

Public Information Requests

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2 March 2018

Public information requests can be intrusive and difficult to fulfill in a timely fashion, but they are an important part of public accountability. This session explores the balance between transparency and sensitivity of public records, with a focus on the reasons behind freedom of information laws and policies on document retention and disposal.

FOIA

The Freedom of Information Act (FOIA) was enacted in 1966 and became effective in 1967. The law makes public records that are created, maintained or filed by federal agencies available to a variety of individuals and entities including: the media, businesses, non-profits, scholars, attorneys, consumers, and activists. The legislation has been amended six times since its initial passage.¹

¹ Wendy Ginsberg. *The Freedom of Information Act (FOIA): Background, Legislation, and Policy Issues*. Congressional Research Service, January 2014

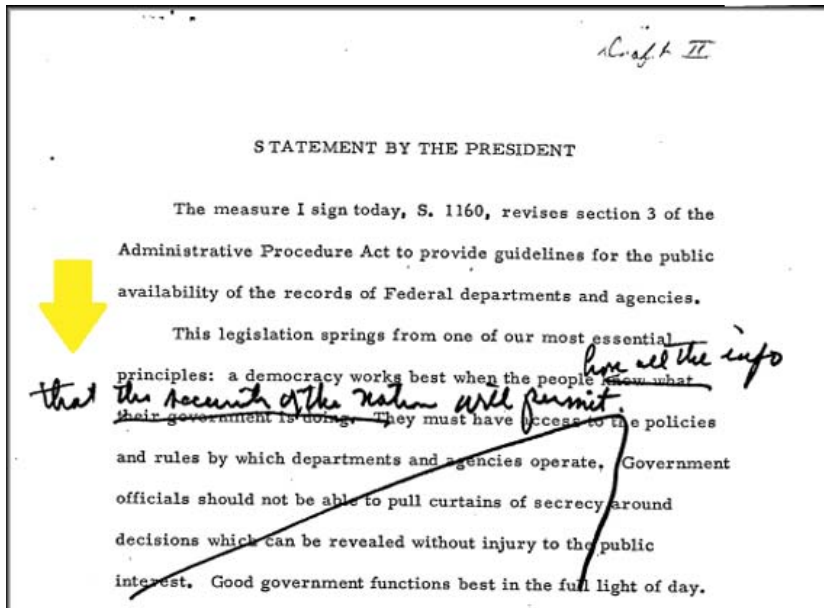


Figure 1: President Johnson's edits to the FOIA signing statement. Source: National Security Archive, George Washington University.

FOIA was first amended in 1974 after Watergate. New requirements on time frames, sanctions for wrongly held information and fee waivers for journalists and public interest groups strengthened the federal law. All states have laws governing open access to government information.²

² The Open Government Guide produced by the Reporters Committee for Freedom of the Press as a good resource for the comparison of state public record laws. <https://www.rcfp.org/open-government-guide>

Requesting Public Information

Nationwide, the number of FOIA requests and lawsuits related to FOIA continues to climb. Nearly 800,000 requests were submitted to federal agencies in fiscal year 2016 up 22% from about 650,000 requests in 2011, according to the U.S. Department of Justice.³ Lawsuits related to the federal FOIA law are at an all-time high reaching 651 in fiscal year 2017 up 60% from 2011, according to the FOIA Project run by Syracuse University.⁴

Public records can take the form of letters/writing, report, map, photograph, book, card, tape recording, or other material. They can be kept in a variety of formats for example: paper, photographic media, chemically based media, magnetic or machine readable media and electronically stored data to name a few. A 2017 analysis of federal FOIA logs found more than half of requests, 56%, were made by businesses and attorneys. Individuals comprised 20%, while media made-up 7.6%.⁵

Inherent Tensions of the Public Records Request Process, Discussion and a Few Examples

Three primary tensions according to Karr⁶ include:

- The tension between comprehensibility and the ability of the requester to understand the information.
- The ability to collect useful, detailed information and protect the confidentiality of that data.
- The desire for global information and the inability to obtain the data typically collected by domain, locality and department.

³ US Department of Justice. Summary of annual FOIA reports for fiscal year 2016. https://www.justice.gov/oip/reports/fy_2016_annual_report_summary.pdf/download

⁴ The FOIA Project. Foia lawsuits. <http://foiaproject.org/lawsuit/>

⁵ Max Galka. Who uses FOIA- an analysis of 229000 requests to 85 government agencies. <https://foiamapper.com/who-uses-foia/>, March 2017

⁶ Alan Karr. *Citizen access to government statistical information*. In H. Chen, L. Brandt, V. Gregg, R. Traunmuller, S. Dawes, E. Hovy, A. Macintosh, & C.A. Larson (Eds.) *Digital government: E-government research, case studies and implementation*. Springer, 2008. ISBN 978-0-387-71610-7

Kilpatrick stocks city payroll with friends, kin

*Mayor's office defends hires;
totals excessive, critics say*

By M.L. ELRICK, JIM SCHAEFER
AND KRISTI TANNER
FREE PRESS STAFF WRITERS

As Detroit Mayor Kwame Kilpatrick cut thousands of city jobs, one group has fared well — the mayor's own friends and family.

A Free Press examination of city records shows that at least 29 people with close connections to the mayor have been appointed by Kilpatrick to city jobs since he took office in 2002. That's a significant departure from Detroit's last three mayors, who appeared to have hired far fewer family members or friends.

Of those with ties to Kilpatrick, at least eight are relatives. The jobs held by friends and family range from secretarial positions to department heads.

Among those Kilpatrick appointed to city jobs are two relatives of Christine Beatty — the mayor's former chief of staff with whom he carried on an affair.

Many of these appointees

**How current, past
elected officials view
hiring friends 14A**

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prospered, even in Detroit's bleak economy. On average, longtime appointees within the mayor's office with family or personal connections to the mayor or Beatty saw a 36% salary jump from 2002 to 2007. The raises often came with promotions.

There is nothing illegal about appointing friends or relatives to city jobs — politicians from mayors to presidents routinely give government jobs to relatives or trusted friends.

What's notable about Kilpatrick's hires is the sheer vol-

See **KILPATRICK, 14A**

Figure 2: Elrick, M.L., Schaefer, J & Tanner, K. (2008, May 11). Kilpatrick stocks city payroll with friends, kin. *Detroit Free Press*, 1A

FAMILY AND FRIENDS

Mayor Kwame Kilpatrick has appointed or promoted at least 29 of his or former Chief of Staff Christine Beatty's relatives and friends since Kilpatrick took office in 2002. Unlike the vast majority of city positions, these appointees do not have to go through a competitive examination process to get hired. They serve at the will of the mayor.

Note: Including Christine Beatty, there are 30 people listed with close ties to the mayor.

FAMILY ON CITY PAYROLL										
NAME	Alice Beatty	Elizabeth (Ayanna) Benson ¹	Akua Bragg-Porter	Ray Cheeks	Jacquelyn Watts	Nneka Cheeks	April Edgar	Ajene Evans	Jamila Evans	Patricia Peoples
RELATIONSHIP	Beatty's then-husband's cousin's wife	Mayor's cousin	Mayor's cousin	Mayor's uncle	Mayor's cousin	Mayor's cousin	Beatty's half-sister	Mayor's cousin	Mayor's cousin	Mayor's cousin
YEAR OF APPOINTMENT, TITLE, SALARY	'02, mayor staff secretary II, \$43,500	'02, exec. manager planning, develop. \$79,704	'02, asst. to mayor II \$57,500	'02, dir. neigh. city halls \$89,000	'02, asst. to mayor I \$48,500	'02, asst. to mayor I \$50,500	'02, secretary, Detroit Bldg. Authority \$38,000	'02, mayor's staff secretary I \$32,500	'02, urban govt. intern \$18,720	'04, exec. asst. to mayor III \$114,255
JOB, TITLE, SALARY AS OF 2007	Asst. to mayor I \$44,814	Dir. of Detroit Building Auth. \$105,500	Dir. neighborhood city halls \$79,999	Exec. asst. to mayor III \$93,503	Exec. asst. to mayor II \$76,810	Exec. asst. to mayor I \$62,025	Exec. asst. to mayor II \$70,500	Neighborhood city hall manager \$57,500	Asst. to mayor I \$40,500	Dep. dir. of Human Res. \$114,255

Family: The Free Press established appointees' family ties using marriage certificates, legal and census records and interviews.

FRIENDS ON CITY PAYROLL											
NAME	Medina Abdun-Noor	Jeffrey Beasley	Chantel Clemons	Jamarl Eiland	Dante Goss	Lawrence Hemingway	Beverlyn Hilton	Lorenzo (Greg) Jones ²	DeDan Milton	Kandia Milton	Sandra Tene Ramsey
RELATIONSHIP	MSU law school classmate and friend	Florida A&M fraternity brother	Former roommate of mayor's sister	Cass Tech '88, football teammate	MSU law school classmate and friend	Cass Tech '88, football teammate	Longtime family friend	Cass Tech '88, football teammate	Childhood friend of mayor	Childhood friend of mayor	Longtime family friend, mother of Kandia and DeDan Milton
YEAR OF APPOINTMENT, TITLE, SALARY	'02, exec. asst. to the mayor I \$62,500	'05, dir. of project mgt. \$114,301	'02, neighborhood city hall manager \$57,500	'02, former dep. chief of staff \$65,500	'03, dir. of police commission \$72,000	'02, exec. asst. to mayor II \$65,000	'02, neighborhood city hall manager \$57,500	'02, exec. protection unit \$45,488	'02, asst. to mayor I \$42,500	'02, asst. to mayor III \$65,500	'02, dir., Sr. Citizen, Homeless Services \$85,000
JOB, TITLE, SALARY AS OF 2007	Dir. of administrative hearings \$100,001	Dir. of project management \$114,301	Dep. dir. of neighborhood city hall \$70,000	Office of Homeland Security n/a	Dir. of police commission \$101,301	Dep. dir. Dept. of Recreation \$112,499	Exec. asst. to mayor III \$75,001	Police officer \$45,488	Exec. asst. to mayor II \$66,810	Exec. asst. to the mayor \$91,300	Dir. of Senior Citizen and Homeless Services \$86,700

Friendships: The Free Press established friendships through court and other public records and interviews.

FORMERLY ON PAYROLL										
NAME	Christine Beatty	Ruth Carter	Andrea Carroll	Misty Evans	Derrick Miller	Ceeon Quiett	Dave Rayford	Lisa Stokes	Marlin Wilson-Threatt	
RELATIONSHIP	Friend, Cass Tech, '88	Mayor's father's girlfriend at time of appointment	One of Carlita Kilpatrick's best friends	Cass Tech classmate, '88	Cass Tech '88, basketball teammate	Christine Beatty's college sorority sister	Longtime family friend	Cass Tech classmate, '88	Friend, Cass Tech, '88	
LAST JOB, TITLE, SALARY	'07, chief of staff \$142,813	'05, corporation council \$142,813	'06, exec. asst. to mayor I \$57,177	'03, exec. asst. to mayor II \$65,500	'07, chief information officer \$142,813	'06, press secretary \$110,561	'05, dir. of Information Tech. Services \$113,110	'03, asst. to mayor I \$41,500	'05, dep. dir. of Information Tech. Services \$114,240	

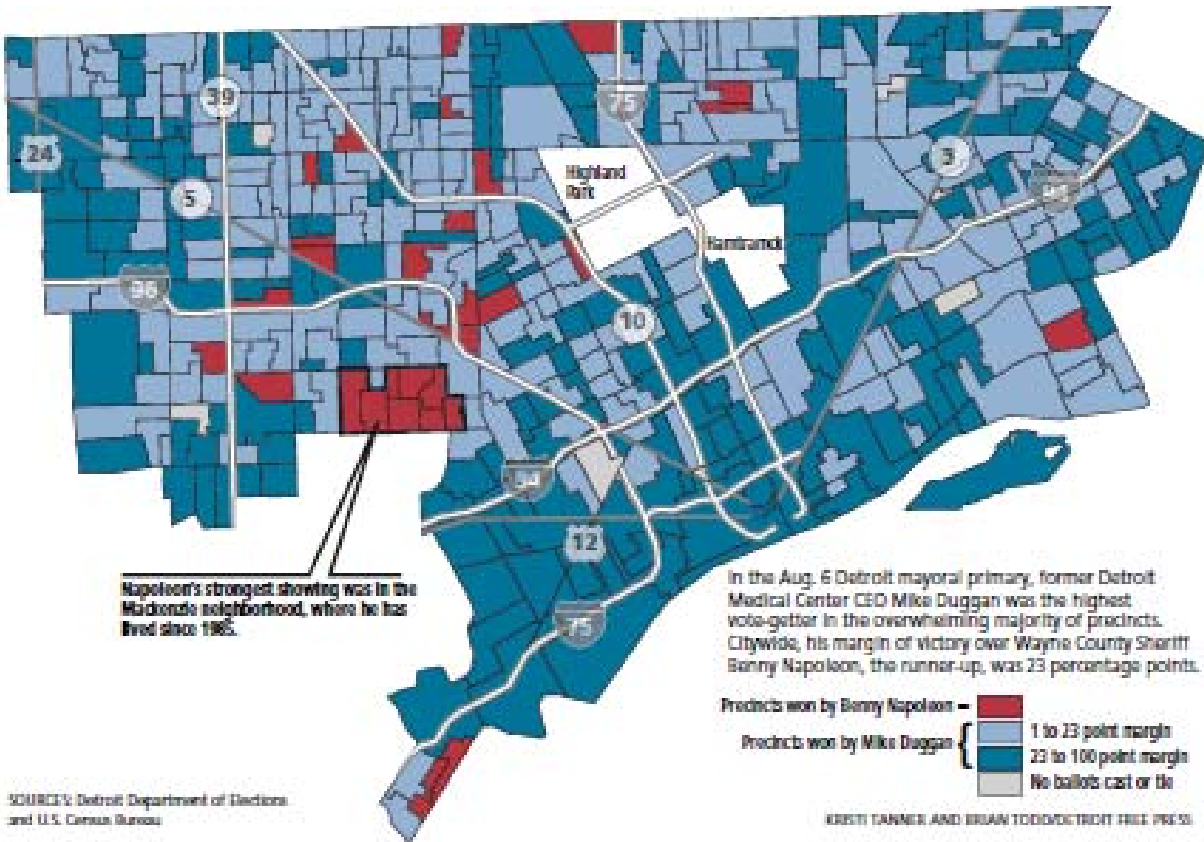
¹ Elizabeth (Ayanna) Benson worked in the planning and development department before Kilpatrick chose her as executive director of the Detroit Building Authority.

² Lorenzo (Greg) Jones was a police officer assigned to the 2nd Precinct when Kilpatrick selected him to lead the elite team assigned to protect the mayor, his family and the Manoogian mansion.

Sources: City of Detroit, research by Free Press staff writers M.L. ELRICK and KRISTI TANNER

KOFI MYLER and MARTHA THIERRY/Detroit Free Press

Figure 3: This analysis was the end result of: shoe-leather reporting, more than six years of city salary FOIAs and numerous public record requests. Source: Elrick, M.L., Schaefer, J & Tanner, K. (2008, May 11). Kilpatrick stocks city payroll with friends, kin. *Detroit Free Press*, 14A



RAW DATA

ADDING DATA TO DISCOURSE



STEPHEN HENDERSON
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DATA ANALYST

Analysis of his victory shows surprising patterns – and a possible Napoleon comeback strategy

Benny Napoleon won his home precinct in the Aug. 6 Detroit mayoral primary.

He won the precincts right around his neighborhood on the near west side, comprising a good 30-5 block stretch of core support for the Wayne County sheriff.

But nearly everywhere else in the city, from the far east side to southwest and through the central core of Detroit, Napoleon was soundly beaten by former Detroit Medical Center CEO Mike Duggan, according to a Free Press analysis of precinct-level election

results. This complicates Napoleon's comeback strategy for the fall. To avoid becoming a local version of Michael Dukakis, whose 1988 presidential run



Wayne County Sheriff Benny Napoleon finished in second place. [FOUR CITIES/DFP](#)

saw him win little more than his home turf, Napoleon will have to enlist new voters, win over those who chose other candidates in the primary, and most important: convey a stronger, more appealing message about what a Mayor Napoleon could do for Detroit.

Napoleon's performance suggests that his core campaign message — which leaned heavily on his

See **DATA**, Page 18A.

Figure 4: Henderson, S. & Tanner, K. (2013, August 18). Breaking down Duggan's blowout. *Detroit Free Press*, 17A.

City of Detroit
Primary 2013
Unofficial Write-in Summary

Office	First Name	Last Name	Write-in Votes
Mayor	Mike	Duggan	44395
Mayor	No First Name	Duggan	180
Mayor	Mike	Dugga	170
Mayor	Mik	Duggan	165
Mayor	Mike	Duggin	103
Mayor	Michael	Duggan	102
Mayor	Mick	Duggan	69
Mayor	Mike	Duggen	62
Mayor	Mike	Dyggan	59
Mayor	Mike	Duggon	52
Mayor	M	Duggan	38
Mayor	Mike	Dugan	33
Mayor	Mike	Dugger	30
Mayor	Mike	Duggans	22
Mayor	Mike	Dugeon	17
Mayor	Micheal	Duggan	14
Mayor	No Name	Duggan	12
Mayor	Walter	Cole	10

Transcending racial lines

Just under 45,000 of the total votes cast were write-ins for “Mike Duggan,” spelled correctly and with no other ambiguity, based on unofficial write-in summaries from the Detroit Department of Elections. Of the other 5,933 write-in votes, only 17 were for “Mike Dugeon,” the barber who mounted a scurrilous campaign to confuse voters.

When the final count is in, it's all but certain that Duggan will wind up with a majority of the 95,961 mayoral votes cast.

Figure 5: Henderson, S. & Tanner, K. (2013, August 18). Breaking down Duggan's blowout. *Detroit Free Press*, 18A.

The Importance of Trust

Excessive administration secrecy ... feeds conspiracy theories and reduces the public's confidence in government. (McCain, 2003, para.6) ⁷

Document Retention and Disposal

State and local government records are governed by various laws and regulations. Awareness of the relevant state and federal requirements related to records management ensures compliance with applicable laws and avoidance of penalties for unlawful destruction of records.

Record retention rules apply no matter how a public record is stored, created or accessed e.g. flash drive, smart phone, laptop, ipad, removable hard drives, dvds/cds, data centers, notebook, tablet, tape or in the cloud. Some of these records require careful planning and consideration of storage. For example are you using text messaging to conduct official business? Are you following record management protocols for e-mails? What about other social media?

Most states have free training and staff available to assist. In a training course the Washington State Archives suggests requiring

⁷ John McCain. Statement to the National Commission on Terrorist Attacks Upon the United States. http://govinfo.library.unt.edu/911/hearings/hearing2/witness_mccain.htm, May 2003



Figure 6: Flint mother LeeAnne Walters shows water from her home to the city's emergency manager, Jerry Ambrose, after a forum on residents' water concerns on Jan. 21, 2015. RYAN GARZA/DETROIT FREE PRESS

training for all public employees and possibly including records management in performance evaluations⁸. The state of Michigan has guidance specific to e-mail management e.g. how to start organizing your e-mail, information on what to keep and how to store them.⁹

Document retention schedules are useful to the public to help them identify what information a public agency collects and how long they are required to keep it. Most general schedules authorize, but do not require public officials to dispose of records. Also, local situations may require retention beyond general schedules. Records kept too long may not only waste space, but may "become a liability to the agency if it receives a FOIA request or if it becomes involved in litigation," according to Michigan's Records Management Department (n.d., p.8).¹⁰

On the other hand as a consumer of public information - there is nothing more frustrating than finding out the record you are looking for no longer exists or your FOIA request has been denied.

Contact Information

Feel free to contact me by e-mail: KTANNER@FREEPRESS.COM or follow me on twitter: @MIDATALOVE

⁸ Washington State Archives. Records management 101. https://www.youtube.com/watch?v=Q7mpirgy_dg

⁹ State of Michigan. E-mail management training. <https://dmbinternet.state.mi.us/DMB/EmailRM/story.html>, a

¹⁰ State of Michigan. Frequently asked questions about general schedules. https://www.michigan.gov/documents/dmb/rms_GS28_328897_7.pdf, b

Lead levels alarming, doctor says; officials dispute new findings

By Robin Erb

Detroit Free Press

Flint's ongoing water woes are now associated with an immediate and irreversible danger — possible lead poisoning of some of the city's children, according to a review of blood test results by a Hurley Children's Hospital pediatrician.

"I was hoping not to find anything, but what we found ... is concerning," said Dr. Mona Hanna-Attisha, who also leads

**EDITORIAL:
CITY'S KIDS
PAY THE
PRICE 13A**

the pediatric residency program at Michigan State University's

College of Human Medicine.

"This is not something you mess around with," she said. "Our population already has so many issues from poverty, from unemployment, from violence."

State officials say their own review of blood test results have not shown the same increase that Hanna-Attisha found. Moreover, water tests have similarly shown lead within federally accepted levels, they say.

Figure 7: Erb, R. (2015, September 25). Kid's at risk with Flint's water. *Detroit Free Press*, 1A.

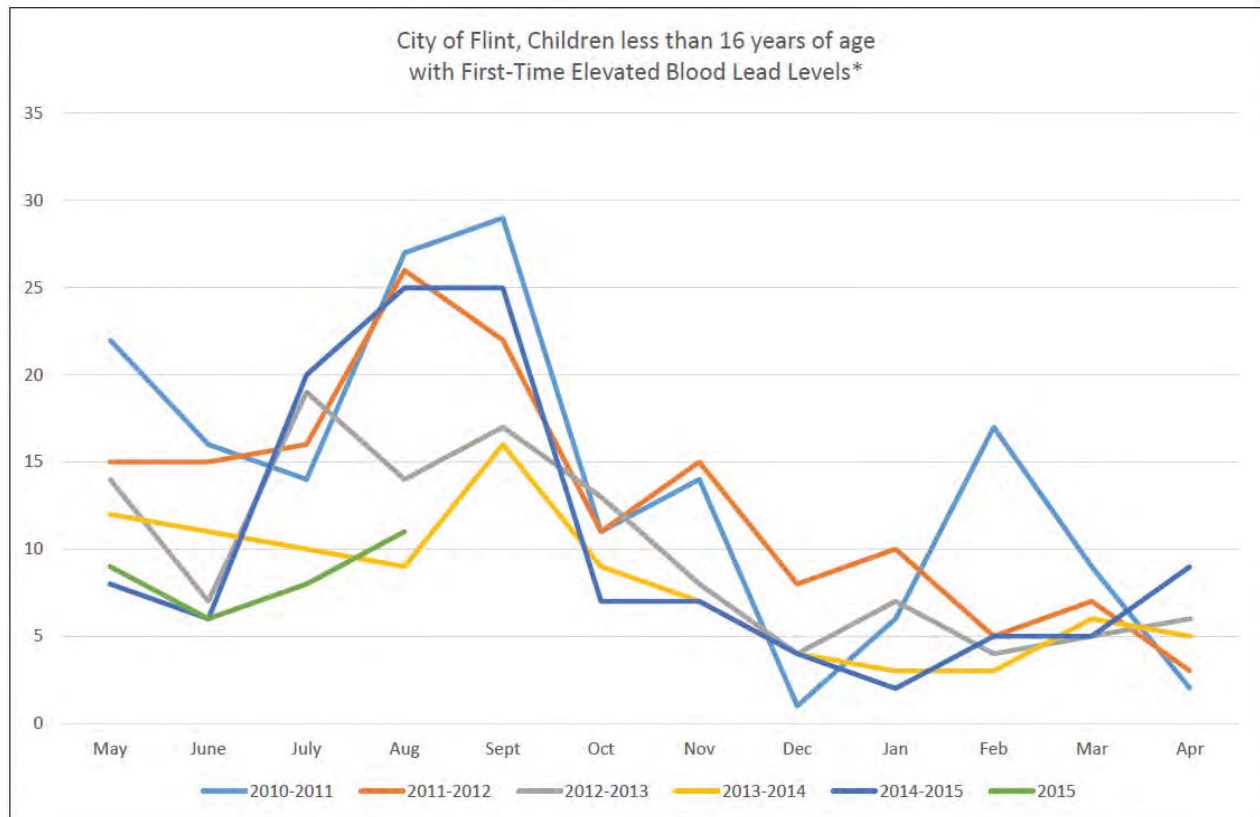


Figure 8: Michigan Department of Health and Human Services' (MDHHS) analysis of blood lead levels of children in Flint before and after the water switch. Source: E-mail from MDHHS (2015, September 24)

From: Peeler, Nancy (DCH)
 Sent: Friday, September 25, 2015 1:20 PM
 To: Minicuci, Angela (DCH) <MinicuciA@michigan.gov>
 Cc: Scott, Robert L. (DCH) <ScottR9@michigan.gov>
 Subject: Re: Flint follow-up

I think Bob is the best person to speak to them about the lead data, if you are comfortable with that, Bob. **My secret hope is that we can work in the fact that this pattern is similar to recent past.** :)

Sent from my iPad

On Sep 25, 2015, at 1:12 PM, Minicuci, Angela (DCH) <MinicuciA@michigan.gov> wrote:

Hi Nancy and Bob,

The Detroit Free Press wants to do a bigger story about the issue of lead in Flint. I made it clear to her yesterday that we could not say the lead poisonings are related to the water, but she instead wants to do a story about the increase of overall lead poisonings in Flint between 12/13 and 14/15. Are either of you available to speak with her today?

Figure 9: MDHHS e-mail found in DHHS 1.pdf Source: Gov. Rick Snyder releases additional batches of departmental emails and documents regarding Flint water crisis. http://www.michigan.gov/snyder/0,4668,7-277-57577_57657-387125--,00.html

State data confirm elevated blood-lead levels in Flint kids

By Kristi Tanner
and Nancy Kaffer
Detroit Free Press

Data that the State of Michigan released last week to refute a hospital researcher's claim that an increasing number of Flint children have been lead-poisoned since the city switched its water supply actually supports the hospital's findings, a Free Press analysis has shown.

Worse, prior to the water supply change, the number of lead-poisoned kids in Flint, and across the state, had been dropping; the reversal of that trend should prompt state public health officials to examine a brewing public health crisis.

Mona Hanna-Attisha, a researcher at Flint's Hurley Medical Center, analyzed blood-lead level information collected as part of a routine screening process, and found that the percentage of Flint children with elevated blood-

lead levels has increased significantly since the city started pumping water from the Flint River in April 2014. In some ZIP codes — those considered most-at-risk — the percentage of kids affected by lead has doubled.

Michigan Department of Health and Human Services spokeswoman Angela Minicuci told the Free Press on Thursday that the increase was "seasonal and not related to the water supply."

And Hanna-Attisha acknowledges that there are seasonal bumps in lead exposure rates — lead in aging pipes is more likely to leach into water during the warmer summer months — but said they can't account for her findings.

In fact, the numbers that provide the basis for a chart the state released Thursday indicating seasonal changes support the Hurley data.

The Hurley data shows that percentage of kids under 5

STATE DATA: MORE FLINT KIDS UNDER 16 LEAD POISONED AFTER WATER CHANGE

Time period	Number of children with elevated blood lead levels	Number of children tested	% of children with elevated blood lead level	Percentage point difference
May 2010 - April 2011	168	3,836	4.38	
2011-2012	153	4,240	3.61	-0.77
2012-2013	118	4,158	2.84	-0.77*
2013-2014	95	4,010	2.37	-0.47
2014-2015	123	3,831	3.21	0.84*

* Difference is statistically significant at the 95% confidence level.

Note: Each child is counted only once if they have elevated blood lead levels, only first-time lead levels ≥ 5 micrograms per deciliter. Some children are counted in more than one year for testing.

Source: Free Press analysis of Michigan Department of Health and Human Services data

with elevated lead-blood levels increased from 2.1% before the water supply switch to 4% after, across the city. In high-risk ZIP codes, the percentage of affected kids was larger, from 2.5% before the switch to 6.3% after.

The state's data, which include a larger sample size of children under 16, show that before the switch to Flint River water, 2.37% of Flint kids had elevated blood-lead levels; after the switch, it was 3.21%, a

significant increase not just because it's a reversal of the trend, but because it shows that a much larger percentage of Flint kids were lead-poisoned than in the previous year.

Despite the state's efforts to discredit the Hurley data, the state's own data show that there are a higher percentage of kids in Flint with elevated lead levels in their blood after the switch.

That's the percentage of

kids with blood-lead levels of 5 or more micrograms per deciliter, an elevated level more likely to cause lasting damage. The U.S. Centers for Disease Control and Prevention say that there is no safe blood-lead level for children.

Lead poisoning causes a host of developmental and behavioral problems in exposed children. It is irreversible.

The City of Flint switched its municipal water supply in April 2014, opting to pump wa-

ter from the Flint River while a new system, the Karegnondi Water Authority, is under construction.

Since the switch, the quality of the city's water has been compromised multiple times, first because of a surge in coliform bacteria and then because of a disinfectant added to mitigate that surge.

The new blood-lead level report documents the most serious health hazard posed since the switch.

Figure 10: Tanner, K. & Kaffer, N. (2015, September 27). Analysis: State data confirm elevated blood-lead levels in Flint kids. *Detroit Free Press*, 14A.