

**Midwest Open Government Project: Freedom of Information Law Summary
February 12, 2008**

Categories of Concern	Ohio	Illinois	Michigan	Minnesota	Wisconsin
Coverage	All public bodies, including state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by any alternative school in the state of Ohio kept by a non-profit or for profit entity.	All public bodies, including legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of the state.	All public bodies, including state agencies, county and other local governments, school boards, other boards, departments, commissions, councils, and public colleges and universities. If an entity receives more than half of its funding through a state or local authority, it is considered a public body.	All government entities, including state agencies, record-keeping systems, political subdivisions, corporations or non-profits under contract, state university system and school districts, and any officer, board, or authority appointed for an agency or ordinance or any level of local government (counties, districts, charter cities, towns, etc.).	All government "authorities," including a state or local office, elected official, agency, board, commission, committee, council, department, or public body corporate and politic created by constitution, law, ordinance, rule, or order, and any governmental or quasi-governmental corporation (except for the Bradley Center sports and entertainment corporation).
Public Records Open to Disclosure	Regardless of physical form, any document, device, or item which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.	Any handwriting, typewriting, printing, photostating, photographing, photocopying and every other means of recording, including letters, words, pictures, sounds or symbols, or combinations thereof, as well as papers, maps, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content.	A writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function.	Regardless of physical form, all information collected, created, received, maintained, or disseminated by the government.	Regardless of physical form, all material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved and has been created or is being kept by an authority.
Form of Records	Requestor's choice; can be paper or other medium if public body normally maintains records in that form.	Requestor's choice; can be paper or other medium if public body normally maintains records in that form.	Requestor's choice; can be paper or other medium.	Must be "easily accessible for convenient use."	Requestor's choice; can be paper or other medium.
Electronic Mail	E-mails relating to office functioning are covered.	E-mails are covered.	E-mails are covered.	E-mails are covered.	E-mails are covered.
Fees for Public Records	Only for actual cost of reproduction and mailing; not for cost of labor.	Only for actual cost of reproduction and certification; not for cost of labor.	Fees may be charged for the necessary copying of a public record for inspection or providing a copy of a public record to a requestor. Fees also may be imposed for search, examination and review and the separation of exempt information in those instances where failure to charge a fee would result in unreasonably high costs to the public body. The fee must be limited to actual duplication, mailing and labor costs.	If copied amount is less than 100 pages, the fee is limited to 25 cents per page. If over 100 pages, charge can cover actual costs of searching for, compiling, or electronically transmitting the data (including employee time under certain conditions).	Only for the "actual, necessary, and direct cost" of reproducing records; not for the cost of labor. Costs associated with locating records may be assessed when more than \$50 is required to locate records.

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Public Records Exempt from Disclosure	Key specific exemptions include: - medical records - trial preparation records - records pertaining to adoption hearings - trade secrets	Key specific exemptions include: - records related to litigation - medical records - personnel records - tax assessments	Key specific exemptions include: - information or records subject to the attorney-client privilege - law enforcement information - trade secrets	Key specific exemptions include: - law enforcement information - proprietary information and trade secrets - personnel data - private, confidential, nonpublic and protected nonpublic data	Key specific exemptions include: - law enforcement information - proprietary information and trade secrets - patient health care records - personnel records
Deadline for Production of Public Records	"Promptly prepared," but no exact time period.	Seven business days, additional seven business days with extension.	Five business days, additional ten business days with extension for unusual circumstances.	"As soon as reasonably possible," but no exact time period. Ten days for private and summary data.	"As soon as practicable and without delay," but no exact time period.
Denial of a Records Request	Public body must provide explanation, including legal authority. The explanation is not required to be written, unless the requestor so requests.	Public body must, in writing, provide explanation, identify responsible parties, and explain appellate process.	Public body must provide written explanation and inform requestor of right to seek judicial review within five days, or within fifteen days under unusual circumstances.	Requestor has right to be informed of the specific law or classification that justifies the denial.	If oral request, the government authority may deny the request orally unless the requestor asks for a written statement of the reasons for denial within five business days of the oral denial. If written request, a denial or partial denial must be in writing. Reasons for the denial must be specific and sufficient.
What Information Must a Requestor Provide	None. Public body may ask for written request, requestor's identification and reason, but must disclose non-mandatory nature.	None. Requestor may provide identification and purpose for a waiver of fees in the "public interest."	None. Reason for request may be disclosed but cannot constitute effective denial.	None for public and summary data. Specifications vary regarding access to private data and confidential data.	None. A requestor does not need to provide his or her identity or the reason why the requestor wants particular records.
Appeal Process (Administrative or State)	No administrative appeal process exists. Requestor may file a mandamus action to compel disclosure in the court of common pleas.	Requestor must appeal denial to the head of the public body in writing. If such administrative appeal is denied or ignored, requestor may file action in circuit court for injunctive or declaratory relief.	Requestor must appeal denial to the head of the public body in writing. If such administrative appeal is denied or ignored, requestor may try to compel disclosure in circuit court.	No administrative appeal process exists. Requestor may try to compel disclosure in district court. Personally affected individuals have the right to appeal to the government authority administratively regarding their personally identifiable information.	No administrative appeal process exists. Requestor may bring a mandamus action asking a court to order release of the record or submit a written request to the district attorney of the county where the record is located or to the Attorney General requesting that a mandamus action be brought. Personally affected individuals have the right to appeal to the government authority administratively regarding their personally identifiable information.
Penalties for Violation	<i>Statutory damages</i> : \$100 per business day, up to \$1,000.	None.	<i>Punitive damages</i> : Up to \$500. <i>Actual or compensatory damages</i> : awarded by courts.	<i>Exemplary damages</i> : Between \$1,000 and \$10,000. <i>Civil penalties</i> : Up to \$1,000 awarded by courts, payable to the state general fund.	<i>Statutory damages</i> : minimum \$100 and other actual costs (except no such recovery by committed or incarcerated persons). <i>Punitive damages</i> : up to \$1,000 for a government authority's custodian who is responsible for an arbitrary and capricious delay or denial.

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Availability of Attorneys' Fees for Prevailing Plaintiffs in Litigation	Yes, but not for <i>pro se</i> plaintiffs.	Yes, but not for <i>pro se</i> plaintiffs.	Yes, but not for <i>pro se</i> plaintiffs.	Yes, but not for <i>pro se</i> plaintiffs.	Yes, but not for <i>pro se</i> plaintiffs.
Typical Outcome of Request for Attorneys' Fees by Prevailing Plaintiffs in Litigation	Not often awarded.	Not often awarded.	Not often awarded.	Not often awarded.	Usually awarded.
Statute of Limitations to File Administrative Appeal or to File Action in Circuit Court.	None.	None	FOIA requestors who face a full or partial denial of their records requests may submit a written appeal to the head of the appropriate public body, or may directly file a claim in court within 180 days of the purported denial.	None	When the request comes from a committed or incarcerated person, the claim must be filed within 90 days after the request is denied.