

COA Opinion: The 180-day period of limitation for contesting a FOIA request denial begins to run when the governmental entity takes “an affirmative step reasonably calculated to bring the denial notice to the attention of the requesting party”

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In *Prins v Michigan State Police*, the Court of Appeals held the actual mailing of a letter denying a Freedom of Information Act request, and not the composition of the letter, triggered the running of the 180-day period of limitation. The Court reversed the circuit court’s grant of summary disposition in favor of defendants.

Plaintiff Prins was pulled over by a Michigan State Trooper and the trooper issued her passenger Jack Elliot a citation for not wearing a seat belt. Prins submitted a FOIA request to the state police seeking, among other things, the video-recording of the traffic stop. The state police denied her request in a letter dated July 26, 2008, but post-marked July 29, 2008, stating that the video was no longer available. Elliot contested the seatbelt citation, and at the October 29, 2008 hearing the prosecutor produced the videotape. On January 26, 2008, Plaintiff filed a complaint seeking damages for defendants’ violation of FOIA. The circuit court granted summary disposition for the defendants on the ground that plaintiff’s claim was barred by the 180-day period of limitation under MCL 15.240(1)(b). The Court of Appeals reversed concluding that the 180-day period of limitation commenced when the letter was mailed. The Court reasoned that “the Legislature intended the public body undertake an affirmative step reasonably calculated to bring the denial notice to the attention of the requesting party.” It noted that “[t]his construction of the FOIA prevents a public body’s inadvertent failure to timely mail a denial letter from unduly shortening the 180-day period of limitation.”