

Michigan Gaming Control Board Freedom of Information Act Procedures and Guidelines

Effective Date: March 11, 2020

Persons Authorized to Release Information

A. The Executive Director, Deputy Director of Administration, Deputy Director of Indian Gaming & Legal Affairs, Public Affairs Representative, and FOIA Coordinator are the only persons authorized to release MGCB information or documentation to an outside party, unless it is allowed in accordance to B or C, below.

B. The Executive Director may authorize other MGCB personnel or agents to release business information or agency records, as s/he deems necessary.

C. The Indian Gaming Section Manager is empowered to release Tribal Casino payments to state governments as approved by the FOIA Coordinator in advance of the release.

Agency Transparency Liaison

Each state agency and department appoints a transparency liaison to assist the public in accessing information through FOIA. The liaison also assures compliance with the Open Meetings Act, providing assistance to the public. Citizens may contact the transparency liaison if they have questions or concerns about the agency's FOIA process or participation opportunities at public meetings.

Deputy Director Dave Murley

MGCB Transparency Liaison

Phone: 313-456-4100

Email: MGCB-transparencyliaison@michigan.gov

Receiving Requests for Information

A. Any request for MGCB information or documentation should be sent to the FOIA Coordinator via:

Email: MGCBweb@michigan.gov

Michigan Gaming Control Board
3062 West Grand Boulevard, Suite L-700
Detroit, MI 48202-6062
Fax: 313-456-3405

Requests should include a name, phone number and mailing address.

B. Staff who receive written FOIA requests must immediately forward any request for MGCB information or documentation to the FOIA coordinator.

C. Records staff will maintain, for no less than one year, a copy of each written request including agency response and any exempted information. [FOIA Section 3(2)]

Processing Requests for Information

A. The FOIA Coordinator will ensure adherence to applicable laws and statutes and shall determine what information and documentation is exempt from public disclosure.

B. Upon receipt of a request, the department FOIA coordinator will send an email to executive staff who may possess pertinent records.

C. MGCB personnel and agents shall make a timely effort to locate and provide all relevant information and/or documents to the FOIA Coordinator in response to a FOIA request.

D. Unless otherwise agreed to in writing, MGCB will respond to a request for information and/or public records within five business days:

- Beginning the first business day following receipt of a request.
- For requests that sufficiently describe the public record.
- Upon receipt of a good faith deposit, when requested.

E. When operationally necessary, MGCB may issue a notice extending for not more than 10 additional business days the period during which to respond to a request.

F. MGCB may require, at the time a request is made, a good faith deposit from the requestor of the public record or series of public records. The deposit shall not exceed ½ of the total fee. [FOIA Section 4(2)]

G. MGCB will charge a requestor a processing fee for all time involved in completing a request for information if the combined labor (work performed by all MGCB personnel and agents) exceeds two (2) hours.

H. MGCB may refuse to process a FOIA request if the requestor fails to pay a good faith deposit properly requested by the MGCB pursuant to [FOIA Section 4(2)]. (A.G. Opinion #6977)

I. MGCB may require that its fees be paid in full before actual delivery of requested materials or information. [A.G. Opinion #6977]

J. Records Staff will include the "Response Number" in each written response along with a request that this number be included in any future correspondence or fee payment.

Requests to Inspect Public Records

A. Requests to view or inspect public records will take place at a MGCB office during normal business hours and in a manner that does not unreasonably disrupt the operations of MGCB.

B. The FOIA Coordinator, when responding to requests for viewing or inspecting public records, will review, copy, redact exempt from non-exempt information and provide a copy of redacted record(s) for viewing or inspection.

- Records staff must be able to describe the redacted information if requested by the record viewer.
- MGCB will notify the requestor of any labor and duplication fees associated with preparing records for inspection before the inspection.

C. When responding to requests to view or inspect public records, MGCB shall take necessary measures to protect its records from loss, unauthorized alteration, mutilation or destruction. [FOIA Section 3(3)]. Measures may include:

- Providing copies rather than originals for public inspection; or
- Assigning Records Staff to monitor documents during inspection.

D. MGCB staff shall follow State of Michigan Treasury Policy 5/60: ET-03102, by not allowing State of Michigan computer equipment to be used by unauthorized person(s).