

Note added by Michigan Plate Readers. Our appeal to the City Manager of Royal Oak, sent by email on October 21, 2026 at 5:28 pm with a copy to the Police Department's FOIA Coordinator: the letter as sent, with the requester's address, email and phone lines left out. Its attachments (the City's letter and cost worksheet of October 21, 2026 with the City's FOIA policy, and our two requests of September 29, 2026) are published separately. End of note.

October 21, 2026

Thomas Markus, City Manager
City of Royal Oak
203 S Troy Street
Royal Oak, MI 48067

Copy: FOIA Coordinator, Police Records & Identification Division, Royal Oak Police Department

Subject: FOIA appeal: the fee and deposit noticed October 21, 2026 on requests #765 and #766 (Flock Safety program documents and system exports)

Dear Mr. Markus:

This is an appeal under MCL 15.240a(1)(a) and Section 9 of the City's FOIA Procedures and Guidelines. On September 29, 2026 I sent the Royal Oak Police Department two requests about its Flock Safety license plate reader program: one for the program's documents (contracts, purchase approvals, the policy, the camera inventory, the retention setting and any audits), and one for six exports from the Department's Flock account (the audit of its users' searches, the audit of searches of its cameras by other organizations, its sharing configuration, its change logs, its alert summary and its user list). On October 21 the Department answered both with one letter and cost worksheet: a "Good-Faith Fee Estimate and Deposit Required" of \$61,135.53, a deposit of \$30,567.76 by December 8, 2026, and a processing time of "750 business days after receipt of the deposit". I appeal the fee and the deposit, and I ask that they be waived or reduced to what the Act permits. I am not paying the deposit while the appeal is pending: under MCL 15.234(14) a request is abandoned for want of a deposit only if the requester "has not filed an appeal of the deposit amount pursuant to section 10a", and this is that appeal.

The worksheet charges two things. Locating and copying: 1,725 billable minutes (28.7 hours) at \$81.42 an hour, \$2,340.82. Separating exempt from non-exempt information: 43,325 minutes, 722 hours, at the same \$81.42, \$58,792.02. It prices 346,025 pages of paper copies and charges nothing for them, and charges \$2.69 for a USB drive. The fee exceeds what the Act and the City's own guidelines permit in four ways.

1. No finding supports charging search and separation labor. The Act allows that labor to be charged only if "failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs" (MCL 15.234(3)). The worksheet's statement of that nature reads: "This fee is being charged because failure to do so would result in unreasonably high costs to the city. Specifically; in-car video, body camera video, audio/dispatch files and requests for paper records with an estimated processing time exceeding 45 minutes." My requests ask for none of those things. They ask for the Department's Flock contracts and approvals, its policy and camera list, and spreadsheet files that the Flock system exports with its own tools. The letter's own sentence rests on "approximately 346,025 pages", a count the worksheet itself prices at \$0.00 because nothing is to be printed; both

requests stipulated electronic delivery. A sentence written for video and paper requests, and a page count that describes neither request, do not identify the nature of any cost this request would impose.

2. The hours are not a good-faith calculation. A deposit must rest on "a good-faith calculation of the total fee" (MCL 15.234(8)). Seven hundred twenty-two hours to separate exempt material from CSV files is not that. The exports request anticipated the only separation these files call for: if the Department believes case numbers, license plates, text prompts or user names are exempt, it should "redact those fields within the CSV (replace the value and keep the column)". That is a column operation in a spreadsheet, not a page-by-page review, and the request offered a role or pseudonym in place of each user name. Flock's own guide for agencies describes the audit logs as downloads from the user interface "as spreadsheets in 31-day increments"; the window asked for, July 1, 2026 to the date of the export, is about four such downloads for each audit. Other departments have answered the same two requests this month with no charge or a small one: Novi released its search audits, network audits, sharing list and user list for the same window on October 21 at no charge; Sumpter Township answered both requests at no charge; Auburn Hills charged \$56.00 for the six exports; Bloomfield Township released its network audit, about half a million rows, with its other exports for two hours of labor; Troy, Pontiac and Ferndale released their program documents at no charge, and Rochester Hills its agreements and payment records. If the Department's estimate rests on reading each row of the free-text reason field, that review needs the finding in point 1, and the request's own redaction terms make it unnecessary.

3. The rate is not the lowest-paid capable employee's. The Act caps this labor at "the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in the particular instance regardless of whether that person is available or who actually performs the labor" (MCL 15.234(1)(a)), and the City's guidelines say the same: "Charges for labor costs shall be determined by using the wages of the lowest paid, full-time public body employee capable of retrieving the records requested." \$81.42 an hour, with the worksheet's 50% fringe allowance, is a base wage of \$54.28 an hour. Running an export, blanking columns in a spreadsheet and copying contracts is clerical work. The worksheet does not say whose wage is charged, where the Act requires the itemization to express "both the hourly wage and the number of hours charged" (MCL 15.234(2)).

4. One estimate for two requests, with no breakdown. Each request asked that any estimate be "broken out by the numbered items above so that I can narrow the request". The worksheet gives one line of 43,325 minutes for thirteen items across two requests, so I cannot tell which item carries the hours, or narrow anything, and the Department cannot show that any particular item is the unusual one.

On the fee waiver. Each request asked for a public-interest waiver under MCL 15.234(2). The letter declines it on the ground that the request "seeks a substantial body of records for the requester's own review, analysis, and subsequent preparation of findings". The records are not for my own use. Every request, every response and every letter in this project is published as it arrives at michiganplatereaders.org, and the records themselves follow after the Department has had a draft of the findings to review, all at no charge to the public. The Act's test is whether furnishing the records "can be considered as primarily benefiting the general public". I ask that the waiver be reconsidered on that basis.

On the time estimate. The letter sets "750 business days" from the deposit, about three years, to answer two requests whose exports the system produces in minutes and whose documents other departments have sent in days. I note it because it follows from the same estimate of the work.

What I ask

That the City waive the fee (MCL 15.240a(2)(a)). Or that it reduce the fee to the labor these records require at the wage of the lowest-paid employee capable of the work, in a determination that identifies the unreasonably high cost in the terms of this request, states for each request and each item the task performed, the hours, the position, the hourly wage and any multiplier, and carries the certification that MCL 15.240a(2) requires, with the deposit recalculated to match. I will pay a lawful fee promptly, will take the files electronically as the requests stipulated, and am glad to receive the records in stages as they are ready, the exports first. Please confirm receipt of this appeal by email.

For your information, my requests, the City's responses and this correspondence are published at michiganplatereaders.org, with personal contact details left out.

Enclosed: the Police Department's letter, cost worksheet and the City's FOIA policy, received October 21, 2026 (nine pages, as received); my two requests of September 29, 2026, as sent.

Thank you for your consideration.

Sincerely,

Chance Ackley-Smith