



May 8, 2017

Hassan M. Ahmad
The HMA Law Firm
7926 Jones Branch Dr. Suite 600
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Re: AHM 0633-16

Dear Mr. Ahmad:

I am writing in further response to your revised Freedom of Information Act request dated January 5, 2017, which was received on January 6, 2017, and to which we initially responded on January 27, 2017.

You requested voluminous records from the John Tanton papers archived at the University of Michigan Bentley Historical Library, which are currently restricted and closed to research.

Your request is denied. Subsequent to receiving your fee deposit, we have determined that the restricted records are not public records of the University of Michigan pursuant to Section 2 (e) of the Michigan Freedom of Information Act, which 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...” As indicated on the Bentley Historical Library website, the restricted records are closed to research until April 2035. Thus, they are not utilized, possessed or retained in the performance of any official University function.

We are refunding your deposit in the amount of \$6,417 under separate cover.

Please note that within 180 days from the date of this letter, you have the right to appeal the denial of information to the President of the University or seek judicial review in the Michigan court of claims to try to compel disclosure. If you elect to appeal and the President upholds the denial, you may still seek judicial review within the 180-day period.

An appeal to the President must be submitted in writing to: President’s Office, c/o Liz Barry, The University of Michigan, 2080 Fleming Administration Building, 503 Thompson Street, Ann Arbor, MI 48109-1340 (or by email to: presoff@umich.edu). The statement must (1) identify the request and the final determination by the FOIA officer that is being appealed, (2) specifically state the word “appeal,” and (3) identify the reason or reasons why the final determination should be reversed.

If you seek judicial review in the Michigan court of claims and prevail, you will be awarded reasonable attorney's fees, costs and disbursements incurred in maintaining the action. If you prevail in part, you may still be awarded complete or partial reimbursement for those expenses. In addition to actual and compensatory damages, you will be awarded punitive damages in the amount of \$1,000.00 if the court finds that the University was arbitrary and capricious in its denial.

A copy of Section 10 of the Michigan FOIA is available for your reference and review online at <http://foia.vpcomm.umich.edu/foia-right-to-appeal/>.

Sincerely,



Patricia J. Sellinger
Chief Freedom of Information Officer