

THE SOCIAL WELFARE ACT (EXCERPT)
Act 280 of 1939

***** 400.64.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 31, 2015 *****

400.64.amended Applications and records considered public records; inspection; public access; restriction; uttering, publishing, or using names, addresses, or other information; confidentiality; alphabetical index file; inquiry as to name or amount of assistance; making available certain information to public utility or municipality; disclosure of information; violation; penalty; notice of assistance to deserted or abandoned child; documents, reports, or records from another agency or organization.

Sec. 64. (1) Notwithstanding sections 2(6), 35, 45(6), and 46(6), applications and records concerning an applicant for or recipient of assistance under the terms of this act, except medical assistance, are public records and are open to inspection by persons authorized by the federal or state government, the state department, or the officials of the county, city, or district involved, in connection with their official acts and by the general public as to the names of recipients and the amounts of assistance granted. General public access is restricted to persons who present a signed application containing the name, the address, and the occupation of the persons signing the application. A person shall not utter or publish the names, addresses, or other information regarding applicants or recipients except in cases where fraud is charged or wrongful grant of assistance is alleged. A person shall not use the names, addresses, or other information regarding applicants or recipients for political or commercial purposes.

(2) Records relating to persons applying for, receiving or formerly receiving medical services under the categorical assistance programs of this act are confidential and shall be used only for purposes directly and specifically related to the administration of the medical program.

(3) In each county, the department shall maintain an alphabetical index file in its office of cases receiving assistance through the department. When a citizen makes a personal visit to an office during regular office hours, and makes inquiry as to the name or amount of assistance being received by a person, the requester shall be given the information requested in the manner prescribed by the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(4) Subject to restrictions prescribed by federal regulations governing temporary assistance for needy families or other federal programs, rules of the state department, or otherwise, for preventing the disclosure of confidential information to any person not authorized by law to receive the confidential information, the state department shall make available to a public utility regulated by the Michigan public service commission or a municipality information concerning applicants for, and recipients of, public assistance, the disclosure of which is necessary and the use of which is strictly limited to the purpose of a public utility's administering a program created by statute or by order of the Michigan public service commission and intended to assist applicants for, or recipients of, public assistance in defraying their energy costs.

(5) The state department may disclose information regarding applicants for, and recipients of, assistance under this act in connection with the administration of assistance under this act, including the implementation and administration of section 60a, to the extent that the disclosure in regard to applicants for and recipients of federally funded assistance is in accordance with applicable federal law and regulations regarding disclosure of confidential information concerning applicants for or recipients of federally funded assistance.

(6) Except as prescribed in section 61(2) and 61(3), a person who violates this section is, upon conviction, guilty of a misdemeanor punishable by imprisonment for not more than 2 years or by a fine of not more than \$1,000.00, or both. If an employee of the state violates this section, the employee is also subject to dismissal from state employment subject to rules as established by the civil service commission.

(7) The county department shall give prompt notice to appropriate law enforcement officials of the furnishing of temporary assistance for needy families in each case where a child has been deserted or abandoned by a parent and assistance is being furnished to the child.

(8) Documents, reports, or records authored by or obtained from another agency or organization shall not be released or open for inspection under subsection (1) unless required by other state or federal law, in response to an order issued by a judge, magistrate, or other authorized judicial officer.

History: 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.64;—Am. 1952, Act 267, Eff. Sept. 18, 1952;—Am. 1953, Act 197, Eff. Oct. 2, 1953;—Am. 1965, Act 401, Imd. Eff. Oct. 27, 1965;—Am. 1968, Act 169, Imd. Eff. Jan. 17, 1968;—Am. 1978, Act 224, Imd. Eff. June 13, 1978;—Am. 1978, Act 576, Imd. Eff. Jan. 2, 1979;—Am. 1984, Act 26, Eff. Apr. 12, 1984;—Am. 1985, Act 140, Imd. Eff. Oct. 28, 1985;—Am. 2014, Act 528, Eff. Mar. 31, 2015.

Popular name: Act 280