



City of Southfield

26000 Evergreen Rd. • P.O. Box 2055 • Southfield, MI 48037-2055 • www.cityofsouthfield.com

September 28, 2026

Chance Ackley-Smith
[REDACTED]

Re: APPEAL of fee for FOIA Request #26-838 Dated September 12, 2026

Dear Chance Ackley-Smith:

The City of Southfield (the City) is in receipt of your appeal under MCL 15.240a(1)(a) and Section 7 of the City's FOIA Procedures and Guidelines. Your appeal states that

"The required fee of \$1,427.85 (deposit \$713.93) exceeds the amount permitted under MCL 15.234 and the City's own guidelines, for the following reasons (summary).

1. *"The entire fee is duplication labor for records I asked to receive electronically...."*
2. *"The rate is not the lowest-paid capable employee...."*
3. *"The fee appears to be search or review labor labeled as duplication."*
4. *"The fee is far outside the norm for this request, which bears on whether any cost here is 'unreasonably high.'"*
5. *"One item cannot account for the time claimed."*
6. *"The public-interest waiver was denied without explanation."*

Your original request, the City's response and your subsequent appeal have been reviewed. You are correct- the Flock records have to be retrieved in 30-day increments. However, these records have to be then exported in separate files. Each export then has to be downloaded, saved, organized, and reviewed to ensure the file is complete. have to pull the reports/export are pulled and examined to separate exempt from non-exempt information. The review process is also significant because Flock audit information can contain user information, timestamps, search reasons, case-related information, plate information, and information concerning active or historical investigations. As a result, a request covering three years is not simply a matter of clicking an 'export' button. It requires numerous individual exports followed by a record-by-record or field-by-field review.

The comparison to other municipalities is not accurate, as each public entity is not same as the others.

Finally, the fee waiver is not the default rule but rather an exception requiring an affirmative showing that the general public is the primary beneficiary of the disclosure. requestor seeking a fee waiver must demonstrate more than a general assertion of public benefit. It is a discretionary decision requiring that: (1) disclosure must be likely to contribute significantly to

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public understanding of the operations or activities of the government, and (2) disclosure must not be primarily in the commercial interest of the requester. The requester bears the burden of demonstrating with reasonable specificity and non-conclusory terms how disclosure will enhance public understanding, focusing on benefit to the public rather than to the requester personally. A fee waiver form is attached to this response and a \$20.00 reduction in the fees is being recommended at this time pursuant to Section 4 (2) of the Michigan Freedom of Information Act, MCL 15.234(2).

Your request is granted in part and denied in part. The records that may be exempt from disclosure, include but are not necessarily limited to, the listed exemptions in Section 13(1) of the Michigan Freedom of Information Act - A public body may exempt from disclosure as a public record under this act any of the following are as follows:

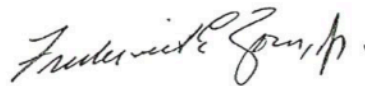
- (a) Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy (such as personal names with addresses; personal phone numbers; license plate numbers; dates of birth etc....)
- (b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:
 - (i) Interfere with law enforcement proceedings.
 - (ii) Deprive a person of the right to a fair trial or impartial administrative adjudication.
 - (iii) Constitute an unwarranted invasion of personal privacy.
 - (iv) Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.
 - (v) Disclose law enforcement investigative techniques or procedures.
 - (vi) Endanger the life or physical safety of law enforcement personnel.

The fee sheet has been amended. The labor costs reflect the costs for location, search and examination. Labor costs also are for the separation of exempt information from non-exempt information. There is only one person designated (a lieutenant rank) to access the Flock information for the Southfield Police Department. The revised total cost is **\$889.03**; the deposit needed before the search, location and examination of the requested records is **\$419. 00**. Upon receipt of this deposit, it is estimated at 6-8 weeks (this is the City's good faith estimate due to the numerous requests of this nature that have been recently submitted to the City see Section 4(8) of the Michigan Freedom of Information Act until the request is fulfilled.

If deposit is not received within 45 days, a new request must be submitted.

For more details and information, copies of the City's FOIA Procedures and Guidelines are available at no charge on the City's website: <https://www.cityofsouthfield.com/freedom-information-act>

Sincerely,



Frederick E. Zorn, Jr., CEcD
City Administrator
City of Southfield