

12.B Freedom of Information Act (FOIA)

As a public institution in the state of Michigan, the University is subject to provisions of the state's Freedom of Information Act (FOIA), MCLA 15.C31 et seq. Under FOIA, "all persons, except those persons incarcerated in state or local correctional facilities, are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees...." Consequently, any individual other than a prisoner, or organization has the right to inspect and/or receive copies of public records maintained by the University.

A "public record" is very broadly defined and liberally construed by the courts as any writing prepared, owned, used, in the possession of, or retained by the University in the performance of an official function. A "writing" includes papers, pictures, sound recordings, electronic media, and every other means of recording or retaining meaningful content. It is important for faculty to recognize that the records they keep as part of their University duties are subject to disclosure under FOIA. The law recognizes that in some instances the public interest may be better served by not disclosing information. FOIA provides a number of exemptions ranging from matters of privacy to confidential research-related information. These exemptions are optional, with the exception of the exemption protecting student records (the federal Family Educational Rights and Privacy Act), which is mandatory. The decision to withhold material is made by the University's FOIA officer, if necessary after consultation with other appropriate offices including the Office of the Vice President and General Counsel.

Faculty on the Ann Arbor campus who receive a FOIA request should forward it immediately to the University's FOIA Office. Faculty at UM-Flint and UM-Dearborn should immediately send any FOIA request they receive to the campus FOIA coordinator, who will forward the request to the FOIA office in Ann Arbor for a response.

The University has five business days from receipt of the request to respond, although the FOIA officer can extend the deadline an additional ten business days if necessary. The denial of a request can be appealed to the president of the University and/or reviewed by a circuit court.

For more information, visit the [FOIA website](#) or contact the FOIA Office on the Ann Arbor campus with questions.