



**Chapter:** Records, Freedom of Information, and Transparency  
**Subject:** 14-02 – Freedom of Information Act  
**Effective:** April 29, 2024  
**Supersedes:** Official Order 14-02, dated April 19, 2022  
**Distribution:** Department Members

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**PURPOSE:** This Order establishes department policy to implement the Freedom of Information Act to provide transparency, accountability, and access to public records held by the department.

#### 14-02-1 POLICY

The [Freedom of Information Act \(FOIA\), MCL 15.231 et seq.](#), was enacted to strengthen the rights of individuals to receive full and complete information regarding the official acts of government, including the right to inspect government documents. The law requires disclosure of all public records unless certain exemptions apply. As such, this Order shall be followed to ensure compliance with the law.

#### 14-02-2 DEFINITIONS

- A. Public Records: "A writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created." Computer software is not considered a public record. Public records can either be exempt or not exempt from disclosure.
- B. Writing: Handwriting, typewriting, printing, photostatting, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content.
- C. Written Request: A writing that asks for information, and includes writing transmitted by facsimile, electronic mail, or other electronic means.

#### 14-02-3 ADMINISTRATIVE RESPONSIBILITIES

- A. It is the responsibility of the Director or the Director's designee to respond to requests for public records in a manner which ensures that all persons are entitled to full and complete information regarding the affairs of the department and the official acts of those who represent this department as employees, so that they may fully participate in the democratic process.
- B. Equally important to proper disclosure of all public records of the department is the Director's, or the Director's designee's, responsibility to ensure that the privacy of individuals identified in those public records is preserved.

- C. To ensure that the proper balance between disclosure and privacy is met, the Director has delegated the task of responding to, and maintaining, all FOIA requests to the Records Resource Section.
- D. The Director's designee shall act as the department's FOIA Coordinator. The FOIA Coordinator may elect to appoint assistant FOIA coordinators to process daily requests.

#### **14-02-4 RESPONSIBILITIES OF THE RECORDS RESOURCE SECTION**

A person wishing to inspect or receive a copy of a public record shall make a written request for the public record. The request must sufficiently describe the public record so that the Records Resource Section will be able to find it. A written request may be made by regular mail, facsimile, email, or other electronic transmission.

- A. The Records Resource Section shall assign a logging number and take appropriate action to locate the requested records.
- B. All requests for public records shall be reviewed to ensure that any appropriate exemptions are taken.
- C. A letter shall be sent to the requester indicating whether the request was granted, granted in part and denied in part, or denied. An explanation shall be given for any denied portions of the request.
- D. Statutorily, all requests must be processed within five business days of receiving the request. If the process of collecting and reviewing the documents exceeds five business days, a letter extending the response by ten additional business days shall be sent to the requestor. The response period, including the extension, shall not exceed fifteen business days without obtaining an additional extension from the requester.
- E. The Records Resource Section manager shall contact the Communications and Outreach Division before releasing information of a nature that may generate statewide or nationwide public interest. If appropriate, the Records Resource Section shall provide the Communications and Outreach Division a copy of the information disseminated.

#### **14-02-5 DEPARTMENT WORK UNIT RESPONSIBILITIES**

- A. Any member who receives a request for a public record shall immediately forward the request to the Records Resource Section for processing. All requests must be in writing.
- B. A Request for Public Records form, DIR-101, is available for individuals wishing to submit a request, however no specific form is required to make a request.
- C. Information processed under the FOIA is governed by statute. When contacted by the Records Resource Section, the work unit commander shall ensure that all information contained in local files is immediately provided to the Records Resource Section to ensure that the statutory time limits are met. The public records provided to the Records Resource Section must be unedited. If the work unit does not possess the public records, the work unit commander shall ensure that the Records Resource Section is notified immediately.
- D. Work unit commanders are cautioned that other agencies' records that are contained in department files are subject to the same criteria for FOIA release and will be processed accordingly. Work units are cautioned that department records in other agencies' files may also be subject to disclosure through FOIA requests made to those agencies.
- E. The work unit is responsible for communicating any concerns regarding release of records or portions of records to the Records Resource Section. The work unit is responsible for

notifying any interested third parties including, but not limited to, the prosecutor, victim advocate, other law enforcement agencies, and federal agencies or task forces and communicating any third-party concerns to the Records Resource Section. Those concerns will be considered by the assistant FOIA coordinators when applying statutory exemptions, however, the final decision regarding release rests with the Records Resource Section.

- F. Except as listed in this section, release of records at the local unit is not permitted. Incident reports may be released to the Department of Health and Human Services only in emergency situations where the life or safety of an individual requires immediate action. If approved by their worksite commander, enforcement members may release incident reports to law enforcement entities when required to fulfill a law enforcement purpose. If there is any question whether the incident report should be released, members shall contact the Records Resource Section for clarification.
- G. A Traffic Crash Report, UD-010, may be released locally to individuals involved in the crash. All individuals requesting/receiving a UD-010 shall sign a Release of Motor Vehicle Crash Report Request Form, UD-009. Completed UD-009's shall be maintained at the worksite consistent with the approved retention schedule.
- H. A person may elect, under the FOIA, to physically inspect public records. The request and documents shall immediately be forwarded to the Records Resource Section.

**14-02-6 APPEALS**

The Director has designated an Appeals Officer to answer all appeals on behalf of the department. The Appeals Officer must respond within ten business days after receiving a written appeal. To properly answer an appeal, the Appeals Officer may be required to re-contact the work units to confirm the existence or non-existence of records. The worksite commander shall ensure the Appeals Officer receives the necessary information.

DIRECTOR

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**Annual Review Responsibility:** Office of the Director

**Accreditation Standards:** CALEA 82.1.1