

COHL, STOKER & TOSKEY, P.C.
ATTORNEYS AND COUNSELORS
601 NORTH CAPITOL AVENUE
LANSING, MICHIGAN 48933
(517) 372-9000

SHAREHOLDERS
PETER A. COHL
DAVID G. STOKER
BONNIE G. TOSKEY
ROBERT D. TOWNSEND
TIMOTHY M. PERRONE
MATTIS D. NORDEFJORD

ASSOCIATES
GORDON J. LOVE
COURTNEY A. GABBARA
SARAH K. OSBURN
—
OF COUNSEL
RICHARD D. McNULTY

PUBLIC RECORDS EXEMPT FROM FOIA DISCLOSURE

You may (*but are not required to*) withhold from public disclosure certain categories of public records under the Freedom of Information Act.

The act does not require a public body to make a compilation, summary, or report of information, **[MCL 15.233(4)]** or to create a new public record **[MCL 15.233(5)]**.

The following categories of information *may* be withheld:

- A. Specific information about an individual's private affairs, if the release of the information would constitute a clearly unwarranted invasion of the person's privacy. **[MCL 15.243(1)(a)]**

- B. Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following: **[MCL 15.243(1)(b)]**
 - 1. Interfere with law enforcement proceedings; **[MCL 15.243(1)(b)(i)]**
 - 2. Deprive a person of the right to a fair trial or impartial administrative adjudication; **[MCL 15.243(1)(b)(ii)]**
 - 3. Constitute an unwarranted invasion of personal privacy; **[MCL 15.243(1)(b)(iii)]**
 - 4. Disclose the identity of a confidential source or, if the record is compiled by a criminal law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source; **[MCL 15.243(1)(b)(iv)]**
 - 5. Disclose law enforcement investigative techniques or procedures; **[MCL 15.243(1)(b)(v)]**
 - 6. Endanger the life or physical safety of law enforcement personnel. **[MCL 15.243(1)(b)(vi)]**

- C. Public records which if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability, unless the public interest in disclosure under this act outweighs the public interest in non-disclosure. **[MCL 15.243(1)(c)]**

- D. Records or information specifically described and exempted from disclosure by statute. **[MCL 15.243(1)(d)]**

- E. A public record or information which is furnished by the public body originally compiling, preparing or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body, if the consideration originally giving rise to the exempt nature of the public record remains applicable. **[MCL 15.243(1)(e)]**
- F. Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy. **[MCL 15.243(1)(f)]** (*SEE STATUTE FOR CONDITIONS*)
- G. Information subject to attorney-client privilege. **[MCL 15.243(1)(g)]**
- H. Information subject to other enunciated privileges such as physician-patient and those recognized by statute or court rule. **[MCL 15.243(1)(h)]**
- I. Pending public bids to enter into contracts, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the deadline for submission of bids or proposals has expired. **[MCL 15.243(1)(i)]**
- J. Appraisals of real property to be acquired by a public body, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the deadline for submission of bids or proposals has expired. **[MCL 15.243(1)(j)]** (*SEE STATUTE FOR CONDITIONS*)
- K. Test questions and answers, scoring keys and other examination instruments. **[MCL 15.243(1)(k)]**
- L. Medical counseling or psychological facts which would reveal an individual's identity. **[MCL 15. 243(1)(l)]**
- M. Deliberative process and frank communications between or within public bodies. **[MCL 15.243(1)(m)]** (*SEE STATUTE FOR CONDITIONS*)
- N. Law enforcement communication codes and deployment plans unless the public interest in disclosure outweighs the public interest in non-disclosure. **[MCL 15.243(1)(n)]**
- O. Information which would reveal the location of archaeological sites. **[MCL 15.243(1)(o)]**
- P. Product testing data developed by agencies buying products where only one bidder meets the agency's specifications. **[MCL 15.243(1)(p)]**
- Q. A student's college academic transcript where the student is delinquent on university loans. **[MCL 15.243(1)(q)]**

- R. Records of any campaign committee including any committee that receives monies from a state campaign fund. ***(These records are open to the public under Public Act 388 of 1976)*** or **[MCL 15.243(1)(t)]**
- S. Public records of a law enforcement agency the release of which would do any of the following (unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance):
[MCL 15.243(1)(s)]
1. Identify an informer; **[MCL 15.243(1)(s)(i)]**
 2. identify a law enforcement undercover officer or agent or a plain clothes officer; **[MCL 15.243(1)(s)(ii)]**
 3. Disclose the personal address or telephone number of active or retired law enforcement officers or agents or a special skill that they may have;
[MCL 15.243(1)(s)(iii)]
 4. Disclose the name, address, or telephone numbers of family members of law enforcement officers or agents; **[MCL 15.243(1)(s)(iv)]**
 5. Disclose operational instructions for law enforcement officers or agents;
[MCL 15.243(1)(s)(v)]
 6. Reveal the contents of law enforcement officers or agents' staff manuals;
[MCL 15.243(1)(s)(vi)]
 7. Endanger the life or safety of law enforcement officers or agents and their families or those who furnish information to law enforcement agencies or departments; **[MCL 15.243(1)(s)(vii)]**
 8. Identify a person as a law enforcement officer, agent or informer;
[MCL 15.243(1)(s)(viii)]
 9. Disclose personnel records of law enforcement agencies;
[MCL 15.243(1)(s)(ix)]
 10. Identify residences that law enforcement agencies are requested to check in the absence of their owners or tenants. **[MCL 15.243(1)(s)(x)]**
- T. Information pertaining to an investigation or a compliance conference conducted by the department of consumer and industry services under article 15 of the Public Health Code. **[MCL 15.243(1)(t)]** *(SEE STATUTE FOR CONDITIONS)*
- U. Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures.
[MCL 15.243(1)(y)]
- V. Records or information relating to a civil action to which the requesting party and the public body are both parties. **[MCL 15.243(1)(v)]**
- W. Information that would disclose the social security number of any individual.
[MCL 15.243(1)(w)]

- X. An application and supporting materials that could be used to identify a candidate for the position of president of an institution of higher education established under section 4, 5 or 6 of Article VIII of the state constitution of 1963 until one or more individuals have been identified as finalists. **[MCL 15.243(I)(x)]** (*SEE STATUTE FOR CONDITIONS*)
- Y. Records or information of measures designed to protect the security or safety of persons or property, whether public or private, including building, public works, and public water supply, emergency response plans, risk planning documents, threat assessments, and domestic preparedness strategies. **[MCL 15.243(I)(y)]**
- Z. Records which if disclosed would violate the federal Family Educational Rights and Privacy Act of 1974 (20 USC 1232) (primarily student records). **[MCL 15.243(2)]**

Dated: January 28, 2019