County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Delta County
310 Ludington Street, Escanaba, MI 49829
Phone: 906-789-5100

Denial Form

Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Request No.: 25-194 Date Received: 08/14/2025
Date of This Notice: 09/03/2025
(Please Print or Type)

Check if received via: ☐ Email ☑ Fax ☐ Other Electronic Method
Date delivered to junk/spam folder: _____
Date discovered in junk/spam folder: _____

Name [redacted]	Phone
Firm/Organization	Fax
[redacted]	[redacted]
[redacted]	State NC [redacted]

Request for: ☑ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☑ Email to address above
☐ Deliver on digital media provided by the County: _____

Record(s) You Requested: *(Listed here or see attached copy of original request)* See attached copy of original request.

☐ **All** **OR** ☑ **Part** of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact Emily Desalvo at 906-789-5100

Reason for Denial:

☑ **1. Exempt from Disclosure:** This item is exempt from disclosure under FOIA Section 13, Subsection See attachment *(insert number)*, because: See attachment

☐ **2. Record Does Not Exist:** This item does not exist under the name provided in your request or by another name reasonably known to the County A certificate that the public record does not exist under the name given is attached. If you believe this recorddoes exist, provide a description that will enable us to locate the record: _____

☑ 3. **Redaction:** A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection see attachmt *(insert number)*, because: see attachment

A brief description of the information that had to be separated or deleted: see attachment, but to include but not limited to names, phone numbers, addresses, vicitm/witness names, victim/witness phone numbers, victim/witness addresses, Dates of Birth, SSN, criminal identification numbers

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the County Board of Commissioners or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure.If, after judicial review, the court determines that the County has not complied with MCL 15.235 in making this denial and orders disclosure of allor a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240.
(*See back of this form for additional information on your rights.*)

Signature of FOIA Coordinator: [signature]

Date: 9-3-2025

FREEDOM OF INFORMATION ACT (EXCERPT)
Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

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

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

(a) Reverse the disclosure denial.

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

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

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

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

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

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

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

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

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Delta County
310 Ludington Street, Escanaba, MI 49829

Phone: 906-789-5100

Denial Appeal Form

FOIA Appeal Form—To Appeal a Denial of Records

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Request No.: 25-194 Date Received: _____
Date of This Notice: _____
(Please Print or Type)

Check if received via: ☐ Email ☐ Fax ☐ Other Electronic Method
Date delivered to junk/spam folder: _____
Date discovered in junk/spam folder: _____

Name		Phone
Firm/Organization		Fax
Street		Email
City	State	Zip

Request for: ☐ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis
Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above
☐ Deliver on digital media provided by the County: _____

Record(s) You Requested: *(Listed here or see attached copy of original request)* _____

Reason(s) for Appeal:

The appeal must identify the reason(s) for reversing the denial. You may use this form or attach additional sheets:

_____

Requestor's Signature: _____ **Date:** _____

County Response:

The County must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-business day extension.

County Extension: We are extending the date to respond to your FOIA denial appeal for no more than 10 business days, until_____ (*month, day, year*). Only one extension may be taken per FOIA appeal.
Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: _____

County Determination:

☐ Denial Reversed ☐ Denial Upheld ☐ Denial Reversed in Part and Upheld in Part
The following previously denied records will be released: _____

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Signature of FOIA Coordinator: **Date:**

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

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

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

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

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

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Freedom of Information Act (FOIA) Written Policies, Guidelines, and Forms

To review all policies, guidelines, and forms related to FOIA, please visit Delta County's website at: www.deltacountymi.gov/foia

Upon request, a mailed copy of the polices, guidelines, and/or forms will be provided. Please contact the Delta County Administration Office at 906-789-5100 or by mail at:

Delta County Administration Office
310 Ludington Street, Suite 222
Escanaba, Michigan, 49829

Attachment to Freedom of Information Act Request Notice of Denial of FOIA Request related to FOIA Request 25-194

Anticipated exemptions under MCL 15.243, to include, but not limited to:

Information is of a personal nature where public disclosure of the information would clearly constitute an unwarranted invasion of an individual's privacy, to include but not limited to: defendant names, victim or witness names, addresses, dates of births, telephone numbers, etc, pursuant to MCL 15.243(1)(a);

Materials or content subject to Attorney Work Product exception, pursuant MCL 15.243(1)(h), *Messenger v Ingham County Prosecutor*, 232 Mich App 633 (1998);

Materials or content subject to Attorney Client Privilege, pursuant to MCL 15.243(1)(g);

Investigating records compiled for law enforcement purposes to the extent that disclosure as a public record would either interfere with law enforcement proceedings, deprive a person of the right to a fair trial or impartial administrative adjudication, constitute an unwarranted invasion of personal privacy, Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source, disclose law enforcement investigative techniques or procedures, endanger the life or physical safety of law enforcement personnel, or disclose the identity of a party who, as described in subdivision (cc), proceeds anonymously in a civil action in which the party alleges that the party was the victim of sexual misconduct pursuant to MCL 15.243(b)(i)-(vi)

A public record that if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure, pursuant to MCL 15.243(C)

Records of information specifically described and exempted from disclosure by statute, pursuant to MCL 15.243(d)

Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation, including protected health information, as defined in 45 CFR 160.103, pursuant to MCL 15.243(l)

Public records of a law enforcement agency, the release of which would do any of the following: (i) Identify or provide a means of identifying an informant. (ii) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent. (iii) Disclose the personal address or telephone number of active or retired law enforcement officers or agents or a special skill that they may have. (iv) Disclose the name, address, or telephone numbers of family members, relatives, children, or parents of active or retired law enforcement officers or agents. (v) Disclose operational instructions for law enforcement officers or agents.(vi) Reveal the contents of staff manuals provided for law enforcement officers or agents. (vii) Endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents, or those who furnish information to law enforcement departments or agencies. (viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informant. (ix) Disclose personnel records of law enforcement agencies. (x) Identify or provide a means of identifying residences that law enforcement agencies are requested to check in the absence of their owners or tenants. Pursuant to MCL 15.243(s)(i)-(x)

Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body, pursuant to MCL 15.243(u).

Information or records that would disclose the Social Security number of an individual, pursuant to MCL 15.243(w).

Information that would identify or provide a means of identifying a person that may, as a result of disclosure of the information, become a victim of a cybersecurity incident or that would disclose a person's cybersecurity plans or cybersecurity-related practices, procedures, methods, results, organizational information system infrastructure, hardware, or software, pursuant to MCL 15.243(z)