

A. PUBLIC RECORDS STATUTES

As noted in the Introduction and Glossary of Terms, your state likely recognizes a distinction between “public records,” which may include correspondence, office records, personnel records, etc., and “government publications,” which may be compiled as a means to disseminate government information of educational or public interest. This section addresses statutes that concern public records and, in particular, those that focus on record keeping requirements and retention. The compilation of statutes for your state may combine record keeping requirements with public access provisions or freedom of information laws. Those statutes are addressed in Sections B & C.

1. Does your state have “public records statutes,” as referred to in the paragraph above?

Yes
 No

a. If “Yes,” cite your state’s public records statutes and the administrative regulations that supplement them.

Management and Budget Act, 1984 Mich. Pub. Acts §§ 284-292, MICH. COMP. LAWS §§ 18.1284 - .1292 contains the core of the Michigan public records provisions.

MICH. COMP. LAWS 18.1285, 18.1287, 18.1288 and 18.1289 address the management and disposition of public records of agencies in the executive branch of government. The Legislature and Judiciary may use the services of Records Management Services. MICH. COMP. LAWS 600.2137 indicates that court records may be disposed of in the manner that is provided for with respect to state agencies under MICH. COMP. LAWS 18.1285 and 18.1287, and/or local agencies under MICH. COMP. LAWS 399.5, whereas MICH. COMP. LAWS 600.2138 covers the replacement of court records. MICH. COMP. LAWS 399.5 addresses the disposition of the records of local governmental units, as well as other records matters.

The Administrative Guide to State Government (which contains “directives” issued under MICH. COMP. LAWS § 18.1131) governs the major processes through which the executive branch of state government operates. Policies and procedures regarding Records Management are found in Policy 0910 and Procedures 0910.01-08, while policies and procedures regarding Archival Preservation of Records are found in Policy 0920 and Procedures 0920.01-04. The Michigan Administrative Guide to State Government, 0910.01 – 0930.03, http://www.michigan.gov/dmb/0,1607,7-150-9131_9347-29526--,00.html has policy provisions dealing with such areas as access, retention and disposal of state government records including electronic records. The Electronic Records Procedure portion of the guide, 0920.04, was written by the Electronic Records Committee formed in April 1998 at the request of the Records and Forms Management Division (Department of Management and Budget) and the State Archives of Michigan (Department of State). The committee was sponsored by the Chief Information Officer for the State of Michigan and the DMB Deputy Director for Management Services. Michigan Administrative Guide to State Government states "Executive Branch Departments and Sub-units shall comply with applicable statutory and regulatory provisions for the creation, retention, maintenance, disposal and preservation of State government records, regardless of physical form or characteristics." However, in October of 2002, the Governor issued an executive order

delegating that authority from the Department of Management and Budget (DMB) to Department of History, Arts and Libraries (HAL.) Executive Order 2002-17
<http://www.michigan.gov/engler/1,1431,7-103-704-54193--,00.html> Thus, all such functions are now housed in HAL.

b. If “No,” skip this whole section.

Additional comments:

Enhanced Access to Public Records Act, MICH. COMP. LAWS §§ 15.442-445 allows a public body to provide enhanced access of public records by digital means. A “reasonable fee” may be charged for the enhanced access.

There are other acts cited in Administrative Guide to State Government that appear to be related to public records but are not as comprehensive as the provisions in the Management and Budget Act. They include MICH. COMP. LAWS § 399.5 (historical records, collection, preservation, disposal schedule); MICH. COMP. LAWS § 18.1269; MICH. COMP. LAWS § 750.491 (removal, mutilation or destruction of public records); MICH. COMP. LAWS § 24.401 (Records Media Act).

MICH. COMP. LAWS § 750.491, which is part of the Michigan Penal Code, criminally prohibits the destruction, theft, etc., of all state and local public records, including court records, without following the provisions of law cited above.

2. The public records statutes/regulations apply to which of the following branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

MICH. COMP. LAWS § 399.5, which is part of the Michigan Historical Commission Act (1913 Mich. Pub. Acts No. 271) , was enacted in the early part of the 20th Century as Michigan’s first generic public records statute. Section 5 regulates the disposition of records of the executive, legislative and judicial branches of government. It also regulates the management and disposition of the records of local units of government. Oversight for these functions was recently assigned to the Michigan Department of History, Arts and Libraries (HAL), which houses the State Archives of Michigan. [See 2001 Mich. Pub. Act s nos.66 & 73]

In 1984, the State Legislature enacted MICH. COMP. LAWS §§ 18.1284, 18.1285, 18.1287, 18.1288 and 18.1289, which are part of Michigan’s Management and Budget Act (1984 Mich. Pub. Acts No. 431). These sections gave oversight authority regarding the management and disposition of executive branch records in Michigan to the Michigan Department of Management and Budget (DMB). However, in October of 2002, the Governor issued an executive order delegating that authority from DMB to HAL. [Executive Order 2002-17]
<http://www.michigan.gov/engler/1,1431,7-103-704-54193--,00.html> Thus, all such functions are now housed in HAL.

Additional comments:

The State Legislative also enacted a “Records Media Act” (1992 Mich. Pub. Acts No. 116), MICH. COMP. LAWS § 24.401 et seq. This law governs the reproduction by efficient means (and subsequent destruction) of original public records. The RMA is supplemented by administrative rules promulgated at MICH. ADMIN. CODE r. 24.401 et seq.

3. Cite to public records statutes/regulations where “public record” is defined.

MICH. COMP. LAWS § 18.1284 (b) defines "record."

MICH. COMP. LAWS § 18.1284(b) provides the following definition of “records”-- “Record” or “records” means a document, paper, letter, or writing, including documents, papers, books, letters, or writings prepared by handwriting, typewriting, printing, photostating, or photocopying; or a photograph, film, map, magnetic or paper tape, microform, magnetic or punch card, disc, drum, sound or video recording, electronic data processing material, or other recording medium, and includes individual letters, words, pictures, sounds, impulses, or symbols, or combination thereof, regardless of physical form or characteristics. Record may also include a record series, if applicable.

Also, MICH. COMP. LAWS § 399.10(c) provides the following definition of “records”--

“Record” means a document, paper, book, letter, or writing, including a document, paper, book, letter, or writing prepared by handwriting, typewriting, printing, photostating, or photocopying; a photograph; a film; a map; a magnetic or paper tape; a microform; a magnetic or punch card; a disc, drum, sound, or video recording; an electronic data processing material; or another recording medium, and includes individual letters, words, pictures, sounds, impulses, or symbols, or a combination of these, regardless of physical form or characteristics.

Additional comments:

Michigan’s Freedom of Information Act (FOIA, 1976 Mich. Pub. Acts No. 442) contains a definition of “public records”. The definition is set forth at MICH. COMP. LAWS § 15.232(e).

4. Do the public records statutes/regulations address electronic records separately vis-à-vis print records?

Yes

No

a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Additional comments:

Electronic records are included and addressed in the definition of “records.” The definition of record includes "a document, paper, letter, or writing... regardless of physical form or characteristics." MICH. COMP. LAWS § 18.1284 (b). A number of electronic storage media are listed in the definition including magnetic or paper tape, punch card, drum, electronic data processing material or other recording media. Even impulses are included in the definition of record.

5. Do the public records statutes/regulations address retention of records?

Yes
 No

a. If "Yes," cite to and briefly summarize the retention provisions.

Proposed retention and disposal schedules are submitted to HAL Records Management Services, the Michigan Historical Center, the auditor general, the attorney general and the State Administrative Board for review and approval. http://www.michigan.gov/hal/0,1607,7-160-17445_19273_21738-62562--,00.html

MICH. COMP. LAWS § 18.1285 states that the head of each state department shall cause the agency's records to be listed on a records retention and disposal schedule. MICH. COMP. LAWS § 18.1287 supplements MICH. COMP. LAWS § 18.1285 by indicating that the director of HAL must issue directives to provide for the establishment of retention & disposal schedules for all records of all departments, in view of their administrative, fiscal, legal and archival value. MICH. COMP. LAWS 18.1288 governs inspections and inventories, and MICH. COMP. LAWS § 18.1289 concerns approvals and transfers.

MICH. COMP. LAWS § 399.5 addresses the useless records of local governments and their placement on a certified schedules regarding disposal.

MICH. COMP. LAWS § 600.2137 provides that disposals of records of courts are governed by MICH. COMP. LAWS §§ 18.1285, 18.1287 and 399.5.

b. If "Yes," also cite to and discuss any provisions/regulations that address retention of electronic records; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

The definition of "records" includes electronic records.

Additional comments:

The State Legislature can (and does) make use of the records management services provided by State Records Services, HAL.

6. Do the public records statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to public records or acknowledge the state's responsibility to permanently maintain public records?

Yes
 No

a. If "Yes," cite to and provide relevant language.

Section 1(2) of FOIA, MICH. COMP. LAWS § 15.231, declares it to be public policy in the State of Michigan that all persons are entitled to full and complete information regarding the affairs of government and the acts of public employees and officials.

MICH. COMP. LAWS §§ 399.5 and 750.491 both declare that all books, papers, records, etc., that are kept in any office of the State or a political subdivision of the State are public property and shall not be disposed of except pursuant to law.

Additional comments:

No public records can be disposed of unless the procedural provisions of MICH. COMP. LAWS § 399.5 or MICH. COMP. LAWS § 18.1987 are adhered to. The State Archives has the responsibility for reviewing all proposed retention and disposal schedules prior to the disposition of listed public records.

7. Is a public records administrator, a public records commission or other officer/government entity responsible for administering the public records statutes/regulations?

Yes
 No

a. If "Yes," cite to applicable statutes/regulations and identify the responsible officer/government entity.

MICH. COMP. LAWS § 18.1287 and Executive Order 2002-17

<http://www.michigan.gov/engler/1,1431,7-103-704-54193--,00.html> serve as authority for HAL, Records Management Services, to regulate records of the Executive Branch.

MICH. COMP. LAWS § 399.5 serves as HAL's legal authority to review local government records for archival value prior to their destruction.

b. If "Yes," also cite to and discuss any source of law requiring the responsible officer/government entity to permanently maintain government information; cite attorney general opinions, court decisions, and administrative rules or guidelines.

MICH. COMP. LAWS § 18.1289 provides for the identification and preservation of state government records that possess archival value, while MICH. COMP. LAWS § 399.5 provides for the identification and preservation of local government records with archival value.

Additional comments:

MICH. COMP. LAWS § 18.1284 (a) defines "Archival value" to mean "records which have been selected by the department of history, arts, and libraries as having enduring worth because they document the growth and development of this state from earlier times, including the territorial period; they evidence the creation, organization, development, operation, functions, or effects of state agencies; or because they contain significant information about persons, things, problems, or conditions dealt with by state agencies."

8. Has any public records legislation/administrative regulation been proposed calling for "permanent public access" to electronic public records?

Yes
 No

a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?

- b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

Under the Policies and Procedures of the Department of Management and Budget prior to the transfer of authority to HAL, electronic records were specifically addressed in regards to retention and disposal schedules. See Item A.1.a. Both preservation and access to electronic records was noted as an example of where the consolidation of programs into HAL in late 2002 would be valuable. http://www.michigan.gov/hal/0,1607,7-160-18835_18896-58599--,00.html

9. Has litigation under the public records statutes resulted from the state’s failure to “permanently” maintain a public record?

Yes

No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to “permanent public access” of public records under public records statutes/regulations.

B. FREEDOM OF INFORMATION ACT

A state’s freedom of information act (or law) generally addresses public access to “public records.” As noted under Section A above, the compilation of statutes for your state may combine record keeping requirements and public access provisions.

1. Does your state have a “freedom of information act,” as referred to in the paragraph above?

Yes

No

- a. If “Yes,” cite your state’s freedom of information act (or law) statutes and the administrative regulations that supplement them.

Freedom of Information Act, 1976 Mich. Pub. Acts No. 442 (codified as amended at MICH. COMP. LAWS § 15.231- 15.246) (effective April 13, 1977). General policies and procedures are found in the Administrative Guide to State Government at http://www.michigan.gov/dmb/1,1607,7-150-9131_9347-29653--,00.html Various state departments too numerous to mention may have promulgated rules to assist with processing FOIA. Please refer to the Michigan Administrative Code headings for particular departments, to obtain additional information on “FOIA rules”.

- b. If “No,” skip this whole section.

Additional comments:

2. The freedom of information act statutes/regulations apply to which of the following branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

MICH. COMP. LAWS § 15.232 (d). Michigan’s FOIA applies to “public bodies.” A “public body” is defined as follows:

(d) ‘Public body’ means any of the following:

(i) A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of the state government, but does not include the governor or lieutenant governor, the executive office of the governor or lieutenant governor, or employees thereof.

(ii) An agency, board, commission, or council in the legislative branch of the state government.

(iii) A county, city, township, village, intercounty, intercity, or regional governing body, council, school district, special district, or municipal corporation, or a board, department, commission, council, or agency thereof.

(iv) Any other body which is created by state or local authority or which is primarily funded by or through state or local authority.

(v) The judiciary, including the office of the county clerk and employees thereof when acting in the capacity of clerk to the circuit court, is not included in the definition of public body.”

Additional comments:

Disclosures of court records are governed by the Michigan Court Rules and the fees chapter of the Revised Judicature Act, 1961 Mich. Pub. Acts 236, MICH. COMP. LAWS 600.2501 et seq.

3. Cite to freedom of information law statutes/regulations where “public record” is defined.

MICH. COMP. LAWS §15.232 (e)

Additional comments:

FOIA defines a “public record” as follows

...a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record does not include computer software. This act separates public records into the following 2 classes:

(i) Those that are exempt from disclosure under section 13.

(ii) All public records that are not exempt from disclosure under section 13 and which are subject to disclosure under this act.

4. Do the freedom of information act statutes/regulations address electronic records separately vis-à-vis print records?

Yes
 No

- a. If "Yes," discuss whether the freedom of information act statutes/regulations had been amended at any time to cover electronic records; cite to and provide amending language.
- b. If "Yes," also cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Additional comments:

Electronic and traditional records are included in the same definition.

MICH. COMP. LAWS § 15.232(h) defines writing and ends with "other means of recording or retaining meaningful content."

Electronic records and e-mail are subject to FOIA. Retention and disposal schedules also apply. The Department of History, Arts and Libraries (HAL) has guidance in "Are You Managing Your Electronic Records?" at http://www.michigan.gov/hal/0,1607,7-160-17451_18673_19386-56162--,00.html and in "Are You Managing Your Electronic Mail?" at http://www.michigan.gov/hal/0,1607,7-160-17451_18673_19386-56161--,00.html

5. Do any freedom of information act statutes/regulations assure "permanent public access" of electronic public records?

Yes
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address "permanent public access"; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

This is addressed by other laws.

6. Do the freedom of information act statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to public records or acknowledge the state's responsibility to permanently maintain public records?

Yes
 No

- a. If "Yes," cite to and provide relevant language.

See Item A.6.a above.

"It is the public policy of this state that all persons, except those persons incarcerated in state or local correctional facilities, are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with this act. The people shall be informed so that they may fully

participate in the democratic process." MICH. COMP. LAWS § 15.231. A list of what each state agency shall publish and make public is listed at MICH. COMP. LAWS § 15.241.

Additional comments:

7. Has any freedom of information legislation/administrative regulation been proposed calling for "permanent public access" of electronic public records?

Yes
 No

- a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

8. Has litigation under the freedom of information act resulted from the state's failure to "permanently" maintain a public record?

Yes
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

9. Discuss any unique circumstances in your state relevant to "permanent public access" of public records under freedom of information act statutes/regulations.

None at this time.

C. PUBLIC ACCESS LAWS

The term "public access law" is intended to be a catchall for all other statutes that address the permanency and public accessibility of government information. The type of law appropriately falling under this section is most likely to be a statute that governs availability and access of *government publications*. An example of such a statute is the "Free Public Access to the Code of Maryland Regulations Act," whose title alone explains much about its purpose.

1. Does your state have any "public access laws," as referred to in the paragraph above?

Yes
 No

- a. If "Yes," cite each of your state's public access law statutes and the administrative regulations that supplement them.

MICH. COMP. LAWS §§ 397.19 & 397.20

See also the discussion of the state library and permanent reference collection under Sections H & I.

b. If "No," skip this whole section.

Additional comments:

2. For each public access law, specify the branches to which it applies.

Executive

Legislative

Judicial

Administrative (applying to all agencies, no matter what branch of government)

Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

3. For each public access law, cite to and discuss provisions/regulations addressing the particular form of government information addressed by the law.

Printed materials or another format as designated by the state librarian. MICH. COMP. LAWS § 397.19

Additional comments:

4. For each public access law, do the applicable statutes/regulations address electronic information separately vis-à-vis print information?

Yes

No

a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic information; how is it treated differently?

Additional comments:

5. For each public access law, do the applicable statutes/regulations specifically address permanency of the information?

Yes

No

a. If "Yes," for each public access law, cite to and briefly discuss the permanency provisions.

Requires that the library establish a permanent reference collection. MICH COMP. LAWS § 397.19

Additional comments:

6. For each public access law, do the applicable statutes/regulations specifically address accessibility of information?

Yes
 No

a. If "Yes," cite to and briefly discuss the accessibility provisions.

Requires that only libraries that will "keep the documents readily accessible for use and which will render assistance for the use of documents without charge" may be designated as depository libraries. MICH COMP. LAWS § 397.20

Additional comments:

7. For each public access law, do the applicable statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to government publications or acknowledge the state's responsibility to permanently maintain government publications?

Yes
 No

a. If "Yes," cite to and provide relevant language.

Requires that the library establish a permanent reference collection. MICH COMP. LAWS § 397.19

Requires that only libraries that will "keep the documents readily accessible for use and which will render assistance for the use of documents without charge" may be designated as depository libraries. MICH COMP. LAWS § 397.20

Additional comments:

8. Has any public access legislation/administrative regulation been proposed calling for "permanent public access" of electronic publications?

Yes
 No

a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?

b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under any public access law resulted from the state's failure to "permanently" maintain a government publication?

Yes
 No

a. If "Yes," cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to “permanent public access” of government publications under public access laws.

D. STATE OFFICE FOR TECHNOLOGY AND CHIEF INFORMATION OFFICER

1. Does your state have an office for technology (or department of information technology, department of information service, or equivalent) and/or a chief information officer (or equivalent)?

Yes
 No

a. If “Yes,” provide the complete official name for the office and/or officer; cite to the statute giving that information.

The Michigan Department of Information Technology was created by Executive Order 2001-3 http://www.michigan.gov/dit/0,1607,7-139-18388_18553-3054--,00.html . Executive Reorganization Order No. 2001-1 was promulgated August 14, 2001, as Executive Order No. 2001-3, eff October 14, 2001. This is codified in MICH. COMP. LAWS § 18.41.

b. If “No,” skip this whole section.

Additional comments:

Please see comments below (Item D. 2) on “enabling” statute.

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the office/officer; when was the statute first enacted?

The Michigan Department of Information Technology was created by Executive Order 2001-3 http://www.michigan.gov/dit/0,1607,7-139-18388_18553-3054--,00.html . Executive Reorganization Order No. 2001-1 was promulgated August 14, 2001, as Executive Order No. 2001-3, eff October 14, 2001. This is codified in MICH. COMP. LAWS § 18.41; 2001.

Additional comments:

The Michigan Department of Information Technology and the Chief Information Officer's position at the Cabinet level were established by Executive Order 2001 - 3 http://www.michigan.gov/dit/0,1607,7-139-18388_18553-3054--,00.html , effective October 14, 2001. In addition, EO 200 - 6 created the e - Michigan Office as a temporary agency pursuant to Article V, Section 4, of the 1963 Michigan Constitution. Subsequent EO’s modified the Office and transferred it to DIT.

Additional authority and powers are specified by both Executive Order and legislation. These include:

1. Section 203 of Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1203 of the Michigan Compiled Laws (automated information processing installations)

2. Section 269(1)(b) and 269(1)(d) of Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1269(1)(b) and 18.1269(1)(d) of the Michigan Compiled Laws (provision of centralized services to state agencies, specifically

telecommunications and optical disc services)

3. Executive Order 1994-13, as amended, being Section 18.32 of the Michigan Compiled Laws (transfer of certain computer program analysis and programming responsibilities to the Michigan Administrative Information Network)

4. Executive Order 1994-15, as amended, being Section 18.33 of the Michigan Compiled Laws (telecommunications systems and related services)

5. Executive Order 1995-10, as amended, being Section 18.1691 of the Michigan Compiled Laws (consolidation of information processing systems for executive branch agencies)

6. Executive Order 1995-14, as amended, being Section 18.1695 of the Michigan Compiled Laws (Michigan Information Network Office); and,

7. Section 1291 of Act No. 335 of the Public Acts of 1993, as amended, being Section 380.1291[1] of the Michigan Compiled Laws (world-class statewide interactive video and data access and exchange system).

3. Does the office/officer have power to promulgate administrative regulations?

Yes
 No

a. If "Yes," cite the body of administrative regulations promulgated by the office/officer.

In information technology areas, Executive Order 2001-3 http://www.michigan.gov/dit/0,1607,7-139-18388_18553-3054--00.html confers authority to promulgate standards in application development and other related information technology areas (EO 2001 - 3, IID). Enterprise IT policies, standards, and procedures are developed to assure consistency, efficiency, and effectiveness in the delivery of information technology services that support the business functions of the State. MDIT also has authority to promulgate standards for telecommunications and information processing, based upon Executive Order 1994-15, as amended, being Section 18.33 of the Michigan Compiled Laws (telecommunications systems and related services), and Executive Order 1995-10, as amended, being Section 18.1691 of the Michigan Compiled Laws (consolidation of information processing systems for executive branch agencies).

Additional comments:

MDIT also has authority in IT related budgeting, procurement, contract and project management areas.

4. The office/officer has jurisdiction over which branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

MICH. COMP. LAWS § 18.41 III. A. ". . . related to the provision of information technology services currently located within any executive branch department or agency . . . "

Executive Order 2001-3 refers only to executive branch agencies. Section IIC calls for “The Department (to) coordinate a unified executive branch strategic information technology plan, identify best practices from executive branch agencies and other public and private sector entities, and develop and implement processes to replicate information technology best practices and standards throughout the executive branch.”

Additional comments:

The Department of Information Technology has collaborative relationships with the Legislative and Judicial branches, and a number of joint IT activities. MDIT has also established the Michigan Information Technology Executive Committee (MITEC). The purpose of MITEC is to advise and assist the state CIO and DIT in addressing current business, service and technology support needs, as well as to develop longer-term information technology goals, and a strategic and a tactical direction. MITEC also includes representatives from the legislative and judiciary branches.

5. Are the powers/responsibilities of the office/officer defined differently for electronic government information vis-à-vis print government information?

Yes

No

a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

EO 2001 – 3 does not address government information or access issues. The Records Media Act, 1992 Mich. Pub. Acts No. 116, amended 2001, describes the powers and authority for the Departments of Management and Budget and History, Arts and Libraries regarding “(promulgating) rules that govern the creating, processing, indexing, storage, retrieval, durability, and inspection of reproductions by a governmental entity or governmental official acting in his or her official capacity.

6. Do applicable statutes/regulations for the office/officer set forth powers/responsibilities relating to “permanent public access” of government information?

Yes

No

a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

Please see the response to Item D.7.

7. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes

No

a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language. The Records Media Act , P.A. No. 116 of 1992, amended 2001, describes the powers and authority for the Departments of Management and Budget and History, Arts and Libraries. Please see excerpt below.

“(2) Pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the department of history, arts, and libraries and the department of management and budget shall jointly promulgate rules that govern the creating, processing, indexing, storage, retrieval, durability, and inspection of reproductions by a governmental entity or governmental official acting in his or her official capacity. With respect to information systems that utilize digital data in a medium listed in subsection (1) for the reproduction of records, the rules shall do all of the following:

(a) Set forth data interchangeability standards.

(b) Ensure continued maintenance of and access to the records by requiring the conversion of the digital data medium or the modification or replacement of the computer hardware or computer software before the digital data medium, algorithms, computer hardware, or computer software become obsolete.”

The State Archives of Michigan is directed by law to protect and preserve the most significant public records created by state government. Less than five percent of the public records created and used by state employees fall into this category. But most government offices produce some important public records that should be preserved permanently.

All state agencies are required to have a Records Retention and Disposal Schedule that lists individual records or records series. The schedule defines how long each record should be retained, and it explains how that retention period is divided between the creating office and the State Records Center. The State Records Center provides off-site storage for many records which are not actively used by the creating agency. Retention and disposal schedules also indicate which records have potential archival value, and when those records should be transferred to the State Archives of Michigan.

Additional comments:

8. Whether or not a supporting source of law can be identified, does the office/officer acknowledge responsibility to permanently maintain government information?

Yes
 No

a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

State agencies are the owners of public data and information. MDIT may be a “holder” or processor of such data or information. As such, MDIT complies with applicable, agency-specific laws, rules and regulations.

Additional comments:

9. Has the office/officer undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes
 No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

The department has two relevant initiatives:

MDIT is designing a Freedom of Information Act (FOIA) policy and process, which addresses the relationship between the “owners” of data and information, the agencies, and MDIT, the “holder” or processor of data and information. The FOIA process plays a key role in assuring “permanent public access” to public information.

MDIT is involved in discussions with the Department of History, Arts and Libraries concerning possible modification of the Records Media Act in order to recognize the existence and role of MDIT. The act was last modified in July 24, 2001, prior to the effective date for Executive Order 2001-3, October 14, 2001.

Additional comments:

10. Has any litigation involving the office/officer resulted from the state’s failure to “permanently” maintain government information?

Yes
 No

- a. If “Yes,” cite to and briefly discuss each case.

The Department of information Technology was established a year and a half ago and is in the process of establishing department level operational procedures in selected areas.

Additional comments:

11. Discuss any unique circumstances in your state relevant to the office for technology and/or chief information officer.

None at this time.

E. STATE TECHNOLOGY PLANS

1. Does your state have a current official information technology plan (or equivalent)?

Yes
 No

- a. If "Yes," describe what government entity was responsible for creating the plan; cite to the source of its authority.

The plan was developed by the Office of Information Technology Solutions (OITS) within the Department of Management and Budget, one of the predecessor organizations to MDIT. OITS authority, powers, duties, functions and responsibilities were transferred to MDIT by Executive Order 2001-3, § IVA.

b. If "Yes," also provide complete bibliographic information about the plan; when was it published? The State Of Michigan Information Technology Strategic Plan (1999-2004) was published in October of 1999. The plan is paired with agency planning process guidelines, "State of Michigan Strategic Business Planning: A Guide for Executive Branch Agencies" (November, 1999), as well as agency priority project materials (largely from early 2001).

- c. If "No," skip this whole section.

Additional comments:

The State of Michigan is currently redesigning its planning process and will be integrating it with budgeting and other core processes. A new, IT Strategic Plan, linked to the FY 2004-05 budget process and beyond, is anticipated by the fall of 2003.

2. The technology plan covers which branches?

- Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Executive Order 2001-3 gives MDIT IT related authority within the executive branch, not the Legislature or the Judiciary.

Additional comments:

3. Does the current plan include a section on permanency and public accessibility of electronic government information?

- Yes
 No

- a. If "Yes," cite to and provide relevant language of the plan.

Additional comments:

4. Discuss any unique circumstances in your state relevant to technology planning or the current information technology plan.

The creation of MDIT in October of 2001 has called for a modification of the planning process. The State of Michigan is currently redesigning its planning process and will be integrating it with budgeting and other core processes. A new, IT Strategic Plan, linked to the FY 2004-05 budget process and beyond, is anticipated by the fall of 2003.

F. STATE PRINTING OFFICE AND STATE PRINTER

1. Does your state have an official printing office (or equivalent) and/or an official printer (or equivalent)?

- Yes
- No

- a. If “Yes,” provide the complete official name for the printing office and/or official printer; cite to the statute giving that information.
- b. If “No,” skip this whole section.

Additional comments:

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the printing office/official printer.

Additional comments:

3. Does the printing office/official printer have power to promulgate administrative regulations?

- Yes
- No

- a. If “Yes,” cite the body of administrative regulations promulgated by the printing office/official printer.

Additional comments:

4. The printing office/official printer has jurisdiction over which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

5. Briefly discuss the functions of the printing office/official printer. Then:

- a. Describe your state’s use of in-house agency publishing and/or commercial publishing of government information.
- b. What percentage of official state government documents are printed by the printing office/official printer?

- c. To what extent is the printing office/official printer involved in the electronic dissemination of government information?

Additional comments:

6. Are the powers/responsibilities of the printing office/official printer defined differently for electronic government information vis-à-vis print government information?

Yes
 No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the printing office/official printer set forth powers/responsibilities relating to "permanent public access" of government information?

Yes
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the printing office/official printer acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

10. Has the printing office/official printer undertaken any special initiatives or projects involving "permanent public access" of government information?

- Yes
- No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

- 11. Has any litigation involving the printing office/official printer resulted from the state’s failure to “permanently” maintain government information?

- Yes
- No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

- 12. Discuss any unique circumstances in your state relevant to the official printing office and/or official printer.

G. STATE ARCHIVES AND STATE ARCHIVIST

This section addresses your state’s official archives and state archivist. If these responsibilities are by law under the auspices of your state library and state librarian, please move on to Section H.

- 1. Does your state have an official archives (or equivalent) and/or an official archivist (or equivalent)?

- Yes
- No

- a. If “Yes,” provide the complete official name for the archives and/or archivist; cite the statute giving that information.

State Archives of Michigan is an agency under the Michigan Historical Center within the Department of History, Arts and Libraries (HAL). The Michigan Historical Commission is the Michigan Historical Center's advisory board. Authorization for a state archives is provided by MICH. COMP. LAWS §§ 399.4 & 399.5 under sections dealing with the Michigan Historical Commission. MICH. COMP. LAWS 399.4 states that the Michigan Historical Commission has the duty to “...collect, arrange, and preserve materials, including records, archives...”. While MICH. COMP. LAWS § 399.5 states that the commission “may collect from the public offices in this state records that are not in current use and are of value, in the opinion of the commission.”

- b. If “No,” skip this whole section.

Additional comments:

- 2. Cite the “enabling” statute that created and defines the powers/responsibilities of the archives/archivist. MICH. COMP. LAWS §§ 399.4, 399.4a & 399.5, and 18.1289 & 18.1292.

Additional comments:

3. Does the archive/archivist have power to promulgate administrative regulations?

- Yes
- No

a. If "Yes," cite the body of administrative regulations promulgated by the archive/archivist.
MICH. COMP. LAWS § 399.8a states that the Michigan Historical Commission "shall make rules and regulations necessary to carry out the provisions of this act...."

Additional comments:

4. The archive/archivist has defined responsibilities for which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.
MICH. COMP. LAWS § 399.5 provides the authority for identifying and preserving state and local government records with archival value, while MICH. COMP. LAWS § 18.1289 also addresses state government records.

Additional comments:

5. Briefly discuss the functions of the archive/archivist.

MICH. COMP. LAWS § 399.5 provides that the historical commission shall identify, arrange, classify, index and preserve state and local government records with archival value.

Additional comments:

6. Are the powers/responsibilities of the archive/archivist defined differently for electronic government information vis-à-vis print government information?

- Yes
- No

a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

The definition of “records” found in MICH. COMP. LAWS § 18.1284 and MICH. COMP. LAWS § 399.10 includes electronic records.

There are two pilot projects, as of 2003, funded by grants. One grant is looking at ways to manage electronic records within the records management system. The other grant is being used to determine ways to make electronic records accessible over time. The pilots involve a small subset of state agency records but the studies will help the archives determine how to work with all agency records.

7. Do applicable statutes/regulations for the archive/archivist set forth powers/responsibilities relating to “permanent public access” of government information?

Yes
 No

- a. If “Yes,” cite to and discuss any provisions /regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

MICH. COMP. LAWS § 399.5 states that “The commission shall provide for their [archival records] preservation, classification, arranging, and indexing, so that they may be made available for the use of the public.”

Additional comments:

8. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes
 No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

MICH. COMP. LAWS § 399.5 (1) states that “The commission may collect from the public offices in this state records that are not in current use and are of value, in the opinion of the commission. A public official shall assist the commission in the collection of such records. The commission is the legal custodian of such records collected and transferred to its possession. The commission shall provide for their preservation, classification, arranging, and indexing, so that they may be made available for the use of the public.”

Additional comments:

9. Whether or not a supporting source of law can be identified, does the archive/archivist acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

See MICH. COMP. LAWS § 399.5 language set forth above.

Additional comments:

10. Has the archive/archivist undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes
 No

a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

All functions and projects, including appraisal, accessioning, arrangement and description, preservation and referencing, are undertaken in order to identify and preserve public records with archival value.

Additional comments:

11. Has any litigation involving the archive/archivist resulted from the state’s failure to “permanently” maintain government information?

Yes
 No

a. If “Yes,” briefly discuss the circumstances of each case and its outcome, and provide citations to any court decisions.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official archive and/or official archivist. Beginning in 1998, several years before HAL was organized, the State Archives and the Records Forms and Management Division of the Department of Management and Budget collaborated in forming the Michigan Government Electronic Records Committee; the committee was also sponsored by the state’s Chief Information Officer. Consisting of government records managers, archivists, information technology professionals and others, the committee initiated the Records Management Application Pilot Project to explore the value of a centralized electronic document repository and management system.

The Electronic Records Committee selected the particular commercial software involved in the project because it was capable of implementing the retention requirements for records stored in the repository. The committee recognized that the system was *not* equipped to ensure archival preservation. When the pilot ended, the committee concluded that a records management application was needed to ensure the lifecycle of records generated from agency desktop computing, but did not recommend the software tested for enterprise-wide use. See Michigan Department of History, Arts and Libraries, *Final Report: Records Management Application Pilot Project (2002)*, available at http://www.michigan.gov/documents/HAL_MHC_RM_Final_Report_63480_7.pdf.

H. STATE LIBRARY AND STATE LIBRARIAN

This section addresses your state's official library and state librarian. There is no separate section that addresses the official law library and state law librarian, if any. If your state has an official library *and* an official law library (and/or official librarian *and* official law librarian), it may be appropriate to address those government entities and/or persons separately.

1. Does your state have an official library (or equivalent) and/or an official librarian (or equivalent)?

Yes
 No

a. If "Yes," provide the complete official name for the library and/or librarian; cite to the statute giving that information.

The Library of Michigan; MICH. COMP. LAWS § 397.13 & MICH. COMP. LAWS § 391.15

b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the library/librarian.
MICH. COMP. LAWS § 397.16

Additional comments:

3. Does the library/librarian have power to promulgate administrative regulations?

Yes
 No

a. If "Yes," cite the body of administrative regulations promulgated by the library/librarian.

Additional comments:

The director of the supervising department, History, Arts, and Libraries, has the power under MICH. COMP. LAWS § 18.1289.

4. The library/librarian has defined responsibilities for which branches?

Executive
 Legislative
 Judicial
 Administrative (applying to all agencies, no matter what branch of government)
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

MICH. COMP. LAWS § 397.19 provides: "The library shall serve as a depository for each public document issued by a state official, department, board, commission, or agency."

MICH. COMP. LAWS § 397.20, states: "The library is charged primarily with providing

reference services to the legislative branch of state government and, in addition, shall provide those services to the executive and judicial branches of state government and the general public.”

Additional comments:

5. Briefly discuss the functions of the library/librarian.

MICH. COMP. LAWS § 397.16 gives the state librarian responsibility for the “care and charge of the library and the administrative functions of the library.”

MICH. COMP. LAWS § 397.20, specifies those responsibilities in more detail:

Maintain a complete collection of the public documents

Provide reference services to state government and public

Maintain system of state depository libraries

Send public documents to the Library of Congress

Establish a document exchange with other states

Develop effective statewide school library services

Encourage cooperative and contractual arrangements among libraries

Collect, preserve, publish statistics

Conduct research and publish results

Advance library science in the state

Seek grants to extend or enhance library service

Additional comments:

6. Are the powers/responsibilities of the library/librarian defined differently for electronic government information vis-à-vis print government information?

Yes

No

a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

MICH COMP. LAWS § 397.19 permits the state librarian to determine the format of government information provided to the library.

7. Do applicable statutes/regulations for the library/librarian set forth powers/responsibilities relating to “permanent public access” of government information?

Yes

No

a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities ; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

MICH. COMP. LAWS § 397.19 states that the "library shall serve as a depository for public documents."

MICH COMP. LAWS § 397.20 requires that the library establish a permanent reference collection

of public documents deposited under MICH COMP. LAWS § 397.19.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

MICH. COMP. LAWS § 397.19 states that the "library shall serve as a depository for public documents."

MICH COMP. LAWS § 397.20 requires that the library establish a permanent reference collection of public documents deposited under MICH COMP. LAWS § 397.19.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the library/librarian acknowledge responsibility to permanently maintain government information?

Yes
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Responsibility is continually acknowledged through the provision of funding and support for staff performing this function; in 1996, the library transferred a FTE from other library responsibilities to work solely in support of this mission. MICH. COMP. LAWS §§ 397.19 - .20

Additional comments:

10. Has the library/librarian undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Participated since 2002 as pilot project partner and charter subscriber to OCLC, Inc.'s Digital Archive project. This project enables permanent archiving and public access to electronic state government information published via the World Wide Web. Documents in electronic-only formats are identified, harvested, cataloged in the Library's online catalog, then copied and permanently archived on servers at OCLC's headquarters in Dublin, OH. Users of the Library's online catalog can locate both a link to the live site on the State of Michigan servers and a link to the archived version in Ohio.

Additional comments:

11. Has any litigation involving the library/librarian resulted from the state's failure to "permanently" maintain government information?

Yes

No

a. If "Yes," cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the state library and/or state librarian.

I. STATE DEPOSITORY LIBRARY LAWS

States often have a depository library program patterned after the federal model for disseminating federal government publications.

1. Does your state have a "depository library program," as referred to in the paragraph above?

Yes

No

a. If "Yes," cite your state's depository library law statutes and the administrative regulations that supplement them.

MICH. COMP. LAWS § 397.20 (1) - (3)

b. If "No," skip this whole section.

Additional comments:

2. Do the depository library statutes/regulations address electronic government information separately vis-à-vis print government information?

Yes

No

a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic government information; how is it treated differently?

MICH. COMP. LAWS § 397.19 (1) allows the state librarian to determine the "proper format" for material to be added to the permanent reference file.

MICH. COMP. LAWS § 397.20 (4), (5) address legislative website protocol.

b. If "No," explain whether or not the statutes/regulations have been construed to cover electronic government information?

Additional comments:

3. Do any depository library statutes/regulations assure "permanent public access" of electronic government information?

Yes
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address "permanent public access"; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

4. Do the depository library statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to government information or acknowledge the state's responsibility to permanently maintain public records?

Yes
 No

- a. If "Yes," cite to and provide relevant language.

MICH COMP. LAWS § 397.20 refers to the establishment of the permanent reference file of public documents; Executive Directive 1983-2 published 6/21/83 also directs agencies to comply with the provisions of MICH COMP. LAWS § 397.19 in providing material to the library

Additional comments:

5. Have depository libraries as a whole undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

6. Please determine the absolute number or percentage of titles:

20% Formerly distributed in print, now distributed exclusively in electronic format.
? Never before distributed, now distributed in electronic format.

Additional comments:

7. Discuss the depository library program's effectiveness and actual accomplishments in disseminating, preserving and providing access of electronic government information?

Additional comments:

This program is limited in who may participate. The statutes and corresponding manual are very specific about who may participate and if you may participate when openings occur in the future.

J. COOPERATIVE ARRANGEMENTS

One can imagine any number of cooperative arrangements to assure “permanent public access.” A well-known example is the partnership between the Texas Electronic Depository program (involving the Texas State Library and Archives Commission) and the University of North Texas Libraries (see description for program C304 at Computers in Libraries 2002 on the Information Today website). A hypothetical example of a less formalized cooperative arrangement is where a state’s highest court relies on the state bar association to publish the court’s decisions.

1. To secure PPA, has any state agency or other government entity (judicial, legislative or executive) partnered with any not for profit, educational, or for profit organization outside of government?

Yes
 No

- a. If “Yes,” describe each partnership, noting whether it is funded by a grant or through a government appropriation; give a brief history and summary of accomplishments.

Participation in the OCLC Digital Archive Project has been funded through a government appropriation. This expenditure is at the library’s discretion from its general operating funds. This project enables permanent archiving and public access to electronic state government information published via the World Wide Web. Documents in electronic-only formats are identified, harvested, cataloged in the Library’s online catalog, then copied and permanently archived on servers at OCLC’s headquarters in Dublin, OH. Users of the Library’s online catalog can locate both a link to the live site on the State of Michigan servers and a link to the archived version in Ohio.

Additional comments:

2. Does the state rely on any cooperative activities that are not actually formalized?

Yes
 No

- a. If “Yes,” describe each relationship and cooperative activity; give a brief history and a summary of accomplishments.

The Library has informal agreements with several research libraries (Michigan State University Libraries, Hatcher Library at the University of Michigan, Purdy-Kresge Library at Wayne State University, and the Detroit Public Library to maintain comprehensive duplicates of the permanent reference file. In 2003, the Library of Michigan has initiated discussions to formalize those agreements.

Additional comments:

3. Does any state agency or other government entity secure “permanent public access” through any other type of cooperative arrangement?

Yes
 No

- a. Describe each cooperative arrangement; give a brief history and a summary of accomplishments.

Additional comments:

K. FACTORS TO BE CONSIDERED IN FUTURE ADVOCACY OR REFORM EFFORTS

1. If “permanent public access” is neglected in your state, carefully examine existing public records statutes, freedom of information statutes, public access laws, etc., and respond to the following:

- a. If possible, cite to and discuss one or two specific places in statutes or other sources of law where the state legislature or a responsible agency might naturally insert basic reform language.

PPA could be improved by amending the Library of Michigan Act, possibly by adding language to MICH. COMP. LAWS § 397.19 that would require state agencies to notify the library when an electronic publication has been chosen over a tangible one. This would enable the library to identify, harvest and catalog the electronic information. The documents would be copied and permanently archived on servers at OCLC.

- b. If specific places to insert reform language are not obvious, very briefly discuss what state agency or other government entity might naturally be made responsible for “permanent public access.”

Additional comments:

Current legislative chapters might become more detailed over time as questions arise and agencies become more involved in preservation and access to materials.

2. Discuss known failed efforts in your state to achieve “permanent public access”; how might new efforts succeed?

Additional comments:

None.

L. DIRECTORY

This section asks you to collect directory-type information for important state officials involved in the dissemination of government information.

Provide official contact information for:

1. State Chief Information Officer (or equivalent)
Teresa Takai, Director
Department of Information Technology
105 West Allegan, Suite 200
Lansing, MI 48909
Telephone: (517) 373-1006

Fax: (517) 373-8213
E-Mail: TakaiT@michigan.gov

2. State Printer
None

3. State Archivist
David Johnson
Michigan Historical Center
State Archives
702 W. Kalamazoo St.
P.O. Box 30740
Lansing, MI 48909
Telephone: (517) 373-1401
E-Mail: JohnsonD3@michigan.gov

4. State Librarian and/or State Law Librarian
Christie Pearson Brandau, State Librarian
Library of Michigan
Department of History, Arts and Libraries
702 West Kalamazoo Street
PO Box 30007
Lansing, MI 48909-7507
Telephone: (517) 373-5504
Fax: (517) 373-4480
E-Mail: cbrandau@michigan.gov

Susan Adamczak, Law Librarian
State Law Library, Library of Michigan
G. Mennen Williams State Office Building, First Floor
525 West Ottawa Street
P. O. Box 30007
Lansing MI 48909-7507
Telephone: (517) 373-0630
Fax: (517) 373-3915
E-Mail: sadamczak@michigan.gov

5. State Attorney General (on freedom of information act issues, etc.)
Mike Cox
Michigan Department of Attorney General
Lansing Office
G. Mennen Williams Building, 7th Floor
525 W. Ottawa St.
P.O. Box 30212
Lansing, MI 48909
Telephone: (517) 373-1110
Fax: (517) 373-3042

E-Mail: MikeCox@michigan.gov

M. IMPORTANT STATE RESOURCES

Provide URLs or other finding information for:

1. Official state home page

<<http://www.michigan.gov>>

2. State agency portal

a. Does the portal have a searching capability similar to FirstGov?

<<http://www.michigan.gov>>

3. Legislative website

<<http://www.michiganlegislature.org>>

a. Does the website cover the current year only?

No

b. Are services free or fee-based?

Free

4. Judicial websites

<<http://courts.michigan.gov>>

5. Regulatory agency websites

Agriculture <<http://www.michigan.gov/mda>>

Attorney Discipline Board <<http://www.adbmich.org>>

Attorney General <<http://www.michigan.gov/ag>>

Attorney Grievance Comm. <<http://www.agcmi.com>>

Auditor General <<http://www.state.mi.us/audgen/>>

Career Development <<http://www.michigan.gov/mdcd>>

Civil Rights <<http://www.michigan.gov/mdcr>>

Civil Service <<http://www.michigan.gov/mdcs>>

Community Health <<http://www.michigan.gov/mdch>>

Consumer & Industry
Services <<http://www.michigan.gov/cis>>

Corrections <<http://www.michigan.gov/corrections>>

Court of Appeals <<http://courtofappeals.mijud.net/>>

Documents Room <http://www.milegislativecouncil.org/lsb/document_room.htm>

Education <<http://www.michigan.gov/mde>>

Environmental Quality <<http://www.michigan.gov/deq>>

Family Independence
Agency <<http://www.michigan.gov/fia>>

Gaming Control Board <<http://www.michigan.gov/mgcb>>

Governor <<http://www.michigan.gov/gov>>

History, Arts & Libraries <<http://www.michigan.gov/hal>>

House of Representatives <<http://www.house.mi.gov>>

House Fiscal Agency	< http://www.house.mi.gov/hfa >
Information Technology	< http://www.michigan.gov/dit >
Legislative Council	< http://www.milegislativecouncil.org/ >
Legislative Service Bureau	< http://www.milegislativecouncil.org/lb/legislative_service_bureau.htm >
Lottery	< http://www.michigan.gov/lottery >
Management & Budget	< http://www.michigan.gov/dmb >
Michigan Legislature	< http://www.michiganlegislature.org/ >
Military & Veterans Affairs	< http://www.michigan.gov/dmva >
Natural Resources	< http://www.michigan.gov/dnr >
Office of Regulatory Reform	< http://www.michigan.gov/orr >
Senate	< http://www.senate.state.mi.us/ >
Senate Fiscal Agency	< http://www.senate.state.mi.us/sfa/ >
Secretary of State	< http://www.michigan.gov/sos >
State Appellate Defender's Office	< http://www.sado.org/ >
State Police	< http://www.michigan.gov/msp >
Supreme Court	< http://courts.michigan.gov/supremecourt >
Transportation	< http://www.michigan.gov/mdot >
Treasury	< http://www.michigan.gov/treasury >

6. Freedom of Information Service Hotline

- a. Does the state have an ombudsman for freedom of information act issues?

No.

- b. Is the state attorney general's office the public's contact for freedom of information act issues?

Yes.

Other websites of interest:

1. Manual for State Depository Libraries

<http://www.michigan.gov/documents/michdocmanual2002_46514_7.pdf>

2. Summary of Michigan Freedom of Information Act

<http://www.michigan.gov/ag/0,1607,7-164-17337_18160-51242--,00.html>