

Tip of the Week: November 23, 2009

Topic: Talkin' Turkey about Public Records and the Freedom of Information Act



Dear SABby,

I'm the assessor of record in Turkeyville Township and have a taxpayer who is requesting record cards for several other taxpayers in the Township and also assessment information such as land sales analysis and sales data by means of the Freedom of Information Act. Can you please tell me what I'm required to provide to taxpayers when they make a request? What if they make these requests on a regular basis? Do they have a right to this information and what are the Township's responsibilities to taxpayers?

Sincerely,
Thomas T. Kluckfeather

Dear Mr. Kluckfeather:

Public Act 442 of 1976, the Freedom of Information Act (FOIA), does apply to public bodies such as cities, townships and boards of review. The Act defines a public record as "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."

Taxpayers have the right to inspect and copy a public record (unless the record is exempt) and receive copies of those records. The public does not have the right to see personal property statements or confidential real property statements. Exempt information also includes information of a personal nature that would lead to an invasion of an individual's privacy. Section 211.10a of the General Property Tax Act requires that "all property assessment rolls and property appraisal cards shall be available for inspection and copying during customary business hours."

A public body has five business days to grant or deny the request but is not required to create a new record to fill the request. Only information and/or documents that are already available within the public body must be made available under a FOIA request. You may charge the actual costs associated with copying and mailing of the public records but you must use the most economical means available. You may also charge a labor cost but that cost must be at the rate of the lowest hourly wage that is paid to a clerical full-time permanent employee.

So as you can see, Turkeyville Township is required under FOIA and the General Property Tax Act to provide public information to taxpayers.

Sincerely,
SABby