



Public Summary of Procedures and Guidelines for a Record Request Under FOIA (MCL 15.234)

How to Submit a FOIA Request

1. The requester of records must submit a written request for public records to the Police Department. Once the request is received, the time permitted for response begins.
2. The written request must sufficiently describe the public record. The FOIA Coordinator or their designee may send a notice requesting clarification of the request. Such notice, if sent, shall not be interpreted as a denial of the request. However, the notice shall clearly state that the request was not spelled out in a precise manner and the Police Department will need clarification, at which time when it is received, the Police Department will have an additional ten (10) days to complete its FOIA response.
3. The requester must clearly state the form of media in which they would like to receive their request. It can be in paper form, via electronic mail, or on a flash drive.
4. Updates and revisions to the requested information are not automatically supplied by the Police Department. A new written request must be made each time supplemental information is requested.
5. If a requester had previously requested information and failed either to pick it up or pay for it, pre-payment in full of all costs, including those outstanding, shall be required before the Police Department processes any additional requests.
6. If the requestor is currently serving a sentence of imprisonment he/she is not entitled to request information under the Freedom of Information Act.

How the Police Department Must Respond to a FOIA Request

1. The FOIA Coordinator or designees shall respond, in writing, to all written requests within five (5) business days as required by statute, unless a notice of extension has been sent.
2. If the requested information is available on the City of Plymouth website, and the requester is able to access the website, the FOIA Coordinator or its designee shall inform the requester of this fact in lieu of providing the requested public records.
3. The Police Department is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator, nor other City staff is obligated to provide answers to questions

contained in requests for public records or regarding the content of the records themselves.

4. If a request indicates that the requester merely wishes to inspect public records, the FOIA Coordinator shall contact the requester to arrange for inspection at a reasonable time. Said inspection shall be conducted by the requesting person in the presence of an employee of the City of Plymouth and under conditions the FOIA Coordinator or its designee might require.
5. If a request indicates that the requester wishes to have copies of a public records mailed, the FOIA Coordinator shall be responsible for providing copies, subject to the payment of costs, as outlined in the fee schedule provided for this process.
6. If a request indicates that the requester wishes to have a certified copy of a public record, the FOIA Coordinator shall provide it, subject to the payment of costs, as outlined in the fee schedule.
7. If a request is denied, the FOIA Coordinator or her designee shall issue a written notice denying the request. The notice shall explain why the requested public records are exempt from disclosure, or that the requested public records do not exist. If a request is made for a public record that contains information that is both exempt and non-exempt from disclosure by statute, then the FOIA Coordinator or its designees shall separate and redact the material in order to make the non-exempt material available for examination and/or copying. Additionally, the FOIA Coordinator or her designees shall generally describe the material that had to be separated and redacted, unless doing so would reveal the contents of the exempt information and thus, defeat the purpose of the exemption. The labor costs incurred in this procedure shall be treated in accordance with the cost provision set forth in the fee schedule.
8. The Police Department may provide enhanced access for the inspection, copying, or purchasing of select public records that are not confidential or otherwise exempt by law from disclosure. Enhanced access is defined as a public record's immediate availability for public inspection, purchase or copying by digital means. Enhanced access does not include the transfer of ownership of a public record, and the City of Plymouth has a duty to ensure ownership of information products and City created intellectual property is protected and maintained.
9. Neither the Police Department, nor its FOIA Coordinator is obligated to create a record, list, compilation, or summary of information that does not already exist. This exemption includes analyzing, compiling, or summarizing existing information into a new format. In addition, the statute does not impose greater retention of public record responsibilities than what is required under other provision of the law and/or City Charter.
10. The Police Department will use its best efforts to respond to all requests made pursuant to FOIA; however, the Department will search only the most likely locations for responsive public records. The Department is not required by statute to search each and every record it maintains in order to discover material that might pertain to a specific request.

Appeals

Appeal of Denial of a Public Record

In accordance with the statute, when a person's request for a public record is denied in whole or in part, they are entitled to file a written appeal of the decision in accordance with the following process:

1. The requester shall be provided written notice of the right and procedure for filing a written appeal to the City Mayor.
2. The FOIA Coordinator shall refer, upon receipt, all written FOIA appeals to the Mayor. The Mayor shall then review any materials submitted by the appellant, any written comments received from the FOIA Coordinator or its designees, and any other information the Mayor deems necessary.
3. The Mayor has ten (10) days, absent compelling reasons for an extension of time, to issue a written notice to the appellant taking any of the following actions:
 - a. Reversing the disclosure denial;
 - b. Affirming the disclosure denial; or,
 - c. Reversing the disclosure denial in part and affirming the denial in part.

Appeal of an Excessive FOIA Processing Fee

If a requestor believes that the fee charged by the Department to process a FOIA request exceeds the amount permitted by state law, he or she must first submit a written appeal for a fee reduction to the City Mayor.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. Within ten business days after receiving the appeal, the Mayor will respond in writing by:

- Waiving the fee;
- Reduce the fee and issue a written determination indicating the specific Basis that supports the remaining fee, accompanied by a certification by the Mayor that the statements in the determination are Accurate and the reduced fee amount complies with these Procedures And Guidelines and Section 4 of the FOIA.
- Uphold the fee and issue a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee, accompanied by a certification by the Mayor that the statements in the determination are accurate and the fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA; and
- Issue a notice detailing the reasons for extending for not more than 10 business days the period during which the Mayor will respond to the written appeal.

Within 45 days after receiving notice of the Mayor's determination of a fee appeal, a requestor may commence a civil action in the Wayne County Circuit Court for a fee reduction. If a civil action is filed appealing the fee, the Department is not obligated to process the request for the public record until the Court resolves the fee dispute. If the

court determines that the Department required a fee that exceeds the amount permitted, it shall reduce the fee to a permissible amount. If the appellant in the civil action prevails by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs, and disbursements. If the court determines that the Department has acted arbitrarily and capriciously by charging an excessive fee, the court shall also award the appellant punitive damages in the amount of \$500.

Fee Schedule

Labor* = Number of Hours X Hourly Rate (of lowest paid employee able to do the work)

Materials

Paper: Number of Pages X \$.10

Flash Drives: Number Used X Cost of Device (beginning at \$5.00)

Computer Disks: Number Used X \$1.00

Other Media: Number Used X Cost of Media/Device

Mailing

Postage: Current postal rates for the size of package

Materials: Current cost of the packaging material/type

Reductions

Waiver or reduction of fees, if in public interest (Sec. 15.234)

Credit of \$20 if on public assistance or indigent (Sec. 15.234)

When estimated total costs exceed \$50, a 50% deposit must be paid in ADVANCE. Checks are to be made payable to City of Plymouth. Payments must be received before delivery of public records.

*Includes: Location of files, redaction of sensitive information, duplication & mailing.