

Legislative Analysis



METHOD OF RESPONSE TO FOIA REQUEST

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4468 as introduced
Sponsor: Rep. Steven Johnson
Committee: Oversight
Complete to 4-24-19

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4468 would allow a person, when making a request for a copy of a public record, to ask that any written response to the request be made by email, fax, or first-class mail.

Under the Freedom of Information Act (FOIA), a person who wants to inspect or receive a copy of a public record must make a written request to the FOIA coordinator of the public body. A written request can also be made by facsimile, electronic mail, or other electronic transmission. The public body is required to respond to the request within five business days after receiving the request by granting the request, issuing a written notice denying the request in whole or in part, or issuing a written notice extending the period (up to ten business days) during which it may respond to the request. FOIA currently allows a requestor to stipulate that the copy of the public records he or she requested be provided on nonpaper physical media (e.g., computer disc), electronically mailed, or otherwise electronically provided in lieu of paper copies. However, no such allowance is made for how the written response by the public body to the request is to be provided.

House Bill 4468 would amend FOIA to allow a person making a request for a copy of a public record to stipulate that the public body's response be electronically mailed, delivered by facsimile, or delivered by first-class mail. The bill would not apply if the public body does not have the technological capability to provide an electronically mailed response.

MCL 15.235

FISCAL IMPACT:

The bill would not have a substantial fiscal impact on state or local units of government. State departments are currently authorized to include the cost of postage in FOIA request fees if the total cost of the request exceeds \$20. Any increase in the cost of postage resulting from the bill would either be offset by a corresponding fee increase or could be absorbed by current department funding levels.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.