

Sent September 30, 2026 by email to the City Administrator and the City Clerk's office, and posted on the NextRequest thread for request 26-838.

To: City Administrator, City of Southfield

c/o FOIA Coordinator, Office of the City Clerk, 26000 Evergreen Road, Southfield, MI 48076

Date: September 30, 2026

Re: FOIA Request #26-838. Appeal under MCL 15.240a(1)(a) of the fee required by the determination of September 28, 2026

Dear Mr. Zorn:

Thank you for the determination on my fee appeal, which reached me through the portal on September 29. This is an appeal for a reduction of the fee required by that determination: stated as \$889.03 with a \$419.00 deposit, and itemized on the amended form as \$839.03 less \$20.00 with "\$409.88 deposit due". It includes an appeal of the deposit amount. The amended itemization charges search and redaction labor that the August itemization did not charge, and the grounds below arise from that itemization. The fee, including the deposit, exceeds the amount permitted under section 4 of the Freedom of Information Act, MCL 15.234, and under the City's FOIA Procedures and Guidelines for the reasons in points 1 through 3. Points 4 and 5 concern what the determination must state, and point 6 asks for information in aid of this appeal.

1. Search, examination and redaction labor charged without the finding section 4 requires. The August itemization charged 1,800 minutes of duplication labor and nothing for search or redaction. The amended itemization charges nothing for duplication and 900 minutes of search, location and examination plus 450 minutes of redaction. That answers the category objection in my appeal of September 12; the question now is the condition section 4(3) attaches to those categories. Under MCL 15.234(3) they may not be charged "unless 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." The City's Written Public Summary states: "Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in the particular instance. The City must specifically identify the nature of the unreasonably high costs in writing." The determination describes the steps the City expects to take. It does not say what about those steps makes the cost of this request excessive compared to the City's usual FOIA requests, which is the City's own published measure, and it does not state the number of exports assumed, the minutes assigned to each, or the basis for reviewing individual entries. Without that comparison and those figures, the 900 minutes of search, location and examination and the 450 minutes of redaction may not be charged, and I ask that they be removed from the fee.

2. Redaction labor for records already redacted for other requesters. The determination estimates six to eight weeks after the deposit "due to the numerous requests of this nature that have been recently submitted to the City". MCL 15.234(1)(b) provides that a public body "shall not charge for labor directly associated with redaction under section 14 if it knows or has reason to know that it previously redacted the public record in question and the redacted version is still in the public body's possession." To the extent the City has produced, or is producing, redacted copies of the Flock audit logs covered by this request to other requesters, the redaction labor for those periods may not be charged, and I ask that it be removed from the fee. I ask the City to state whether any such request has been fulfilled and, if so, which periods of the audit logs have been exported and redacted.

3. The deposit and the figures. The determination states the revised total as \$889.03 and the deposit as \$419.00. The amended itemization attached to it shows a subtotal of \$839.03, a \$20.00 reduction, the figure "409.15", and "\$409.88 deposit due" as the Total Due. MCL 15.234(8) provides that "a public body's request for a deposit must include a detailed itemization as required under subsection (4)" and that the deposit "must not exceed 1/2 of the total estimated fee". If the \$20.00 reduction is granted, the total is \$819.03 and a \$419.00 deposit exceeds one-half of it; if it is not, the itemization's "\$409.88 deposit due" does not match the \$419.00 the determination requires. Either way, the deposit required is not supported by the itemization that accompanies it. I ask the City to state one total and one deposit not exceeding one-half of it, on an itemization that supports them.

4. Certification, basis under section 4, and the deposit date. MCL 15.240a(2)(b) provides that a determination reducing a fee "shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4", and that it indicate "the specific basis under section 4 that supports the remaining fee." Section 9 of the City's Procedures and Guidelines states the same requirement: "Where the City Administrator reduces or upholds the fee, the determination must include a certification from the City Administrator that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and Section 4 of the FOIA." The determination of September 28 contains no certification. The only provisions of section 4 it cites are section 4(2), for the \$20.00 reduction, and section 4(8), for the time estimate; it cites no basis under section 4 for the labor charged, which for search and redaction labor is the exception in MCL 15.234(3). MCL 15.234(14) provides that a deposit notice "must include notice of the date by which the deposit must be received, which date is 48 days after the date the notice is sent"; the determination says "within 45 days" and states no date. If any part of the fee is retained on this appeal, I ask that the determination state its specific basis under section 4, include the certification, and state the date by which the deposit must be received.

5. The public-interest reduction. The determination applies a two-part test: disclosure "must be likely to contribute significantly to public understanding of the operations or activities of the government" and "must not be primarily in the commercial interest of the requester." That is the standard in the federal Freedom of Information Act, 5 U.S.C. 552(a)(4)(A)(iii). Michigan's Act asks whether furnishing the records "can be considered as primarily benefitting the general public" (MCL 15.234(2)), and Section 6 of the City's Procedures and Guidelines places that judgment with the FOIA Coordinator: a fee "may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public." The \$20.00 reduction on the amended form is entered on the line for the indigency and non-profit discounts, which I did not claim, and the determination describes it as "being recommended" at this time. I ask the City to state whether the \$20.00 is granted, to record any reduction on the public-interest line of the itemization, and to have the attached Request for Fee Discount/Waiver form decided under MCL 15.234(2) and Section 6.

6. Information in aid of this appeal: the basis for the time. The determination states that the records are retrieved in 30-day increments and describes the steps for each export. I ask the City to state how many exports it assumes, the minutes assigned to each, and why each entry must be reviewed individually, and to reconsider the estimate in light of the following.

(a) Flock's "Guide to Flock Safety Data for Open Records Laws" (last updated September 3, 2025; copy attached) says of these logs: "Customers may download these logs in the user interface as spreadsheets in 31-day increments. It is recommended that CSMs assist the customers with the

downloads when feasible for timeframes larger than six months and major accounts." The same guide says that exporting with the built-in tools "is generally not considered 'creating a new record.'" If Flock's CSMSs assist with the downloads, as the guide recommends for timeframes over six months, the City's labor for the export step would be reduced or eliminated. I ask the City to state whether that assistance is available to it.

(b) Other states' statutes set fees differently; the following bears only on how the export and the redaction are done. The Darien, Connecticut Police Department produced its event log for January 2023 through April 2026, with monthly network audit files from February 2024 and monthly organization audit files from January 2025, in a release of 93 files about three weeks after the request. The Mount Prospect, Illinois Police Department produced about twelve months of its logs as 31 spreadsheet files in twelve days. The Town of Cheektowaga, New York, redacted its police department's logs by column: '[a]ll values under a heading that met an exception were replaced with the word "REDACTED".' (MuckRock request pages 209167, 186694 and 204784; printouts attached.) Where a field is exempt in its entirety, a spreadsheet is redacted by column. The determination does not say which fields it expects to review entry by entry, or why; I ask the City to state them.

(c) The determination states that one person, of lieutenant rank, is designated to access the Flock information. The amended itemization applies the \$24.86 rate to both categories, which is what MCL 15.234(1)(a) and (b) require "regardless of whether that person is available or who actually performs the labor." Once a spreadsheet has been exported, the separation of exempt from non-exempt information can be done outside the Flock system, so the number of employees with Flock access need not govern the time estimate for that step or the six-to-eight-week timeframe.

I ask the Administrator to reduce the fee by removing the search, examination and redaction labor charged without a finding under MCL 15.234(3) and the redaction labor for any period already redacted for another requester, and to have the waiver form decided. If any of that labor is retained, I ask for a determination that states its specific basis under section 4, includes the certification required by MCL 15.240a(2) and Section 9 of the City's Procedures and Guidelines, and states one total, one deposit not exceeding one-half of it, and the date by which the deposit must be received. Request 26-1080, filed September 29, is a separate request and is not affected by this appeal.

Thank you.

Chance Ackley-Smith

Attachments: The City's determination of September 28, 2026 and the amended fee itemization. Request for Fee Discount/Waiver form (completed). Flock Safety, "Guide to Flock Safety Data for Open Records Laws", last updated September 3, 2025, copy obtained from haveibeenflocked.com/blog/flock-vs-foia/external.pdf. MuckRock request pages 209167 (Darien, CT), 186694 (Mount Prospect, IL) and 204784 (Cheektowaga, NY).