

LEGISLATIVE CORRECTIONS OMBUDSMAN (EXCERPT)
Act 46 of 1975

***** 4.359.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2019 *****

4.359.amended Correspondence between ombudsman and prisoner as confidential and privileged; secrecy; disclosures; exemption.

Sec. 9. (1) Correspondence between the ombudsman and a prisoner is confidential and must be processed as privileged correspondence in the same manner as letters between prisoners and courts, attorneys, or public officials.

(2) The ombudsman shall maintain secrecy with respect to all matters and the identities of the complainants or persons from whom information is acquired, except so far as disclosures may be necessary to enable the ombudsman to perform the duties of the office and to support any recommendations resulting from an investigation. A record of or information obtained or created by the ombudsman is confidential, is considered privileged, must only be used for purposes set forth in this act, is not subject to court subpoena, and is not discoverable in a legal proceeding. A record of or information obtained by the ombudsman that is otherwise available from other sources is not exempt from court subpoena or discovery from other sources solely because it was presented to or reviewed by the ombudsman.

(3) All of the following are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246:

- (a) A record of the ombudsman.
- (b) A report or recommendations made by the ombudsman and submitted to the council under section 10.
- (c) Information obtained or created by the ombudsman.

History: 1975, Act 46, Imd. Eff. May 16, 1975;—Am. 1995, Act 197, Imd. Eff. Nov. 29, 1995;—Am. 2018, Act 571, Eff. Mar. 29, 2019.