costs incurred in providing information would result in cost savings to the State and local units of government.

Date Completed: 12-10-96

Fiscal Analyst: B. Bowerman

floor\hb5726

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.