

**SUBSTITUTE FOR  
SENATE BILL NO. 670**

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending sections 6, 10, and 13 (MCL 15.236, 15.240, and 15.243), section 6 as amended by 1996 PA 553, section 10 as amended by 2014 PA 563, and section 13 as amended by 2023 PA 64, and by adding section 14a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 6. (1) **All of the following apply to the designation of a**  
2 **FOIA coordinator:**

3           **(a)** A public body that is a city, village, township, county,  
4 or state department, or under the control of a city, village,  
5 township, county, or state department, shall designate an  
6 individual as the public body's FOIA coordinator.



1 (b) In a county not having an executive form of government,  
 2 the chairperson of the county board of commissioners is designated  
 3 the FOIA coordinator for that county.

4 (c) This state's speaker of the house of representatives shall  
 5 designate an individual as the FOIA coordinator for the house of  
 6 representatives.

7 (d) This state's senate majority leader shall designate an  
 8 individual as the FOIA coordinator for the senate.

9 (e) For all other public bodies, the chief administrative  
 10 officer of the respective public body is designated the public  
 11 body's FOIA coordinator.

12 (2) The FOIA coordinator shall ~~be responsible for accepting~~  
 13 ~~and processing~~ **accept and process** requests for the public body's  
 14 public records under this act and shall ~~be responsible for~~  
 15 ~~approving a~~ **approve any** denial under section 5(4) and (5). In a  
 16 county not having an executive form of government, the chairperson  
 17 of the county board of commissioners is designated the FOIA  
 18 coordinator for that county. **5(5) and (6).**

19 ~~(2) For all other public bodies, the chief administrative~~  
 20 ~~officer of the respective public body is designated the public~~  
 21 ~~body's FOIA coordinator.~~

22 (3) ~~An~~ **A** FOIA coordinator may designate another individual to  
 23 act on his ~~or her~~ **the FOIA coordinator's** behalf in accepting and  
 24 processing requests for the public body's public records, and in  
 25 approving a denial under section 5(4) and (5). **5(5) and (6).**

26 Sec. 10. (1) If a public body makes a final determination to  
 27 deny all or a portion of a request, the requesting person may do ~~±~~  
 28 **either** of the following: ~~at his or her option:~~

29 (a) Submit to the head of the public body a written appeal



1 that specifically states the word "appeal" and identifies the  
2 reason or reasons for reversal of the denial. **For purposes of an**  
3 **appeal under this subdivision of a denial by a state legislative**  
4 **public body as described in section 2(i) (ii), the submission must be**  
5 **made to 1 of the following, as applicable:**

6 (i) **An individual designated by the speaker of the house of**  
7 **representatives to respond to appeals on behalf of the house of**  
8 **representatives.**

9 (ii) **An individual designated by the senate majority leader to**  
10 **respond to appeals on behalf of the senate.**

11 (b) Commence a civil action in the circuit court, or if the  
12 decision of a state public body is at issue, the court of claims,  
13 to compel the public body's disclosure of the public records within  
14 180 days after ~~a~~**the** public body's final determination to deny a  
15 request.

16 (2) Within 10 business days after receiving a written appeal  
17 pursuant to subsection (1)(a), the head of a public body shall do 1  
18 of the following:

19 (a) Reverse the disclosure denial.

20 (b) Issue a written notice to the requesting person upholding  
21 the disclosure denial.

22 (c) Reverse the disclosure denial in part and issue a written  
23 notice to the requesting person upholding the disclosure denial in  
24 part.

25 (d) Under unusual circumstances, issue a notice extending for  
26 not more than 10 business days the period during which the head of  
27 the public body shall respond to the written appeal. The head of a  
28 public body shall not issue more than 1 notice of extension for a  
29 particular written appeal.



1 (3) A board or commission that is the head of a public body is  
2 not considered to have received a written appeal under subsection  
3 (2) until the first regularly scheduled meeting of that board or  
4 commission following submission of the written appeal under  
5 subsection (1) (a). If the head of the public body fails to respond  
6 to a written appeal pursuant to subsection (2), or if the head of  
7 the public body upholds all or a portion of the disclosure denial  
8 that is the subject of the written appeal, the requesting person  
9 may seek judicial review of the nondisclosure by commencing a civil  
10 action under subsection (1) (b).

11 (4) In an action commenced under subsection (1) (b), a court  
12 that determines a public record is not exempt from disclosure shall  
13 order the public body to cease withholding or to produce all or a  
14 portion of a public record wrongfully withheld, regardless of the  
15 location of the public record. Venue for an action against a local  
16 public body is proper in the circuit court for the county in which  
17 the public record or an office of the public body is located has  
18 venue over the action. The court shall determine the matter de novo  
19 and the burden is on the public body to sustain its denial. The  
20 court, on its own motion, may view the public record in controversy  
21 in private before reaching a decision. Failure to comply with an  
22 order of the court may be punished as contempt of court.

23 (5) An action commenced under this section and an appeal from  
24 an action commenced under this section ~~shall~~**must** be assigned for  
25 hearing and trial or for argument at the earliest practicable date  
26 and expedited in every way.

27 (6) If a person asserting the right to inspect, copy, or  
28 receive a copy of all or a portion of a public record prevails in  
29 an action commenced under this section, the court shall award



1 reasonable ~~attorneys'~~**attorney** fees, costs, and disbursements. If  
 2 the person or public body prevails in part, the court may, in its  
 3 discretion, award all or an appropriate portion of reasonable  
 4 ~~attorneys'~~**attorney** fees, costs, and disbursements. The award ~~shall~~  
 5 **must** be assessed against the public body liable for damages under  
 6 subsection (7).

7 (7) If the court determines in an action commenced under this  
 8 section that the public body has arbitrarily and capriciously  
 9 violated this act by refusal or delay in disclosing or providing  
 10 copies of a public record, the court shall order the public body to  
 11 pay a civil fine of \$1,000.00 ~~, which shall~~**that must** be deposited  
 12 into the general fund of the state treasury. The court shall award,  
 13 in addition to any actual or compensatory damages, punitive damages  
 14 in the amount of \$1,000.00 to the person seeking the right to  
 15 inspect or receive a copy of a public record. The damages ~~shall~~  
 16 **must** not be assessed against an individual, but ~~shall~~**must** be  
 17 assessed against the next succeeding public body that is not an  
 18 individual and that kept or maintained the public record as part of  
 19 its public function.

20 Sec. 13. (1) A public body may exempt from disclosure as a  
 21 public record under this act any of the following:

22 (a) Information of a personal nature if public disclosure of  
 23 the information would constitute a clearly unwarranted invasion of  
 24 an individual's privacy.

25 (b) Investigating records compiled for law enforcement  
 26 purposes, but only to the extent that disclosure as a public record  
 27 would do any of the following:

28 (i) Interfere with law enforcement proceedings.

29 (ii) Deprive a person of the right to a fair trial or impartial



1 administrative adjudication.

2 (iii) Constitute an unwarranted invasion of personal privacy.

3 (iv) Disclose the identity of a confidential source, or if the  
4 record is compiled by a law enforcement agency in the course of a  
5 criminal investigation, disclose confidential information furnished  
6 only by a confidential source.

7 (v) Disclose law enforcement investigative techniques or  
8 procedures.

9 (vi) Endanger the life or physical safety of law enforcement  
10 personnel.

11 (vii) Disclose the identity of a party who, as described in  
12 subdivision (cc), proceeds anonymously in a civil action in which  
13 the party alleges that the party was the victim of sexual  
14 misconduct. For the purpose of securing the party's anonymity, that  
15 party or the party's designee may provide written notification of  
16 the civil action and the party's wish to remain anonymous to any  
17 law enforcement agency that has investigating records subject to  
18 this subparagraph, and the law enforcement agency shall retain a  
19 copy of that notification in its files with those investigating  
20 records.

21 (c) A public record that if disclosed would prejudice a public  
22 body's ability to maintain the physical security of custodial or  
23 penal institutions occupied by persons arrested or convicted of a  
24 crime or admitted because of a mental disability, unless the public  
25 interest in disclosure under this act outweighs the public interest  
26 in nondisclosure.

27 (d) Records or information specifically described and exempted  
28 from disclosure by statute.

29 (e) A public record or information described in this section



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

7 (f) Trade secrets or commercial or financial information  
8 voluntarily provided to an agency, **or a state legislative public**  
9 **body as described in section 2(i)(ii)**, for use in developing  
10 governmental policy if:

11 (i) The information is submitted upon a promise of  
12 confidentiality by the public body.

13 (ii) The promise of confidentiality is authorized by the chief  
14 administrative officer of the public body or by an elected official  
15 at the time the promise is made.

16 (iii) A description of the information is recorded by the public  
17 body within a reasonable time after it has been submitted,  
18 maintained in a central place within the public body, and made  
19 available to a person upon request. This subdivision does not apply  
20 to information submitted as required by law or as a condition of  
21 receiving a governmental contract, license, or other benefit.

22 (g) Information or records subject to the attorney-client  
23 privilege.

24 (h) Information or records subject to the physician-patient  
25 privilege, the psychologist-patient privilege, the minister,  
26 priest, or Christian Science practitioner privilege, or other  
27 privilege recognized by statute or court rule.

28 (i) A bid or proposal by a person to enter into a contract or  
29 agreement, until the time for the public opening of bids or



1 proposals, or if a public opening is not to be conducted, until the  
2 deadline for submission of bids or proposals has expired.

3 (j) Appraisals of real property to be acquired by the public  
4 body until either of the following occurs:

5 (i) An agreement is entered into.

6 (ii) Three years have elapsed since the making of the  
7 appraisal, unless litigation relative to the acquisition has not  
8 yet terminated.

9 (k) Test questions and answers, scoring keys, and other  
10 examination instruments or data used to administer a license,  
11 public employment, or academic examination, unless the public  
12 interest in disclosure under this act outweighs the public interest  
13 in nondisclosure.

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

18 (m) Communications and notes within a public body or between  
19 public bodies of an advisory nature to the extent that they cover  
20 other than purely factual materials and are preliminary to a final  
21 agency determination of policy or action. This exemption does not  
22 apply unless the public body shows that in the particular instance  
23 the public interest in encouraging frank communication between  
24 officials and employees of public bodies clearly outweighs the  
25 public interest in disclosure. This exemption does not constitute  
26 an exemption under state law for purposes of section 8(h) of the  
27 open meetings act, 1976 PA 267, MCL 15.268. As used in this  
28 subdivision, "determination of policy or action" includes a  
29 determination relating to collective bargaining, unless the public





1 record is otherwise required to be made available under 1947 PA  
2 336, MCL 423.201 to 423.217.

3 (n) Records of law enforcement communication codes, or plans  
4 for deployment of law enforcement personnel, that if disclosed  
5 would prejudice a public body's ability to protect the public  
6 safety unless the public interest in disclosure under this act  
7 outweighs the public interest in nondisclosure in the particular  
8 instance.

9 (o) Information that would reveal the exact location of  
10 archaeological sites. The department of natural resources may  
11 promulgate rules in accordance with the administrative procedures  
12 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to provide for the  
13 disclosure of the location of archaeological sites for purposes  
14 relating to the preservation or scientific examination of sites.

15 (p) Testing data developed by a public body in determining  
16 whether bidders' products meet the specifications for purchase of  
17 those products by the public body, if disclosure of the data would  
18 reveal that only 1 bidder has met the specifications. This  
19 subdivision does not apply after 1 year has elapsed from the time  
20 the public body completes the testing.

21 (q) Academic transcripts of an institution of higher education  
22 established under section 5, 6, or 7 of article VIII of the state  
23 constitution of 1963, if the transcript pertains to a student who  
24 is delinquent in the payment of financial obligations to the  
25 institution.

26 (r) Records of a campaign committee including a committee that  
27 receives money from a state campaign fund.

28 (s) Unless the public interest in disclosure outweighs the  
29 public interest in nondisclosure in the particular instance, public



1 records of a law enforcement agency, the release of which would do  
2 any of the following:

3 (i) Identify or provide a means of identifying an informant.

4 (ii) Identify or provide a means of identifying a law  
5 enforcement undercover officer or agent or a plain clothes officer  
6 as a law enforcement officer or agent.

7 (iii) Disclose the personal address or telephone number of  
8 active or retired law enforcement officers or agents or a special  
9 skill that they may have.

10 (iv) Disclose the name, address, or telephone numbers of family  
11 members, relatives, children, or parents of active or retired law  
12 enforcement officers or agents.

13 (v) Disclose operational instructions for law enforcement  
14 officers or agents.

15 (vi) Reveal the contents of staff manuals provided for law  
16 enforcement officers or agents.

17 (vii) Endanger the life or safety of law enforcement officers  
18 or agents or their families, relatives, children, parents, or those  
19 who furnish information to law enforcement departments or agencies.

20 (viii) Identify or provide a means of identifying a person as a  
21 law enforcement officer, agent, or informant.

22 (ix) Disclose personnel records of law enforcement agencies.

23 (x) Identify or provide a means of identifying residences that  
24 law enforcement agencies are requested to check in the absence of  
25 their owners or tenants.

26 (t) Except as otherwise provided in this subdivision, records  
27 and information pertaining to an investigation or a compliance  
28 conference conducted by the department under article 15 of the  
29 public health code, 1978 PA 368, MCL 333.16101 to 333.18838, before



1 a complaint is issued. This subdivision does not apply to records  
2 or information pertaining to 1 or more of the following:

3 (i) The fact that an allegation has been received and an  
4 investigation is being conducted, and the date the allegation was  
5 received.

6 (ii) The fact that an allegation was received by the  
7 department; the fact that the department did not issue a complaint  
8 for the allegation; and the fact that the allegation was dismissed.

9 (u) Records of a public body's security measures, including  
10 security plans, security codes and combinations, passwords, passes,  
11 keys, and security procedures, to the extent that the records  
12 relate to the ongoing security of the public body.

13 (v) Records or information relating to a civil action in which  
14 the requesting party and the public body are parties.

15 (w) Information or records that would disclose the Social  
16 Security number of an individual.

17 (x) Except as otherwise provided in this subdivision, an  
18 application for the position of president of an institution of  
19 higher education established under section 4, 5, or 6 of article  
20 VIII of the state constitution of 1963, materials submitted with  
21 such an application, letters of recommendation or references  
22 concerning an applicant, and records or information relating to the  
23 process of searching for and selecting an individual for a position  
24 described in this subdivision, if the records or information could  
25 be used to identify a candidate for the position. However, after 1  
26 or more individuals have been identified as finalists for a  
27 position described in this subdivision, this subdivision does not  
28 apply to a public record described in this subdivision, except a  
29 letter of recommendation or reference, to the extent that the



1 public record relates to an individual identified as a finalist for  
2 the position.

3 (y) Records or information of measures designed to protect the  
4 security or safety of persons or property, or the confidentiality,  
5 integrity, or availability of information systems, whether public  
6 or private, including, but not limited to, building, public works,  
7 and public water supply designs to the extent that those designs  
8 relate to the ongoing security measures of a public body,  
9 capabilities and plans for responding to a violation of the  
10 Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan  
11 penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency  
12 response plans, risk planning documents, threat assessments,  
13 domestic preparedness strategies, and cybersecurity plans,  
14 assessments, or vulnerabilities, unless disclosure would not impair  
15 a public body's ability to protect the security or safety of  
16 persons or property or unless the public interest in disclosure  
17 outweighs the public interest in nondisclosure in the particular  
18 instance.

19 (z) Information that would identify or provide a means of  
20 identifying a person that may, as a result of disclosure of the  
21 information, become a victim of a cybersecurity incident or that  
22 would disclose a person's cybersecurity plans or cybersecurity-  
23 related practices, procedures, methods, results, organizational  
24 information system infrastructure, hardware, or software.

25 (aa) Research data on road and attendant infrastructure  
26 collected, measured, recorded, processed, or disseminated by a  
27 public agency or private entity, or information about software or  
28 hardware created or used by the private entity for such purposes.

29 (bb) Records or information that would reveal the specific



1 location or GPS coordinates of game, including, but not limited to,  
2 records or information of the specific location or GPS coordinates  
3 of game obtained by the department of natural resources during any  
4 restoration, management, or research project conducted under  
5 section 40501 of the natural resources and environmental protection  
6 act, 1994 PA 451, MCL 324.40501, or in connection with the  
7 expenditure of money under section 43553 of the natural resources  
8 and environmental protection act, 1994 PA 451, MCL 324.43553. As  
9 used in this subdivision, "game" means that term as defined in  
10 section 40103 of the natural resources and environmental protection  
11 act, 1994 PA 451, MCL 324.40103.

12 (cc) Information that would reveal the identity of a party who  
13 proceeds anonymously in a civil action in which the party alleges  
14 that the party was the victim of sexual misconduct. As used in this  
15 subdivision, "sexual misconduct" means the conduct described in  
16 section 90, 136, 145a, 145b, 145c, 520b, 520c, 520d, 520e, or 520g  
17 of the Michigan penal code, 1931 PA 328, MCL 750.90, 750.136,  
18 750.145a, 750.145b, 750.145c, 750.520b, 750.520c, 750.520d,  
19 750.520e, and 750.520g, regardless of whether the conduct resulted  
20 in a criminal conviction.

21 **(2) In addition to their grounds for exemption set forth in**  
22 **subsection (1), the executive office of the governor and lieutenant**  
23 **governor may exempt from disclosure as a public record under this**  
24 **act any of the following:**

25 **(a) Records or information in the possession of the executive**  
26 **office of the governor or lieutenant governor or of an employee of**  
27 **either of those offices that relates to any of the following:**

28 **(i) The appointment of an individual as a department or agency**  
29 **director; as a member of a board, commission, or council; to fill a**



1 vacancy on a court pursuant to section 23 of article VI of the  
2 state constitution of 1963; or to any other position the governor  
3 appoints as provided by law. After an individual has been appointed  
4 to a position described in this subparagraph, the exemption does  
5 not apply to records or information that relates to that individual  
6 except as to an application, letter of recommendation, or letter of  
7 reference.

8 (ii) The decision to remove or suspend from office any public  
9 official pursuant to section 10 of article V of the state  
10 constitution of 1963, section 33 of article VII of the state  
11 constitution of 1963, or the Michigan election law, 1954 PA 116,  
12 MCL 168.1 to 168.99, or to remove a judge from office pursuant to  
13 section 25 of article VI of the state constitution of 1963. After  
14 an individual has been removed or suspended from a position  
15 described in this subparagraph, the exemption for records and  
16 information under this subparagraph does not apply to a record that  
17 relates to that individual.

18 (iii) The decision to grant or deny a reprieve, pardon, or  
19 commutation pursuant to section 14 of article V of the state  
20 constitution of 1963.

21 (iv) A budget recommendation prepared pursuant to section 18 of  
22 article V of the state constitution of 1963.

23 (v) A reduction in expenditures pursuant to section 20 of  
24 article V of the state constitution of 1963.

25 (vi) A message or recommendation to the legislature pursuant to  
26 section 17 of article V of the state constitution of 1963.

27 (vii) The executive residence described in section 24 of  
28 article V of the state constitution of 1963.

29 (b) Information or records subject to executive privilege.



1 (c) Records created, prepared, owned, used, in the possession  
2 of, or retained by the governor, the lieutenant governor, the  
3 executive office of the governor or lieutenant governor, or an  
4 employee of either of those offices prior to the effective date of  
5 the amendatory act that added this subdivision.

6 (d) Communications, including any related records or  
7 information, between the executive office of the governor or  
8 lieutenant governor or any employee of either of those offices and  
9 a constituent, other than a person that receives an appointment,  
10 unless otherwise exempt from disclosure under this section, or is  
11 employed by this state or a person required to be registered as a  
12 lobbyist under 1978 PA 472, MCL 4.411 to 4.431. For purposes of  
13 this subdivision, "constituent" means an individual who resides in  
14 this state and who contacts the executive office of the governor or  
15 lieutenant governor for assistance in personally obtaining  
16 government services, to express a personal opinion, or for redress  
17 of personal grievances.

18 (e) Records or information that could impact the security of  
19 the governor or lieutenant governor or their family members.

20 (f) The cellular telephone number of the governor or  
21 lieutenant governor or an employee of the executive office of the  
22 governor or lieutenant governor.

23 (g) Records or information pertaining to an internal  
24 investigation.

25 (h) Records or information relating to a civil action in which  
26 the executive office of the governor or lieutenant governor is a  
27 party until such litigation or claim has been finally adjudicated  
28 or otherwise settled.

29 (i) Records created, prepared, owned, used, in the possession



1 of, or retained by the governor, the lieutenant governor, the  
2 executive office of the governor or lieutenant governor, or an  
3 employee of those offices for less than 30 days.

4 (j) Records created or prepared by the governor, the  
5 lieutenant governor, an employee of the executive office of the  
6 governor or lieutenant governor, a legislator, or an employee of a  
7 state legislative public body as described in section 2(i)(ii), that  
8 relate to advice, opinions, or recommendations about public policy  
9 or district work.

10 (3) In addition to its grounds for exemption set forth in  
11 subsection (1), a public body that is a state legislative public  
12 body as described in section 2(i)(ii) may exempt from disclosure as  
13 a public record under this act any of the following:

14 (a) Communications, including any related records or  
15 information, between a legislator or a legislator's office and a  
16 constituent, other than a person required to be registered as a  
17 lobbyist under 1978 PA 472, MCL 4.411 to 4.431. For purposes of  
18 this subdivision, "constituent" means any of the following:

19 (i) An individual who is registered to vote in the district the  
20 legislator is elected to represent.

21 (ii) An individual who is a resident of the district the  
22 legislator is elected to represent and who is not registered to  
23 vote outside of that district.

24 (iii) An individual other than an individual described in  
25 subparagraph (i) or (ii) if it can be reasonably inferred that the  
26 individual intended that the communication be with the legislator  
27 elected to represent the district where the individual is  
28 registered to vote or, if not registered to vote, resides.

29 (b) Records or information pertaining to an internal or





1 legislative investigation.

2 (c) Records or information relating to a civil action in which  
3 the state legislative public body is a party until such litigation  
4 or claim has been finally adjudicated or otherwise settled.

5 (d) Records or information specifically described and exempted  
6 from disclosure by statute or regulation and including the records  
7 and information subject to confidentiality requirements in sections  
8 109, 501, and 601 of the legislative council act, 1986 PA 268, MCL  
9 4.1109, 4.1501, and 4.1601, in section 9 of 2016 PA 198, MCL 4.779,  
10 and in section 9 of 1975 PA 46, MCL 4.359.

11 (e) Records of the office of sergeant at arms.

12 (f) Records created, prepared, owned, used, in the possession  
13 of, or retained by the state legislative public body for less than  
14 30 days.

15 (g) Records created, prepared, owned, used, in the possession  
16 of, or retained by the state legislative public body prior to the  
17 effective date of the amendatory act that added this subdivision.

18 (h) Records created or prepared by the governor, the  
19 lieutenant governor, an employee of the executive office of the  
20 governor or lieutenant governor, a legislator, or an employee of a  
21 state legislative public body as described in section 2(i)(ii), that  
22 relate to advice, opinions, or recommendations about public policy  
23 or district work.

24 (i) The personal telephone numbers of any legislator or  
25 employee of the state legislative public body.

26 (j) Records or information related to the appointment of an  
27 individual to any position for which this state's speaker of the  
28 house of representatives or senate majority leader makes the  
29 appointment as provided by law. After an individual has been



1 appointed to a position described in this subdivision, the  
 2 exemption does not apply to records or information that relate to  
 3 that individual except as to an application, letter of  
 4 recommendation, or letter of reference.

5 (4) Subsection (3) does not authorize the exemption from  
 6 disclosure of any salary record of an employee or official of a  
 7 state legislative public body as described in section 2(i)(ii).

8 (5) ~~(2)~~—A public body shall exempt from disclosure information  
 9 that, if released, would prevent the public body from complying  
 10 with 20 USC 1232g, commonly referred to as the family educational  
 11 rights and privacy act of 1974. A public body that is a local or  
 12 intermediate school district or a public school academy shall  
 13 exempt from disclosure directory information, as defined by 20 USC  
 14 1232g, commonly referred to as the family educational rights and  
 15 privacy act of 1974, requested for the purpose of surveys,  
 16 marketing, or solicitation, unless that public body determines that  
 17 the use is consistent with the educational mission of the public  
 18 body and beneficial to the affected students. A public body that is  
 19 a local or intermediate school district or a public school academy  
 20 may take steps to ensure that directory information disclosed under  
 21 this subsection is not used, rented, or sold for the purpose of  
 22 surveys, marketing, or solicitation. Before disclosing the  
 23 directory information, a public body that is a local or  
 24 intermediate school district or a public school academy may require  
 25 the requestor to execute an affidavit stating that directory  
 26 information provided under this subsection will not be used,  
 27 rented, or sold for the purpose of surveys, marketing, or  
 28 solicitation.

29 (6) ~~(3)~~—This act does not authorize the withholding of



1 information otherwise required by law to be made available to the  
 2 public or to a party in a contested case under the administrative  
 3 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

4 ~~(4) Except as otherwise exempt under subsection (1), this act~~  
 5 ~~does not authorize the withholding of a public record in the~~  
 6 ~~possession of the executive office of the governor or lieutenant~~  
 7 ~~governor, or an employee of either executive office, if the public~~  
 8 ~~record is transferred to the executive office of the governor or~~  
 9 ~~lieutenant governor, or an employee of either executive office,~~  
 10 ~~after a request for the public record has been received by a state~~  
 11 ~~officer, employee, agency, department, division, bureau, board,~~  
 12 ~~commission, council, authority, or other body in the executive~~  
 13 ~~branch of government that is subject to this act.~~

14 **Sec. 14a. This act's application to a state legislative public**  
 15 **body as described in section 2(i)(ii) must not be construed to**  
 16 **limit, modify, waive, or otherwise affect the privileges and**  
 17 **immunities guaranteed under section 11 of article IV of the state**  
 18 **constitution of 1963.**

19 Enacting section 1. This amendatory act takes effect on  
 20 January 1 of the first odd-numbered year that begins at least 6  
 21 months after the date it is enacted into law.

22 Enacting section 2. This amendatory act does not take effect  
 23 unless Senate Bill No. 669 of the 102nd Legislature is enacted into  
 24 law.

