



Elissa McDaniels  
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July 17, 2020

Mr. Steven R. Harry  
3125 Tecumseh River Rd.  
Lansing, MI 48906

*sent via email to stevenrharry@gmail.com*

Re: Freedom of Information Act Request #4721-Response to FOIA Appeal

Dear Mr. Harry:

The Lansing Board of Water & Light (BWL) is writing in response to your Freedom of Information Act (FOIA) Appeal, submitted on July 1, 2020 via electronic mail, and therefore deemed received July 2, 2020 ("Appeal"). Your Appeal stems from your original FOIA submission transmitted via electronic mail on March 3, 2020, ("Original FOIA") which requested the following information:

***"[f]or all BWL employees who were employed during the 2019 calendar year:***

- ***Name***
- ***Position***
- ***Department***
- ***Hire date***
- ***Termination date***
- ***Salary/hourly rate***
- ***Total earnings for 2019***
- ***Regular earnings***
- ***Overtime earnings***
- ***Any other available components of total earnings other than regular and overtime***

***I asked that the information be provided in a digital file."***

On March 11, 2020, BWL responded to your Original FOIA via electronic mail denying your request, "[b]ecause your request asks for a report in a specific format that does not exist. Furthermore, pursuant to MCL 15.233 (4), FOIA does not require a public body to make a report of information.<sup>1</sup> Pursuant to MCL 15.235(5)(b), this response constitutes a certification that the public record(s) requested do not exist."

In response to your Appeal, on behalf of the Chair of the Board of Commissioners, BWL reaffirms its denial of the information requested as a report containing the information requested does not exist, and the FOIA does not require a public body to create a report of information. Pursuant to

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<sup>1</sup> *Hartzell v. Mayville Community School Dist.*, 183 Mich. App. 782



MCL 15.235(5)(b), today's response constitutes a certification that the public record(s) requested do not exist.<sup>2</sup>

However, while not fully responsive to all the items listed in your request, the BWL does produce compensation summaries, and W-2 federal wage reports. These documents contain several items you have requested, but not all. The compensation summaries likely contain more elements of your request. These documents contain personal employee information such as social security numbers that are exempt from disclosure pursuant to MCL 15.243(a), and therefore would require significant redaction.

Should you elect to receive either of these reports, given the volume of information requested and the efforts involved to redact personal information, Section 4(2) of the FOIA authorizes the BWL to require, at the time a request is made, a good-faith deposit of **not more** than one-half (1/2) of the total estimated fee, if the total fee is estimated to exceed \$50.00. It is anticipated that the cost involved to redact the reports would be \$1,527.12; with the good faith deposit of \$763.56. This is only an estimate of costs, and BWL will invoice for actual time spent. BWL respectfully requests a 10 business day extension as permitted by MCL 15.235(d), upon payment of the deposit in light of the volume of information.

Sincerely,



Elissa McDaniels

Assistant FOIA Coordinator

Cc: Chair of the Board of Commissioners

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<sup>2</sup> Your Appeal references other dates where you indicate you sent FOIA correspondence. BWL staff have not been able to locate communications on the referenced dates and have responded to FOIA inquiries that were received.

