



MIOSHA Fact Sheet

Management & Technical Services Division

Freedom of Information Act

What is the Michigan Freedom of Information Act (FOIA)?

The Michigan Freedom of Information Act (FOIA), Act 442 of 1976, regulates and sets requirements for the disclosure of public records by all public bodies in the state. In general, all records except those specifically cited as exemptions are covered by FOIA. The Act also sets fee guidelines for obtaining public records. You can view the FOI Act in its entirety at: <http://legislature.mi.gov/doc.aspx?mcl-act-442-of-1976>.

Why are portions of the documents I received protected?

These portions are exempt from disclosure by the provisions of FOIA and/or State or Federal statutes such as the Michigan Occupational Safety and Health Act, Act 154 of 1974, which can be viewed at: <http://legislature.mi.gov/doc.aspx?mcl-act-154-of-1974>. Section 63 (1) and (2) pertains to the confidentiality of trade secrets and the identity of employee(s) exempt from disclosure.

I was injured at work. Can I obtain a copy of my accident investigation?

Yes, if the incident was investigated by MIOSHA. Employers are not required to report all accidents to MIOSHA. Employer responsibilities to report include:

- **Fatality:** Reporting of an employee death resulting from a work-related incident or exposure; in general, from an accident or illness caused by or related to a workplace hazard is required within 8 hours of becoming aware of the incident.
- **Catastrophe:** The hospitalization of three or more employees resulting from a work-related incident; in general, from an accident or illness caused by a workplace hazard.

- **Power Press Accidents:** All point of operation injuries or injuries within the confines of the die to operators or other employees.

Information needed in order to conduct a database search on an accident investigation includes:

- The complete employer name and address of where the injured party was employed at the time of the incident.
- Name of the injured party.
- Date of incident.
- Brief description of the accident.

I'm an employer – how do I get a copy of the MIOSHA inspection file for my workplace?

By submitting a written FOIA request to MIOSHA. Include the complete employer name and address of the records you are trying to seek and specific date(s) of the inspection.

What must be done to file a FOIA request with MIOSHA?

- A request must be made in writing to:

MI DELEG
MIOSHA – MTSD
P.O. Box 30649
Lansing, MI 48909-8149 or

Fax #: 517.322.1505 or

Electronic: www.michigan.gov/mioshafoia

- A person may also ask to inspect, copy or receive a copy of a public record.

How long will it take to process my request?

MIOSHA will respond within 5 business days of receipt of the request or within 15 business days, if an extension was claimed. (See FOIA, Act 442 of 1976.)

What is the standard fee for a FOIA request?

- Duplication per page: \$ 0.25
- Labor (hourly rate): \$24.30
- Mailing cost: Actual
- Photo discs (each) \$15.00
- Photo sheets (each) \$ 1.00

Can MIOSHA fax me my requested documents, if any exist?

No. MIOSHA will send them via the United States Postal Service.

Do I need to send in a check for the fees when I submit my FOIA request?

No. If documents exist, MIOSHA will send them to you along with an invoice if the total cost is under \$50.00. If over \$50.00, MIOSHA will send you an estimate of the total cost and request a good faith deposit be made of half the total estimated cost before processing your request.

How long are inspection files retained by MIOSHA?

Normally, all inspection files for both safety and health will be retained for three years after they have been closed. An inspection file is closed when all violations have been abated and penalty has been paid in full and/or no further action is needed by the employer.

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