

MICHIGAN STATE UNIVERSITY

DATE: March 7, 2024

TO: Andrew Conboy – conboyan@msu.edu

FROM: Rebecca Nelson, Director and Freedom of Information Act (FOIA) Officer
Michigan State University FOIA Office

Rebecca Nelson

SUBJECT: FOIA Partial Response & Scope Advisement

This is written in response to the FOIA request that you emailed to this Office on February 14, 2024.

The Michigan State University (MSU) Department of Police and Public Safety (DPPS) advises that the written record responsive to your request has been provided to this Office. A copy of that record accompanies this letter. The names of certain victims and witnesses, personal telephone numbers, home addresses, driver's license information, individuals' dates of birth and ages, personal email addresses, serial numbers, and other personal data have been redacted pursuant to one or more of Sections 13(1)(a), (b)(iii), and (d) of the Michigan Freedom of Information Act (MIFOIA). Section 13(1)(a) provides for the withholding of "Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy." Section 13(1)(b) provides for the withholding of "Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following...(iii) Constitute an unwarranted invasion of personal privacy." Section 13(1)(d) provides for the withholding of "Records or information specifically described and exempted from disclosure by statute." The William Van Regenmorter Crime Victim's Rights Act provides for the withholding of certain victim-identifying information. Law Enforcement Information Network (LEIN) data have also been redacted under Section 13(1)(d). LEIN data are protected under MCLA 28.214(5). A social security number has been redacted pursuant to Section 13(1)(w). University email addresses have been redacted under Sections 13(1)(u), (y), and (z), which allow for the withholding of information related to the ongoing security of a public body. No fee will be assessed for this processing of your request. With regard to the questions you pose, please be advised that the MIFOIA serves as an avenue through which existing records may be sought rather than as a question/answer forum. Further, the MIFOIA does not require a public body to create a record in order to fulfill a request.



FREEDOM OF INFORMATION ACT OFFICE

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The MIFOIA provides that when a public body denies all or a portion of a request, the requester may do one of the following: (1) submit an appeal of the determination to the head of the public body; or (2) commence a civil action in the court of claims to compel the public body's disclosure of the records. If you wish to seek judicial review of any denial, you must do so within 180 days of the date of this letter. If the court of claims orders disclosure of all or a portion of the public record(s) to which you have been denied access, you may receive attorneys' fees and, in certain circumstances, damages under the MIFOIA. Should you choose to file an appeal with the University regarding this response to your request, you must submit a written communication to this Office expressly stating that it is an "appeal" of this response. In your appeal, please state what records you believe should have been disclosed to you. You must also state the reasons you believe any denial of your MIFOIA request should be reversed. This Office will arrange for the processing and review of your appeal. Pursuant to Section 4(4) of the MIFOIA, the University's procedures and guidelines for processing MIFOIA requests can be found at <http://foia.msu.edu>.

With regard to MSU "body cam" and "dash cam" video recordings potentially responsive to your request, based upon our preliminary inquiries, we anticipate that significant labor will be involved in processing such recordings, incurring commensurate fees that would be assessed to you. Fees will not be waived since failure to charge same would result in unreasonably high costs to the University. Moreover, given the nature of the videos you seek, substantial withholdings are likely to be made under the provisions of the MIFOIA. Fees incurred would be assessed to you regardless of the extent of those withholdings. If you wish to pursue "body cam" and "dash cam" video, upon receiving written confirmation from you, this Office will provide to you an estimate of the fees likely to be incurred, and notify you of any deposit required to proceed.

Attachment
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