

SENATE BILL NO. 467

September 06, 2023, Introduced by Senator MCBROOM and referred to the Committee on Oversight.

A bill to amend 1976 PA 442, entitled
"Freedom of information act,"
by amending section 3 (MCL 15.233), as amended by 2018 PA 523.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) Except as expressly provided in section 13, upon
2 providing a public body's FOIA coordinator with a written request
3 that describes a public record sufficiently to enable the public
4 body to find the public record, a person has a right to inspect,
5 copy, or receive copies of the requested public record of the

1 public body. A request from a person, other than an individual who
2 qualifies as indigent under section 4(2)(a), must include the
3 requesting person's complete name, address, and contact
4 information, and, if the request is made by a person other than an
5 individual, the complete name, address, and contact information of
6 the person's agent who is an individual. An address must be written
7 in compliance with United States Postal Service addressing
8 standards. Contact information must include a valid telephone
9 number or ~~electronic mail~~ **email** address. A person has a right to
10 subscribe to future issuances of public records that are created,
11 issued, or disseminated on a regular basis. A subscription is valid
12 for up to 6 months, at the request of the subscriber, and is
13 renewable. An employee of a public body who receives a request for
14 a public record shall promptly forward that request to the freedom
15 of information act coordinator.

16 (2) A freedom of information act coordinator shall keep a copy
17 of all written requests for public records on file for no less than
18 1 year.

19 (3) A public body shall furnish a requesting person a
20 reasonable opportunity for inspection and examination of its public
21 records, and shall furnish reasonable facilities for making
22 memoranda or abstracts from its public records during the usual
23 business hours. A public body may make reasonable rules necessary
24 to protect its public records and to prevent excessive and
25 unreasonable interference with the discharge of its functions. A
26 public body shall protect public records from loss, unauthorized
27 alteration, mutilation, or destruction.

28 (4) This act does not require a public body to make a
29 compilation, summary, or report of information, except as required

1 in section 11.

2 (5) This act does not require a public body to create a new
3 public record, except as required in **subsection (7) (c) and** section
4 11, and to the extent required by this act for the furnishing of
5 copies, or edited copies pursuant to section 14(1), of an already
6 existing public record.

7 (6) The custodian of a public record shall, upon written
8 request, furnish a requesting person a certified copy of a public
9 record.

10 (7) **A public body violates this act and is subject to the**
11 **civil fine described in section 10b if the public body does any of**
12 **the following:**

13 (a) Prepares, or knowingly possesses or retains without
14 correction, a public record that, for the purpose of avoiding
15 disclosure of the record pursuant to this act, uses code words or
16 phrases, symbols, foreign language or non-English letters or
17 characters, or any other content not readily associated with the
18 true subject of the record by one who reads only English or, if
19 created or maintained electronically, not readily discoverable by
20 an automated search in English.

21 (b) In response to a written request to inspect, copy, or
22 receive copies of a public record, avoids disclosure of the record
23 as a result of the record's use of concealing content as described
24 in subdivision (a).

25 (c) When disclosing a public record that uses concealing
26 content as described in subdivision (a), fails to provide the
27 requester with a written explanation or translation that plainly
28 describes the true subject of the record.