Note added by Michigan Plate Readers. Our message posted on the thread of request 26-999 on the Police Department's records portal (NextRequest), October 9, 2026, 9:39 am, as posted: a one-line preface and the text of our appeal of the same morning to the City Manager (sent 9:34 am by email, published separately as ours-2026-10-09-appeal-26-999.pdf), without the contact block. End of note.

Below is a copy of my fee appeal, as sent to CityManager@troymi.gov, CC clerks@troymi.gov, at 9:34 AM Oct 9, 2026.

October 9, 2026

To Frank Nastasi, City Manager, under Sections 8 and 9 of the City's FOIA Procedures and Guidelines, filed with the office of the City Manager

Copies: City Clerk, FOIA Coordinator; Troy Police Department, Records Section (on the request's portal thread)

Appeal of the fee and deposit, and of the denial of item 4, on FOIA request 26-999 (Flock Safety system exports), on the notice of October 7, 2026.

This is an appeal under MCL 15.240a(1)(a) and MCL 15.240(1)(a), and under the City's FOIA Procedures and Guidelines (effective December 28, 2018, pages 9 and 10). I appeal the fee of $29,246.72 and the deposit of $14,623.00 that the Police Department's Records Section set on October 7, 2026 on my request of September 29, 2026 for exports from the Department's Flock Safety account, and the denial of item 4 of that request. 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 Department answered my documents request (26-998) on October 6 at no charge, and on this request it released its user list and answered item 3 with the address of its transparency portal. I appreciate both. This appeal concerns the three exports that remain and the one item that was denied.

On October 7 at 5:42 pm I asked the Records Section, on the request's portal thread, to confirm that the estimate of $29,246.72 is not in error. As of this letter I have not had a reply.

The request asks for files the Flock Safety system produces with its own export function: the audit of searches run by the Department's users and the audit of searches of the Department's cameras by other organizations, each for July 1, 2026 to the date the export is run, and the system's alert summary. Flock's published guide for agencies says of the audit logs: "Customers may download these logs in the user interface as spreadsheets in 31-day increments." The window is about four such exports for each audit. The Department's transparency portal, as it read on October 7, 2026, reports 387 user search sessions in the last 30 days; at that rate the window, July 1 to October 7, holds about 1,300.

The Department's Detailed Cost Itemization form charges, on one line, "Labor Cost to Locate": 17,527 minutes, 1,168 quarter-hour increments at $25.04, an "Hourly Wage with Fringe Benefit Cost" of $100.17, for $29,246.72. No other line carries a charge; the redaction line (3a) repeats the same sentence and charges nothing. The form does not say which export the minutes cover, how many rows it holds, what is done with each row, or whose wage is charged. If the minutes are for the Department's own searches, the estimate gives each one more than thirteen minutes.

The fee exceeds what the Act and the City's guidelines permit in three ways:

1. No finding supports charging labor to locate. The Act allows search and examination 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 City's guidelines repeat the rule, list the factors that decide it, the first being whether the request "incurs costs greater than incurred from the typical or usual FOIA request received by the City" (page 6), and the Public Summary adds that the City "must specifically identify the nature of the unreasonably high costs in writing" (page 4). The form's line for that identification reads, in full: "this is more than the usual amount." That is the conclusion the Act asks the City to support, with nothing supporting it: no comparison with the City's usual requests, no account of what is unusual about this one, no cost the City would bear. The Department reviews its users' Flock searches each quarter with Flock's audit tool and released three such reviews to me on October 6, so reading its search records is part of its routine.

2. 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)); the City's guidelines say the same (page 7). Running an export and masking columns in a spreadsheet is clerical work. $100.17 an hour at the form's printed 40% multiplier is a base wage of about $71.55 an hour. The Department's own Records Fees page prices its records labor at $7.00 for each 15-minute interval. The form also shows no hourly wage, only the loaded figure, where the Act requires the itemization to express "both the hourly wage and the number of hours charged" (MCL 15.234(2)).

3. The hours are not the labor the records require. The Act allows only labor "directly associated with the necessary searching for, locating, and examining of public records" (MCL 15.234(1)(a)), and a deposit must rest on "a good-faith calculation of the total fee" (MCL 15.234(8)). Two hundred ninety-two hours is not that. Bloomfield Township released its search audit with its contract and approval records at no charge, and its network audit, half a million rows, with its sharing exports and other records for two hours of labor; Sumpter Township released its search audit, sharing exports and event log at no charge; Auburn Hills charged $56.00 for a request of the same six items; Warren charged $75.00 for the same. If the Department's minutes are for reading each row of the free-text reason field, that is review, which belongs on the form's redaction line and needs the same finding; and the request already answers it: it asked that exempt values be redacted within the CSV by replacing the value and keeping the column, and the Department may treat names and case numbers in the reason field the same way, and it may remove the license plate column altogether; I do not need it. The remaining fields, the search time, the organization, the search type and the number of networks searched, are not exempt under any provision the Department has cited and need no reading at all. The request anticipated what running an export is: labor for making a digital copy (MCL 15.234(1)(e)), chargeable without a finding at the lowest-paid capable wage, and if the waiver is refused I will pay that.

Item 4, which was denied, asks for the system's event logs: the hot-list event log and any event log or audit trail the system keeps of changes to users, sharing settings or retention. The Department's answer is that no record "exists in the format requested" and that producing one would create a new record or a compilation (MCL 15.233(4), (5)). The event log is a record the system keeps of what happened in the Department's own account; the request asks for a copy of it, in whatever form the system exports, and said that for any item the system displays but does not export, a copy in the form the system provides is acceptable. Section 15.233(5) excepts from its rule "the furnishing of copies, or edited copies pursuant to section 14(1), of an already existing public record." The Court of Appeals has held that copying data a system already holds onto another medium "does not create a new document, because no new

information is being compiled or organized" (Farrell v City of Detroit, 209 Mich App 7 (1995)). Flock's own guide lists, among its practices for open-records requests:

Export data using built-in tools (e.g., audit logs from the Flock admin portal; this is generally not considered "creating a new record.")

Sumpter Township released its Flock event log as a CSV on October 2, 2026 in answer to a request for the same log. Auburn Hills released its event log in answer to the same item, on a disc that arrived October 8, 2026. If the Department's position is that its account keeps no such log, the Act calls for a certificate that the record "does not exist under the name given by the requester or by another name reasonably known to the public body" (MCL 15.235(5)(b)); the answer gives none, and it omits the explanation of appeal rights that MCL 15.235(5)(d) requires. I ask that the denial be reversed and the logs released, redacted as the request describes.

I ask that the City waive the fee (MCL 15.240a(2)(a)); the request asked for a public-interest waiver under MCL 15.234(2), which the response does not mention. Or that the City reduce it to the labor these exports require at the wage of the lowest-paid employee capable of running them, in a determination that identifies the unreasonably high cost in writing in the terms the City's guidelines set, states which exports the time covers, the task performed, the hours, the position, the hourly wage and any multiplier, and carries the certification that MCL 15.240a(2) and page 11 of the guidelines require, with any deposit recalculated to match. And that the denial of item 4 be reversed. I will pay a lawful fee promptly and will take the files electronically, as the request stipulated.

For your information, the requests, your responses and our correspondence are published at michiganplatereaders.org, with personal contact details left out.

Enclosed: the Department's notice of October 7, 2026; its Detailed Cost Itemization form; its item-by-item answer; the request as filed; Flock Safety, "Guide to Flock Safety Data for Open Records Laws" (September 3, 2025).

Thank you,

Chance Ackley-Smith