

**COVID-19 FOIA RESPONSE OPTIONS UNDER 4/5/2020
GOVERNOR EXECUTIVE ORDER 2020-38**

Date

Addressee

Address

Address

Re: Response to Request Received _____ (attached)

Dear _____:

As the FOIA Coordinator, I am responding to your attached request in the manner authorized by Governor Whitmer's April 5, 2020, Executive Order No. 2020-38, titled, "Temporary extensions of certain FOIA deadlines to facilitate COVID-19 emergency response efforts". Under that Order, responses to requests received via first-class mail, hand-delivery and facsimile are due within 10 business days of when your request is considered as received, which is when the envelope containing it was opened or it was removed from the fax machine. Requests received by email or website submission that can be responded to without in-person efforts will be handled in accordance with the time periods outlined in the FOIA.

Extension

The COVID-19 outbreak and efforts to respond to it, including complying with emergency orders and mitigation recommendations by the State, County, and Federal governments, interferes with the [public body]'s ability to timely grant or deny your request. Therefore, the [public body] hereby extends the time for responding to your request to (1) June 4, 2020, (2) a later date you will be notified of if the Governor's Order is extended, or (3) an earlier date if the [public body] determines this extension is no longer necessary. By the extended date, the [public body] will grant the request, issue a written notice denying the request or grant the request in part and issue a written notice denying the request in part.

Deferral

Because your request requires in-person efforts to search, inspect, examine, prepare, or produce public records, the [public body] hereby defers its response until June 5, 2020, when the Governor's Executive Order expires, or a later date you will be notified of if the Governor's Order is extended. Those in-person efforts include [insert reasons].

You may amend your request in writing to exclude public records that require in-person efforts for a response so that the [public body] may more promptly process, rather than defer its response to, your request. Upon receipt of an amended request that does not require in-person efforts, within the time allowed or extended under the FOIA or the Governor's Order, the [public body] will grant, issue a written notice denying, or grant in part and issue a written notice denying in part, the amended request.

Final Paragraph in All Approvals or Denials.

For the parts of your request that have been denied, or any aspects of this response you consider to be a denial, you have the right to submit a written appeal to the [public body]'s [Council or Board of Trustees] that specifically states the word "appeal" and identifies the reason or reasons for reversal of a denial. Appeals should be delivered to the [public body]'s Clerk's office, at [insert address]. In addition, you may also seek judicial review of a denial pursuant to MCL 15.240, and may have the right to receive attorneys' fees and damages as provided in MCL 15.240, if after judicial review, the circuit court determines that the [public body] has not complied with MCL 15.235 and orders disclosure of all or a portion of a public record.

[public body]'s FOIA procedures and guidelines are available free of charge from the Clerk's office during regular business hours at [insert address], or online at: [insert link].

Sincerely,

FOIA Coordinator