



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

December 11, 2017

Steve Harry
236 Tecumseh River Rd.
Lansing, MI 48906
stevenrharry@gmail.com

Sent Via Email

RE: Freedom of Information Act ("FOIA") Request
18-199 – Source Documents for FOIA #18-139

Dear Mr. Harry:

In response to your FOIA request referenced above, received by this office on December 6, 2017, your request is denied pursuant to MCL 15.243(1)(d) and 2012 PA 347. This Act states that "information regarding the calculation of actual or estimated retirement benefits for members of the system is exempt from disclosure by the system or the political subdivision sponsoring the system. . . ." MCL 38.1140h. The requested "retirement system computation sheet" that you provided as an example of the source document you are seeking under FOIA fits within the statutory exemption of 2012 PA 347.

Please be advised that the City has adopted Procedures and Guidelines and a Written Public Summary, both of which are available on the City's website at:

<https://www.lansingmi.gov/DocumentCenter/Home/View/618>

<https://www.lansingmi.gov/DocumentCenter/Home/View/415>

Appeal of denial of records. You are entitled under the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the President of City Council or to commence an action in the Circuit Court within 180 days after the City's final determination to deny a request, to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the City has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in

addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record.

Appeal of excessive fee. You are entitled under the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the City's written Procedures and Guidelines to the President of City Council or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the President of City Council. If a civil action is commenced in court, the City is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the City required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount.

If you have any further questions, please contact me at my office.

Sincerely,



Amanda O'Boyle
Office of the City Attorney

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