



Freedom of Information Act Procedures and Guidelines
of the
COURTS AND LAW ENFORCEMENT MANAGEMENT
INFORMATION SYSTEM (CLEMIS) AUTHORITY
(as of November 10, 2025)

1.1. **Policy.** (a) The Courts and Law Enforcement Management Information System (CLEMIS) Authority (the “**Authority**”) shall comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246 (“**FOIA**”), these procedures and guidelines (the “**FOIA Procedures**”), and other applicable law.

(b) It is the public policy of the Authority that all persons, except those incarcerated in state or local correctional facilities, are entitled to full and complete information regarding the affairs of the Authority and the official acts of the members of the board of the Authority (the “**Authority Board**”), the members of the executive committee of the Authority (the “**Executive Committee**”), and the officers of the Authority, consistent with FOIA. The Authority acknowledges that the people of the state of Michigan must be fully informed so that they may fully participate in the democratic process.

(c) The Authority shall make these FOIA Procedures and a public summary of these FOIA Procedures (the “**Public Summary**”) available upon request without charge and on the Authority’s website at:

<http://www.clemisauthority.org/foia>.

1.2. **FOIA Coordinator.** (a) The chairperson of the Executive Committee is designated as the Authority’s FOIA coordinator (the “**FOIA Coordinator**”).

(b) The chairperson may designate another employee of the Authority to act on the chairperson’s behalf in accepting and processing requests for the public records of the Authority and in approving a denial under section 5 of the FOIA, MCL 15.235 (the “**FOIA Designee**”).

1.3. **Requests for Public Records.** (a) A request to inspect or for a copy of a public record of the Authority (the “**FOIA Request**”) must comply with all of the following:

- (1) be in writing, except as provided in section 1.3(e);
 - (2) sufficiently describe the public record so as to enable it to be identified and found by Authority personnel; and
 - (3) include the name or mailing address of the requester or other information sufficient to contact the requester and send a response.
- (b) While no specific form is required for a FOIA Request, the FOIA Designee may make a FOIA Request form available for use by the Authority and the public.
- (c) A FOIA Request may be sent to the Authority in one of the following ways:

- (1) by mail addressed to:

FOIA Coordinator
CLEMIS Authority
51111 Woodward Avenue, Suite 723
Pontiac, MI 48342; or

- (2) by email addressed to:

freedomofinformationact@clemisauthority.org.

(d) If a written request for a public record is sent to the Authority by email or other electronic transmission, the request will be deemed received on the next business day. If a request for a public record is sent by email and delivered to the Authority's spam or junk-mail folder, the request will not be deemed received until one day after the FOIA Designee first becomes aware of the request. The FOIA Designee shall note in records of the Authority both the time that the request was delivered to the Authority's spam or junk-mail folder and the time the Authority first became aware of the that request. The FOIA Designee shall review the Authority's spam or junk-mail folder at least monthly.

(e) If the FOIA Designee or another officer or employee of the Authority receives a verbal request for information and the request is for information that the FOIA Designee, officer, or employee believes is available on the Authority's website, the FOIA Designee, officer, or employee shall, where practicable and to the best of the FOIA Designee's, officer's, or employee's knowledge, inform the requester about the Authority's pertinent website address. A verbal request for a public record may be documented by the FOIA Designee or another officer or employee of the Authority using any FOIA Request form made available for use by the FOIA Designee.

(f) A person may request the Authority to provide public records using non-paper physical media, email, or other digital form instead of paper copies. The Authority will comply with such requests if it has the necessary technological capability to provide the public records in the requested non-paper physical media format.

(g) A person may request, as a subscription, further issuance of public records of the Authority that are created, issued, or disseminated on a regular basis. A subscription may be for up to six months and may be renewed.

(h) The Authority is not obligated to create a new public record or make a compilation or summary of information that does not already exist. The Authority is also not obligated to answer questions included in a FOIA Request about the content of the public records requested.

(i) An individual serving a sentence of imprisonment in a state or county correctional facility in the state of Michigan or another state, or in a federal correctional facility, is not entitled to make a FOIA Request under FOIA and the FOIA Designee shall deny any such FOIA Request.

1.4. Response. Unless otherwise agreed in writing by the person submitting the FOIA Request, the Authority shall issue a response within five business days of receipt of a FOIA Request. The Authority will respond to a FOIA Request in one of the following ways:

- (1) granting the FOIA Request;
- (2) issuing a written notice denying the FOIA Request;
- (3) granting the FOIA Request in part and issuing a written notice denying in part the FOIA Request;
- (4) issuing a notice indicating that, due to the nature of the FOIA Request, the Authority needs an additional ten business days to respond for a total of no more than 15 business days and only one extension permitted; or
- (5) issuing a written notice indicating that the public record requested is available at no charge on the Authority's website.

1.5. **Granting Requests.** (a) If a request is granted, or granted in part, the FOIA Designee shall require payment in full for the allowable Fees associated with responding to the FOIA Request before the public record is made available. The FOIA Designee shall provide a detailed itemization of the allowable costs incurred to process the FOIA Request to the person making the FOIA Request. The response must include a link to these FOIA Procedures and the Public Summary on the Authority's website.

(b) If the cost of processing a FOIA Request is \$50.00 or less, the FOIA Designee shall notify the requester of the amount due and how to obtain the documents. If the FOIA Designee expects the cost of processing a FOIA Request to exceed \$50.00 based on a good-faith calculation, or if the requester has not paid in full for a previously granted FOIA Request, the Authority will require a good-faith deposit pursuant to section 1.10 before processing the FOIA Request.

(c) If requesting a good-faith deposit, the FOIA Designee shall provide the requester with a detailed itemization of the allowable costs estimated to be incurred by the Authority to process the request and shall also provide a best effort estimate of the time it will take the Authority to provide the requested records. A best effort estimate is nonbinding on the Authority, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed in section 1 of FOIA, as amended, MCL 15.231.

1.6. **Denial of Request.** (a) If a FOIA Request is denied or denied in part, the FOIA Designee shall issue a notice of denial signed by the FOIA Designee that includes all of the following applicable to the FOIA Request:

- (1) an explanation as to why a requested public record is exempt from disclosure;
 - (2) a certificate that the requested record does not exist under the name or description provided by the requester, or another name reasonably known by the Authority; or
 - (3) an explanation or description of the public record or information within a public record that is separated or deleted from the public record.
- (b) A notice of denial under section 1.6(a) shall also include all of the following:

(1) an explanation of the person's right to submit a written appeal to the Executive Committee or seek judicial review in the circuit court for Oakland County; and

(2) an explanation of the right to receive attorneys' fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of \$1,000.00 if the court determines that the Authority has not complied with section 5 of FOIA, as amended, MCL 15.235, and orders disclosure of all or a portion of a public record.

(c) If a FOIA Request does not sufficiently describe a public record, instead of issuing a notice of denial indicating that the request is deficient, the FOIA Designee may seek clarification or amendment to the FOIA Request by the person submitting the FOIA Request. A clarification or amendment of a FOIA Request will be considered a new FOIA Request.

1.7. Inspection of Records. The Authority shall provide reasonable facilities and opportunities for persons to examine and inspect public records of the Authority during normal business hours. The FOIA Designee may promulgate rules regulating the manner in which records of the Authority may be viewed to protect Authority records from loss, alteration, mutilation, or destruction and to prevent excessive interference with normal Authority operations.

1.8. Certified Copies. The secretary of the Executive Committee of the Authority shall, upon written request, provide a certified copy of a public record of the Authority at no additional cost to the person requesting the public record.

1.9. Retention. The FOIA Designee shall retain with the records of the Authority a copy of each FOIA Request received by the Authority for at least one year after receipt.

1.10. Fee Deposits. (a) If, based on a good faith calculation, the Authority estimates the Fee for a FOIA Request is expected to be \$50.00, the requester will be asked to pay a deposit of up to 50% of the estimated Fee. If a FOIA Request was submitted by a person who has not paid the Authority in full for copies of public records made in fulfillment of a previously granted FOIA Request, the FOIA Designee shall require a deposit of 100% of the estimated Fee before beginning to search for a public record in response to any subsequent FOIA Request by that person when all of the following conditions exist:

(1) the final Fee for the previous FOIA Request is not more than 105% of the estimated Fee;

(2) the public records made available contained the information sought in the prior FOIA Request and remain in the Authority's possession;

(3) the public records were made available to the person, subject to payment, within the time frame estimated by the Authority to provide the records;

(4) ninety days have passed since the FOIA Designee notified the person in writing that the public records were available for pickup or mailing;

(5) the person is unable to show proof of previous payment to the Authority; and

(6) the FOIA Designee has calculated a detailed itemization that is the basis for the current FOIA Request's increased estimated Fee deposit.

(b) The FOIA Designee shall not require an increased estimated Fee deposit if any of the following apply:

(1) the person making the FOIA Request is able to show proof of previous payment in full to the Authority;

(2) the Authority is subsequently paid in full for the applicable prior FOIA Request; or

(3) one year has passed since the person made the FOIA Request for which full payment was not remitted to the Authority.

1.11. Calculation of Fees. (a) The Authority may charge a Fee for the labor costs of copying or duplication. The Authority shall not charge a Fee for the labor costs of search, examination, review, and the deletion and separation of exempt from nonexempt information unless failure to charge a Fee would result in unreasonably high costs to the Authority because of the nature of the request in the particular instance, and the Authority specifically identifies the nature of the unreasonably high costs.

(b) Costs for the search, examination, review, and deletion and separation of exempt from non-exempt information are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the costs of the Authority's usual FOIA Requests (not compared to the Authority's operating budget). The Authority shall use the following factors to determine an unreasonably high cost to the Authority:

(1) the volume of the public record requested;

(2) the amount of time spent to search for, examine, review, and separate from exempt and non-exempt information in the record requested;

(3) whether the public records are related to more than one Authority function or activities;

(4) the staffing available to respond to the FOIA Request; and

(5) any other similar factors identified by the FOIA Designee when responding to the FOIA Request.

(c) Under FOIA, the Authority may charge for the following costs associated with processing a FOIA Request:

(1) labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet;

(2) labor costs associated with searching for, locating, and examining a requested public record, when failure to charge a Fee will result in unreasonably high costs to the Authority;

(3) labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a Fee will result in unreasonably high costs to the Authority;

(4) the cost of copying or duplication, not including labor, of paper copies of public records, which may include the cost for copies of records already on the Authority's website if copies are requested from the Authority;

(5) the cost of computer discs, computer tapes, or other digital or similar media when the requester asks for records in non-paper physical media, which may include the cost for copies of records already on the Authority's website if copies are requested from the Authority; and

(6) the cost to mail or send a public record to the requester.

(d) The Authority shall calculate labor costs based on the following requirements:

(1) labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down, and if the time involved is less than 15 minutes, there will be no charge;

(2) labor costs will be charged at the hourly wage of the lowest-paid Authority personnel capable of doing the work in the specific Fee category, regardless of who actually performs the work;

(3) labor costs will also include a charge to cover or partially cover the cost of fringe benefits;

(4) up to 50% of the applicable labor charge amount may be added to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits;

(5) overtime wages will not be included in labor costs unless agreed to by the requester, and overtime costs will not be used to calculate the fringe benefit cost; and

(6) contracted labor costs will be charged at the hourly rate of six times the state of Michigan's minimum hourly wage.

(e) The Authority shall base the cost to provide records on non-paper physical media when so requested on the following requirements:

(1) computer disks, computer tapes, or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media, and this cost will only be assessed if the Authority has the technological capability necessary to provide the public record in the requested non-paper physical media format; and

(2) the Authority will procure any non-paper media and, to ensure integrity of the Authority's technology infrastructure, will not accept media from the requester.

(f) The Authority shall base the cost to provide paper copies of records on the following requirements:

(1) paper copies of public records made on standard letter-sized (8 ½ by 11 inches) or legal-sized (8 ½ by 14 inches) paper will not exceed \$0.10 per sheet of paper;

(2) copies for non-standard sized sheets of paper will reflect the actual cost of reproduction; and

(3) records will be provided using double-sided printing, if it is cost-saving and available.

(g) The Authority shall base the cost to provide mail records to a requester on the following requirements:

(1) the actual cost to mail public records using a reasonably economical and justified means;

(2) the least expensive form of any postal delivery confirmation; and

(3) no cost will be included for expedited shipping or insurance unless specified by the requester.

(h) If the FOIA Designee fails to respond to a FOIA Request in a timely manner, the Authority shall do both of the following:

(1) reduce the labor costs by 5% for each day the Authority exceeds the time permitted under FOIA, up to a 50% maximum reduction, if any of the following applies:

(i) the Authority's late response was willful and intentional;

(ii) the FOIA Request conveyed a request for information within the first 250 words of the body of a letter, email, or email attachment; or

(iii) the written request included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy," or a recognizable misspelling of such, or legal code reference to MCL 15.231 *et seq.* or 1976 Public Act 442 on the front of an envelope or in the subject line of an email or letter cover page; and

(2) fully note the charge reduction within a detailed itemization of costs provided to the requester.

1.12. Fee Waivers and Reductions. The Authority may waive or reduce the cost of the search for and copying of a public record if, in the sole judgment of the FOIA Designee, a waiver or reduced Fee is in the public interest because it can be considered as primarily benefitting the general public. The Executive Committee may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

1.13. Discount for Indigence. (a) The FOIA Designee shall discount the first \$20.00 of the processing Fee for a FOIA Request if an individual requesting a public record submits an affidavit (sworn statement) stating that either of the following apply to the person:

- (1) the individual is indigent and receiving specific public assistance; or
 - (2) the individual is not receiving public assistance, but the individual states facts demonstrating an inability to pay due to indigence.
- (b) An individual is not eligible to receive the discount under section 1.13(a) if either of the following apply:
- (1) the individual has previously received discounted copies of public records from the Authority twice or more during the calendar year; or
 - (2) the requester requests information in connection with other individuals who are offering or providing payment to make the request.
- (c) The FOIA Designee may make a Fee discount affidavit form available for public use.

1.14. **Advocacy Discount.** The FOIA Designee shall discount the first \$20.00 of the processing Fee for a request from a nonprofit organization formally designated by the state of Michigan to carry out activities under subtitle C of the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors (an “**Advocacy Organization**”), if all of the following apply to the request:

- (1) the request is made directly on behalf of the Advocacy Organization or its clients;
- (2) the request is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, as amended, MCL 330.1931; and
- (3) the request is accompanied by documentation of its designation by the state of Michigan, if requested by the FOIA Designee.

1.15. **Appeal of Denial.** (a) If a requester believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, the requester may appeal to the Executive Committee by filing an appeal of the denial with the FOIA Coordinator. The appeal must be in writing, specifically state the word “appeal,” and identify the reason or reasons the requester seeks reversal of the denial.

(b) The Executive Committee is not considered to have received a written appeal until the first regularly scheduled meeting of the Executive Committee after submission of the written appeal. Within ten business days of receiving the appeal, the Executive Committee shall respond in writing by doing any of the following:

- (1) reversing the disclosure denial;
- (2) upholding the disclosure denial;
- (3) reversing the disclosure denial in part and upholding the disclosure denial in part; or

(4) issuing a notice extending for not more than ten business days the period which the Executive Committee shall respond to the written appeal due to unusual circumstances, with no more than one extension per appeal.

(c) If the Executive Committee fails to respond to a written appeal, or if the Executive Committee upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action in the circuit court for Oakland County. Regardless of whether a requester submitted an appeal of a denial to the Executive Committee, the requester may file a civil action in the circuit court for Oakland County within 180 days after the Executive Committee's final determination to deny the request.

(d) If a court determines that a public record is not exempt from disclosure, the court may order the Authority to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Failure to comply with an order of the court may be punished as contempt of court.

(e) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in court, the court may award reasonable attorneys' fees, costs, and disbursements. If the person or Authority prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

(f) If the court determines that the Authority has arbitrarily and capriciously violated FOIA by refusal to or delay in disclosing or providing copies of a public record, the court may order the Authority to pay a civil fine of \$1,000.00, which must be deposited into the general fund of the state of Michigan. The court may award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages will not be assessed against an individual, but must be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

1.16. Excessive Fee Appeal. (a) If a requester believes that a Fee charged by the Authority to process a FOIA Request exceeds the amount permitted by state law or under these FOIA Procedures, the requester must first appeal to the Executive Committee by submitting a written appeal for a Fee reduction to the FOIA Coordinator. The appeal must be in writing, specifically state the word "appeal," and identify how the required Fee exceeds the amount permitted.

(b) The Executive Committee is not considered to have received a written appeal until the first regularly scheduled meeting of the Executive Committee after submission of the written appeal. Within ten business days of receiving the appeal, the Executive Committee shall respond in writing by doing any of the following:

- (1) waiving the Fee;
- (2) reducing the Fee and issuing a written determination indicating the specific basis supporting the remaining Fee;

(3) upholding the Fee and issuing a written determination indicating the specific basis supporting the required Fee; or

(4) issuing a notice extending for not more than ten business days the period which the Executive Committee shall respond to the written appeal due to unusual circumstances, with no more than one extension per appeal.

(c) If the Executive Committee reduces or upholds the Fee, the determination must include a certification from the Executive Committee that the statements in the determination are accurate and that the reduced Fee amount complies with these FOIA Procedures and section 4 of FOIA, as amended, MCL 15.234.

(d) Within 45 days after receiving notice of the Executive Committee's determination of an appeal, the requesting person may commence a civil action in the circuit court for Oakland County for a Fee reduction. If a civil action is commenced against the Authority for an excess Fee, the Authority is not obligated to complete the processing of the FOIA Request at issue until the court resolves the Fee dispute. An action is not permitted in circuit court unless one of the following applies:

(1) the Authority does not provide for appeals of Fees;

(2) the Executive Committee failed to respond to a written appeal as required; or

(3) the Executive Committee issued a determination to a written appeal.

(e) If a court determines that the Authority required a Fee that exceeds the amount permitted under these FOIA Procedures or section 4 of FOIA, as amended, MCL 15.234, the court may reduce the Fee to a permissible amount. Failure to comply with an order of the court may be punished as contempt of court.

(f) If the requesting person prevails in court by receiving a reduction of 50% or more of the total Fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award will be assessed against the public body liable for damages.

(g) If the court determines that the Authority has arbitrarily and capriciously violated FOIA by charging an excessive Fee, the court may order the Authority to pay a civil fine of \$500.00, which must be deposited in the general fund of the state of Michigan. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the Fee reduction. The fine and any damages will not be assessed against an individual, but instead against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

1.17. **Conflicts.** If these FOIA Procedures conflict with previous FOIA policies, procedures, or guidelines issued by the Authority, these FOIA Procedures will control. If an administrative rule promulgated by the FOIA Designee after the effective date of these FOIA Procedures conflicts with a previous policy, procedure, or guideline issued by the Authority, the administrative rule promulgated by the FOIA Designee will control. If a provision of these FOIA

Procedures or any administrative rule promulgated by the FOIA Designee conflict with a state of Michigan law, the applicable law will control.

1.18. For purposes of this these FOIA Procedures, “**Fee**” means the total fee, or any component of the total fee, calculated under section 4 of FOIA, as amended, MCL 15.234, including any deposit.

1.19. **Effective Date.** These FOIA Procedures are effective beginning on November 10, 2025.