

CERTAIN DOCUMENTS EXEMPT FROM FOIA DISCLOSURE

Section 13 of FOIA provides a detailed listing of documents and information that are not required to be disclosed under the act. However, this section also states that FOIA will not authorize withholding information otherwise required by law to be made available to the public. The following is a non-exhaustive list of exemptions that may pertain to townships.

1. Information of a personal nature if public disclosure would constitute a clearly unwarranted invasion of an individual's privacy.

This exemption appears to be inclusive as it is written, but has been narrowly interpreted by the court. To be considered exempt from disclosure, information must be related to an individual's private life, not his or her public one. Therefore, a public employee's salary, position changes and employment dates are all subject to disclosure, as well as any written performance evaluations.

2. Records or information compiled for law enforcement purposes, if disclosure would interfere with law enforcement, deprive a person of a right to a fair trial, constitute an unwarranted invasion of personal privacy, disclose the identity of a confidential source, disclose law enforcement investigative techniques and/or endanger the life or physical safety of law enforcement personnel.
3. Records specifically exempt from disclosure by statute.

If a request warrants a denial based on this exemption, the written denial should cite the exempting statute and provide a brief explanation of its application to the request.

4. Commercial or financial information voluntarily provided to the township with a promise by the township supervisor or other elected officials of confidentiality, if a description of the information is recorded in the township hall or other recordkeeping place and the description is made available to the public on request.
5. Information or records subject to attorney-client or physician-patient privilege.
6. A bid or proposal by a person to enter in to a contract or agreement is exempt from disclosure until the deadline for submitting the bids. The previous time period was until the public opening of bids or proposals.
7. Appraisals of real property to be acquired by the township are exempt from disclosure until an agreement is entered into or three years elapse after making the appraisal. The length of time before disclosure may be expanded if litigation relating to the acquisition

had not been terminated within the three-year time frame.

8. Test questions and answers pertinent to issuing a license or to public employment.
9. Testing data developed by the township to determine whether bidder's products meet the township's specifications for purchasing those products may be exempt, only if disclosure would reveal that only one bidder met the specifications. This exemption is void one year after the township completes the testing.
10. Communications and notes between township officials or between the township and other public bodies of an advisory nature covering other than purely factual materials that are merely preliminary to a final agency determination or action. This exemption may not apply where the public interest in disclosure outweighs the need for frank communication between officials.

This exemption involves a careful balancing of public interests. Communications may only be exempted under this section if the township can prove, for the particular instance in question, that the public interest in frank communication outweighs the public interest in disclosure. The act also states that this exemption may not be used as a basis for calling a closed meeting under Section 8(h) of the Open Meetings Act.

11. Records of a police department which, if released, would identify an informer or an undercover officer or members of the family of such officer; disclose operational instructions of law enforcement officers; reveal the contents of staff manuals; endanger the life or safety of a law enforcement officer or his family; disclose personnel records of law enforcement agencies, and that identify or provide a method of identifying residences that a law enforcement agency is required to check during the absence of owner or tenant.
12. Personal property tax statements.
13. Records of any campaign committee, including any committee that receives monies from a state campaign fund.
14. Records of a public body's security measures, including plans, security codes and combinations, passwords, passes, keys and security procedures, to the extent that the records relate to the ongoing security of the public body.
15. Records or information relating to a civil action in which the requesting party and the public body are parties.
16. Information or records that would disclose the Social Security number of any individual. (MCL 15.263) *