

MICHIGAN FREEDOM OF INFORMATION ACT

NOTICE OF RIGHT TO APPEAL

1. Appeal to Public Body or Circuit Court

When your Michigan Freedom of Information Act request is denied, either in whole or in part, you have the right under Michigan Statutes to do either of the following:

- a. You may submit a written appeal to the head of the public body that denied your request. Your appeal must contain the following information:
 - The word “appeal.”
 - The reason(s) you believe the denial should be reversed.
- b. Within 180 days of the date the public body (i) denies your request or (ii) upholds the denial of your request on appeal (whichever occurs last), you may file an action in the Circuit Court asking the Court to compel the public body’s disclosure of the denied records.

2. Public Body’s Responsibilities After Receipt of Appeal Under 1.a.

Note: If the head of the public body that denied your request is a board or commission, your appeal is not considered “received” by the board or commission until its first regularly scheduled meeting following submission of your appeal.

- a. Within ten (10) days after receipt of your appeal, the head of the public body will do one of the following:
 - Reverse the denial of your request.
 - Issue you a written notice upholding the denial of your request.
 - Reverse the denial of your request in part, and issue you a written notice upholding the denial of your request in part.
 - Under unusual circumstances, issue you one (1) notice extending the time for response to your appeal for not more than ten (10) business days from the date your appeal is received.
- b. If the public body does not respond to your appeal, or if it upholds all or a part of the denial of your request, you may file an action in Circuit Court as described in 1.b. above.

3. Action in Circuit Court

- a. If the Court decides that the public record you requested is not exempt, it will order the public body to provide you with the record and award you reasonable attorney fees, costs, and disbursements.
- b. If you and the public body each prevail in part, the Court may award you all or a portion of reasonable attorney fees, costs, and disbursements.
- c. If the Court decides that the public body has arbitrarily and capriciously violated the Michigan Freedom of Information Act in denying or delaying your request, it will award you \$500.00 in punitive damages and assess that amount against the public body.