STATE OF MICHIGAN

COURT OF CLAIMS

SCOTT H. D. WATSON,

Plaintiff,

v

Case No. 25-000183-MB

Hon. Sima G. Patel

MICHIGAN DEPARTMENT OF CORRECTIONS and HEIDI WASHINGTON in her official capacity as Director, Michigan Department of Corrections,

Defendants.
_____ /

OPINION AND ORDER DENYING DEFENDANTS' 12/19/25 MOTION FOR SUMMARY DISPOSITION

Plaintiff, Scott H. D. Watson, is a Michigan Department of Corrections (MDOC) employee who sought staff schedules at a correctional facility covering a set time period under the Freedom of Information Act (FOIA), MCL 15.231 *et seq*. Defendant MDOC denied the FOIA request and defendant MDOC Director Heidi Washington affirmed the denial upon plaintiff's appeal. Defendants responded to plaintiff's November 25, 2025 amended complaint with a motion for summary disposition pursuant to MCR 2.116(C)(8). Plaintiff alleged sufficient facts to create questions regarding the applicability of defendants' cited disclosure exemptions. Accordingly, the Court DENIES defendants' motion for summary disposition.

I. BACKGROUND

On September 4, 2025, plaintiff submitted a FOIA request for third-shift staffing schedules during a specific period of time at the Gus Harrison Correctional Facility. Plaintiff was an employee at the facility and sought the schedules to support his Equal Employment Opportunity (EEO) investigation and request for accommodations under the Americans with Disabilities Act (ADA).

Defendants denied plaintiff's FOIA request on September 15, 2025, because disclosure would interfere with security concerns at a penal institution and because they classified the requested schedules as personnel records that are exempt from disclosure. Defendants relied on MCL 15.243(1)(c) and (d), which exempt from disclosure:

> (c) A public record that if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure. [Penal-Security Exemption.]
>
> (d) Records or information specifically described and exempted from disclosure by statute.

The statute underlying the subsection (d) exemption was MCL 791.230a, which exempts from disclosure under FOIA "[t]he home addresses, telephone numbers, and *personnel records* of employees of the [MDOC]. . . ." (Emphasis added.) (MDOC-Personnel-Records Exemption.)

Plaintiff appealed the denial to Director Washington, who upheld the decision. In support of the claimed MDOC-Personnel-Records Exemption, Washington relied on *Landry v Dearborn*, 259 Mich App 416, 233; 674 NW2d 697 (2003), which defined "personnel records" as "encompassing all facets of the employment process." Washington continued, "The requested

staffing schedules are part of an Internal Affairs investigation, which are considered MDOC personnel records." In support of the claimed Penal-Security Exemption, Washington asserted:

> Staffing sheets contain sensitive operational details such as shift assignments, post coverage, and staffing levels that could be exploited to identify security vulnerabilities, plan disruptions, or target staff. Disclosure of this information would significantly impair the [MDOC's] ability to maintain the safety and security of correctional facilities, staff, and prisoners.

Plaintiff filed this suit on November 20, 2025, and an amended complaint on November 25, 2025, challenging the denial of his FOIA request. He contended that the Penal-Security Exemption did not apply because the public interest in disclosure outweighed the exemption where he required the schedules to support his EEO and ADA complaints and the schedules were already widely disseminated to MDOC employees. Plaintiff further contended that the staff schedules were "routine operational documents" and not truly personnel records.

Defendants responded to the amended complaint with a motion for summary disposition under MCR 2.116(C)(8), again asserting that the requested schedules were exempt from disclosure under the Penal-Security and MDOC-Personnel-Records Exemptions. Plaintiff responded that defendants waived their interest in protecting the schedules from disclosure by routinely posting the schedules in prison lobbies and disseminating them to approximately 70 to 80 employees via e-mail. He further contended that defendants cited only vague concerns about how the release of the schedules would impair institutional security and that no caselaw supported the applicability of the Penal-Security or MDOC-Personnel-Records Exemptions to such operational documents.

The Court considers defendants' motion for summary disposition without a hearing.

II. ANALYSIS

A motion for summary disposition under MCR 2.116(C)(8) "tests the *legal sufficiency* of a claim based on the factual allegations in the complaint." *El-Khalil v Oakwood Heathcare, Inc*, 504 Mich 152, 160; 934 NW2d 665 (2019). The Court must "accept all factual allegations as true, deciding the motion on the pleadings alone," granting relief "only . . . when a claim is so clearly unenforceable that no factual development could possibly justify recovery." *Id*. at 160-161.

FOIA is a prodisclosure statute; its disclosure provisions must be broadly interpreted and its exemptions narrowly applied. *Rataj v Romulus*, 306 Mich App 735, 748-749; 858 NW2d 116 (2014). MCL 15.231(2) provides:

> It is the public policy of this state that all persons . . . are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with this act. The people shall be informed so that they may fully participate in the democratic process.

Except as "expressly provided" in the exemptions to the act, "upon providing a public body's FOIA coordinator with a written request that describes a public record sufficiently to enable the public body to find the public record, a person has a right to inspect, copy, or receive copies of the requested public record of the public body." MCL 15.233(1).

As noted, defendants cited the exemptions of MCL 15.243(1)(c) and (d) and MCL 791.230a in denying plaintiff's FOIA request. Again, the statute states that "[a] public body may exempt from disclosure as a public record under this act":

> (c) A public record that if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability,

> unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.
>
> (d) Records or information specifically described and exempted from disclosure by statute.

Defendants' claimed exemption under subsection (d) was based on MCL 791.230a, which exempts from disclosure MDOC personnel records.

A. PENAL-SECURITY EXEMPTION

As a general rule, the reason for requesting information under the FOIA is irrelevant in determining whether a disclosure exemption applies. *Rataj*, 306 Mich App at 752. MCL 15.243(1)(c) presents an exception to that general rule by requiring the Court "to balance competing interests" in resolving a FOIA dispute. *Herald Co, Inc v Eastern Mich Univ Bd of Regents*, 475 Mich 463, 470 and n 10; 719 NW2d 19 (2006). In such cases, the burden is on the public body to prove that "it is entitled to protect a record from disclosure." *Federated Publications, Inc v Lansing*, 467 Mich 98, 109; 649 NW2d 383 (2002). The balancing test "suggests that a case-by-case approach is required because it reveals a legislative intent to accommodate, insofar as it is possible, the respective public interests in institutional security and freedom of information." *Ballard v Dep't of Corrections*, 122 Mich App 123, 127; 332 MW2d 435 (1982).

At this early stage in the proceedings, the Court lacks sufficient information to conduct the balancing test required by MCL 15.243(1)(c). The application of the Penal-Security Exemption is fact-intensive, and defendants bear the burden of establishing their entitlement to the exemption. Plaintiff alleged facts in the amended complaint supporting a public interest in releasing the information: the need to ensure defendants were not violating an employee's EEO and ADA rights.

In support of their summary disposition motion, defendants argued that the schedules "reveal when and where officers are assigned within the facility" and the release of that "information could compromise facility security and the safety of MDOC employees and inmates by revealing guard deployment, shift changes, and coverage weaknesses." Plaintiff countered that the schedules were already posted in public lobby areas and were disseminated via e-mail to 70 to 80 MDOC employees, weakening defendants' claim that the release of this information would compromise facility security. The Court further questions how historical staff schedules could interfere with current facility security; they reveal nothing about current-day facility staffing issues.

The Court cannot adequately balance the parties' interests or determine whether redactions in the requested materials could alleviate any security concerns absent discovery and a more developed record. Accordingly, the Court DENIES defendants' motion for summary disposition based on the Penal-Security Exemption.

B. MDOC-PERSONNEL-RECORDS EXEMPTION

The Court of Appeals defined "personnel records" in connection with another, closely related FOIA exemption in *Landry*, 259 Mich App 416. *Landry* held that "a law enforcement agency's records of internal investigations" fall within the ambit of personnel records, *id*. at 420-421, as well as "all records used by law enforcement agencies in the selection or hiring of employees," *id*. at 422, and information "encompass[ing] all facets of the employment process, not simply records related to current employees of an agency." *Id*. at 423.

In the appeal denial, Washington indicated that the particular schedules sought were part of an ongoing internal affairs investigation. Defendants did not expound on this vague assertion in their motion for summary disposition. In the amended complaint, plaintiff suggested that

defendants were referring to his EEO investigation, which plaintiff argued was "distinct from the EEO process." There remains a question of fact in this regard.

Neither party cited any caselaw analyzing whether a staff schedule is a personnel record. The definition provided in *Landry* suggests that personnel records are limited to those involved in hiring and firing processes, as well as information included in an employee's personnel record. The nature of this information is private and it is not disseminated to other employees. The staffing sheets at issue in this case, however, are shared with many, if not all, employees at the facility. The Court is not convinced that the staff schedules requested by plaintiff are an exempted personnel record as a matter of law. Accordingly, the Court DENIES defendants' motion for summary disposition on this ground as well.

III. CONCLUSION

1. The Court DENIES defendants' motion for summary disposition under MCR 2.116(C)(8).
2. Defendants are DIRECTED to file an answer to plaintiff's complaint within 21 days of the entry of this Opinion and Order.
3. This is not a final order.

Date: September 3, 2026

Sima G. Patel
Judge, Court of Claims