**Open Meetings Act and Freedom of Information Act**

The publicity surrounding amendments to the Open Meetings Act and the Freedom of Information Act during the final days of the 1995-96 session of the Michigan Legislature attests to the importance of these acts to the citizens of the state. These Acts, both originally enacted in 1976, speak eloquently to the state's commitment to governmental accountability by mandating deliberations on public policy in the public forum and by ensuring citizens full and complete information about the affairs of government. In the past twenty years, both acts have been amended only after extensive and highly publicized debate.

Library Trustees are usually well acquainted with the Open Meetings Act, PA 267 of 1976, and take care that all of their deliberations and decisions are made in conformity with the Act. Since the 1996 amendments deal only with the hiring process for Michigan university presidents, they should not be a cause of great concern in the library community. At this time, Trustees of public libraries should simply review the act itself (found in the Library Law Handbook) for guidance.

The Freedom of Information Act (FOIA), PA 442 of 1976, on the other hand, is less straightforward and calls for carefully drafted policies and procedures for adequate response. Libraries are included in the Act's definition of a "public body" and are subject to FOIA. The 1996 amendments make a number of changes: all requests under FOIA are to be in writing; the public body designates a FOIA coordinator to officially handle all FOIA requests; copies of the requests must be kept on file for no less than one year; and an appeal process within the public body is provided in addition to judicial appeal. The method of calculating the costs of compliance has also been changed.

Although FOIA requests may be "few and far between" in the typical public library, adequate training in the required procedures should be required for all staff. Public service staff, including student or part-time workers, should know where the FOIA request forms are stored and how to handle them. The FOIA coordinator must develop a clear understanding of the Act's provisions in regard to timely responses, records exempt from disclosure, and the calculation of costs. Ideally, the library should seek legal counsel for a review of any policies, written forms, and decisions to deny a request for information.

Trustees and staff alike must understand that the Library Privacy Act, PA 455 of 1982, specifically exempts "library records" from the disclosure requirements of the Freedom of Information Act. A library record is one that identifies a particular patron as having requested, used, or borrowed specific library materials.

The recommended course of action in this often complicated arena is to set aside time at Library Board meetings and staff meetings to review the Acts and to make appropriate changes to the library's policies and procedures. Compliance with the spirit and letter of the law is too important to us as citizens to leave to happenstance.

Ellen Richardson, Library Law Specialist
Library of Michigan
March 1997

Updated 04/27/2006