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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

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MTT 2020-7

IMPORTANT INFORMATION INVOLVING REDACTION OF PERSONAL IDENTIFYING INFORMATION

Although instructions found on the Michigan Tax Tribunal's (MTT) website clearly indicate that Personal Identifying Information (PII) is protected, and that the parties should redact PII, neither the MTT nor MOAHR rules currently have a rule regarding redaction of PII. However, MOAHR Rule 102(3) states that "If an applicable rule does not exist, the 1985 Michigan rules of court and the provisions of chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287 apply."

The Michigan Supreme Court entered an order on May 22, 2019 for new rules effective January 1, 2021. Of specific relevance, additions to MCR 1.109 pertaining to the redaction of documents were adopted. Thus, in accordance with the Michigan Supreme Court adoption of the new rules, as of January 1, 2021, the Michigan Tax Tribunal will no longer be redacting or excluding PII from documents submitted to the MTT, and **the responsibility will be solely on the parties and their representatives.**

Please note that under MCR 1.109(D)(9) PII includes:

- a) Date of birth
- b) Social security number or national identification number,
- c) Driver's license number or state-issued personal identification card number,
- d) Passport number, and
- e) Financial account numbers.

Also note that under MCR 1.109(D)(10) the responsibility for excluding or redacting PII listed in subrule (9) from all documents filed with or offered to the court rests solely with the parties and their attorneys, and that the clerk of the court, in this case the MTT, is not required to review, redact, or screen documents at time of filing for personal identifying information, protected or otherwise, whether filed electronically or on paper.

A party, representative or interested person (i.e. third party not part of an appeal) whose PII is in an exhibit or other previously filed document may file a written request to redact the information. Fillable forms entitled "Request for Redaction" can be found in the Entire Tribunal and Small Claims sections of the MTT's website. There is no motion fee required for requesting a redaction.

For a complete iteration of the new rules, please refer to the Michigan Court Rules.

A link to the Michigan Supreme Court order can be found [here](#).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven M. Bieda". The signature is fluid and cursive, with the first name "Steven" being the most prominent.

Steven M. Bieda
Chairman, Michigan Tax Tribunal