

Legislative Analysis



EXEMPT DISCLOSURE OF 9-1-1 AUDIO FROM FREEDOM OF INFORMATION ACT

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House Bill 4011
Sponsor: Rep. Kurt Heise
Committee: Oversight

Complete to 4-22-13

A REVISED SUMMARY OF HOUSE BILL 4011 AS INTRODUCED 1-22-13

The bill would amend the Freedom of Information Act to specify that a public body could exempt an audio recording of an emergency telephone call made to a 9-1-1 system from disclosure unless the public interest in disclosure outweighed the public interest in nondisclosure in a particular instance.

However, this exemption would not apply to written records, transcripts, or other written reports relating to the emergency telephone call. Further, this would not apply to audio recordings when:

- (1) The caller whose voice is on the audio recording requested a copy of the recording (or, if the caller was deceased or incapacitated, the caller's legal representative). Such a request would have to be accompanied by a signed affidavit attesting to the identity of the caller (or legal representative) and attesting that the recording was relevant to an investigation of a legal matter arising from the circumstances leading up to the emergency telephone call.
- (2) The request for disclosure was from a law enforcement agency conducting an investigation related to the emergency telephone call.
- (3) A court ordered the release of the audio recording.

MCL 15.243

FISCAL IMPACT:

While the bill would limit the public disclosure of audio recordings of 911 calls, the bill would still permit written transcripts of 911 calls to be disclosed under a FOIA request. This would tend to increase the costs of fulfilling a FOIA request, as it doesn't appear that written transcripts of 911 calls are routinely made whereas 911 calls are regularly recorded.

Generally, these costs would be borne by the person/entity submitting a FOIA request. The limited availability of audio recordings could also reduce the number FOIA requests for 911 calls. While statewide figures on the number of FOIA requests for 911

recordings aren't immediately known, the chart below shows a breakdown of the entities/persons submitting FOIA requests to the Ottawa County Central Dispatch Authority (OCCDA) during calendar year 2012. Of the 227 requests, only two were denied.

Requesting Entity	Requests
Police agencies	91
Alcohol, Tobacco, Firearms, and Explosives	1
Fire Departments	5
Prosecuting Attorneys	19
Private Attorneys	75
Private Citizens	16
News Agencies	5
Businesses	1
Insurance Agents	1
Department of Human Services	1
OCMBA	1
Training and Internal Investigations	11
OCCDA FOIA Requests	227

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