



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF TECHNOLOGY, MANAGEMENT & BUDGET  
LANSING

MICHELLE LANGE  
DIRECTOR

## FREEDOM OF INFORMATION ACT (FOIA) RESPONSE

February 19, 2025

Steven Schupbach  
American Transparency  
PO Box 970999  
Boca Raton, FL 33497

Dear Steven Schupbach:

This notice is in response to your request dated February 11, 2025 (attached), for information under the Freedom of Information Act (FOIA), MCL 15.231 *et seq.* Your request was received by the Department of Technology, Management and Budget, Office of Retirement Services (ORS) on February 12, 2025.

You requested:

1. An electronic copy of any and all retired State of Michigan Employees which are paid a monthly pension annuity broken down by employee and year, in electronic format and emailed for the year 2024. Including the following data items: first name, middle initial, last name, last employer zip code, and employee zip code of residence, and monthly annuity amount.

The following action has been taken in response to this request:

**REQUEST GRANTED IN PART, DENIED IN PART**, as follows:

**REQUEST GRANTED IN PART.** As to the partial grant, the ORS will provide first name, middle initial, last name, last employer zip code and monthly annuity amount for State of Michigan retirees who are paid a monthly pension for calendar year 2024.

Under section 4(4) of the FOIA, MCL 15.234(4), a public body is required to provide a detailed itemization, which is attached, that clearly lists and explains the allowable charges, where applicable, for the necessary copying of a public record for inspection; actual mailing costs; actual incremental cost of duplication or publication; including labor; and the cost of search, examination, review, and deletion and separation of exempt from nonexempt information, which compose the total fee used for estimating and charging purposes.

To begin processing this request, the DTMB requires a one-half good faith deposit of \$196.65 based on an estimated total cost of \$393.30 as permitted under section 4(8) of

the FOIA, MCL 15.234(8). Failure to charge would result in an unreasonably high cost to the DTMB in this particular instance because employees must be taken away from pending work to process the request and expend additional time to complete regularly assigned departmental work.

As set forth under section 4(14) of the FOIA, MCL 15.234(14), if a fee appeal has not been filed under section 10a of the FOIA, MCL 15.240a, the DTMB must receive the required deposit within 45 days after the requester's statutorily-determined receipt of this notice, which, in this case, is April 5, 2025; otherwise, the FOIA request will be considered abandoned and the Department will not be required to fulfill the request.

Upon receipt of the deposit payment, either a check made payable to the State of Michigan and sent to the FOIA Coordinator, Department of Technology, Management and Budget, 320 South Walnut St., P.O. Box 30026, Lansing, MI 48933, or a credit card payment at: [www.thepayplace.com/mi/dtmb/foia](http://www.thepayplace.com/mi/dtmb/foia), the DTMB will complete the processing of the request within an estimated 10 business days. Section 4(8) of the FOIA also provides that while the time frame estimate is nonbinding upon the public body, the public body shall provide the estimate in good faith and strive to be reasonably accurate and to provide the public records in a manner based on the state's public policy set forth in section 1(2) of the FOIA, MCL 15.231(2), and the nature of the request in the particular instance.

The DTMB will issue a written notice of the balance due, the statutory basis for exemptions, if any, and the statutory remedies, if applicable. After receipt of the balance due, copies of the records will be provided to you within three business days.

**REQUEST DENIED IN PART.** Employee zip codes beyond the first two digits are being withheld from public disclosure under section 13(1)(a) of the FOIA, MCL 15.243(1)(a), which provides for the nondisclosure of “[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual’s privacy.”

In raising the privacy exemption, the ORS relies on *Mager v Dep’t of State Police*, 460 Mich 134 (1999), and *Stone Street Capital, Inc v Michigan Bureau of State Lottery*, 263 Mich App 683 (2004).

The *Mager* Court noted that disclosure under the FOIA of personal information about a private citizen contained in a governmental file would constitute a clearly unwarranted invasion of the individual’s privacy when disclosure “reveals little or nothing about an agency’s own conduct.” The Court further observed that “the only relevant public interest in disclosure to be weighed in this balance is the extent to which disclosure would serve the core purpose of the FOIA, which is contributing significantly to public understanding of the operations or activities of the government.” *Mager* at 145-146 (emphasis and citations omitted).

**Steven Schupbach**

February 19, 2025

Page 3 of 3

Furthermore, the FOIA does not permit a public body to consider the requesting person's identity and motivation or purpose for making the request or the intended use of the information. And the FOIA provides no mechanism to prevent the ongoing dissemination of the information after an initial disclosure under the act. *State Employees Ass'n v Dep't of Mgt and Budget*, 428 Mich 104, 125-126 (1987); *Kestenbaum v Michigan State Univ*, 414 Mich 510, 528 (1982).

Thus, if the ORS were to release the personal information to the requester in this instance, it generally would have to release the information to all requesters and would have no means to ensure that the personal information is used only for benign purposes. Personal information publicly disclosed to the world at large under the FOIA, could result in the threat to or endangerment of the individuals. *Stone Street Capital, Inc* at 691. Each and every release of this information would result in "a clearly unwarranted invasion of an individual's privacy." MCL 15.243(1)(a).


**As to the partial denial determination, pursuant to section 10 of the FOIA, you may do the following:**

1. Appeal this decision in writing to the Director of the Department, Michelle Lange, Elliott-Larsen Building, 320 South Walnut, P.O. Box 30026, Lansing, Michigan 48909. The writing must specifically state the word "appeal" and must identify the reasons you believe the denial should be reversed. The head of the department must respond to your appeal within 10 business days of its receipt. Under unusual circumstances, the time for response to your appeal may be extended by 10 business days.
2. Commence an action in the Court of Claims within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees if applicable, costs and disbursements, and possible damages.

**ADDITIONAL COMMENTS:**

The Department's written procedures and guidelines and a summary can be viewed at: [www.michigan.gov/foia-dtmb](http://www.michigan.gov/foia-dtmb).

Sincerely,



Sarah H.  
Freedom of Information Act Assistant Coordinator  
Michigan Office of Retirement Services  
Enclosure(s)

**FREEDOM OF INFORMATION ACT RESPONSE  
BILLING INVOICE**

Michigan Department of Technology, Management and Budget

**DTMB-0050 Revised 6/27/2022**

If payment is required as indicated in the accompanying letter, requested information will not be released until the payment described below is received. Please call the above DTMB contact person or return this form if you decide you do not wish to receive this information. After 45 days it will be assumed that you no longer require the requested documents.

**SECTION 1. REQUESTOR INFORMATION**

1. Requestor Name

Steven Schupbach

2. Requestor Address

PO Box 970999

Boca Raton, FL 33497

**SECTION 2. BILL CALCULATION**

1. Labor – Searching, Examining, Review, Deletion & Separating Exempt from Non-Exempt

Labor involved	Hours X (times)	Wage Rate (includes up to 50% fringes)	\$ 393.30
Data Pull	2.00	39.33	
Data Review	8.00	39.33	

2. Postage Actual Cost (put zero if picking up documents)

\$

3. Duplicating

Labor Hours \_\_\_\_\_ X (times) \_\_\_\_\_ Wage Rate (including up to 50% fringes) \$

\$ 0.00

Paper: Number of pages \_\_\_\_\_ @ \$.10 per sheet

4. Other Costs

\$ 0.00

\$ \_\_\_\_\_

Description \_\_\_\_\_

**Total** \$ **\$393.30**

**Deposit\*** \$ **196.65**

\*NOTE: IF A DEPOSIT IS REQUESTED, THE INDICATED AMOUNT IS A BEST ESTIMATE ONLY. THE ACTUAL COST MAY VARY FROM THIS AMOUNT. **THEREFORE, PLEASE PAY THE DEPOSIT AMOUNT ONLY AT THIS TIME.**

5. Payment

**Make check or money order payable to: State of Michigan**

**Mail check to:**

DTMB FOIA Coordinator

Director's Office 2<sup>nd</sup> Floor

320 S. Walnut St.

Lansing, MI 48933

**Payments can also be made online, at:**

[www.thepayplace.com/mi/dtmb/foia](http://www.thepayplace.com/mi/dtmb/foia)

**Your invoice number is:** 91

Return a copy of this invoice with your check

DISTRIBUTION: Requestor (2); Agency; Office of Financial Services; DTMB FOIA Coordinator

**Archived:** Tuesday, February 11, 2025 1:29:29 PM

**From:** [Steven.Schupbach@openthebooks.com](mailto:Steven.Schupbach@openthebooks.com)

**Sent:** Tuesday, February 11, 2025 1:11:52 PM

**To:** [DTMB-ORS-FOIA-Requests](#)

**Subject:** New FOIA - Michigan Office of Retirement Services (State) submitted on 02/11/2025

**Sensitivity:** Normal

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**CAUTION: This is an External email. Please send suspicious emails to [abuse@michigan.gov](mailto:abuse@michigan.gov)**

02/11/2025

Dear FOIA Compliance Officer,

Pursuant to the Open Records Act/ Freedom of Information, this is a request for a copy of the following records: We are requesting an electronic copy of any and all retired State of Michigan Employees which are paid a monthly pension annuity broken down by employee and year, in electronic format and emailed for the year 2024. This data should include the following data items: first name, middle initial, last name,, last employer zip code, and employee zipcode of residence, and monthly annuity amount..

The principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public. A fee waiver is requested. The purpose of this is to make this information more accessible to the public and to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public, and not principally for personal or commercial benefit . We are requesting a waiver of fees. If there is a charge for this service please obtain our approval in writing prior to proceeding with request.

All documents can be e-mailed to [Michigan@OpenTheBooks.com](mailto:Michigan@OpenTheBooks.com) If any documents are not provided in the format specified, please provide the State or Federal statutes relied upon for that decision. If any record or portion of a record responsive to this request is contained in a record or portion of a record deemed unresponsive to the request, we would like to inspect the entire document. Under the Freedom of Information Act, all non-exempt portions of any partially-exempt documents must be disclosed. If any records or portions of records are withheld, please state the exemption on which you rely, the basis on which the exemption is invoked, the name of the individual responsible for the decision.

Thank you for your prompt consideration of my request. If you have any questions, or if I can be of any assistance, please e-mail me at [Michigan@OpenTheBooks.com](mailto:Michigan@OpenTheBooks.com).

Sincerely,

Steven Schupbach  
American Transparency  
P.O. Box 970999  
Boca Raton, FL 33497-0999