

FERRIS STATE UNIVERSITY

May 18, 2022

GENERAL COUNSEL

VIA EMAIL

Ms. Kaylie Flaughner
KaylieF@peta.org

RE: Your Freedom of Information Act Request Dated April 26, 2022, Received
April 27, 2022

Dear Ms. Flaughner,

I am responding to your Freedom of Information Act (FOIA) request dated April 26, 2022, and received April 27, 2022, for certain information relating to animal euthanasia between March 1, 2020, and December 31, 2020. On May 4, 2022, the University sent you a notice extending its time to respond to your request by no later than May 18, 2022.

Enclosed are the records the University believes are responsive to your request with the following exemptions. FOIA exempts “[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual’s privacy.” MCL § 15.243(1)(a). Certain names, email addresses, phone numbers, personal signatures, and other intimate, private, and/or confidential information of employees and IACUC committee members have been redacted in accordance with this exemption.

In addition, FOIA exempts “records or information of measures designed to protect the security or safety of persons or property, or the confidentiality, integrity, or availability of information systems. . . including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body.” MCL § 15.243(1)(y). Room numbers and room location descriptions of animal laboratories have been redacted in accordance with this exemption.

Your request for federal and/or state grants related to protocols involving animals euthanized as a result of COVID-19 and photographs and/or videos related to animals euthanized as a result of COVID-19 is denied on the basis that such public records as described do not exist under the name you have described or by another name reasonably known to the University. Certificates attesting to the non-existence of these public records are enclosed.

As described above, your request has been granted in part and denied in part. Because your request was denied in part, the FOIA allows you the right to either: (a) submit to the “head of the public body” (via the FOIA Coordinator) a written appeal of this denial (such appeal must specifically state the word “appeal” and identify the reason or reasons for reversing any denial of your request); or (b) seek judicial review to compel disclosure of public records by commencing an action in the Court of Claims.

McKessy House
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In the event judicial review is sought, and if the Court of Claims determines that the University has not complied with Section 5 of the FOIA and orders disclosure, then you may have the right to receive attorneys' fees and damages as allowed by Section 10 of the FOIA, which is enclosed.

Fees for processing this request have been waived. The University's Freedom of Information Act Processing procedures and guidelines are available at <http://ferris.edu/foia>. If you have any questions regarding the above or our handling of your request in any respect, please do not hesitate to let me know.

Sincerely,

FERRIS STATE UNIVERSITY



Miles J. Postema
Vice President & General Counsel/FOIA Coordinator

Enclosures

From: [REDACTED]
To: [REDACTED]
Subject: re: animal care facility essential staff
Date: Monday, March 23, 2020 12:16:18 PM
Importance: High

[REDACTED]

Could you please make sure that Rick Marble, [REDACTED] and myself are listed as essential staff for the Animal Care facility. It is our plan to have all animals euthanized and the facility shut down by the end of the week.

Thanks,

[REDACTED]

[REDACTED]