

HOUSE RESOLUTION NO. 62

Rep. Haadsma offered the following resolution:

1 A resolution to amend the Standing Rules of the House of
2 Representatives.

3 Whereas, The House of Representatives has passed legislation
4 to create a Legislative Open Records Act in each of the last four
5 legislative sessions; and

6 Whereas, The Michigan Senate has obstructed the passage of the
7 Legislative Open Records Act at every opportunity, leaving the
8 people of Michigan without a means of accessing public records in
9 the possession of the Legislature that are essential to the
10 public's full participation in the democratic process; and

11 Whereas, Article IV, Section 16 of the *Constitution of the*
12 *State of Michigan of 1963* provides that: "Each house, except as
13 otherwise provided in this constitution, shall choose its own

1 officers and determine the rules of its proceedings..."; and

2 Whereas, No legal authority prohibits the House from
3 independently adopting a rule that would have the practical effect
4 of applying the provisions of the proposed Legislative Open Records
5 Act to the House without further indefensible delay; now,
6 therefore, be it

7 Resolved by the House of Representatives, That the Standing
8 Rules of the House of Representatives are hereby amended by adding
9 the following rule:

10 **"Open Records.**

11 **Rule 72A. (1) As used in this rule:**

12 (a) "Person" means an individual, corporation, limited
13 liability company, partnership, firm, organization, association,
14 governmental entity, or other legal entity. Person does not include
15 an individual serving a sentence of imprisonment in a state or
16 county correctional facility in this state or any other state or in
17 a federal correctional facility.

18 (b) "Public record" means a writing prepared, owned, used, in
19 the possession of, or retained by the House in the performance of
20 an official function that has been in the possession of the House
21 for 15 days or more. Public record does not include computer
22 software. Public records are separated into the following 2
23 classes:

24 (i) Those that are exempt from disclosure under this rule.

25 (ii) Those that are not exempt from disclosure and thus are
26 subject to disclosure under this rule.

27 (c) "Session day" means a day in which the House of
28 Representatives convenes in session and a quorum of the House is
29 recorded.

1 (d) "Software" means a set of statements or instructions
2 that, when incorporated in a machine-usable medium, is capable of
3 causing a machine or device having information-processing
4 capabilities to indicate, perform, or achieve a particular
5 function, task, or result. Software does not include computer-
6 stored information or data or a field name if disclosure of that
7 field name would not violate a software license.

8 (e) "Unusual circumstances" means any 1 or a combination of
9 the following, but only to the extent necessary for the proper
10 processing of a records request:

11 (i) The need to search for, collect, or appropriately examine
12 or review a voluminous amount of separate and distinct public
13 records pursuant to a single request.

14 (ii) The need to collect the requested public records from
15 numerous offices, facilities, or other establishments that are
16 located apart from the particular office receiving or processing
17 the request.

18 (f) "Writing" means handwriting, typewriting, printing,
19 photostating, photographing, photocopying, and every other means of
20 recording, and includes letters, words, pictures, sounds, or
21 symbols, or combinations thereof, and papers, maps, magnetic or
22 paper tapes, photographic films or prints, microfilm, microfiche,
23 magnetic or punched cards, discs, drums, hard drives, solid state
24 storage components, or other means of recording or retaining
25 meaningful content.

26 (g) "Written request" means a writing that asks for
27 information and includes a writing transmitted by facsimile,
28 electronic mail, or other electronic means.

29 (2) Upon providing the House Business Office with a written

1 request that describes a public record sufficiently to enable the
2 House to find the public record, a person has a right to inspect,
3 copy, or receive copies of the requested public record of the
4 House. A request from a person, other than an individual who
5 qualifies as indigent, must include the requesting person's
6 complete name, address, and contact information, and, if the
7 request is made by a person other than an individual, the complete
8 name, address, and contact information of the person's agent who is
9 an individual. An address must be written in compliance with United
10 States Postal Service addressing standards. Contact information
11 must include a valid telephone number or electronic mail address.
12 An employee of the House who receives a request for a public record
13 shall forward that request to the House Business Office within 3
14 business days.

15 (3) The House Business Office shall keep a copy of all
16 written requests for public records on file for not less than 1
17 year.

18 (4) The House shall furnish a requesting person a reasonable
19 opportunity for inspection and examination of its public records
20 and shall furnish reasonable facilities for making memoranda or
21 abstracts from its public records during the usual business hours.
22 The House Business Office may establish reasonable rules necessary
23 to protect the public records of the House and to prevent excessive
24 and unreasonable interference with the discharge of House
25 functions. The House shall protect public records from loss,
26 unauthorized alteration, mutilation, or destruction.

27 (5) This rule does not require the House to make a
28 compilation, summary, or report of information.

29 (6) This rule does not require the House to create a new

1 public record, except to the extent required by this rule for the
2 furnishing of copies, or edited copies of an existing public record
3 under this rule.

4 (7) The House Business Office shall, upon written request,
5 furnish a requesting person a certified copy of a public record.

6 (8) Except for a record exempt from disclosure under this
7 rule, the House shall not destroy or alter a public record, or a
8 record that will become a public record once it has been in
9 possession of the House for 15 days, before the record has been in
10 its possession for 730 days.

11 (9) The House may charge a fee for a public record search,
12 for the necessary copying of a public record for inspection, or for
13 providing a copy of a public record after the House Business Office
14 has established, makes publicly available, and follows procedures
15 and guidelines to implement this rule. Subject to the provisions of
16 this rule, the fee must be limited to actual mailing costs and to
17 the actual incremental cost of duplication or publication,
18 including labor, the cost of search, examination, review, and the
19 deletion and separation of exempt from nonexempt information.
20 Except as otherwise provided in this rule, if the House estimates
21 or charges a fee in accordance with this rule, the total fee must
22 not exceed the sum of the following:

23 (a) That portion of labor costs directly associated with the
24 necessary searching for, locating, and examining of public records
25 in conjunction with receiving and fulfilling a granted written
26 request. The House shall not charge more than the hourly wage of
27 its lowest-paid employee capable of searching for, locating, and
28 examining the public records in the particular instance regardless
29 of whether that person is available or who actually performs the

1 labor. Labor costs under this subdivision shall be estimated and
2 charged in increments of 15 minutes or more, with all partial time
3 increments rounded down.

4 (b) That portion of labor costs, including necessary review,
5 if any, directly associated with the separating and deleting of
6 exempt information from nonexempt information. For services
7 performed by an employee of the House, the House shall not charge
8 more than the hourly wage of its lowest-paid employee capable of
9 separating and deleting exempt information from nonexempt
10 information in the particular instance, regardless of whether that
11 person is available or who actually performs the labor. Labor costs
12 under this subdivision shall be estimated and charged in increments
13 of 15 minutes or more, with all partial time increments rounded
14 down. The House shall not charge for labor directly associated with
15 redaction if it knows or has reason to know that it previously
16 redacted the public record in question and the redacted version is
17 still in the House's possession.

18 (c) For public records provided to the requestor on nonpaper
19 physical media, the actual and most reasonably economical cost of
20 the computer discs, computer tapes, or other digital or similar
21 media. The requestor may stipulate that the public records be
22 provided on nonpaper physical media, emailed, or otherwise
23 electronically provided to him or her in lieu of paper copies. This
24 provision does not apply if the House lacks the technological
25 capability necessary to provide records on the particular nonpaper
26 physical media stipulated in the particular instance.

27 (d) For paper copies of public records provided to the
28 requestor, the actual total incremental cost of necessary
29 duplication or publication, not including labor. The cost of paper

1 copies shall be calculated as a total cost per sheet of paper and
2 shall be itemized and noted in a manner that expresses both the
3 cost per sheet and the number of sheets provided. The fee must not
4 exceed 10 cents per sheet of paper for copies of public records
5 made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. The
6 House shall utilize the most economical means available for making
7 copies of public records, including using double-sided printing, if
8 cost saving and available.

9 (e) The cost of labor directly associated with duplication or
10 publication, including making paper copies, making digital copies,
11 or transferring digital public records to be given to the requestor
12 on nonpaper physical media or through the internet or other
13 electronic means as stipulated by the requestor. The House shall
14 not charge more than the hourly wage of its lowest-paid employee
15 capable of necessary duplication or publication in the particular
16 instance, regardless of whether that person is available or who
17 actually performs the labor. Labor costs under this subdivision may
18 be estimated and charged in time increments of the House's
19 choosing. However, all partial time increments shall be rounded
20 down.

21 (f) The actual cost of mailing, if any, for sending the
22 public records in a reasonably economical and justifiable manner.
23 The House shall not charge more for expedited shipping or insurance
24 unless specifically stipulated by the requestor, but may otherwise
25 charge for the least expensive form of postal delivery confirmation
26 when mailing public records.

27 (10) When calculating labor costs under this rule, fee
28 components shall be itemized in a manner that expresses both the
29 hourly wage and the number of hours charged. The House may also add

1 up to 50% to the applicable labor charge amount to cover or
2 partially cover the cost of fringe benefits if it clearly notes the
3 percentage multiplier used to account for benefits in the detailed
4 itemization. Subject to the 50% limitation, the House shall not
5 charge more than the actual cost of fringe benefits, and overtime
6 wages shall not be used in calculating the cost of fringe benefits.
7 Overtime wages shall not be included in the calculation of labor
8 costs unless overtime is specifically stipulated by the requestor
9 and clearly noted on the detailed itemization. A search for a
10 public record may be conducted or copies of public records may be
11 furnished without charge or at a reduced charge if the House
12 determines that a waiver or reduction of the fee is in the public
13 interest because searching for or furnishing copies of the public
14 record can be considered as primarily benefiting the general
15 public. A public record search shall be made and a copy of a public
16 record shall be furnished without charge for the first \$20.00 of
17 the fee for each request by either of the following:

18 (a) An individual who is entitled to information under this
19 rule and who submits an affidavit stating that the individual is
20 indigent and receiving specific public assistance or, if not
21 receiving public assistance, stating facts showing inability to pay
22 the cost because of indigency. If the requestor is eligible for a
23 requested discount, the House shall fully note the discount on the
24 detailed itemization. If a requestor is ineligible for the
25 discount, the House shall inform the requestor specifically of the
26 reason for ineligibility in House's written response. An individual
27 is ineligible for this fee reduction if any of the following apply:

28 (i) The individual has previously received discounted copies
29 of public records under this rule from the House twice during that

1 calendar year.

2 (ii) The individual requests the information in conjunction
3 with outside parties who are offering or providing payment or other
4 remuneration to the individual to make the request. The House may
5 require a statement by the requestor in the affidavit that the
6 request is not being made in conjunction with outside parties in
7 exchange for payment or other remuneration.

8 (b) A nonprofit organization formally designated by the state
9 to carry out activities under subtitle C of the Developmental
10 Disabilities Assistance and Bill of Rights act of 2000, Public Law
11 106-402, and the Protection and Advocacy for Mentally Ill
12 Individuals Act, Public Law 99-319, or their successors, if the
13 request meets all of the following requirements:

14 (i) Is made directly on behalf of the organization or its
15 clients.

16 (ii) Is made for a reason wholly consistent with the mission
17 and provisions of those laws under section 931 of the Mental Health
18 Code, 1974 PA 258, MCL 330.1931.

19 (iii) Is accompanied by documentation of its designation by
20 this state, if requested by the House.

21 (11) A fee as described in this rule shall not be charged for
22 the cost of search, examination, review, and the deletion and
23 separation of exempt from nonexempt information unless failure to
24 charge a fee would result in unreasonably high costs to the House
25 because of the nature of the request in the particular instance and
26 the House specifically identifies the nature of these unreasonably
27 high costs.

28 (12) The House Business Office shall establish procedures and
29 guidelines to implement this rule and shall create a written public

1 summary of the specific procedures and guidelines relevant to the
2 general public regarding how to submit written requests to the
3 House and explaining how to understand the House's written
4 responses, deposit requirements, fee calculations, and avenues for
5 challenge and appeal. The written public summary shall be written
6 in a manner so as to be easily understood by the general public.
7 The House shall post and maintain the procedures and guidelines and
8 its written public summary on its website. The House shall make the
9 procedures and guidelines publicly available by providing free
10 copies of the procedures and guidelines and its written public
11 summary both in the House's response to a written request and upon
12 request by visitors to the House Office Building and the State
13 Capitol Building. The House may include the website link to the
14 documents in lieu of providing paper copies in its response to a
15 written request. The House's procedures and guidelines must include
16 the use of a standard form for detailed itemization of any fee
17 amount in its responses to written requests under this rule. The
18 detailed itemization must clearly list and explain the allowable
19 charges for each of the permissible fee components that compose the
20 total fee used for estimating or charging purposes under this rule.

21 (13) Any public records available to the general public on any
22 House internet site at the time the request is made are exempt from
23 charge under this rule. If the House Business Office knows or has
24 reason to know that all or a portion of the requested information
25 is available on a House website, the House Business Office shall
26 notify the requestor in its written response that all or a portion
27 of the requested information is available on the website. The
28 written response, to the degree practicable in the specific
29 instance, must include a specific webpage address where the

1 requested information is available. On the detailed itemization,
2 the House Business Office shall separate the requested public
3 records that are available on a House website from those that are
4 not available on a website and shall inform the requestor of the
5 additional charge to receive copies of the public records that are
6 available on a website. If the House has included the website
7 address for a record in its written response to the requestor and
8 the requestor thereafter stipulates that the public record be
9 provided to him or her in a paper format or other form, the House
10 shall provide the public records in the specified format but may
11 use a fringe benefit multiplier greater than the 50% limitation
12 provided for in this rule, not to exceed the actual costs of
13 providing the information in the specified format.

14 (14) The House may provide requested information available in
15 public records without receipt of a written request.

16 (15) If a verbal request for information is for information
17 that the House Business Office believes is available on the House's
18 website, the House Business Office shall, if practicable, inform
19 the requestor about the House's pertinent website address.

20 (16) The House may require a good-faith deposit from the
21 person requesting information before providing the public records
22 to the requestor if the entire fee estimate or charge authorized
23 under this rule exceeds \$50.00, based on a good-faith calculation
24 of the total fee. The deposit must not exceed 1/2 of the total
25 estimated fee, and the House's request for a deposit must include a
26 detailed itemization. The House must also provide the requestor
27 with a best efforts estimate regarding the time frame it will take
28 the House to comply with this rule in providing the public records
29 to the requestor. The time frame estimate is nonbinding upon the

1 House, but the House shall provide the estimate in good faith and
2 strive to be reasonably accurate.

3 (17) If the House does not respond to a written request in a
4 timely manner as required by this rule, it shall do the following:

5 (a) Reduce the charges for labor costs otherwise permitted
6 under this rule by 5% for each day the House exceeds the time
7 permitted for a response to the request under this rule, with a
8 maximum 50% reduction, if either of the following applies:

9 (i) The late response was willful and intentional.

10 (ii) The written request included language that conveyed a
11 request for information within the first 250 words of the body of a
12 letter, facsimile, email, or email attachment.

13 (b) If a charge reduction is required under this rule, fully
14 note the charge reduction on the detailed itemization.

15 (18) After the House has granted and fulfilled a written
16 request from an individual under this rule, if the House has not
17 been paid in full the total amount permitted for the copies of
18 public records that the House made available to the individual as a
19 result of that written request, the House may require a deposit of
20 up to 100% of the estimated fee before it begins a full public
21 record search for any subsequent written request from that
22 individual if all of the following apply:

23 (a) The final fee for the prior written request was not more
24 than 105% of the estimated fee.

25 (b) The public records made available contained the
26 information being sought in the prior written request and are still
27 in the House's possession.

28 (c) The public records were made available to the individual,
29 subject to payment, within the time frame estimate described under

1 this rule.

2 (d) 90 days have passed since the House notified the
3 individual in writing that the public records were available for
4 pickup or mailing.

5 (e) The individual is unable to show proof of prior payment
6 to the House.

7 (f) The House calculates a detailed itemization that is the
8 basis for the current written request's increased estimated fee
9 deposit.

10 (19) The House shall not continue to require an increased
11 estimated fee deposit from an individual as described under this
12 rule if any of the following apply:

13 (a) The individual shows to the House proof of prior payment
14 in full for the applicable prior request.

15 (b) The House receives payment in full for the applicable
16 prior written request.

17 (c) 365 days have passed since the individual made the
18 written request for which full payment was not remitted to the
19 House.

20 (20) If a deposit that is required under this rule is not
21 received by the House within 45 days from receipt by the requesting
22 person of the notice that a deposit is required, the request shall
23 be considered abandoned by the requesting person and the House is
24 no longer required to fulfill the request. Notice of a deposit
25 requirement under this rule is considered received 3 days after it
26 is sent, regardless of the means of transmission. Notice of a
27 deposit requirement under this rule must include notice of the date
28 by which the deposit must be received, which date is 48 days after
29 the date the notice is sent.

1 (21) To inspect or receive a copy of a public record under
2 this rule, a person shall submit a written request for the public
3 record to the House Business Office. A written request made by
4 facsimile, email, or other electronic transmission under this rule
5 is not considered to be received by the House Business Office until
6 1 business day after the electronic transmission is made. However,
7 if a written request is sent by email and delivered to the House
8 Business Office's spam or junk mail folder, the request is not
9 received until 1 day after the House Business Office first becomes
10 aware of the written request. The House Business Office shall note
11 in its records both the time a written request is delivered to its
12 spam or junk mail folder and the time the House Business Office
13 first becomes aware of that request.

14 (22) Unless otherwise agreed to in writing by the person
15 making the request, the House shall respond to a request for a
16 public record within 5 business days after the House receives the
17 request by doing 1 of the following:

18 (a) Granting the request.

19 (b) Issuing a written notice to the requesting person denying
20 the request.

21 (c) Granting the request in part and issuing a written notice
22 to the requesting person denying the request in part.

23 (d) Issuing a notice extending for not more than 10 business
24 days the time by which the House must respond to the request. The
25 House shall not issue more than 1 notice of extension for each
26 request.

27 (23) A written notice denying a request for a public record in
28 whole or in part must contain all of the following:

29 (a) An explanation of the basis under this rule or otherwise

1 for the determination that the public record, or portion of that
2 public record, is exempt from disclosure, if that is the reason for
3 denying all or a portion of the request.

4 (b) A certificate that the public record does not exist under
5 the name given by the requestor or by another name reasonably known
6 to the House, if that is the reason for denying the request or a
7 portion of the request.

8 (c) A description of a public record or information on a
9 public record that is separated or deleted, if a separation or
10 deletion is made under the provisions of this rule.

11 (d) A full explanation of the requesting person's right to
12 submit a written request for reconsideration to the House Business
13 Office that specifically states the word "reconsideration",
14 "appeal", "redetermination", or "reverse" and identifies the reason
15 or reasons for reversal of the disclosure denial.

16 (24) If the House issues a notice extending the period for a
17 response to the request, the notice must specify the reasons for
18 the extension and the date by which the House will do 1 of the
19 following:

20 (a) Grant the request.

21 (b) Issue a written notice to the requesting person denying
22 the request.

23 (c) Grant the request in part and issue a written notice to
24 the requesting person denying the request in part.

25 (25) If the House makes a determination to deny in whole or in
26 part a request to inspect or receive a copy of a public record or
27 portion of a public record, the requesting person may seek
28 reconsideration.

29 (26) Within 10 business days after receiving a written request

1 for reconsideration, the House Business Office shall do 1 of the
2 following:

3 (a) Reverse the disclosure denial.

4 (b) Issue a written notice to the requesting person upholding
5 the disclosure denial.

6 (c) Reverse the disclosure denial in part and issue a written
7 notice to the requesting person upholding the disclosure denial in
8 part.

9 (d) Under unusual circumstances, issue a notice extending for
10 not more than 10 business days the period during which the House
11 Business Office shall respond to the written request for
12 reconsideration. The House Business Office shall not issue more
13 than 1 notice of extension for a particular written request for
14 reconsideration.

15 (27) The House Business Office is not considered to have
16 received a written request for reconsideration until the first
17 scheduled session day following submission of the written request.

18 (28) If the House requires a fee that exceeds the amount
19 permitted under its publicly available procedures and guidelines or
20 this rule, the requesting person may submit to the House Business
21 Office a written request for a fee reduction that specifically
22 states the word "reconsideration", "appeal", "redetermination", or
23 "reverse", and identifies how the required fee exceeds the amount
24 permitted under the House's available procedures and guidelines or
25 this rule.

26 (29) Within 10 business days after receiving a written request
27 for a fee reduction, the House Business Office shall do 1 of the
28 following:

29 (a) Waive the fee.

1 (b) Reduce the fee and issue a written determination to the
2 requesting person indicating the specific basis under this rule
3 that supports the remaining fee. The determination must include a
4 certification from the House Business Office that the statements in
5 the determination are accurate and that the reduced fee amount
6 complies with its publicly available procedures and guidelines and
7 this rule.

8 (c) Uphold the fee and issue a written determination to the
9 requesting person indicating the specific basis under this rule
10 that supports the required fee. The determination must include a
11 certification from the House Business Office that the statements in
12 the determination are accurate and that the fee amount complies
13 with the House's publicly available procedures and guidelines and
14 this rule.

15 (d) Issue a notice extending for not more than 10 business
16 days the period during which the House Business Office must respond
17 to the written request for a fee reduction. The House Business
18 Office shall not issue more than 1 notice of extension for a
19 particular written request for a fee reduction.

20 (30) The House Business Office is not considered to have
21 received a written request for reconsideration of a fee until the
22 first scheduled session day following submission of the written
23 request.

24 (31) Nothing in this rule shall be construed to limit, modify,
25 waive, or otherwise affect the privileges and immunities guaranteed
26 under Article IV, Section 11 of the *Constitution of the State of*
27 *Michigan of 1963*.

28 (32) This rule does not create or imply a private cause of
29 action for a violation of this rule.

1 (33) The House may exempt from disclosure as a public record
2 under this rule any of the following:

3 (a) Records or information of a personal nature if public
4 disclosure of the information would constitute a clearly
5 unwarranted invasion of an individual's privacy. That information
6 includes, but is not limited to, the following:

7 (i) An individual's Social Security number, financial
8 institution record, electronic fund number, deferred compensation,
9 savings bonds, W-2 and W-4 forms, and any court-enforced judgments.

10 (ii) An employee's health care benefit selection.

11 (iii) Unemployment compensation and worker's disability
12 compensation records.

13 (iv) Internet-use records unless the records indicate an
14 unlawful use of public resources.

15 (b) Medical, counseling, or psychological facts or
16 evaluations concerning an individual if the individual's identity
17 would be revealed by a disclosure of those facts or evaluation,
18 including protected health information, as defined in 45 CFR
19 160.103.

20 (c) Communications, including any related records or
21 information, between a Member or a Member's office and a
22 constituent, other than a person required to be registered as a
23 lobbyist under 1978 PA 472, MCL 4.411 to 4.431. For purposes of
24 this subdivision, "constituent" means any of the following:

25 (i) An individual who is registered to vote in the district
26 the Member is elected to represent.

27 (ii) An individual who is a resident of the district the
28 Member is elected to represent and who is not registered to vote
29 outside of that district.

1 (iii) An individual other than an individual described in
2 subdivisions (c)(i) or (c)(ii) if the individual intended that the
3 communication be with the Member elected to represent the district
4 where he or she is registered to vote or, if not registered to
5 vote, resides.

6 (d) Communications and notes within the House of an advisory
7 nature to the extent that they cover other than purely factual
8 materials and are preliminary to a final determination of policy or
9 action. This exemption does not apply if in the particular instance
10 the public interest in disclosure clearly outweighs the public
11 interest in encouraging frank communications.

12 (e) Records or information pertaining to an ongoing internal
13 or legislative investigation.

14 (f) Trade secrets or commercial or financial records or
15 information voluntarily provided in confidence for use in
16 developing governmental policy.

17 (g) Records or information subject to the attorney-client
18 privilege or any other privilege recognized by the Constitution,
19 statute, or court rule.

20 (h) Records or information relating to a civil action in
21 which the House is a party until such litigation or claim has been
22 finally adjudicated or otherwise settled.

23 (i) Records or information specifically described and
24 exempted from disclosure by statute and including the records and
25 information subject to confidentiality requirements in sections
26 109, 501, and 601 of the Legislative Council Act, 1986 PA 268, MCL
27 4.1109, 4.1501, and 4.1601, in section 9 of 2016 PA 198, MCL 4.779,
28 and in section 9 of 1975 PA 46, MCL 4.359.

29 (j) A public record or information described in this rule,

1 that is furnished by the House originally compiling, preparing, or
 2 receiving the record or information to a public officer or public
 3 body in connection with the performance of the duties of that
 4 public officer or public body, if the considerations originally
 5 giving rise to the exempt nature of the public record remain
 6 applicable.

7 (k) Records of the office of Sergeant at Arms.

8 (l) Records of the House's security measures, including
 9 security plans, capabilities, procedures, measures, passwords,
 10 passes, keys, and codes and combinations.

11 (m) A bid, quote, or proposal submitted by a person to enter
 12 into a contract or agreement and records created in the preparation
 13 for and evaluation of the bid, quote, or proposal until the time of
 14 final notification of award of the contract or agreement.

15 (n) Records containing a trade secret as defined under
 16 section 2 of the Uniform Trade Secrets Act, 1998 PA 448, MCL
 17 445.1902, or financial or proprietary information submitted in
 18 connection with a bid, quote, or proposal to enter into a contract
 19 or agreement.

20 (o) Records that would do any of the following if disclosed:

21 (i) Interfere with law enforcement proceedings.

22 (ii) Deprive a person of the right to a fair trial or
 23 impartial administrative adjudication.

24 (iii) Disclose the identity of a confidential source or
 25 information furnished by a confidential source in the course of a
 26 legislative investigation.

27 (iv) Endanger the life or physical safety of any individual.

28 (v) Prejudice the House's ability to maintain the security or
 29 integrity of its properties or information technology systems.

1 (p) Records created, prepared, owned, used, in the possession
2 of, or retained by the House prior to April 1, 2021.

3 (q) Records created, prepared, owned, used, in the possession
4 of, or retained by the majority or minority caucuses of the House.

5 (r) The cell phone number of a Member or employee.

6 (s) Records containing location information for future
7 meetings of a Member or employee.

8 (34) This rule does not authorize the exemption from
9 disclosure of any salary record of an employee of the House.

10 (35) This rule does not authorize the exemption from
11 disclosure of a record otherwise required by law to be made
12 available to the public.

13 (36) If a public record contains material that is not exempt
14 under this rule, as well as material that is exempt from
15 disclosure, the House shall separate the exempt and nonexempt
16 material and make the nonexempt material available for examination
17 and copying.

18 (37) When designing a public record, the House shall, to the
19 extent practicable, facilitate a separation of exempt from
20 nonexempt information. If the separation is readily apparent to a
21 person requesting to inspect or receive copies of the form, the
22 House shall generally describe the material exempted unless that
23 description would reveal the contents of the exempt information and
24 thus defeat the purpose of the exemption."