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Attorney General Nessel Reaches Settlement in Progress Michigan's FOIA Lawsuit Against Former AG's Administration

LANSING – Attorney General Dana Nessel announced today that the Department of Attorney General has entered into a settlement agreement with Progress Michigan regarding a lawsuit involving a Freedom of Information Act request received by the Department under the previous administration. The settlement includes partial payment of attorneys' fees to Progress Michigan.

This settlement ends a lawsuit brought by Progress Michigan after the Department denied a FOIA request in 2016 seeking emails from 21 Department employees which were "sent or received using a personal email account in the performance of official functions." Those emails are missing from the Department's records, and it cannot ascertain whether they were maintained in accordance with the applicable retention and disposal schedules. Prior to the lawsuit the State of Michigan did not have a policy prohibiting the use of private emails for official business. The State now has a policy that requires all state business to be conducted by state email.

After taking office in 2019, Attorney General Nessel placed an emphasis on openness in government, including advocating for greater transparency within her own department and other governmental offices.

"The Freedom of Information Act protects the people's right to inspect and receive public records, including concerning official business that may have been sent or received on personal email accounts," Attorney General Nessel said. "I appreciate Progress Michigan bringing attention to this important issue, and, as a result of its lawsuit, the State revised its FOIA procedures to reflect best practices. The State serves the people of Michigan, and they deserve to know what we are doing and how we are doing it."

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