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August 6, 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-Reconsideration - 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.¹ 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 July 17, 2020, on behalf of the Chair of the Board of Commissioners, BWL reaffirmed 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 (“Response”). In the same Response, BWL indicated while not fully responsive to all the items listed in your request, the BWL does produce compensation summaries,

¹ *Hartzell v. Mayville Community School Dist.*, 183 Mich. App. 782



and W-2 federal wage reports and that those documents contain several items you have requested, but not all.

BWL also indicated there would be a good faith deposit required to redact personal employee information such as social security numbers and employee-specific benefits information that is exempt from disclosure pursuant to MCL 15.243(a).

However, the Chairperson of the BWL's Board of Commissioners, Mr. David Price, recently reconsidered the denial of your appeal, as well as the denial of a FOIA request that was nearly identical to yours and asked the BWL to provide a report that includes much of the information requested in electronic format.

The report is attached.

Sincerely,



Elissa McDaniels

Assistant FOIA Coordinator

Encl.

*Cc: Chair of the Board of Commissioners
General Counsel*

