

Michigan Department of Environment, Great Lakes, and Energy Summary of the Department's Freedom of Information Act Procedures and Guidelines

A. How to submit written requests.

FOIA requests to EGLE can be input electronically, posted, or faxed.

To submit your request electronically, check on its status, or to pay an invoice; visit https://michiganegle.govqa.us/WEBAPP/_rs/SupportHome.aspx.

A request may also be posted to Michigan Department of Environment, Great Lakes, and Energy ATTN FOIA Coordinator, P.O. Box 30473, Lansing, Michigan 48909-7973 or faxed to 517-241-0858.

B. How to understand the Department's written responses to FOIA requests.

The Department has several options when responding to written requests for public records. It can grant the FOIA request, deny the request, grant it in part and deny it in part, or take one 10 business day extension. After 10 business days pass, the Department has to respond with one of the other options.

If the request is granted or granted in part and denied in part, the Department can also charge a fee to process the request. There is no fee for requests that do not require the Department to incur costs above the threshold set in its Procedures and Guidelines. Fees are calculated using its procedures and guidelines and you will receive a detailed itemization of the fee. The Department may require you to pay a good-faith deposit before it processes your request. After you pay any deposit and final balance due, the Department will produce records in its possession that fall within the scope of your request and that legally may be disclosed to the public. The Department may also notify you that some of the records you have requested are available on its website.

If the request is denied, the Department will inform you of the basis for its denial in a written notice. Reasons the Department may deny a request include:

1. You did not describe the records you have requested well enough and the Department cannot determine what you are asking for;
2. The Department has determined that it does not have records that respond to your request in its possession; or
3. The records you have requested are exempt from public disclosure.

If all or part of your request is denied, the Department will inform you of your right to appeal its denial to Legal Services and/or to file a lawsuit against the Department in its written response.

C. Deposit requirements.

If the Department estimates a fee to process a FOIA request greater than \$50.00, the Department will require a good-faith deposit from you before providing the public records. The deposit shall not

exceed 1/2 of the total estimated fee. Any written notice containing a notice of a deposit shall also contain a best efforts estimate by the Department regarding the time frame after a deposit is received that it will take the Department to provide the public records. The time frame estimate is not binding upon the Department, but the Department shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on this State's public policy under section 1 of the FOIA, MCL 15.231, and the nature of the request in the particular instance.

D. Fee calculations.

The FOIA permits the Department to charge a fee to process FOIA requests using a form to give you a detailed itemization of the costs involved. The Department may charge for the following costs:

1. the costs of labor for the search, location, and examination of public records;
2. the costs of labor for the review of public records and separation and deletion of exempt from nonexempt material;
3. the cost of nonpaper physical media;
4. the cost of duplication and publication of public records;
5. the costs of labor for the duplication or publication of public records;
6. the actual cost of mailing public records.

E. Avenues for challenge and appeal.

If the Department charges a fee or denies all or part of a request, you may submit to the Senior Deputy Director a written appeal that specifically states the word "appeal" and identifies the basis for which the fee should be reduced or the disclosure determination should be reversed. Written appeals may be sent to the email address or mailing address listed above.

F. Transparency Liaison.

[Executive Directive 2019-11](#) requires state departments to designate an individual to serve as a transparency liaison for the department. The transparency liaison assists the public in accessing department records through the Freedom of Information Act process. The transparency liaison acts as an advocate for the disclosure of public records and for transparency and procedures that encourage public participation in public meetings. The transparency liaison also assists individuals seeking to participate in public meetings.

If you have questions about, or seek assistance with, the filing of an EGLE FOIA request, navigating the EGLE FOIA process, participating in an EGLE public meeting, or another open government issue, please contact the EGLE's Transparency Liaison by mail, email, or phone at:

EGLE Transparency Liaison
Department of Environment, Great Lakes, and Energy
P.O. Box 30473
Lansing, MI 48909-7973
517-284-5004
EpkeyA@Michigan.gov