

FOIA Amendments

March 2019

The Michigan Legislature recently amended Sections 3 and 4 of FOIA, requiring additional information from requesters and providing a deadline for deposit fees. FOIA requests now must contain the requester's:

- full name
- mailing address
- phone number or email address

A FOIA request made by an organization must include contact information for an individual agent, including the information listed above. Only people who qualify as indigent under FOIA are exempt from the new requirement. Anonymous FOIA requests or those only with a first name are no longer valid. Decatur Public Schools may charge a deposit equal to half of the estimated fees to process the request if the estimate exceeds \$50 and the school's FOIA procedures, guidelines, and fees are posted on the school's website. If the requester failed to complete payment for a different FOIA request made within the last year, the school also can require a requester to provide a deposit equal to the entire fee estimate

Schools may now impose a 48-day deadline to pay the deposit. The deadline begins when the school provides a written notification of the deposit requirement to the requester. Unless the requester appeals the deposit amount, the failure to appeal or pay the deposit by the deadline renders the FOIA request abandoned and the school is not required to fulfill the request. Schools must, however, provide the deadline within the written notification. If notice of the 48-day deadline is not provided, it will not apply.