



FREEDOM OF INFORMATION ACT OFFICE  
UNIVERSITY OF MICHIGAN

February 9, 2017

Derek Draplin  
Mackinac Center for Public Policy  
P.O. Box 568  
Midland, MI 48640  
draplin@mackinac.org

Re: DRA 0593-16

Dear Mr. Draplin:

I am writing in further response to your Freedom of Information Act request DRA 0593-16.

You requested, "any emails from President Mark Schlissel which contain the word 'Trump' from July 1, 2016 to November 16, 2016."

Four email messages responsive to your request have been located, copied and prepared to be forwarded to you. Working email addresses have been removed pursuant to Section 13 (1) (u) of the Michigan Freedom of Information Act, which exempts from disclosure "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," and Section 13 (1) (y) of the Act, which exempts "records or information of measures designed to protect the security or safety of persons or property..." Some material has been removed from one message pursuant to Section 13 (2) of the Act, which requires a public body to "exempt from disclosure information that, if released, would prevent the public body from complying with 20 USC 1232g" (Family Educational Rights and Privacy Act), and Section 13 (1) (a), which allows the University to refrain from disclosing information that would constitute an unwarranted invasion of an individual's privacy. A small number of internal messages containing preliminary and advisory material have been withheld pursuant to Section 13 (1) (m) of the Act, which allows the University to refrain from disclosing certain communications and notes of an advisory nature. We believe that in this particular instance, public interest in encouraging frank communication between University employees outweighs the public interest in disclosure. To provide a further description of the exempted records would reveal the contents of the exempt information and thus defeat the purpose of the exemption. Therefore, pursuant to Section 14 (2) of the Michigan Freedom of Information Act, no further description is required.

The cost to provide the documents is outlined in the attached final costs itemization form. Please prepare a check or money order payable to the University of Michigan in the amount of \$72.15 and forward it to Margaret Gonzales, 2050 Fleming Administration Bldg., 503 Thompson, Ann

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Arbor, Michigan 48109-1340. The nonexempt responsive records will be provided to you after payment has been received.

Please note that within 180 days from the date of this letter, you have the right to appeal the denial of information to the President of the University or seek judicial review in the Michigan court of claims to try to compel disclosure. If you elect to appeal and the President upholds the denial, you may still seek judicial review within the 180-day period.

An appeal to the President must be submitted in writing to: President's Office, c/o Liz Barry, The University of Michigan, 2080 Fleming Administration Building, 503 Thompson Street, Ann Arbor, MI 48109-1340 (or by email to: [presoff@umich.edu](mailto:presoff@umich.edu)). The statement must (1) identify the request and the final determination by the FOIA officer that is being appealed, (2) specifically state the word "appeal," and (3) identify the reason or reasons why the final determination should be reversed.

If you seek judicial review in the Michigan court of claims and prevail, you will be awarded reasonable attorney's fees, costs and disbursements incurred in maintaining the action. If you prevail in part, you may still be awarded complete or partial reimbursement for those expenses. In addition to actual and compensatory damages, you will be awarded punitive damages in the amount of \$1,000.00 if the court finds that the University was arbitrary and capricious in its denial.

A copy of Section 10 of the Michigan FOIA is available for your reference and review online at <http://foia.vpcomm.umich.edu/foia-right-to-appeal/>.

Sincerely,



Patricia J. Sellinger  
Chief Freedom of Information Officer

Enclosure

**FOIA FINAL COSTS ITEMIZATION FORM (Draplin 0593-16)**

<i>Category of Costs/Description</i>	<i>Hourly Wage</i>	<i>Benefits % Multiplier Used*</i>	<i>Hourly Wage with Benefits</i>	<i>Time (Hours)</i>	<i>Amount</i>
<b>4 (1) (a) Searching for, locating and examining responsive records</b> <ul style="list-style-type: none"> <li>Charged at hourly wage of lowest-paid employee capable of searching for, locating and examining the public record, regardless of whether that person is available or who performs the labor</li> <li>Estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down</li> </ul>	\$77.85	24%	\$50.00**	2	\$100.00
	\$30.30	34%	\$40.60	0.25	\$10.15
<b>4 (1) (b) Review directly associated with the separating and deleting of exempt from nonexempt information</b> <ul style="list-style-type: none"> <li>Charged at hourly wage of lowest-paid employee capable of separating and deleting exempt from nonexempt information, regardless of whether that person is available or who actually performs the labor</li> <li>Labor costs under this subdivision estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down</li> <li>Shall not charge for labor under this section if Public Body knows or has reason to know that it previously redacted the public record in question, and the public record is still in the Public Body's possession</li> </ul>	\$49.03	29%	\$50.00**	0.5	\$25.00
<b>4 (1) (c) Nonpaper physical media costs</b> <ul style="list-style-type: none"> <li>Actual and most reasonably economical cost of computer discs, computer tapes, or other digital or similar media</li> <li>Requestor may stipulate that records be provided on nonpaper physical media, electronically mailed, or otherwise electronically provided in lieu of paper copies</li> <li>Does not apply if Public Body lacks the technological capability necessary to provide records on the particular nonpaper physical media stipulated</li> </ul>					
<b>4 (1) (d) Cost of paper copies (not including labor)</b> <ul style="list-style-type: none"> <li>Calculated as total cost per sheet of paper, itemized to show cost per sheet and number of sheets provided</li> <li>Shall not exceed 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14 inch paper</li> <li>Shall utilize most economical means available, including double-sided printing, if cost saving and available</li> </ul>					
<b>4 (1) (e) Duplication or publication (Labor)</b> <ul style="list-style-type: none"> <li>Includes making paper copies, making digital copies, or transferring digital public records to be given to requestor on nonpaper media or electronically</li> <li>Charged at hourly wage of lowest-paid employee capable of necessary duplication or publication, regardless of whether that person is available or who performs the labor</li> <li>Estimated and charged in time increments of the Public Body's choosing, with all partial time increments rounded down</li> </ul>					
<b>4 (1) (f) Cost of mailing</b> <ul style="list-style-type: none"> <li>Actual cost of mailing, for sending records in a reasonably economical and justifiable manner</li> <li>Shall not charge more for expedited shipping or insurance unless stipulated by requestor, may charge for least expensive form of postal delivery confirmation</li> </ul>					
<b>TOTAL FINAL COSTS</b>					\$135.15
<b>LESS DEPOSIT RECEIVED</b>					\$63.00
<b>BALANCE DUE</b>					\$72.15

\*The Public Body may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits if it clearly notes the percentage multiplier used. The Public Body shall not charge more than the actual cost of fringe benefits, and overtime wages shall not be used in calculating the cost of fringe benefits. Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted in this detailed itemization.

\*\*The University caps labor charges at \$50.00 per hour.